



STATE OF NEBRASKA
Office of the Attorney General

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DOUGLAS J. PETERSON
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May 24, 2022

Via email at [REDACTED]
Marc Ronne

RE: *File No. 22-R-125; York Police Department; Marc Ronne, Petitioner*

Dear Mr. Ronne:

This letter is in response to your correspondence emailed to our office on May 9, 2022, in which you requested our assistance in obtaining certain public records from the York Police Department ("Department"). Upon receipt of your petition, we contacted the York City Attorney, Charles W. Campbell, and requested all documentation pertaining to your request. Mr. Campbell provided us those materials on May 19. The undersigned also spoke to Chief of Police Edward Tjaden about your request on May 24. We considered your request in accordance with the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2020, Supp. 2021). Our findings in this matter are set out below.

RELEVANT FACTS

On May 5, 2022, at 5:06 p.m., you submitted a request for public records using the "Contact the City" online form. You specifically requested "all records in regards to CFS# YC911-2205351. Records to include: Officer report / All communications in regards to YC911-2205351. Written, verbal, video, hand written notes / Officer name and badge number."

According to the documentation provided to us by Mr. Campbell, Chief Tjaden emailed you on May 10, informing you that the Department could fulfill your request within four business days, and that the records would be ready May 11. The responsive records consisted of one "call for service" report and three emails. No records were withheld. Chief Tjaden estimated the cost of copies at \$2.50, but waived the fee. He indicated that there was no "in car video" or "officer's notes." It is our understanding that responsive records were sent to you by certified mail on May 11. Mr. Campbell represented to the

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undersigned that you “ha[ve] been provided with all materials that the police department has” regarding this matter.

Your May 9 email contained a printout from York County 911 relating to the incident at issue. You indicate that you were told that you would not receive any additional records unless your attorney subpoenaed them. Chief Tjaden clarified that this is standard procedure in the absence of a public records request, and that once you submitted your request, it was handled in full compliance with the NPRS.

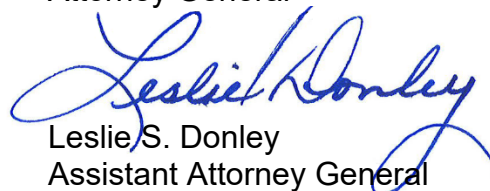
ANALYSIS

Neb. Rev. Stat. § 84-712(4) (2014) sets out the basic procedure to obtain public records in Nebraska. This statute requires the custodian of records to respond no later than four business days after actual receipt of a written request. In the present case, you submitted your request after normal business hours on Thursday, May 5. Thus, actual receipt of your request was Friday, May 6. Day 1 of the four business days would be May 9 (Monday), day 2 would be May 10 (Tuesday), and so on. Consequently, the Department had until Thursday, May 12 in which to respond to your request. As outlined above, Chief Tjaden emailed you on May 10, and Department staff placed records in the U.S. Mail on May 11, well within the statutory time frame.

Since you have now received all records from the Department pertaining to this matter, no further action by this office is necessary and we are closing this file. In the future, we would strongly suggest that you wait until the conclusion of the four business days before seeking the assistance of this office on any public record matter.

Sincerely,

DOUGLAS J. PETERSON
Attorney General


Leslie S. Donley
Assistant Attorney General

c: Charles W. Campbell (via email only)
Chief Edward Tjaden (via email only)