



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-039

February 5, 2026

In re: Jerry Winstead/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) violated the Open Records Act (“the Act”) when it denied a request for records without specifically identifying the exception authorizing the withholding of the records or explaining how the exception applies. However, KSP did not violate the Act when it denied a request for records restricted under KRS 17.175(4) and KRS 17.150(4).

Open Records Decision

Inmate Jerry Winstead (“the Appellant”) submitted a request to KSP for a laboratory file, including “any and all bench notes, reports, communications logs[,] GeneMapper Graphs, Extraction Logs, Amplification Sheets, Mixture Interpretation Sheets, Mixture Interpretation Details, Case Correspondence, Case Jacket, Chain of Custody, and Request for Evidence Examination as well as a list of any evidence still within the possession of any branch of a KSP Lab deriving from” a specific case number, including “and any and all other items that were submitted” regarding two named persons. In a timely response, KSP denied the request by stating, “The statute prohibits [the laboratory] from supplying the documents through an open records request.” This appeal followed.

When a public agency denies a request under the Act, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). Here, KSP merely stated “[t]he statute prohibits” disclosure, without identifying a statute on which it relied or explaining how it applied to the requested records. Therefore, KSP violated the Act.

On appeal, KSP explains that the records the Appellant requested consist primarily of identification records produced from DNA samples, which it claims are confidential under KRS 17.175(4), and the remainder are fingerprint analysis

records, which KSP states are exempt from disclosure under KRS 17.150(4).¹ KRS 17.175(4) provides that “DNA identification records produced from the samples are not public records but shall be confidential and used only for law enforcement purposes,” and “shall be exempt from the provisions of” the Act. In 19-ORD-072, the Office upheld KSP’s denial of a similar request for a complete laboratory case file relating to DNA samples under KRS 17.175(4), including “chain of custody, laboratory notes, forms, [and] paperwork.” *See also* 19-ORD-071 (finding KSP properly denied “DNA testing and analysis records, including underlying data and laboratory notes,” as confidential). Here, similarly, the laboratory file pertaining to DNA identification consists of “records produced from the samples” and is therefore confidential under KRS 17.175(4).²

The remaining records described in the Appellant’s request are fingerprint records. Under KRS 17.150(4), “[c]entralized criminal history records are not subject to public inspection.” According to KSP, “the fingerprint records contain data submitted to a centralized criminal database.” In 08-ORD-025, the Office upheld KSP’s denial of fingerprint records submitted to the Automated Fingerprint Identification System (“AFIS”) database under KRS 17.150(4). Here, likewise, the AFIS records requested by the Appellant are exempt from public inspection because they are part of a centralized criminal database. Therefore, KSP did not violate the Act when it denied the Appellant’s request.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

#33

¹ KRS 17.175(4) and KRS 17.150(4) are incorporated into the Act by KRS 61.878(1)(l), which exempts “[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.”

² Although the Appellant claims he is entitled to obtain the DNA records through discovery under the Kentucky Rules of Criminal Procedure, he may not obtain them under the Act. *See* 03-ORD-126.

Distributed to:

Jerry Winstead, #175195
Kristin Logan Mischel, Esq.
Samantha A. Bevins, Esq.
Nathan Goens, Esq.
Sara Talarigo
Charles B. Bates, Esq.
Capt. Bradley Stotts
Sgt. Zack Morris
Emmalie K. Hankinson
Jonathan Courtwright
Ann Smith