

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	6.1	5
	Date Filed	Effective Date
	May 14, 2007 **	July 20, 2021
References/Authority	Subject	
KRS 61.870 - 61.884, 196.035, 197.020, 197.025, 422.317, 439.510, 519.060 <i>Com. v. Chestnut</i> , 250 S.W.3d 655 (Ky. 2008) ACA 5-ACI-1A-22, 5-ACI-1E-01, 5-ACI-1E-04, 5-ACI-1E-05, 2-CO-1A-26, 2-CO-1A-27-1	OPEN RECORDS LAW	

I. DEFINITIONS

"Coordinator" means the individual designated by the warden at each institution, the district supervisor at each Probation and Parole district office, and the individual designated by the commissioner in the Department of Corrections central office to receive, date, and process open records requests .

"Custodian" means the official custodian or any authorized person having personal custody and control of a public record.

"Fee" means the copy cost of ten cents per page or the cost of the media used for disclosure of information and the cost to mail the records when applicable.

"Information" means sharing knowledge or facts regarding a specific document, event, situation or condition.

"Media" means the physical material in or on which a record may be stored or represented, and may include, paper, microform, disk, diskette, optical disk, magnetic tape and card.

"Public agency" is defined in KRS 61.870(1).

"Public record" is defined in KRS 61.870(2).

"Official custodian" is defined in KRS 61.870(5).

"Request" means a written document from the public or an inmate that requests the opportunity to inspect or copy a non-exempt public record.

"Resident of the Commonwealth" is defined in KRS 61.870(10).

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II. POLICY and PROCEDURES

A. Requests from the public, media outlets, and other agencies.

To inspect or obtain a copy of a record in the possession of Central Office, an institution, or a Probation and Parole district office the following shall apply:

1. A written request containing the following shall be presented to the coordinator or custodian:
 - a. name and address;
 - b. a description of the public record being requested;
 - c. a statement of the manner in which the requester is a resident of the Commonwealth; and
 - d. signature of the person making the request.
2. Within five (5) working days of receipt of a request, the custodian or the coordinator shall send a response that includes:
 - a. the name of the individual making the request;
 - b. the date the request was received;
 - c. the name of the custodian or coordinator responding to the request;
 - d. the date of the response; and
 - e.
 - (1) the amount of the fee and directions that the fee be paid by check or money order made payable to the Kentucky State Treasurer; or
 - (2) if the individual receiving the request does not have custody and control of the public record, a statement containing that fact and the name and location of the correct custodian.
3. If the public record is unavailable and additional time is needed, the custodian or coordinator shall respond in compliance with KRS 197.025(7), including the date the record is expected to be available and an explanation of the delay.
4. The fee shall be paid to the custodian or his designee prior to the release of a copy of the public record, unless the fee is waived. If the record is

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requested in a non-standard form, the custodian may recover staff preparation costs.

5. Notes may be taken during inspection of a public record.

B. Requests from an inmate to an institution in which he is incarcerated

1. An inmate housed in a jail or state or private institution may obtain a copy of a public record that contains a specific reference to him to the extent allowed by law. An inmate housed in a jail or state or private facility may inspect a public record that contains a specific reference to him: (1) only at the jail or state or private institution in which he is incarcerated and (2) only if the conditions of his housing allow inspection.
2. The official custodian of a public record maintained in the electronic offender management system or the electronic health record shall be the designated custodian at the institution where the offender is incarcerated. An inmate shall make a request for a public record maintained in the electronic offender management system or the electronic health record to the institution in which he is incarcerated.
3. An inmate may use the form promulgated by the Office of the Attorney General to request a record. The written request shall contain the following information:
 - a. the inmate's name and inmate number;
 - b. cell, room or housing assignment;
 - c. a description of the record being requested; and
 - d. signature of person making the request.
4. The request shall be made either:
 - a. by institutional mail to the coordinator; or
 - b. by first class U.S. mail to the coordinator or custodian of the record.
5. An open records request shall not be hand delivered given the security requirements of a correctional institution.
6. If a copy of a public record is requested, the inmate shall provide with his request a money authorization allowing the cost to be deducted from his

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inmate account on the form required by his institution to allow for payment of the cost of the copy.

