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July 7, 2026

Via email at: [REDACTED]
EWU Media LLC
[REDACTED]

RE: *Public Records Matter Involving the Lincoln Police Department*
Our File No. 20261057

Dear EWU Media:

This letter is in response to EWU Media LLC's (EWU) public records petition received by this office on June 22, 2026. EWU asked us to review the Lincoln Police Department's (LPD) partial denial of its January 4, 2026, public records request, in which it sought records related to an incident involving Joseph Liebers. We considered EWU's petition 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

Our understanding of the facts comes from the petition, its attached documents, and information we received from Special Assistant City Attorney Grace Willnerd regarding your request.

On January 4, 2026, EWU submitted a public records request to the LPD seeking "all records that discuss or describe" an incident involving Joseph Liebers on June 20, 2025. EWU specifically requested all body-worn camera footage related to the investigation, arrest, and police response. On January 6, 2026, Ms. Willnerd responded on behalf of LPD. She explained that payment was requested before completing EWU's request, that the estimated cost was \$75, and that LPD does not typically release body-worn camera video due to its investigatory nature. EWU then submitted a check for \$75.

LPD asserts that it then began searching for and retrieving responsive records. However, due to numerous factors, including staffing shortages, the response took longer than expected. On January 19, 2026, EWU followed up with LPD. Ms. Willnerd explained

that she was awaiting a download of LPD files and expected to issue a response in the coming weeks. According to Ms. Willnerd, EWU submitted an identical public records request on January 26, 2026. Ms. Willnerd asserts that she responded to the duplicate by explaining that LPD was processing the original request.

On February 20, 2026, EWU requested another update. On February 24, 2026, LPD apologized for the delay and provided EWU with four responsive documents. However, it withheld the remaining responsive documents pursuant to Neb. Rev. Stat. § 84-712.05(5) as the records were developed or received by LPD in the course of an investigation. According to LPD, it withheld investigative reports, case summaries, arrest records, affidavits, booking records, crime scene photographs and videos, search and recovery operation reports, dash camera footage, CCTV footage, interview and interrogation recordings, 911 and dispatch audio records, search warrant materials, forensic documentation, and body-worn camera footage.

In EWU's petition, it asserts that Neb. Rev. Stat. § 84-712.05(5) does not mandate withholdings nor does it create a categorical exemption for all materials generated during an investigation. It argues that the release of the withheld records would not reveal confidential informants or compromise intelligence, strategic techniques, or tactical training information. EWU requests the release of the withheld records and an explanation from the LPD as to how the release "would still interfere with any ongoing law enforcement proceedings" since "the suspect has been sentenced."

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.

Public records "include all records and documents, regardless of physical form, of or belonging to this 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). In Nebraska, access to public records is broad, but not absolute. Neb. Rev. Stat. § 84-

712.05 currently contains twenty-nine categories of records that may be withheld at the discretion of the records custodian. The burden of showing that a statutory exception applies to the disclosure of 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 LPD relied on § 84-712.05(5) to withhold responsive records. This exception allows a public body to lawfully withhold

[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

“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*, 299 Neb. at 123, 907 N.W.2d at 308. Based on the plain language of the exception and in line with past determinations made by this office,¹ the requested records fall squarely within § 84-712.05(5). The records were developed or received by LPD in connection with its investigation into Joseph Liebers’ child abuse charges. We agree that Neb. Rev. Stat. § 84-712.05(5) does not mandate withholding all materials generated during an investigation.² However, the statute expressly allows a law enforcement agency to withhold records developed or received as part of its criminal investigations at its discretion. Thus, the LPD had the discretion to withhold certain records.

Further, the exception contains no language distinguishing between ongoing and closed investigations. Our office has consistently determined that the status of an investigation has no bearing on a public body’s ability to withhold investigatory records under § 84-712.05(5).³ Consequently, we do not consider the status of an investigation

¹ See File No. 2026-1053; *Lincoln Police Department, Laura Crawford, Petitioner* (June 22, 2026); File No. 2024-1201; *Omaha Police Department, Drake Brown, Petitioner* (November 1, 2024); File No. 2024-1105; *Lincoln Police Department, Joel Feistner, Petitioner* (June 14, 2024).

² See *Burlington Northern Railroad Co. v. Omaha Pub. Power Dist.*, 703 F. Supp. 826, 829 (D. Neb. 1988); *aff’d Burlington Northern Railroad Co. v. Omaha Pub. Power Dist.*, 888 F.2d 1228 (8th Cir. 1989) (“As to [the NPRS], . . . it is entirely aimed at requiring disclosure and permitting nondisclosure; it does not foresee nor authorize the prohibiting of disclosure.”).

³ See File No. 21-R-131; *Nebraska State Patrol; Harry N. MacLean, Petitioner* (September 13, 2021); File No. 16-R-102; *Omaha Police Department; KETV, Petitioner* (February 8, 2016).

in our analysis.

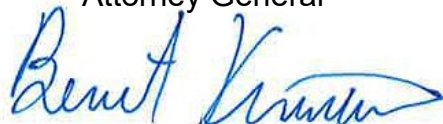
Finally, we will comment briefly on LPD's delay in responding to EWU's request. Neb. Rev. Stat. § 84-712(4) provides that "if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request," the custodian shall promptly provide the requester, among other things, "the earliest practicable date for fulfilling the request" We will remind LPD that, in the future when a delay in responding to a public records request is necessary, it must provide the requester with the earliest practicable date for fulfilling the request, and provide updates in the event that date, or subsequent dates, are not met.

CONCLUSION

For the reasons discussed above, we conclude that the LPD's denial of EWU's public records request was lawful. As a result, no further action by this office is necessary, and we are closing this file. If EWU disagrees with our analysis, it may wish to discuss this matter with a private attorney to determine what additional remedies, if any, are available to it under these statutes.

Sincerely,

MIKE HILGERS
Attorney General



Ben Kinnison
Assistant Attorney General

c: Grace Willnerd (via email only)

37-072