



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
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July 23, 2025

Via email to [REDACTED]
Andrea M. Wike
Near Omaha, NE

RE: *Public Record Matter Involving the Douglas County Sheriff*
File No. 20251077

Dear Ms. Wike:

This letter is in response to your public records petition received by this office on July 8, 2025, in which you requested our assistance concerning a public record matter involving the Douglas County Sheriff, Aaron Hanson. We forwarded your petition to the Douglas County Attorney's Office on July 10, and subsequently received a response from Deputy Douglas County Attorney Timothy M. Coffey. We considered your petition and the information we received from Mr. Coffey under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024). Our findings in this matter are set out below.

RELEVANTS FACTS

On July 31, 2024, you emailed a records request to Douglas County employee M. Farhart, with a copy to Sheriff Hanson and County Commissioner M. Borgeson, for "all of the body cam footage for those acting as Douglas county sheriff deputies on Oct. 20, 2023, for the events that took place located at property 'legally' referred to as: 19425 X Street, Omaha, Nebraska." Eleven minutes later you sent another records request to the three individuals listed above seeking "the names, titles, badge numbers of those acting as Douglas county sheriff deputies on Feb. 1, 2023 and Oct. 20, 2023, for the events that took place located at property 'legally' referred to as: 19425 X Street, Omaha, Nebraska."¹

¹ We note your second request is more a request for information than a request for public records.

Mr. Coffey timely responded to your requests² on August 6, delaying the matter until August 13. Subsequent delays followed. By letter dated October 21, 2024, Sheriff Hanson extended an invitation for you to view the body cam video at his office. He provided you his administrative assistant's contact information and asked you to contact her "to set up a time that is convenient."

On January 30, 2025, you emailed the following response to Sheriff Hanson:

I did not request to view the records in your office. I requested for the records to be sent to me. There should be more than two videos. I require all of the records. Are you refusing to call me back? Are you refusing to send me all of the records I requested? Are you refusing to preserve all of the evidence your officers collected involving myself and my property? If I do not hear back from you by the end of day Friday, Jan. 31, 2025, this matter will be escalated.

Apparently, you received no response from Sheriff Hanson. You subsequently filed your petition with this office indicating the October 21, 2024, invitation would require you "to physically come in to Aaron's office." You state "[Sheriff Hanson] did not release any records electronically and does not respond to the follow up email sent to him on Jan. 30, 2025." You questioned whether

[i]s it not unacceptable and dishonorable for a public servant to not respond at all or to not provide public records when requested by one of the people (a benefactor of the public trust)?

By letter dated July 18, 2025, Mr. Coffey informed you that Sheriff Hanson denied your record requests under the exception to disclosure in Neb. Rev. Stat. § 84-712.05(5).

DISCUSSION

The basic rule for access to public records is set out in Neb. Rev. Stat. § 84-712(1) (2024). That provision states:

Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying

² It appears you made another request on July 31, 2024, seeking Douglas County Sheriff deputies' body cam video for events occurring on February 1, 2023, "related to an alleged juvenile case" at the same property listed in your other requests. You did not include this request with your petition and supporting documentation. We note further that you provided us two emails you sent to Sheriff Hanson which have no bearing on this records matter and will not be addressed, i.e., a June 14, 2023, email requesting an appointment, and an October 11, 2024, email providing notice to preserve all evidence and records pertaining to Ms. Wike and her family relating to events occurring at the X Street property.

equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

“Public records” in Nebraska “include all records and documents, regardless of physical form, of or belonging to” governmental entities in the state, “[e]xcept when any other statute expressly provides that particular information or records shall not be made public.” Neb. Rev. Stat. § 84-712.01(1) (2024). Thus, there is no absolute right to access public records in those instances where the Legislature has made the records confidential or subject to withholding under Neb. Rev. Stat. § 84-712.05 or § 84-712.08. The burden of showing that a statutory exception applies to disclosure of particular records rests upon the custodian of those records. *BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 788, 943 N.W.2d 231, 240 (2020).

Sheriff Hanson is relying on Neb. Rev. Stat. § 84-712.05(5) as the basis to withhold the body cam video and deputies’ identifying information, i.e., names, titles and badge numbers. Section 84-712.05(5) gives the lawful custodian of public records the discretion to withhold the following records except when publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties:

Records 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, investigation, intelligence information, complaints or inquiries from residents of this state or other interested persons, informant identification, or strategic or tactical information used in law enforcement training³

This office has previously concluded that law enforcement agencies may withhold body camera footage based on the plain language of § 84-712.05(5).⁴ This exception expressly allows law enforcement agencies to withhold records developed or received by

³ There are two exceptions to the exception: (1) records relating to the presence of drugs or alcohol in any body fluid of an individual; and (2) records relating to the cause of death arising from or related to employment once an investigation is concluded when requested by a family member of the deceased.

⁴ “Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense.” *Aksamit Resource Management LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018).

the agencies which relate to investigations of persons, institutions or businesses.⁵ There is no question that the Douglas County Sheriff's Office is a law enforcement agency charged with duties of investigation, and that deputies obtained body camera video footage while conducting their investigation on the dates and at the location listed in your requests. The same is true for the deputies' names, titles and badge numbers since that information is also part of the investigatory record. Consequently, we find Sheriff Hanson's withholding of the records under § 84-712.05(5) appropriate.

Finally, we will briefly address your January 30, 2025, email in which you assert, among things, that the requested records be sent to you. There is nothing in the two requests we received that indicated you wished to receive records electronically. Sheriff Hanson, at his discretion, gave you an opportunity to view the requested body cam video at his office. You declined to do so. Consequently, at his discretion, Sheriff Hanson denied you access to the records under § 84-712.05(5). Moreover, there is nothing in the NPRS that requires Sheriff Hanson to call you, preserve evidence, or respond to arbitrary deadlines or face reprisal. Rather, the NPRS focus on access to and copies of specific records. We limit our review to these matters and conclude the Douglas County Sheriff's withholding of the records requested was proper.


CONCLUSION

For the reasons explained above, we conclude that the requested records may be lawfully withheld under Neb. Rev. Stat. § 84-712.05(5). Since Sheriff Hanson did not unlawfully deny your records requests, no further action by this office is warranted and we are closing this file.

If you disagree with our analysis, you may wish to discuss this matter with your private attorney to determine what other remedies are available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Timothy M. Coffey (via email only)
49-3900-31

⁵ See, e.g., File No. 20241201, *Public Record Matter involving the Omaha Police Department* (November 1, 2024); File No. 20231130, *Public Record Matter Involving the Nebraska State Patrol* (September 12, 2023); and File No. 21-R-115; *Omaha Police Department; Christopher Fielding, Petitioner* (June 10, 2021).