- a. If the inmate does not have sufficient funds for payment of the fee, he may request the opportunity to inspect the record if it is located at his institution and he is not prohibited from inspection because of housing restrictions, or
- b. He may re-file his request upon receipt of sufficient funds to cover payment of the fee.

7. A response shall be processed as set forth in A. above.

C. Requests from an inmate or offender on active supervision to the Department of Corrections Central Office, a Probation and Parole district office, or an institution in which he is not incarcerated

1. An inmate shall:

- a. follow the requirements for a request stated in B. above except for the money authorization; and
- b. provide a check from his inmate account after being informed of the cost to obtain a copy of the record.

2. An offender on active supervision shall provide a written request containing the following information:

- a. name and address;
- b. a description of the public record being requested; and
- c. signature of the person making the request.

3. Prepayments shall not be sent unless the amount is the exact cost for the copies of the records and any necessary postage.

4. A response shall be processed as stated in A. above.

D. Responsibilities of the Coordinator

1. The coordinator shall:

- a. date stamp and log in all requests upon receipt;

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- b. immediately forward the request to the custodian for records; and
- c. ensure that all responses are recorded on the log sheet in a timely manner.

2. The coordinator shall locate the record and respond to the request, unless a health record custodian is required to respond.

E. Denials, Restrictions and Waivers

- 1. If a request is denied, a response shall:
 - a. be provided within five (5) working days or by the date given in the response explaining additional time was needed; and
 - b. include an explanation for the denial, including the applicable statute and subsection which supports an exemption, if used.
- 2. If an individual whose residence is outside of the county where the records are maintained requests copies, the custodian may require a request to precisely describe the records being sought.
- 3. The department is not obligated to honor a request for information.
- 4. A request for a compilation or list of records shall be denied if the request requires a compilation or listing that does not exist.
- 5. Any repeated or duplicative request for a public record shall be reviewed on a case-by-case basis before making a decision, including when the record was previously provided in response to a records request and whether a reasonable explanation of the need for the duplicate was provided.
- 6. Any request for health records shall be processed through the health record custodian. A mental health record shall be reviewed by a mental health professional before release to a patient.
- 7. Any waiver of fees for law enforcement or other government agency shall be made on a case-by-case basis.
- 9. Staff handling requests for public records may seek advice from the Office of Legal Services.

F. Employee Responsibility

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1. Any record generated by an employee in the normal course of business is the property of the Department of Corrections.
2. Administrative, fiscal, personnel, and inmate files shall not be removed by an employee unless he receives prior written approval of the appointing authority or his designee or is ordered to produce the file in court or to a staff attorney in the Office of Legal Services.
3. If an employee removes a file in violation of this policy, he may be subject to disciplinary action, up to and including dismissal or referral to outside authorities for prosecution under KRS 519.060.

DEPARTMENT OF CORRECTIONS

OFFICIAL CUSTODIANS

CENTRAL OFFICE

Official Custodian: Commissioner

Principal Office: Department of Corrections, Health Services Building, 275 East Main Street, Frankfort, Kentucky

Regular Hours: 8:00 am – 4:30 pm

Mailing Address: Department of Corrections, Open Records Request, P. O. Box 2400, Frankfort, KY 40602-2400

Email: correctionsopenrecords@ky.gov

BELL COUNTY FORESTRY CAMP

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

BLACKBURN CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

EASTERN KENTUCKY CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

GREEN RIVER CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

KENTUCKY CORRECTIONAL INSTITUTION FOR WOMEN

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

KENTUCKY STATE PENITENTIARY

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

KENTUCKY STATE REFORMATORY

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

LEE ADJUSTMENT CENTER

Official Custodian: Private Prisons Operations Director

LITTLE SANDY CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

LUTHER LUCKETT CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

NORTHPOINT TRAINING CENTER

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

ROEDERER CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

SOUTHEAST STATE CORRECTIONAL COMPLEX

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

WESTERN KENTUCKY CORRECTIONAL COMPLEX/ROSS-CASH

Official Custodian: Warden

Custodian/Health Records: Chief Medical Officer/Health Services Administrator

PROBATION AND PAROLE DISTRICT OFFICES

Official Custodian: District Supervisor of Office Supervising Offender