



COMMONWEALTH OF KENTUCKY
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21-ORD-042

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In re: Christopher Hawkins/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (“Penitentiary”) did not violate the Open Records Act (“the Act”) when it did not provide an inmate a copy of a letter that posed a security risk under KRS 197.025(1).

Open Records Decision

On January 27, 2021, inmate Christopher Hawkins (“Appellant”) requested from the Penitentiary a copy of a letter he wrote and delivered to a psychologist at the Penitentiary. The Penitentiary denied the request under KRS 197.025(1) and KRS 61.878(1)(l), claiming that the letter posed a security risk to the institution. The Penitentiary explained that the letter contained sexually explicit content, which, according to the psychologist, poses a security risk to both the inmate and to the psychologist. 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.” KRS 197.025(1) grants the commissioner of the Department of Corrections broad discretion to determine which records constitute a security threat to correctional institutions. The Penitentiary has articulated a credible basis for its reliance on KRS 197.025(1), and this Office has previously upheld the denial of such requests on that basis. *See, e.g.,* 18-ORD-049 (photos depicting male genitalia); 08-ORD-053 (surveillance video depicting

sexual acts). Thus, the Penitentiary did not violate the Act when it denied the request and withheld the letter, the release of which it had deemed a security risk.

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

Daniel Cameron
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/s/Marc Manley
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Assistant Attorney General

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Distributed to:

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