



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-138

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In re: Jourdan Miller/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) did not violate the Open Records Act (“the Act”) when it denied a request for records that, if released, pose a security threat under KRS 197.025(1).

Open Records Decision

Jourdan Miller (“Appellant”) submitted a request to Metro for certain “[v]ideo evidence” from a specific camera within a correctional facility. The Appellant limited the scope of his request to a particular incident and identified the date and time when the incident occurred.¹ Metro denied the request under KRS 197.025(1) because the “[r]elease of the requested video footage is a security threat[.]”² This appeal followed.

Under KRS 197.025(1), “no person shall have access to any records if the disclosure is deemed by the commissioner of the department or his designee to constitute a threat to the security of the inmate, any other inmate, correctional staff, the institution, or any other person.”³ This Office has historically deferred to the judgment of the correctional facility in determining whether the release of certain records would constitute a security threat.

Specifically, the Office has upheld the denial of security footage multiple times under KRS 197.025(1). *See, e.g.*, 23-ORD-089; 18-ORD-074; 13-ORD-022; 10-ORD-055. The release of security footage poses a security risk because it may disclose the

¹ The Appellant says he was involved in the specific incident.

² The Appellant asserts the video footage he requested is “from inside the jail [and] is on the news all the time.” However, the Appellant does not provide any proof to support this assertion.

³ KRS 197.025(1) is incorporated into the Act by KRS 61.878(1)(l), which applies to records “otherwise made confidential by enactment of the General Assembly.”

“methods or practices used to obtain the video, the areas of observation and blind spots for the cameras.” *See, e.g.*, 22-ORD-038; 17-ORD-211; 15-ORD-121; 13-ORD-022.

Here, Metro denied the request, stating, that the “[r]elease of the requested video footage is a security threat as it can be viewed by others to assess the [facility’s] technology and/or procedures” and “may be viewed to develop strategies used to overtake” its staff. Moreover, Metro explained that the “footage can be used to study the camera’s range of sight” and “can be used to smuggle contraband” or employ “other strategies of takeover or escape.” Accordingly, Metro did not violate the Act when it denied a request for security footage that, if released, would “constitute a threat to the security of . . . correctional staff, the institution, or any other person.”

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
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/s/ Matthew Ray
Matthew Ray
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Distributed to:

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