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26-ORD-108

March 19, 2026

In re: Michelle Green-Young/Fayette County Detention Center

**Summary:** The Fayette County Detention Center (“the Center”) violated the Open Records Act (“the Act”) by failing to cite the applicable statutory exception and explain how it applied to records it was withholding under KRS 61.880(1), and by failing to separate any exempt material from the records per KRS 61.878(4).

***Open Records Decision***

On February 18, 2026, Michelle Green-Young (“the Appellant”) a Special Investigator with the Department of Public Advocacy, submitted two requests to the Center, asking for copies of the “current policy and procedures manual or (Standard Operations Procedures/General Order manual)” and “the policies and procedures of the Fayette County Detention Center regarding strip search of inmates when they first come to the facility and are booked,” respectively. In separate but identical response letters, both dated February 18, 2026, the Center denied each request because the “Division of Community Correction[s]’s policies and procedures are not subject to Open Record Requests due to the information provided being directly related to the safety and security of the Division.” This appeal followed.

On appeal, the Appellant clarifies that she is asking for “general policy and procedural guidance governing jail operations and standards” rather than “facility schematics, security layouts, or information identifying specific security vulnerabilities.” Accordingly, the Appellant asks the Office to review the denials by the Center and direct the Center “to release the requested updated FCDC manual/strip search policy.” In response, the Center invokes, for the first time, KRS 197.025(1) and (6), both of which are incorporated into the Act by KRS 61.878(1)(l), to justify its denial of both requests. The Center argues that KRS 197.025 “empowers the commissioner or his designee to determine if disclosure would constitute a security threat.” The commissioner’s determination of what constitutes a security threat has historically been afforded deference. 25-ORD-400; *see, e.g.*, 25-ORD-146 (finding the correctional facility properly denied a request for

policies, procedures, and training materials regarding an “inmate observers” program).

Here, the Center maintains “there are numerous safety risks tied to the release of [its] policies and procedures, including inmate-on-inmate assault or coordinated resistance, exposure of officer response procedures and detection methods, and operational vulnerabilities an inmate may attempt to exploit.” Regarding policies relating to strip searches of inmates upon arrival in particular, the Center argues that such information “is especially vulnerable to planned concealment, smuggling, and subterfuge.” Although the Center maintains that “policies addressing security and control remain exempt under KRS 197.025, and in particular those involving strip searches,” the Center further advises on appeal that the “Commissioner’s designee has conducted an additional review following this appeal and will produce those policies and procedures that do not implicate institutional safety or security concerns.”

When a public agency denies a request for public records, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1); 61.880(2)(c). The agency must “provide particular and detailed information,” not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). In other words, “The agency’s explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it.” *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013). Here, the Center apparently intended to rely upon KRS 197.025(1) and (6). 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.” However, the Center did not initially cite either of these provisions or explain how they applied to the specific records being withheld. The Center merely stated it was denying both requests “due to the information provided being directly related to the safety and security of the Division.” Thus, the Center’s initial response failed to comply with KRS 61.880(1) and violated the Act.<sup>1</sup>

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days

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<sup>1</sup> Historically, the Office has deferred to the judgment of correctional facilities in determining whether the release of certain records would constitute a security threat under KRS 197.025(1). In particular, the Office has affirmed the denials of requests by inmates for copies of records containing information revealing correctional facility staffing and security operations. *See, e.g.*, 22-ORD-088; 08-ORD-148; 06-ORD-160; 04-ORD-180. Here, the question of whether the Center’s belated invocation of KRS 197.025(1) and (6) was justified as to portions of the records it ultimately withheld after separating the exempt material per KRS 61.878(4) is not ripe for review.

from the date of this decision. Pursuant to 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**  
Attorney General

/s/ Michelle D. Harrison  
Michelle D. Harrison  
Assistant Attorney General

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Distributed to:

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