



STATE OF NEBRASKA  
**Office of the Attorney General**

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**MIKE HILGERS**  
ATTORNEY GENERAL

**RYAN D. BAKER**  
ASSISTANT ATTORNEY GENERAL

June 20, 2024

Via email: [REDACTED]  
Alaina Conner

RE: *Public Records Matter Involving the Lincoln Police Department*  
Our File No. 20241109

Dear Ms. Conner:

This letter is in response to your correspondence received by this office on June 4, 2024, in which you sought our assistance regarding a public records request submitted to the Lincoln Police Department (“LPD”) on June 3, 2024. We considered your petition in accordance with the Nebraska Public Records Statutes (“NPRS”) as set forth in Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2022), as amended by 2024 Neb. Laws LB 43.

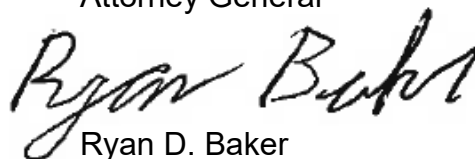
In response to your request for “physical or emailed copies” of two specific interviews taken by LPD officers in connection with Case No. A5-012637, LPD denied your request under the investigatory record exception to the required disclosure of public records set forth in § 84-712.05(5). Section 84-712.05 permits public bodies to withhold certain public records “unless publicly disclosed in an open court, open administrative proceeding, or open meetings or disclosed by a public entity pursuant to its duties.” In pertinent part, § 84-712.05(5) provides that public bodies may withhold “[r]ecords developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination [or] investigation . . . .”

This office has considered the propriety of law enforcement agencies withholding investigatory records under § 84-712.05(5) on multiple occasions through the years.<sup>1</sup> We have consistently held that such withholding is permissible, relying in large part on the plain language of the exception, which expressly permits law enforcement agencies to withhold records developed or received by those agencies in the course of an investigation. LPD is a law enforcement agency charged with duties of investigation of persons, institutions, and businesses. LPD's response indicates that any records of interviews taken by LPD officers are part of its investigative police reports pertaining to Case No. A5-012637. Such records therefore fall under the investigatory records exception set forth in § 84-712.05(5). It is also apparent that the records were not disclosed in court or in any other public proceeding. Consequently, the investigatory records exception applies in this matter, and LPD is not required to produce the requested records.

Your petition in this matter is therefore denied, and we will be closing this file. If you disagree with our findings in this letter, you may wish to consult with an attorney to consider the other remedies that may be available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Ryan D. Baker  
Assistant Attorney General

c: Heather Denney (via email only)

55-038

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<sup>1</sup> See, e.g., *File No. 23-R-124; City of Fremont/Police Department; Jeff Forward, The Fremont Tribune, Petitioner* (July 10, 2023); *File No. 22-R-136; Douglas County Sheriff; Kathleen Foster, Petitioner* (July 29, 2022); *File No. 21-R-142; Hastings Police Department; Steve Stec, Petitioner* (December 17, 2021); *File No. 21-R-141; Omaha Police Department; Amanda Coleman, Petitioner* (November 3, 2021); *File No. 21-R-139; and Nebraska State Patrol; Chris Dunker, Lincoln Journal Star, Petitioner* (October 20, 2021). You may access the disposition letters for these files at <https://ago.nebraska.gov/disposition-letters>.