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September 14, 2026

Via email at: [REDACTED]
Sterling Reeves
[REDACTED]

RE: *Public Records Matter Involving the Sarpy County Sheriff's Office*
Our File No. 20261093

Dear Mr. Reeves:

This letter is in response to your public records petition received by this office on August 28, 2026. You asked us to review the Sarpy County Attorney's Office's (SCAO) response to your July 30 and August 6, 2026, public records requests, in which you sought records related to the Sarpy County Sheriff's Office's (Sheriff) automated license plate reader (ALPR) audit logs and external agency data requests. We considered your petition, the attached documents, and other information provided by Deputy Sarpy County Attorney Andrea Gosnold-Parker, in accordance with the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024), as amended 2026 Neb. Laws LB 525 and LB 1096. We have completed our review, and our findings are detailed below.

RELEVANT FACTS

On July 30, 2026, you submitted a public records request to the Sheriff seeking three categories of records. First, you requested "[c]opies of all retained written requests" for the Sheriff's ALPR data, submitted by external agencies. You specifically requested the identification of the requesting agency, the name of the requesting employee, and the intended purpose for obtaining the information. Second, you requested all documents corresponding to approvals for these ALPR data-sharing requests. Third, you sought "[c]opies of system audit logs or other records documenting ALPR detection browsing inquiries, including the associated case numbers and the reasons for each inquiry." Your request cited provisions of the Sheriff's ALPR Standard Operating Procedure G-4600 (ALPR SOP), which corresponded to the requested documents.

You did not receive any response within four business days. On August 6, you submitted a follow-up request seeking the same information. On August 14, the SCAO issued a response stating: (1) that your original request was received on August 3; (2) that it was denying access to records responsive to parts one and two of your request under Neb. Rev. Stat. § 84-712.05(5) as the materials were developed by public bodies charged with investigative duties; and (3) that the Sheriff had no documents responsive to part three of your request. The letter then directed you to a Flock Safety Transparency Portal for more information about the Sheriff's use of ALPR data.

In your petition to our office, you argue that data requests from outside agencies and operational review and approval documents are administrative in nature and are thus not investigative records. You note the delayed response from Sarpy County officials. Finally, you claim that the requested audit logs do exist. You state that the ALPR SOP requires the creation of these logs. You further state that they have already been released in response to a separate public records request to a different county agency.

After receiving your petition, our office contacted Ms. Gosnold-Parker. She clarified that the Sheriff did not receive your original request until August 3 but acknowledged that its August 14 response was late and that an extension letter should have been sent. She stated the county had identified a minimal number of emails from outside agencies that are responsive to items one and two of your requests. These emails were withheld under § 84-712.05(5) because they contain identifying case information from law enforcement agencies and were sent as part of specific investigations. Finally, Ms. Gosnold-Parker explained that the requested audit logs do not presently exist in the manner requested because the Sheriff has not downloaded its audit log data from its vendor, Flock Safety (Flock). Regardless, she asserts that the audit log falls squarely under § 84-712.05(5) and could be withheld from public disclosure.

DISCUSSION

I. The Decision to Withhold ALPR Requests from Outside Agencies and Related Data-Sharing Approval Documents.

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 ...” any county or department “[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 thirty 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 SCOA 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. Further, the Nebraska Supreme Court has clarified 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 examination and that public body's duty to investigate or examine supports a colorable claim of rationality.

Jacob v. Nebraska Bd. of Parole, 313 Neb. 109, 125, 982 N.W.2d 815, 829 (2022).

In response to items one and two of your requests, Ms. Gosnold-Parker identified a minimal number of email records in which officers from outside agencies requested the Sheriff's ALPR data on specific vehicles related to specific cases. The records contain case data and search information that, if released, would reveal the nature and subject of the outside agency's investigation. These emails were received by the Sheriff from law

enforcement and prosecutorial agencies and constitute part of focused investigations into criminal conduct. Thus, the requested records fall squarely within § 84-712.05(5). The Sheriff did not unlawfully withhold the requested data-sharing records under the NPRS.

II. *The Sheriff's ALPR Audit Logs.*

In response to your request for “system audit logs or other records documenting ALPR detection browsing inquiries, including the associated case numbers and the reasons for each inquiry,” the SCAO maintained that the Sheriff does not have documents responsive to your request. Ms. Gosnold-Parker explained that Sarpy County officials can access the requested audit data through Flock and download an Excel record. However, since they have not yet made this download, she argues the audit log does not exist in the manner requested. Nevertheless, the SCAO asserted that, if downloaded, the audit log could be withheld from public disclosure under § 84-712.05(5).

