



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

February 2, 2026

Via email

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

Re: Public Access Counselor Advisement – Complaint No. 2025-63

Dear Counsel,

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 October 16, 2025 from Ari Fife, a journalist with The Frontier. The Complaint alleges that the Oklahoma Department of Corrections (“ODOC”) improperly denied a request under the Oklahoma Open Records Act (“ORA”) for a copy of the contract(s) (“Contract”) between ODOC, CoreCivic, and U.S. Immigration and Customs Enforcement (“ICE”) to reopen the Diamondback Correctional Facility. According to the Complaint, ODOC advised Ms. Fife that she would have to obtain the records from ICE.

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 ODOC. In its response, ODOC argues that the Contract requires public access requests to be submitted to ICE through its Freedom of Information Act process.

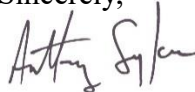
Upon review of the records provided by ODOC and consideration of ODOC’s response, I have determined the following:

1. There is no dispute that the Contract is a record, as defined by the ORA, that must be accessible to the public unless otherwise exempt by the ORA or other legal authority.
2. ODOC has not claimed that any provision of the ORA provides such an exemption, nor has it pointed to any other relevant provision of state or federal law or holding of any court that would justify its withholding of the Contract. Rather, ODOC relies solely on the terms of the Contract to redirect ORA requests to ICE.
3. A contractual provision, without more, is not a valid basis to refuse to produce an otherwise open record. As stated by the Oklahoma Court of Civil Appeals in *Ross vs.*

City of Owasso, “allow[ing] public bodies to ‘contract around’ the Act would eviscerate the legislative intent.” 2017 OK CIV APP 4, ¶ 8, 389 P.3d 396, 399. *See also* 2023 OK AG 1.

Based on the information available to me at this time, I conclude that the Contract is an open record under 51 O.S.Supp.2025, § 24A.3 and that ODOC has not provided any legal basis to deny public access. ODOC’s options upon receiving this advisement are set forth in 51 O.S.Supp.2025, § 24A.40(G). If you have any 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: Ari Fife (*via email*)