



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
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LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

August 29, 2025

Via email to [REDACTED]
Dennis Williams

RE: *Public Records Matter Involving the Omaha Police Department*
Our File No. 20251098

Dear Mr. Williams:

This letter is in response to your petition received by this office on August 19, 2025, in which you sought our review of the partial denial by the Omaha Police Department (OPD) relating to your August 7, 2025, public records request. We forwarded your petition to Deputy City Attorney Bernard J. in den Bosch upon receipt and requested a response, which we received on August 26. We considered your petition and Mr. in den Bosch's response in accordance with the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings are set out below.

RELEVANTS FACTS

On August 7, 2025, at 6:06 p.m., you submitted a public records request using the City of Omaha's public records portal seeking "all records related to the investigation into the death of my son, Santana Williams" on December 25, 2023, Case #AT52246. The specific records requested included:

1. Initial 911 Call Audio, All body-worn camera footage from all officers who responded to the scene on the date in question.
2. All audio or video recordings of interviews or interrogations conducted by detectives or other personnel regarding this case.
3. Complete incident and investigative reports, including officer notes, supplemental reports, and evidence logs.

4. All communications (including emails, text messages, and internal memos) between any Omaha Police Department personnel regarding this case.
5. Any materials obtained from my home security camera system, as well as documentation regarding the deletion of existing footage and the disabling of the system.
6. Any subpoenas issued to third parties (e.g., the camera company) and the corresponding responses.

Following a delay, Lt. Neal Bonacci responded to your request on August 18.¹ He provided you a copy of the incident report pertaining to #AT52246 and informed you the OPD is not the custodian of 911 records. As to your request for “body-camera footage, audio and video recordings of the interview/interrogations, supplemental reports, evidence logs, subpoenas, and all other investigative and evidentiary items,” Lt. Bonacci denied you access under the exception to disclosure in Neb. Rev. Stat. § 84-712.05(5). Lt. Bonacci informed you he was “unaware of any text messages or internal memos related to this incident.” Lt. Bonacci subsequently informed you a detective would be contacting you to discuss the case status.

You are challenging OPD’s denial of the records listed above. Your petition contains no arguments as to why you believe the denial was improper. However, you ascribe some significance to the fact Chief of Police Schmaderer authorized the denial of your request. You state in this respect that “[t]his demonstrates the decision was made at the highest level of the department and underscores the importance of the Attorney General’s formal review and a written opinion in this matter.”² (Emphasis omitted.)

DISCUSSION

In Nebraska, “public records . . . include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing.” Neb. Rev. Stat. § 84-712.01(1) (2014). While access to public records is broad, it is not absolute. You have no right to access public records in those instances where the Legislature has made the records expressly confidential or subject to withholding under § 84-712.05.

¹ Pursuant to Neb. Rev. Stat. § 84-712(4), a response to your request should have been made no later than August 14. We brought this to Mr. in den Bosch’s attention per your correspondence received August 18.

² To be clear, Neb. Rev. Stat. § 84-712.03(1)(b) requires this office to determine whether a record made be withheld from public inspection or whether the public body has complied with the NPRS. In instances where records are withheld, we verify whether the public body fulfilled the requirements in Neb. Rev. Stat. § 84-712.04(1), which includes naming the official responsible for the decision to deny the request. The specific individual named, however, has no impact on our review.

The OPD cited § 84-712.05, subsection (5), as its basis to withhold the requested records. This exception allows the following records to be withheld at the discretion of the public body unless publicly disclosed in an open court, administrative proceeding, or 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 considered the propriety of law enforcement agencies withholding investigatory records under § 84-712.05(5) on multiple occasions through the years.⁴ We have consistently held that such withholding is permissible, relying in large part on the plain language of the exception,⁵ which expressly permits law enforcement agencies to withhold records developed or received by those agencies in the course of an investigation. We have no basis to conclude otherwise with respect to your request. There is no question the OPD is a law enforcement agency which is charged with duties of investigation of persons, institutions, and businesses. See Neb. Rev. Stat. §§ 14-104(25) and 14-606 (2022, Cum. Supp. 2024). The records at issue here were either developed or received by the OPD in the course of its investigation concerning your son's death. Consequently, we find that the requested records may be withheld under § 84-712.05(5).

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 See, e.g., *File No. 20251031, Public Records Matter Involving the Omaha Police Department [Bradrick]* (March 17, 2025); *File No. 20241201, Public Records Matter Involving the Omaha Police Department [Brown]* (November 1, 2024); *File No. 20241200, Public Records Matter Involving the Lincoln County Sheriff's Office [Kohler]* (October 31, 2024); *File No. 20241176, Public Records Matter Involving the Lancaster County Sheriff [Kaluza]* (September 25, 2024). You may access the disposition letters for these files at <https://ago.nebraska.gov/disposition-letters>

⁵ "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." *Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018).

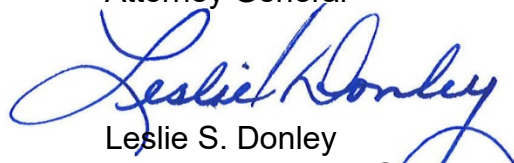
CONCLUSION

For the reasons explained above, we conclude that OPD may withhold its investigatory records pertaining to #AT52246 (i.e., body-camera footage, audio and video recordings of the interview/interrogations, supplemental reports, evidence logs, and subpoenas) under Neb. Rev. Stat. § 84-712.05(5). Since OPD did not unlawfully deny your records request, no further action by this office is warranted, and we are closing this file.

If you disagree with our conclusion, 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: Bernard in den Bosch (via email only)