



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

BEN KINNISON
ASSISTANT ATTORNEY GENERAL

August 14, 2025

Via email at: [REDACTED]
Scott W. Deibler
[REDACTED]

RE: *Public Records Matter Involving the Alliance Police Department*
Our File No. 20251092

Dear Mr. Deibler:

This letter is in response to your public records petition received by this office on July 30, 2025. You have asked us to review the denial by the Alliance Police Department (APD) of your June 30, 2025, public records request in which you sought records related to the accidental shooting of Linda Deibler. We considered your petition, the attached document, and information provided to us by the Alliance City Attorney, John L. Selzer, in accordance with the Nebraska Public Record Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024). We have completed our review, and our findings are detailed below.

On June 30, 2025, you completed and submitted the APD's Information/Records Request form. You specifically asked the APD for all information regarding the accidental shooting of Linda Deibler on May 4, 2016, including any "arrest report, interrogation, photos, interviews, statements." That same day, the APD denied your request, informing you to have a lawyer subpoena the requested records for release.

In your petition, you note that under the NPRS, all records of public agencies are open to inspection unless a specific statutory exemption applies. Further, you assert the APD did "not demonstrate[] by clear and convincing evidence that the requested records are exempt under Neb. Rev. Stat. § 84-712.05 or any other applicable law."

The undersigned contacted the APD on August 1, 2025, and questioned its response. According to Mr. Selzer, your public records request was not processed following the APD's public record procedure. He explained that, normally, public record requests are forwarded to the Police Chief and/or the City Attorney for a formal review and response. Your request was not processed correctly. In this instance, a dispatcher received and denied your request without recognizing or following the APD's public record request procedure.¹

Mr. Selzer assured our office that the APD will internally correct this misunderstanding. We encourage the City of Alliance to continue to improve its public record request process. Further, we understand that the appropriate officials have now reviewed your public records request and that Mr. Selzer emailed you a response that comports with the requirements in Neb. Rev. Stat. § 84-712.04 on August 12, 2025.

CONCLUSION

Since the APD has now provided you with a response that complies with the NPRS, no further action by this office is necessary at this time, and we are closing this file. If you believe the updated response denies you any rights under the NPRS, you may petition this office again. We will then review the APD's response to determine if it complies with state law.

If you disagree with the conclusion reached above, you may wish to discuss this matter with a private attorney to determine what additional remedies, if any, are available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Ben Kinnison
Assistant Attorney General

c: John L. Selzer (via email only)

37-022-31

¹ Mr. Selzer indicated that one possible reason for this misunderstanding was that your request was submitted on a form typically used for requesting routine matters, e.g., accident reports for insurance purposes. The City of Alliance has a separate form for formal public record requests.