



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-091

April 3, 2025

In re: Glenn Odom/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (“the Penitentiary”) did not violate the Open Records Act (“the Act”) when it redacted records to remove information posing a security threat under KRS 197.025(1).

Open Records Decision

On February 14, 2025, inmate Glenn Odom (“the Appellant”) submitted a request to the Penitentiary for an incident report involving the Appellant dated June 17, 2023.¹ In a timely response, the Penitentiary provided a redacted version of the incident report. It stated that the redactions were “necessary due to . . . significant response information that poses a risk if released to the inmate population or public.” Thus, it stated, the “release of restraint, extraction, or use-of-force records for an adult correctional institution is a security risk because of disclosure of use-of-force procedures and training from secured policies and procedures and the risk of retaliation to staff” under KRS 197.025(1) and (6) and KRS 61.878(1)(l). The Penitentiary also stated it made separate redactions of sections describing “staff’s actions, & information that were not specific to/involving [the Appellant, which] are exempt from disclosure” under KRS 61.878(1)(l) and KRS 197.025(2). This appeal followed.

The Appellant claims the Penitentiary’s redactions were improper because “the information does not relate to ‘restraint, extraction, or use of force’ in any way.” The Penitentiary, however, states the redacted material nevertheless constitutes a security risk. 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.” Here, the Penitentiary asserts that the incident report summary, which relates to the Appellant’s possession of a weapon fashioned

¹ The Appellant also requested certain other records, but he does not appeal from the Penitentiary’s disposition of those portions of the request.

from an ink pen and a razor blade, includes detailed accounts of staff members' response to the incident and subsequent investigation. The Penitentiary further claims the redactions consist of "response information, security details, and methods of the investigation, which, if produced, would compromise [its] ability to control contraband and detect future rule violations or crimes."

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 upheld the denial of reports containing details of correctional staff's response to incidents, security details, and methods of investigation. *See, e.g.*, 17-ORD-229; 17-ORD-097; 16-ORD-247. There is no reason for the Office to retreat from these prior decisions. Accordingly, the Penitentiary did not violate the Act when it redacted portions of the incident report summary under KRS 197.025(1).

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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