In Nebraska, public records include “all records and documents, regardless of physical form, of or belonging to ... any ... city [or] department Data which is a public record in its original form shall remain a public record when maintained in computer files.” Neb. Rev. Stat. § 84-712.01(1). The Nebraska Supreme Court has ruled that the “‘of or belonging to’ language ... includes any documents or records that a public body is entitled to possess—regardless of whether the public body takes possession. The public's right of access should not depend on where the requested records are physically located.” *Evertson v. City of Kimball*, 278 Neb. 1, 9, 767 N.W.2d 751, 759 (2009). Thus, when public bodies partner with private entities, the NPRS do not allow the government to “conceal public records by delegating their duties to a private party.” *Id.* at 12, 767 N.W.2d at 761. With this background, the Court concluded that

under § 84–712.01, requested materials in a private party's possession are public records if the following requirements are met: (1) The public body, through a delegation of its authority to perform a government function, contracted with a private party to carry out the government function; (2) the private party prepared the records under the public body's delegation of authority; (3) the public body was entitled to possess the materials to monitor the private party's performance; and (4) the records are used to make a decision affecting public interest.

Id. at 12, 767 N.W.2d at 761.

Accordingly, we applied this *Evertson* test to determine whether the requested data in the possession of Flock are public records of or belonging to the Sheriff. The Sheriff delegated Flock to assist with its law enforcement investigations via its ALPR systems. Flock recorded information on searches performed by Sarpy County officers pursuant to this delegation. The Sheriff can access and download these records at any time. According to its ALPR SOP, this data is used exclusively for law enforcement purposes.

We conclude that the requested audit records are public records that the Sheriff is entitled to possess.

Since we have determined that the audit logs are public records, we now consider whether Neb. Rev. Stat. § 84-712.05(5) provides a basis for withholding them from disclosure. Based on the plain language of the exception, the relevant precedent discussed above, and in line with past determinations made by this office,¹ the requested audit records fall squarely within § 84-712.05(5). Audit records were developed when officers entered plate numbers or vehicle descriptions into the ALPR system as part of investigations. The SCAO claims that officers use ALPR systems only for official law enforcement purposes.² The Sheriff's ALPR SOP further provides that the system may only "be used in conjunction with any routine patrol operation or criminal investigation" ALPR SOP, IV.C.1(b). Thus, the activity giving rise to the audit logs is related to the Sheriff's law enforcement duties. There is a rational relationship between an ALPR data search for a vehicle and the duty to investigate criminal activity. Records the Sheriff developed from vehicle image or license plate number searches in conjunction with patrol operations and criminal investigations constitute investigatory records. Accordingly, it may lawfully withhold the requested audit logs under the NPRS.

We also considered your claim that the requested audit logs exist since they were released in response to a separate public records request made to a different county agency. Ms. Gosnold-Parker stated that she is unaware of any such production. However, the fact that another public body produced those records is immaterial to the current matter. As discussed above, responsive records exist as the county is entitled to possess its audit data from the Flock system. However, as we have determined, the data may be withheld under § 84-712.05(5).

I. *Timeliness of the Responses*

You submitted your original request on July 30, 2026. The Sheriff received your submission on August 3. However, no response was provided until August 14. Further, you submitted your follow-up request on August 6. Ms. Gosnold-Parker states that the SCAO responded to your follow-up on August 17. Under Neb. Rev. Stat. § 84-712(4), the public body must provide the requester a response "as soon as is practicable and without delay, but not more than four business days after actual receipt of the request." Ms.

¹ See our disposition letter in *File No. 2026-1083; Lexington Police Department, Spencer Johnson, Petitioner* (September 4, 2026), accessible at <https://ago.nebraska.gov/disposition-letters>.

² Not all ALPR search history records are necessarily investigatory records under § 84-712.05(5). We acknowledge it is possible for bad actors to abuse ALPR systems and conduct searches outside of a law enforcement agency's investigative duty. Sarpy County officials represented to our office that any time its officers searched its ALPR system, it was pursuant to a law enforcement investigation. "[I]n the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties..." *Wolf v. Grubbs*, 17 Neb. App. 292, 310, 759 N.W.2d 499, 517 (2009). We have no evidence to suggest that Sheriff personnel performed non-investigatory searches.

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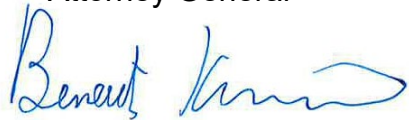
Gosnold-Parker acknowledges that Sarpy County officials were late in their responses and assures our office that the delays were inadvertent. We encourage Sarpy County to improve its public records response process to comply with the timing requirements in § 84-712.

CONCLUSION

For the reasons discussed above, we conclude that the Sheriff's denial of your public records request was lawful. Its responsive emails with outside agencies for ALPR data sharing are investigatory records. Audit logs of ALPR system browsing inquiries maintained in Flock data are public records. However, such logs may lawfully be withheld as they were developed by law enforcement officers pursuant to investigations. Since no further action by this office is necessary, we are closing this 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

c: Andrea Gosnold-Parker (via email only)

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