



STATE OF NEBRASKA  
**Office of the Attorney General**

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**MIKE HILGERS**  
ATTORNEY GENERAL

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ASSISTANT ATTORNEY GENERAL

March 20, 2026

Via email to [REDACTED]  
Steve Crow

RE: *Public Record Matter Involving the Johnson County Sheriff's Office*  
Our File No. 20261021

Dear Mr. Crow:

This letter is in response to your petition received by this office on March 2, 2026, which you supplemented at our request on March 5, 2026. You have requested our review of the denial of your public records request by the Johnson County Sheriff Lynn Lyon. On March 6, we forwarded your petition to Sheriff Lyon, and discussed it with him on March 9. We considered your petition under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings in this matter are set forth below.

### **RELEVANTS FACTS**

On January 29, 2026, you emailed the following request to the Johnson County Sheriff's Office (JCSO) dispatch:

I would like to make a Freedom Of Information Act (FOIA)<sup>1</sup> request for any notes, times, documents, reports, body camera and/or dash cam footage made in conjunction [*sic*] with the traffic stop of Steven Crow at the intersection of Hwy 50

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<sup>1</sup> For your information, the federal Freedom of Information Act, 5 U.S.C. § 552 only applies to federal agencies. It does not require state agencies or governmental subdivisions in Nebraska to make particular records available to members of the public. Therefore, your rights to obtain copies of particular records belonging to the JCSO are based on the NPRS, cited above, rather than the federal Freedom of Information Act.

and Hwy 136 in Tecumseh, NE . . . on 1/9/26 at approximately 1 am or 1:30 am, conducted by Johnson County Deputy, A. Turner . . . .

I would also request the same information from the other deputy who was present and assisted with the traffic stop.

Sheriff Lyon timely responded to your request on February 2, indicating that “the requested records are exempt from public disclosure for the reason that the requested records are investigatory records created or developed by a law enforcement agency.” Sheriff Lyon cited “Neb. Rev. Stat. § 84-712.05” as the statutory basis to deny your request.

Your petition describes the traffic stop at issue, including the reason you were stopped. You assert that one of deputies involved “violated [your] civil rights” while you were detained and a search was conducted. You further assert that

[s]ince this was a “traffic stop” for a traffic infraction, and since the results of the traffic stop resulted in the issuance of a warning, there should have been no “investigation”. Any “investigation” that took place was initiated by Deputy Turner, in violation of the aforementioned *Rodriguez v. United States* Supreme Court decision, and was completed at the time Deputy Turner issued a traffic warning and allowed me to leave. Hence, it is my belief that the denial of my FOIA request by Sheriff Lyon was in error.

## DISCUSSION

Neb. Rev. Stat. § 84-712(1) allows Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during normal business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. Under this statute, it was intended that all public records of the state, its counties, and its other political subdivisions should be open to inspection, except where the Legislature has otherwise provided that the record shall be confidential. Judiciary Committee Statement on LB 505, 72nd Nebraska Legislature (April 5, 1961). “The overall purpose of the public records statutes is to empower and authorize interested persons to examine public records.” *Nebraska Journalism Trust v. Nebraska Dept. of Env’t and Energy*, 316 Neb. 174, 187, 3 N.W.3d 361, 371 (2024).

However, access to public records is not absolute. *Orr v. Knowles*, 215 Neb. 49, 337 N.W.2d 699 (1983). The NPRS allow access “[e]xcept as otherwise expressly provided by statute” (§ 84-712(1)) or “[e]xcept when any other statute expressly provides that particular information or records shall not be made public” (§ 84-712.01(1)). Consequently, 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 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. *Aksamit Resource Management LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018).

Neb. Rev. Stat. § 84-712.05 contains twenty-nine categories of public records that may be withheld at the discretion of a public body so long as those records have not been “publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties . . . .” Sheriff Lyon relied on the exception in subsection (5)<sup>2</sup> as the basis to withhold the records pertaining to your January 9, 2026, traffic stop. That particular exception pertains to

[r]ecords 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 . . . .<sup>3</sup>

This office has considered multiple petitions through the years in which the petitioner sought access to records involving his or her encounter with law enforcement, including traffic stops.<sup>4</sup> We have consistently concluded that the plain language<sup>5</sup> of § 84-712.05(5) allows law enforcement agencies to withhold records developed or received by the agencies in the course of their investigations of persons, institutions or businesses. We find additional guidance in the Nebraska Supreme Court’s holding 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

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<sup>2</sup> We will remind Sheriff Lyon that, in the future, the specific *subsection* in § 84-712.05 relied on as the basis to withhold public records must be included in his response.

<sup>3</sup> 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.

<sup>4</sup> See, e.g., File No. 20241201, *Public Record Matter Involving the Omaha Police Department* (November 1, 2024), accessible at <https://ago.nebraska.gov/disposition-letters>.

<sup>5</sup> “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.” *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 792-93, 943 N.W.2d 231, 243 (2020).

examination and that public body's duty to investigate or examine supports a colorable claim of rationality.

*State ex rel. Nebraska Health Care Ass'n v. Dept. of Health and Human Services Finance and Support*, 255 Neb. 784, 792, 587 N.W.2d 100, 106 (1998).

There is no question the JCSO is a public body charged with duties of investigation of individuals driving on Nebraska highways.<sup>6</sup> The records at issue here were developed as a result of the JCSO's investigation during the January 9, 2026, traffic stop—an investigation which it is statutorily authorized to conduct. Moreover, we find no merit to your assertion that since you were stopped for a “traffic infraction,” which resulted in a “warning,” “there should have been no ‘investigation.’” This assertion appears to us to contradict the allegations in your petition about the activities conducted during the purportedly lengthy detention. Your petition and the additional information we received from Sheriff Lyon supports our finding that an investigation took place as a result of your traffic stop, and that records developed as a result of your encounter with the JCSO deputies are investigatory and may be withheld under Neb. Rev. Stat. § 84-712.05(5).

## CONCLUSION

For the reasons explained above, we conclude the JCSO's denial of your request for records pertaining to your traffic stop under the exception in Neb. Rev. Stat. § 84-712.05(5) was appropriate. Since the JCSO did not unlawfully deny your records request, no further action by this office is warranted. Accordingly, we are closing this file.

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<sup>6</sup> See Neb. Rev. Stat. § 60-683 (2021): “All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of the Nebraska Rules of the Road, including the specific enforcement of maximum speed limits, and any other law regulating the operation of vehicles or the use of the highways.” Under the Nebraska Rules of the Road, a peace officer includes a sheriff or deputy sheriff. Neb. Rev. Stat. § 60-646 (2021).

Steve Crow  
March 20, 2026  
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If you disagree with our analysis, you may wish to discuss this matter with your private attorney to determine what other remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Sheriff Lynn Lyon (via email only)

49-4107-31