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December 12, 2025

Via email at: [REDACTED]
Sky Chadde
[REDACTED]

RE: *Public Records Matters Involving the Nebraska State Patrol and the
Douglas County Sheriff's Office*
Our File No. 20251144

Dear Mr. Chadde:

This letter is in response to your two public record petitions, both received by this office on November 21, 2025. Your first petition asks us to review the denial of your November 13, 2025, public record request by the Nebraska State Patrol (NSP). The second asks us to review the denial of your November 14, 2025, public record request by the Douglas County Sheriff's Office (DCSO). In both requests, the law enforcement agencies involved denied you access to body camera footage. Since your petitions are closely related, we consolidated them for purposes of our review. On December 8, 2025, we wrote to you indicating we needed additional time to review your petitions and that we anticipated providing the parties our final response no later than December 12. We have now concluded our review. We reviewed your petitions, the attached documents, and information we received from NSP's Agency Legal Counsel, Mark L. Boyer, and Deputy Douglas County Attorney William E. Rooney III, in accordance with the Nebraska Public Record Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024). Our conclusions are detailed below.

RELEVANT FACTS

On November 13, 2025, you submitted a public records request to the NSP seeking "[a] copy of body camera footage from June 10, 2025, at or near Glenn Valley Foods, 6824 J St., Omaha, Nebraska." The next day, you submitted the same request to the DCSO. Both agencies subsequently denied your requests pursuant to Neb. Rev. Stat.

§ 84-712.05(5) and claimed that the requested records were developed by law enforcement as part of an investigation.

In your petitions to our office, you question whether the requested footage was developed pursuant to each entity's investigative duties. You state that, on June 10, 2025, the U.S. Department of Homeland Security conducted an immigration enforcement operation at Glenn Valley Foods. You assert that because immigration enforcement is solely the purview of the federal government, neither the NSP nor the DCSO had investigative duties when the records were developed. Finally, you state that since neither agency has announced any arrests or publicized any investigations related to the operation at Glenn Valley Foods, the records are not investigatory.

DISCUSSION

Neb. Rev. Stat. § 84-712 sets out the basic rule for access to public records in Nebraska. That statute provides, in pertinent part:

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 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.

In Nebraska, public records "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). Thus, while access to public records is broad, it is not absolute. There is no right to access public records in those instances where the Legislature has made the records subject to withholding under Neb. Rev. Stat. § 84-712.05, unless the records have been "publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties" Neb. Rev. Stat. § 84-712.05. The burden of showing that a statutory exception applies to the disclosure of particular records rests upon the custodian of these records. *State ex rel. BH Media Grp., Inc. v. Frakes*, 305 Neb. 780, 788, 943 N.W.2d 231, 240 (2020); *Aksamit Res. Mgmt. LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018).

In this case, the NSP and DCSO relied on § 84-712.05(5) to withhold responsive records. This exception allows a public body to withhold:

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 training

“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 Res. Mgmt. LLC*, 299 Neb. at 123, 907 N.W.2d at 308. Further, the Nebraska Supreme Court has clarified that,

[a] public record is an investigatory record if (1) the activity giving rise to the document sought is related to the duty of investigation or examination with which the public body is charged and (2) the relationship between the investigation or examination and that public body's duty to investigate or examine supports a colorable claim of rationality.

Jacob v. Nebraska Bd. of Parole, 313 Neb. 109, 125, 982 N.W.2d 815, 829 (2022).

You argue that the activities giving rise to the requested records were unrelated to the NSP and the DCSO's charged investigative duties. You also state that the DCSO's presence around Glenn Valley Foods was limited to assisting with “traffic control.” However, law enforcement activities at and around Glenn Valley Foods on June 10, 2025, extended beyond federal immigration enforcement.

It is the official duty of the DCSO “to apprehend, on view or warrant, ... all felons and disturbers and violators of the criminal laws of this state, to suppress all riots, affrays, and unlawful assemblies which may come to his or her knowledge, and generally to keep the peace in his or her proper city.” Neb. Rev. Stat. § 23-1701.02. According to information we received from Mr. Rooney, the DCSO's role at Glenn Valley Foods on June 10, 2025, was to provide perimeter security to help keep the peace during federal law enforcement operations. While providing security, the DCSO encountered numerous criminal violations from the crowd in the area, including obstruction of government operations, destruction of property, assault, and attempted assault on officers. Mr. Rooney states there are several ongoing investigations related to these events and that the requested records are part of these investigations.

Under Neb. Rev. Stat. § 81-2005, the NSP has the following powers:

- (1) Of peace officers for the purpose of enforcing the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Nebraska Rules of the Road, and any other law regulating the registration or operation of vehicles or the use of the highways;
- (2) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Nebraska Rules of the Road, or any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law; [and]
- (3) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of the state relating to misdemeanors or felonies, if and when designated or called upon to do so as provided by law

According to information we received from Mr. Boyer, the NSP's presence was to investigate allegations that individuals at Glenn Valley Foods possessed fictitious or fraudulently altered personal identification documents in violation of the Motor Vehicle Operator's License Act and to investigate concerns of criminal impersonation, identity theft, and identity fraud.

Records developed by the DCSO relating to its duties to keep the peace and investigate observed violations of criminal laws may be properly withheld under Neb. Rev. Stat. § 84-712.05(5). Records developed by the NSP relating to its duties to enforce the Motor Vehicle Operator's License Act and investigate violations of state misdemeanors and felonies (such as criminal impersonation, identity theft, and identity fraud as prescribed in Neb. Rev. Stat. §§ 28-638 through 28-640) may be similarly withheld.

Based on our review and in line with past determinations made by this office,¹ the requested body camera footage was developed in connection with the DCSO's and the NSP's investigative duties and is part of those investigations. Thus, the denials of your requests under § 84-712.05(5) were permissible under the NPRS.

¹ See File No. 2024-1201; Omaha Police Department; Drake Brown, Petitioner (November 1, 2024); File No. 2023-1130; Nebraska State Patrol, Jeremy Cichowski, Petitioner (September 12, 2023); File No. 21-R-115; Omaha Police Department; Christopher Fielding, Petitioner (June 10, 2021).

CONCLUSION

For the reasons discussed above, we conclude that the NSP and the DCSO may properly withhold the requested body camera footage under Neb. Rev. Stat. § 84-712.05(5). Accordingly, no further action by this office is necessary, and we are closing this file. If you disagree with our analysis, you may wish to discuss this matter with a private attorney to determine what additional remedies, if any, are available to you under these statutes.

Sincerely,

MIKE HILGERS
Attorney General



Ben Kinnison
Assistant Attorney General

c: Mark L. Boyer
William E. Rooney, III

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