



STATE OF NEBRASKA
Office of the Attorney General

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February 26, 2026

Via email at [REDACTED]
Christine Storm

RE: *Public Record Matter Involving the Nebraska State Patrol*
Our File No. 20261018

Dear Ms. Storm:

This letter is in response to your public records petition received by this office on February 11, 2026. You requested our review of the Nebraska State Patrol's (NSP) denial of your public records request, in which you sought portions of NSP's motor vehicle pursuit policy. We have considered your petition in accordance with the Nebraska Public Record Statutes (NPRS) as set forth in Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024). We have completed our review, and our conclusions are detailed below.

RELEVANT FACTS

On February 10, 2026, you submitted a public records request to the NSP seeking "non-tactical, administrative portions of the Nebraska State Patrol's motor vehicle pursuit policy." Your request detailed that you sought the policy's titles, numbers, version histories, administrative standards, supervisory oversight requirements, general public safety and risk assessment principles, and records reflecting acknowledgment or certification requirements for sworn personnel. You explicitly did not request the motor vehicle pursuit policy's tactical or strategic training materials, pursuit driving techniques, scenario-based instructions, or real-time operational guidance. In summary, you requested only what you assert are the reasonably segregable, non-exempt portions of the motor vehicle pursuit policy.

On February 11, 2026, NPS attorney Michael Wehling responded to your request. He explained that the NSP was denying your request pursuant to Neb. Rev. Stat. § 84-

712.05(5) because the entire motor vehicle pursuit policy is tactical in nature and cannot be redacted as requested.

Later that day, you submitted a petition to our office. You disagree with the NSP's position that the entire motor vehicle pursuit policy contains strategic or tactical information used in law enforcement training pursuant to Neb. Rev. Stat. § 84-712.05(5). You requested that we review the NSP's motor vehicle pursuit policy, determine whether non-tactical, administrative portions are reasonably segregable, and issue a determination accordingly.

DISCUSSION

On October 28, 2024, our office issued you a disposition letter¹ regarding a prior request for the NSP's motor vehicle pursuit policy. We concluded at that time that a motor vehicle pursuit policy developed in accordance with Neb. Rev. Stat. § 29-211 comprises strategic or tactical information used in law enforcement training. Accordingly, we held that the NSP could withhold the motor vehicle pursuit policy pursuant to Neb. Rev. Stat. § 84-712.05(5).

On November 19, 2024, our office issued a second disposition letter² addressing this same record. We explained that there was no basis to reconsider our prior decision and affirmed that the NSP may lawfully withhold its motor vehicle pursuit policy under Neb. Rev. Stat. § 84-712.05(5).

Our analysis of the NSP's motor vehicle pursuit policy has not changed. Neb. Rev. Stat. § 29-211 directs law enforcement agencies to adopt written motor vehicle pursuit policies consisting of highly tactical and strategic information. Further, the statute requires law enforcement personnel to be trained in the policy. NSP's motor vehicle pursuit policy, developed pursuant to Neb. Rev. Stat. § 29-211, may be withheld under Neb. Rev. Stat. § 84-712.05(5).

You requested that our office “[r]eview the responsive records, including by in camera inspection if necessary” to determine whether the motor vehicle pursuit policy contains reasonably segregable non-tactical information. Please understand that although § 84-712.03(1)(b) creates enforcement responsibility for the Attorney General under the NPRS, our office has no statutory mechanism or other authority under Nebraska law to review unredacted copies of requested records to determine whether such records have been improperly withheld. Pursuant to § 84-712.03(2), only the courts may conduct an *in camera* review of the requested records without redaction before determining whether a petitioner has been denied his or her rights under the NPRS. We

¹ File No. 2024-1197; Nebraska State Patrol, Christine Storm, Petitioner (October 28, 2024).

² File No. 2024-1217; Nebraska State Patrol, Sarah Dixon, Petitioner (November 19, 2024).

will therefore rely on Mr. Wehling's representation that "[t]he entire pursuit policy is tactical in nature and therefore cannot be redacted as requested."

Moreover, under Nebraska law, it is generally presumed that public bodies and officers carry out their duties in good faith. See *Wolf v. Grubbs*, 17 Neb. App. 292, 310, 759 N.W.2d 499, 518 (2009) (observing that, in a case involving the Open Meetings Act, "[i]n the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties"). In the absence of contrary evidence, we presume that the NSP and Mr. Wehling carried out their duties faithfully in this matter.

CONCLUSION

In accordance with prior decisions made by this office, the NSP may lawfully withhold its motor vehicle pursuit policy under the exception in Neb. Rev. Stat. § 84-712.05(5). You have not been unlawfully denied access to public records. This office does not have the authority to independently review the unredacted records of other public entities. Accordingly, no further action by this office will be taken, and we are closing our 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