



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

June 29, 2023

Via email at [REDACTED]
Andrea M. Wike

RE: *Public Records Matter Involving the Douglas County Sheriff*
File No. 20231074

Dear Ms. Wike:

This letter is in response to your correspondence received by this office on May 19, 2023, in which you requested our assistance regarding a public records request you submitted to Douglas County Sheriff Aaron Hanson on March 15, 2023. On May 22, we wrote to you requesting a copy of your request¹ and any responses you may have received from the Sheriff's office. On June 14, you emailed us a copy of your request (redacted). We construed your correspondence to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022). Our findings in this matter are set forth below.

The specific items in your March 15 request included the following:

1. Which person "reported" my little ones as "lost" or "abducted?"
2. By what delegation of authority are you using to take my little ones' private information and display it for public use?
3. I require electronic delivery of all body cam footage from all sheriff's deputies that came onto my property since Jan. 11, 2023.

¹ Upon further review, it appears that you copied this office, as well as the following individuals/offices, on the request you emailed to Sheriff Hanson on March 15: Members of the Douglas County Board of Commissioners; State Senator Rick Holdcroft, Auditor of Public Accounts Mike Foley; staff assistants to U.S. Senators Ricketts and Fischer; Douglas County Clerk Daniel Esch; the U.S. Government Accountability Office; and the Nebraska Secretary of State's Office. You redacted this information in the version you provided our office on June 14.

4. I require the names, badge numbers and emails of all sheriff deputies and other seemingly “undercover” agents, aiding the sheriff deputies that came onto my property since Jan. 11, 2023.
5. I require all emails exchanged between public servants that refer to myself, my husband, and/or our little ones.
6. I require the first and last name of the woman dressed in street clothes, standing on my driveway and seemingly assisting sheriff’s deputies on Feb. 1, 2023.

You stated in your May 19 correspondence to this office that

I have asked Aaron Hanson, acting sheriff for Douglas county, a few times now, for the records related to our property of body cam footage (where the deputies came onto our land), and emails discussing me, my husband and our little ones. They have denied sending us these records. I am making a formal complaint, as he is required to uphold the law as written.

In your June 14 email to this office, you represented that “Aaron did not respond.” You also stated that “[a]cting in good faith would be producing these records when requested and in the time required by state statute that he is bound by.”

The undersigned spoke to Deputy Douglas County Attorney Timothy M. Coffey about your request on June 15. At our request, Mr. Coffey provided us the letter he prepared on behalf of Sheriff Hanson in response to your request, which was emailed to you on March 22, 2023. Mr. Coffey also provided us the email you sent to him on June 15, in which you challenge, among other things, his authority to respond to the request.

We have reviewed Mr. Coffey’s March 22 response. We agree with his assessment that item numbers 1 and 2 are questions, and not requests for specific records. With respect to the other items, responsive records were withheld under the exceptions to disclosure in Neb. Rev. Stat. § 84-712.05(5), pertaining to investigatory records, and § 84-712.05(4), pertaining to attorney-client confidential communications and attorney work product. In support of the withholding, Mr. Coffey informed you that the responsive records related to the case pending in the Douglas County Juvenile Court, *State v. Andrea M. Wike*, Case No. JV 23-30. Based on Mr. Coffey’s representations that the records were investigatory and privileged confidential communications and work product, we find that the exceptions were properly applied.²


² This disposition only addresses your ability to obtain public records under the NPRS. We express no view as to the other avenues available to obtain the requested information in the context of the juvenile court case.

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Since we have identified no violations of the NPRS with respect to this matter, no further action by this office is necessary and we are closing this file. If you disagree with our analysis, you are free to consider the additional remedies available under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Timothy M. Coffey (via email only)

49-3265-30