



STATE OF NEBRASKA
Office of the Attorney General

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SHAIANNE Y. SUNAGAWA
ASSISTANT ATTORNEY GENERAL

July 21, 2026

Via email at [REDACTED]
James Vance
[REDACTED]

RE: *Public Records Matter Involving the Nebraska State Patrol*
Our File No. 20261061

Dear Mr. Vance:

This letter is in response to your petition received by this office on July 6, 2026, in which you sought our assistance regarding your May 27, 2026, public records request to the Nebraska State Patrol (NSP). We forwarded a copy of your petition to NSP's Legal Counsel, Mark Boyer, on July 13 and received his response the following day. We considered this matter under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024), as amended 2026 Neb. Laws LBs 525 and 1096. Our findings are set forth below.

RELEVANT FACTS

According to your petition, on May 27, 2026, you submitted a public records request to the NSP seeking "citation reports, incident reports, dashboard and body-worn camera videos" related to a May 22, 2026, traffic incident you were involved in. On May 28, 2026, NSP attorney Michael Wehling denied your request for "the CAD report, warning ticket, and video footage" citing Neb. Rev. Stat. § 84-712.05(5), stating "this information constitutes an investigative record."

In response to this office, Mr. Boyer states the NSP is a law enforcement agency charged with duties of investigation pursuant to Neb. Rev. Stat. §§ 81-2004 and 81-2005 (2024). He states that "any records developed by the [NSP] relating to its duty to enforce the state's traffic laws, misdemeanors and felonies, and investigate violations of those laws, may be properly withheld under § 84-712.05(5)." Mr. Boyer further states that the

records at issue here, i.e., “[NSP] Trooper Samuel Gustafson’s body camera footage and dash camera footage, [NSP] Trooper Ryan Healy’s body camera footage and dash camera footage, the CAD (computer aided dispatch) report, and the warning ticket” were properly withheld as investigative records under § 84-712.05(5).

You now challenge this decision and request this office to review the denial and determine whether records may be withheld in their entirety “or whether some or all of the records should be released to [you], including redacted copies if necessary.”

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 thirty 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, NSP 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

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).

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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 NSP is a law enforcement agency charged with the duties of investigation. According to Mr. Boyer, the withheld records were “generated as a result of the criminal investigation into Mr. James Vance . . . on May 22, 2026.” Therefore, we find the records fit squarely within the definition of investigatory records under § 84-712.05(5), and NSP’s denial of your request was permissible under the NPRS.

CONCLUSION

For the reasons set forth above, we conclude the NSP did not unlawfully deny you access to public records. NSP may continue to withhold the responsive records 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 may be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Shaianne Y. Sunagawa
Assistant Attorney General

c: Mark Boyer (via email only)
18-025-31

³ See, e.g., *File No. 2025-1115; Omaha Police Department; Malik Stelly, Petitioner* (October 20, 2025); *File No. 2025-1063; Nebraska State Patrol; Kenneth Barrentine, Petitioner* (May 21, 2025); *File No. 2025-1060; Nebraska State Patrol; Tukrong Klengdong, Petitioner* (May 14, 2025); *File No. 2024-1218; Nebraska State Patrol; Julianne Sanner, Petitioner* (November 21, 2024); *File No. 2024-1145; Omaha Police Department; Michael McLemore, Petitioner* (August 7, 2024); *File No. 23-R-124; City of Fremont/Police Department; Jeff Forward, The Fremont Tribune, Petitioner* (July 10, 2023); and *File No. 22-R-136; Douglas County Sheriff; Kathleen Foster, Petitioner* (July 29, 2022). Copies of our disposition letters relating to these files and others may be found at <https://ago.nebraska.gov/disposition-letters>.