

Attachment #1

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 3

July 28, 1995
January 22, 2016

DISSEMINATION OF COMMISSION RECORDS

PURPOSE: To define public and non-public records and to establish procedures for examination and recording.

1. **SCOPE:** Applicable to Commission staff. This operating instruction shall have no impact on the operating instruction relating to the Privacy and Security of Students' Records at the Law Enforcement Training Center.
2. **REFERENCE:** §Section 84-712 through 84-712.0, and Section §81-1843; and Section §81-1403 (6) of the Nebraska Revised Statutes, and Title 79 of the Nebraska Administrative Code.
3. **GENERAL:** State law requires that Commission records, with a few exceptions, be available for public inspection.
4. ~~**STATUTES:**~~
 - A. ~~Divisions of the Commission generate and maintain sensitive records. Section 84-712, Cumm. Supp. 1994 permits public access to all records except those specifically mentioned in other statutes, such as those in Section 81-1842, R.S. Supp., 1994, and those mentioned in 84-712.05, Cumm. Supp. 1994.~~
 - B. ~~Sections 84-712.05, Cumm. Supp. 1994, in pertinent part, reads as follows:~~

The following records, unless publicly disclosed in an open court, open administrative proceedings or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

... (2) Medical records, other than records of births and deaths, and except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under Section 44-2821;

~~... (5) 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, the investigation, intelligence information, citizen complaints or inquiries, informant identification, or other strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;~~

~~... (7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;~~

4. NON-PUBLIC RECORDS

- A. **Records within the scope of Neb. Rev Stat. §84-712.05, Cum. Supp. 2014, and §81-18-1842, Reissue 2014.**
- B. All personnel files other than salaries and routine directory information.
- C. Jail Standards Division:
 - i. Investigatory reports prepared at the specific request of a District Judge, the Governor, or the Attorney General;
 - ii. Correspondence lodging complaints against jails, temporary holding facilities or juvenile detention centers which are subsequently forwarded to the appropriate Judge;
 - iii. Notes and preliminary reports of field representatives compiled during evaluations;
 - iv. Nebraska Jail Admission and Release Records.
 - v. Nebraska Juvenile Admission and Release Records.
- D. Crime Victim's Reparations:
 - i. Pursuant to Section §81-1842, the name of any victim of a sexual assault appearing in information or records of the Crime Victim's Reparations Committee when the victim is applying for compensation shall not be made public.

- ii. Information compiled while investigating a claim for compensation, including medical history information and police reports;
 - iii. Notes and memorandums generated by members of the Committee or hearing officers, having a bearing on a decision, but not actually a part of a decision.
 - E. Personal and/or confidential correspondence.
 - F. Social Security numbers; credit card, charge card, or debit card numbers and expiration dates; and financial account numbers supplied to state and local governments by citizens.
 - G. The names of the victims and the defendants in claims for Crimes Against Children funds shall not be made public, unless publicly disclosed in an open court.
 - H. Release of information on students attending or graduating from the Law Enforcement Training Center shall be limited to whether the student has been certified and if so the date of that certification.
 - I. The Training Center course syllabus is available but other information, including lesson plans, shall be considered on a case by case basis.
 - J. Revocation Investigations within the scope of Neb. Rev. Stat. §81-1403 (6), and Title 79, Chapter 9, of the Nebraska Administrative Code.
6. **PUBLIC RECORDS:** All other records of the Commission shall be available during regular business hours for public inspection and copying. Any inspection or copying request shall be approved by ~~the appropriate division chief.~~ **the Executive Director, after consultation with the appropriate Division Chief, or the Director of the Nebraska Law Enforcement Training Center when applicable.**
7. **PROCEDURE FOR HANDLING RECORDS REQUESTS:**
- A. Upon receipt of a written request for access to or copies of a public record, the Executive Director of the Commission, or the Director of the Nebraska Law Enforcement Training Center when applicable, shall provide an estimate of the expected cost of the copies and either (a) access to or copies of the public record, or (b) a written denial of the request together with all the information specified in 84-712.04 explaining the legal reasons for the denial, or (3) a written explanation

of the soonest possible date the request can be fulfilled, with an estimated cost of any copies, due to the significant difficulty or extensiveness of the request, to the individual or persons making the request.

B. The request must be fulfilled as soon as practicable and without delay, but not more than four (4) business days after the actual receipt of the request.

8.. COPY CHARGE: ~~A charge of 50 cents per page shall be assessed for all copies made.~~ A fee may be charged by the Commission for providing copies of requested public records. The fee must not exceed the amount of the reasonable calculated actual cost of the photocopies, which calculation may include reasonable apportioned costs of supplies, including paper, toner, and equipment used in preparing the copies.

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Distribution: Commission staff
Replaces O.I. #3 dated July 28, 1995