Hon. Governor Andy Beshear
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601
Sent via email to GovOpenRecords@ky.gov

Acting Commissioner Randy White
Department of Corrections
P.O. Box 2400
Frankfort, Kentucky 40602
Sent via email to correctionsopenrecords@ky.gov

April 29, 2020

Dear Governor Beshear and Acting Commissioner White,

On behalf of the ACLU of Kentucky, under Kentucky Open Records Act, KRS § 61.870, et seq., I am requesting an opportunity to inspect or obtain copies of the below records regarding COVID-19 infection risk and spread among people living and working in Department of Corrections facilities.

I request to inspect or obtain all records in the custody and/or control of the Governor's office and/or the Department of Corrections:

1. Estimating or predicting COVID-19 infection rates and mortality among people living and working in Department of Corrections facilities, including records identifying any model(s) and/or algorithm(s) used or relied upon by the Department of Corrections to predict COVID-19 spread.

2. Regarding the risk of spreading COVID-19 to the communities surrounding Department of Corrections facilities via movement of staff and incarcerated people in and out of, and between, facilities.

3. Regarding actions the Governor or the Department of Corrections could take to address the risk of COVID-19 for people living and working in Department of Corrections facilities and the likely outcomes of those actions.

4. Regarding suspected or confirmed COVID-19 related infections and COVID-related deaths among people living and working in Department of Corrections facilities.

5. Related to COVID-19 related complaints, grievances and/or requests made by people incarcerated and/or detained in Department of Corrections facilities, including grievances discussing access to hygiene, protective equipment, medical treatment, and/or other risks of exposure to COVID-19 within Department of Corrections facilities.

6. Related to COVID-19 related communications or complaints between and/or among Department of Corrections employees, including executive staff, facility supervisors and their staff, regarding employee access to hygiene, protective equipment, and/or other risks of exposure to COVID-19 within Department of Corrections facilities.

7. Regarding the most recent plan created prior to the COVID-19 pandemic that would be implemented to guide the Department of Corrections facilities in the event of a statewide infectious disease outbreak.

8. All records in the custody of the Governor's office that identify the model(s) and/or algorithm(s) upon which the Governor has relied upon from January 1, 2020 to estimate and/or predict COVID-19 infection rates and likely mortality throughout the state, including whether such models accounted for COVID-19 spread in and through Department of Corrections facilities.

If there are any fees for searching or copying these records, please inform me if the cost will exceed $100. Based upon a fuller description of the available records, I may elect to designate only certain records for copying and production.

I request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Kentucky's response to COVID-19. This information is not being sought for commercial purposes.

If you expect a significant delay in responding to or in fulfilling this request, please contact the below email address with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and the appeal procedures available to me under the law.

I ask that any questions, responses or records produced please be directed to this email address: COVID_FOIA@aclu.org.

Thank you for considering this request.

Sincerely,

Heather Gatnarek
Staff Attorney
ACLU of Kentucky
325 W. Main St. Suite 2210
Louisville, Kentucky 40202