



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

November 6, 2025

Via email

Oklahoma Department of Corrections
c/o Kari Hawkins, General Counsel
(kari.hawkins@doc.ok.gov)

Re: Public Access Counselor Advisement – Complaint No. 2025-17

Dear Ms. Hawkins,

This is an official advisement regarding the above-referenced complaint (“Complaint”) submitted to this office pursuant to 51 O.S.Supp.2025, § 24A.40. The Public Access Counselor (“PAC”) received the Complaint on August 12, 2025 from Cary Aspinwall, a reporter with The Marshall Project. The Complaint alleges that the Department of Corrections (“DOC”) improperly denied a request under the Oklahoma Open Records Act (“ORA”) for incident reports that document serious incidents at the Mabel Bassett Correctional Facility during a specified time period.

Per the terms of 51 O.S.Supp.2025, § 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from DOC. In its response, DOC argues that it is a law enforcement agency, as defined by the ORA, and therefore is entitled to withhold access to the requested incident reports under 51 O.S.Supp.2022, § 24A.8. Specifically, DOC argues that the dangers of disclosing the sensitive information contained in the incident reports outweighs the public interest.

Upon review of the records provided by DOC and consideration of DOC’s response, I have determined the following:

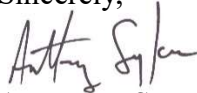
1. DOC presents a plausible argument that it falls within the ORA’s broad definition of “law enforcement agency.” See 51 O.S.Supp.2025, § 24A.3(5). For instance, DOC officers investigate alleged criminal activity within DOC facilities and may issue warrants for the arrest of escaped inmates. 57 O.S.2021, § 508.4. Accordingly, with respect to the records at issue in this advisement, I conclude that DOC is acting as a law enforcement agency.
2. The ORA in 51 O.S.Supp.2022, § 24A.8 sets forth the parameters for access to records from law enforcement agencies. Records listed in subsection (A), if kept by a law enforcement agency, must be made available to the public. Subsection (B) permits the

agency, in its discretion, to deny access to all other records unless “a court finds that the public interest or the interest of an individual outweighs the reason for denial.”

3. Upon review of the categories of records listed subsection (A), nothing requires DOC to allow public access to the incident reports described in the Complaint. Rather, 51 O.S.Supp.2022, § 24A.8(A)(3) only requires law enforcement agencies to “make available for public inspection and copying, *if kept* ... [a] chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred[.]”
4. As to whether the incident reports should be made available under 51 O.S.Supp.2022, § 24A.8(B), that provision permits DOC the discretion to maintain their confidentiality, “except where *a court* finds that the public interest or the interest of an individual outweighs the reason for denial.” (emphasis added). Because the ORA requires a court to make this finding, I take no position on this aspect of DOC’s argument.
5. Based on my review, there are no other provisions outside of 51 O.S.Supp.2022, § 24A.8 that would bear upon the public’s right to access the incident reports at issue in the Complaint.

Based on the information available to me at this time, I conclude that DOC is justified in denying public access to the incident reports requested by Ms. Aspinwall. Under 51 O.S.Supp.2025, § 24A.40(G), no further response is required. If you have any follow up questions, please do not hesitate to contact me at (405) 522-2771 or by email at opengov@oag.ok.gov.

Sincerely,



ANTHONY SYKES

*Assistant Attorney General
Public Access Counselor*

cc: Cary Aspinwall, The Marshall Project (*via email*)