



## JUSTICE AND PUBLIC SAFETY CABINET

**Andy Beshear**  
Governor

### Department of Corrections

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**Randy White**  
Acting Commissioner

**Justice Mary C. Noble, Ret.**  
Secretary

**Ronnie Bastin**  
Deputy Secretary

April 3, 2020

Beryl Lipton  
MuckRock News  
DEPT MR 90264  
411A Highland Ave  
Somerville, MA 02144-2516

**RE: Open records request (Log 20-046 received 3/13/2020)**

Dear Mr. Lipton,

This letter is in response to your March 13, 2020 open records request that was received by the Department of Corrections on that same date. You requested the following:

*“Pursuant to the Kentucky Open Records Act, I hereby request the following records:*

*Any and all directives, orders, plans, and communications issued to officials and managerial staff within facilities under the jurisdiction of this agency, as well as those provided to individuals under the supervision of this agency, regarding preparatory or responsive measures and requirements related to COVID-19, also known as coronavirus.*

*Please include as responsive any relevant plans and directives issued regarding inmate health, behavior, and participation in preparatory and defensive activities, including those conducted by the correctional industry program.”*

We are complying with your request. We have 36 pages of records. Please be advised the responsive records are being sent to you electronically without charge in light of the circumstances surrounding the current state of emergency. Please understand that once the Commonwealth's state of emergency is lifted, any future or outstanding requests that you may send or have will be mailed to you with charges incurred pursuant to KRS 61.874(3).

Please be advised that in-depth internal plans that have security and tactical information, including Incident Action Plans (IAPs) which are secure documents, are withheld due to the security exemption per KRS 197.025(6), which states “the policies and procedures or administrative regulations of the department which address the security and control of inmates and penitentiaries shall not be accessible to the public or inmates.” Additionally, regarding the records that are available,

information was redacted regarding staffing per KRS 197.025(1), which states “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 department has determined that disclosure of information concerning staffing constitutes such a threat.

If you wish to appeal this decision, you may do so by filing a complaint with the Office of the Attorney General, Open Records/Open Meetings, The Capitol, 700 Capitol Avenue, Suite 118, Frankfort, KY 40601, pursuant to KRS 61.880(2), or by filing an original action in Franklin Circuit Court under KRS 61.882. If you first appeal to the Attorney General but are dissatisfied with the Attorney General’s decision, you may further appeal to Circuit Court pursuant to KRS 61.880(5).

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Williams".

Katherine Williams  
Open Records Coordinator