



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-240

November 18, 2024

In re: Jeffery Skiles/Western Kentucky Correctional Complex

**Summary:** The Western Kentucky Correctional Complex (“the Complex”) 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 October 8, 2024, inmate Jeffery Skiles (“the Appellant”) requested copies of his recorded telephone conversations with his sister between April 1 and July 31, 2024. In a timely response, the Complex denied the request under KRS 197.025(1), which is incorporated into the Act by KRS 61.878(1)(l). The Complex explained that disclosing phone recordings or identifying destroyed recordings “would constitute a threat by providing a means by which inmates could learn which phone calls are monitored.” 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.” The 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, the Office has consistently upheld the denial of recorded inmate phone calls under KRS 197.025(1) because such recordings are made for the purpose of institutional security and disclosing them would constitute a threat to the security of an institution by enabling inmates to learn which calls are monitored. *See, e.g.,* 23-ORD-338; 17-ORD-116; 15-ORD-118; 15-ORD-030. Because the Complex offers the same rationale here, the Complex did not violate the Act when it denied the Appellant’s request for copies of recorded phone calls.

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

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/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

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