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**21-ORD-197**

October 19, 2021

In re: Matt Tucker/LaRue County Detention Center

**Summary:** The LaRue County Detention Center (“the Center”) did not violate the Open Records Act (“the Act”) when it denied a request for records posing a security threat under KRS 197.025(1).

***Open Records Decision***

On September 2, 2021, LaRue County Constable Matt Tucker (“Appellant”) requested access to six hours of surveillance footage from the Center recorded on August 18, 2021. The Center denied the request “due to obvious safety reasons” because the footage depicted “the secure portion of the” Center. In support of its denial, the Center cited KRS 197.025, KRS 61.878, and several past decisions of this Office. 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.” This Office has historically 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, this Office has consistently upheld the denial of security camera footage inside a detention center. *See, e.g.*, 18-ORD-074; 13-ORD-022; 10-ORD-055.

The Appellant argues that release of the footage would not pose a security threat in this case because the Center has posted some photographs of the interior of the facility on its Facebook page, and thus there can be no “safety concern due to the public not being able to see what it looks like.”

However, the security risk in connection with surveillance footage is not that the public would “see what [the facility] looks like,” but that the footage would reveal “methods or practices used to obtain the video, the areas of observation and blind spots for the cameras.” *See, e.g.*, 17-ORD-211; 15-ORD-121; 13-ORD-022. Therefore, this appeal presents no reason to depart from this Office’s previous analysis. Accordingly, the Center did not violate the Act.

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  
Attorney General

/s/ James M. Herrick

James M. Herrick  
Assistant Attorney General

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Distributed to:

Matt Tucker, Constable  
Jamie Underwood, Jailer  
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