



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
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RYAN D. BAKER
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September 18, 2026

Via email: [REDACTED]
Lisa Koukoutsis
[REDACTED]

RE: *Public Records Matter Involving the North Platte Police Department*
Our File No. 20261096

Dear Ms. Koukoutsis:

This letter is in response to your petition received by this office on September 3, 2026, in which you sought our review of your public records request submitted to the North Platte Police Department ("Department") on August 22, 2026, seeking a police report regarding the 2005 death of Ernest Clark Gregg. We reviewed your petition 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, and our conclusions are set forth below.

FACTS

Our understanding of the facts in this matter is based on your petition to our office, the materials attached thereto, and our office's communications with North Platte's City Attorney, William J. Troshynski. On August 22, 2026, you submitted a public records request via email to the Department seeking a police report regarding the death of Mr. Gregg. Sarah Sweley, on behalf of the Department, responded to your email on August 24, advising that the report had been located, but she would need "approval . . . to release it." Ms. Sweley also advised that the Department "typically [does] not release officer narratives without a subpoena," and the "face sheet" that the Department makes publicly available would not contain much information.

Our office contacted Chief of Police Steve Reeves seeking additional information regarding your request. On September 11, Mr. Troshynski responded on Chief Reeves'

behalf. Mr. Troshynski stated that the police report “falls squarely within the statutory exemption provided by Neb. Rev. Stat. § 84-712.05(5)” and “[t]herefore, the City’s response that a subpoena would be necessary to release the full report was appropriate.”

DISCUSSION

The NPRS broadly authorize public access to public records upon request. However, this access is not absolute. Section 84-712.05 lists several categories of public records that may be withheld at the record custodian’s discretion upon a showing by the custodian that an exemption applies. Unless disclosed in an open court, administrative proceeding or meeting, or otherwise disclosed by the public body pursuant to its duties, § 84-712.05(5) permits a public body to withhold:

Records 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

In clarifying the scope of § 84-712.05(5), the Nebraska Supreme Court has further stated:

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).

This office has considered the propriety of law enforcement agencies withholding investigatory records under § 84-712.05(5) on multiple occasions through the years and has consistently determined that law enforcement agencies may withhold records developed or received by those agencies in the course of an investigation.² There is no question that the Department is a law enforcement agency charged with duties of investigation of persons, institutions, and businesses. Per the information provided to our office in this matter, it is apparent that the requested police report was developed in

¹ There are two exceptions to § 84-712.05(5): (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 See, e.g., *File No. 20261053; Lincoln Police Department; Laura Crawford, Petitioner* (June 22, 2026), and *File No. 20261047; Nebraska State Patrol; Sky Sellars, Petitioner* (May 29, 2026). Copies of these disposition letters and others may be found at <https://ago.nebraska.gov/disposition-letters>.

connection with the Department's investigation into Mr. Gregg's death. We therefore conclude that the Department lawfully withheld the police report under § 84-712.05(5).

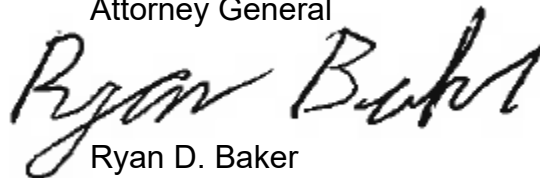
As a final matter, however, we note that the Department's response to your public records request did not comply with the requirements of § 84-712.04(1). Under this statute, a denial of a records request must include (1) a "description of the contents of the records withheld and a statement of the specific reasons for the denial" with corresponding citations to the statutory exemption relied on; (2) the name of the official or employee responsible for the decision to deny the request; and (3) notice of the right to administrative or judicial review under § 84-712.03. The Department's response did not contain this information, and the assertion that a subpoena would be required is not sufficient. We will remind the Department, by providing a copy of this disposition letter to Mr. Troshynski, that it must comply with all requirements of the NPRS when responding to a public records request.

CONCLUSION

For the reasons set forth above, we conclude that the Department did not unlawfully deny you access to the requested public record. As a result, no further action by this office is warranted, and we are closing this file. If you disagree with our findings set out in this letter, you may wish to consult with an attorney to determine what, if any, additional remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General

A handwritten signature in black ink, appearing to read "Ryan Baker", written over the typed name of Ryan D. Baker.

Ryan D. Baker
Assistant Attorney General

c: William J. Troshynski (via email only)