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Office of the Attorney General

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June 22, 2026

Via email at [REDACTED]
Laura Crawford, Archive Researcher
Beyond Productions USA
[REDACTED]

RE: *Public Records Matter Involving the Lincoln Police Department*
Our File No. 20261053

Dear Ms. Crawford:

This letter is in response to your petition received by this office on June 4, 2026, in which you sought our assistance regarding your June 3, 2026, records request to the Lincoln Police Department (LPD). We forwarded a copy of your petition to LPD's legal counsel at the Office of the City Attorney – City of Lincoln, Tonya Peters and Sarah Rada, on June 8, 2026, and received their response on June 15, 2026. We considered this matter under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings are set forth below.

RELEVANT FACTS

According to your petition, on June 3, 2026, you submitted a public records request to the LPD seeking the following records related to “the homicide of Sydney Loofe and the subsequent prosecution and convictions of Bailey Boswell and Aubrey Trail”:

- Investigative reports and case summaries;
- Incident reports and supplemental reports;
- Arrest records, affidavits, and booking records;
- Crime scene photographs and video;
- Search and recovery operation reports, photographs, and video;
- Body-worn camera footage;
- Dash camera footage;

- Surveillance or CCTV footage collected during the investigation;
- Interview and interrogation recordings;
- 911 recordings and dispatch audio;
- Search warrant returns and supporting materials, where releasable;
- Press releases, media advisories, and public information materials;
- Evidence photographs and forensic documentation suitable for public release; and
- Any case jacket, public information file, closed case media file, or similar collection of records maintained for public dissemination.

That same day, Ms. Peters on behalf of the LPD denied part of your request citing Neb. Rev. Stat. § 84-712.05(5), stating that the withheld records “were either developed or received by LPD in the course of its investigation” The LPD produced incident and dispatch reports and provided you with links and information to access and obtain media releases, criminal history requests, any publicly available search warrants or affidavits, and book-in photos.

In response to this office, Ms. Rada reiterated that the withheld records were “developed in connection with LPD’s duty of investigation into Ms. Loofe’s disappearance and murder and therefore constitute investigatory records that may be withheld pursuant to Neb. Rev. Stat. § 84-712.05(5).” Ms. Rada further asserted that “[t]he exception in Nebraska [under Neb. Rev. Stat. § 84-712.05(5)] is not based on whether the investigation in question is active or closed” and applies “regardless of the status of the investigation.”

You now challenge the decision to withhold the records and allege that “at least some of the requested records may no longer qualify for withholding” under § 84-712.05(5) “[b]ecause the investigation and prosecution have concluded and the defendants have been convicted”

DISCUSSION

The NPRS generally allow Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. However, while the NPRS do provide access to public documents, they are not absolute. There is no right to access public records in those instances where the Legislature has made the records confidential or subject to withholding under Neb. Rev. Stat. § 84-712.05 or § 84-712.08.

Neb. Rev. Stat. § 84-712.05 of the NPRS is comprised of twenty-nine categories of records that may be kept confidential from the public at the discretion of the agency involved 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” In the present case, the LPD is relying on the exception in § 84-712.05(5). This provision 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 training¹

This office has consistently held, relying in large part on the plain language of the exception,² that law enforcement agencies may withhold records developed or received by those agencies in the course of an investigation.³ We have no basis to conclude otherwise with respect to your request. There is no question the LPD is a law enforcement agency charged with the duties of investigation. See Neb. Rev. Stat. § 15-326 (2022). According to Ms. Rada, the withheld records were developed by the LPD during its investigation of Ms. Loofe’s disappearance and murder. Therefore, they fit squarely within the definition of investigatory records under § 84-712.05(5), and the LPD’s denial of your request was permissible under the NPRS.

We acknowledge your argument that the records should be disclosed because the investigation is now closed and the defendants have been convicted. However, § 84-712.05(5) does not differentiate between whether an investigation is ongoing or has been resolved. Therefore, the fact that the investigation is closed is not relevant to our analysis of the LPD’s right to withhold its investigatory records under § 84-712.05(5). Consequently, we find the requested records may be withheld under § 84-712.05(5).

CONCLUSION

For the reasons set forth above, we conclude that the LPD did not unlawfully deny you access to public records. The LPD may continue to withhold the responsive records

¹ 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.

² “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).

³ See, e.g., *File No. 20251098, Public Records Matter Involving the Omaha Police Department [Williams]* (August 29, 2025); *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 [Kaluzza]* (September 25, 2024). You may access the disposition letters for these files at <https://ago.nebraska.gov/disposition-letters>.

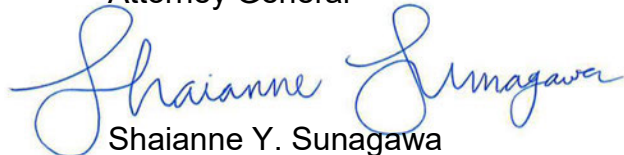
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under Neb. Rev. Stat. § 84-712.05(5). Since we have identified no violations of the NPRS, no further action by this office is warranted, and we are closing this file.

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



Shaienne Y. Sunagawa
Assistant Attorney General

c: Sarah Rada and Tonya Peters (via email only)

18-015