



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

April 19, 2023

Via email at [REDACTED]
Shaun Caldarelli

RE: *Public Records Matter Involving the Sarpy County Jail*
File No. 20231030

Dear Mr. Caldarelli:

This letter is in response to your email correspondence received by our office on April 5, 2023, in which you sought our assistance in obtaining certain records from the Sarpy County Jail. You supplemented your request by email dated April 6. We considered your correspondence to be a petition under Neb. Rev. Stat. § 84-712.03(1)(b) of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022).

On March 28, 2023, you emailed Sarpy County Attorney Lee Polikov and Deputy County Attorney John W. Reisz the following request:

Under Nebraska State Statute 84-712 I am requesting the following record.

I am requesting the documents of Frederick J Caldarelli record prescribe by Nebraska State Statute 47-204. I have yet to receive that record since I have not requested that record yet.

Your request included the text of Neb. Rev. Stat. § 47-204 (2021), which states that

[t]he officer in charge of any municipal jail shall keep a written record which shall show the name of each person confined, the date of the commencement and termination of his or her confinement, the nature of the charge against him or her, and the medical service provided. Such officer shall keep such further records as may be prescribed by the rules of the Jail Standards Board. The records so kept shall be subject to the inspection of any person and to the public generally and

shall be kept for such periods of time as may be prescribed by the rules of the State Records Administrator.

Mr. Reisz responded to your request on April 6, 2023, stating, in part:

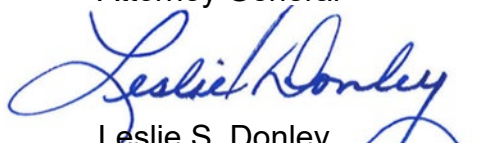
Again, after consulting with the jail staff there is no single document which constitutes a unique record under NRS 47-204 that you have not already received. I understand from the jail and Sheriff's Department that through your prior requests you have received the collection of documents which constitute records according NRS 47-204.

Your initial correspondence noted Mr. Polikov's failure to respond to your request within the four business days prescribed by § 84-712(4). However, it appears to us that your access to your medical records while housed in the Sarpy County Jail is governed by § 47-204, and any administrative rules promulgated under that statute,¹ and not § 84-712(4). In any event, Mr. Reisz's response indicates that you have received all records responsive to your request from the Sarpy County Jail.

Since Sarpy County officials have provided you all records responsive to your request, no further action by this office is necessary and we are closing our file. If you disagree with our determination, you may wish to discuss this matter with your private attorney to ascertain what additional remedies, if any, might be available to you under the Nebraska Public Records Statutes.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: John W. Reisz (via email only)
49-3193-29

¹ See Title 81, *Nebraska Administrative Code*, Chapter 3—Standards for Jail Facilities – Records and Statistics (rev. March 28, 2012).