

REQUESTS FOR PUBLIC RECORDS

POLICY:

It is the policy of the Omaha Police Department (OPD) to comply with applicable state laws governing Public Record requests. The Public Information Office (PIO) is the Department's point of contact for Public Record requests. Requests for criminal history record information, police reports, and other types of publicly available Departmental reports will be handled as described in the OPD "[Records – Criminal History Records and OPD Report Dissemination](#)" policy.

DEFINITIONS:

Public Record: Per Nebraska Revised Statute (NRS) [§84-712.01](#), Public Records include all records and documents, regardless of physical form that belong to the OPD, except when any other statute expressly provides the particular information or record shall not be made public. Data which is a Public Record in its original form remains a Public Record when maintained in a computer file.

PROCEDURES:

I. General

- A. All requests for Public Records shall be submitted using the City of Omaha Public Records portal ([OPD Public Records Request](#)).
- B. Requests for Public Records shall be handled promptly per NRS [§84-712](#).
- C. Any OPD employee who receives a written request for a Public Record shall immediately notify the PIO of the request.
 1. Any OPD employee who received an electronic written request (i.e. email) for a Public Record that is found to be delivered to a spam or junk email folder must record the date and time the request was delivered to the spam or junk email folder and the date and time the employee first became aware of the request. This information and a copy of the email shall be promptly emailed to the PIO at the following email address: OPDFOIArequests@cityofomaha.org.
- D. Many types of OPD records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public per Nebraska State Law. NRS [§84-712.05](#) lists most of the types of records that may be withheld from public disclosure.
- E. The OPD Public Information Office (PIO) Lieutenant is ultimately responsible for communicating with the requesting party and providing them with a final response and requested public records.
 1. The PIO Lieutenant will coordinate with City Law when the request is unusual or requires additional legal analysis.
- F. See the OPD "[Records – Criminal History Records and OPD Report Dissemination](#)" policy for procedures related to requests for police reports and information such as criminal histories, OPD Incident Reports, mugshots, crash reports, etc.

II. Handling of Public Record Requests

- A. If the requesting party does not have access to the City of Omaha Public Records portal, their request for Public Records shall be submitted in writing to the OPD PIO using an OPD Public Records Request form ([OPD Form 38](#)) as described in this policy.

1. The OPD Public Records Request form ([OPD Form 38](#)) is available in electronic format upon request from OPD, and in paper form at OPD Headquarters and OPD precincts.

NOTE: Requesting parties may not always be required to identify themselves by name, address, etc. City Law shall be consulted if a requesting party does not want to be identified or provide information requested on the OPD Public Records Request Form ([OPD Form 38](#)).

- B. The PIO Lieutenant or designee shall promptly review the submitted Public Records Request forms and, if needed, obtain clarification and/or missing details from the requesting party.
- C. If there is any question, regarding whether or not the requested record is a public record or if the compilation of the requested public records will take more than four (4) hours, the PIO Lieutenant will promptly notify City Law of the request. In those cases, City Law shall respond to the requesting party and provide any public records.
- D. The PIO Lieutenant or designee will then promptly consult with applicable OPD employees to determine the availability of the requested Public Records, and if records are available, an estimated time frame (detailed in hours) for completion of the request.
 1. If the requested Public Records will take less than four (4) hours of OPD employees' time to compile, the records will promptly be compiled by the PIO Lieutenant or designee, with the assistance of applicable OPD employees, and submitted to City Law no later than two (2) business days from the date the original request was received. If the press of business does not allow for the gathering of responsive records within this time frame, the PIO Lieutenant or designee and City Law will be informed when the records can be provided.
 2. If it is estimated the request will take applicable OPD employees more than four (4) hours to complete, a detailed listing of the number of hours each specific employee is likely to spend fulfilling the request will be prepared and submitted to City Law, no later than two (2) business days from the date the original request was received. The OPD employee shall inform City Law of how long it will take to provide the records to City Law once they receive approval.

NOTE: Public Records that are available on a public website, such as the OPD website, do not need to be provided separately to the requesting party in another format unless the requesting party does not have access to the internet due to lack of computer, lack of internet availability, or inability to use a computer or the internet. In most cases, the internet location (website link, addresses, etc.) need to be provided to the requesting party ([NRS §84-712\(3\)\(a\)](#)).

- E. The PIO Lieutenant or City Law shall reply to the requesting party within four (4) business days.
 1. The PIO Lieutenant or City Law will relay to the requesting party what Public Records may be made available, if any, the estimated time frame for completion of the request, and the amount of any required deposit.
 2. The requesting party will have the opportunity to amend their request at this time or may elect to proceed with the original request.
 3. If the request will proceed forward, the PIO Lieutenant or City Law will collect any required deposit and will inform the PIO Lieutenant what Public Records need to be compiled, and the deadline for documentation to be returned to City Law.
 4. The PIO Lieutenant or designee will coordinate with the applicable OPD employees to compile the requested Public Records within the stated deadlines.

- a. Sensitive/Personal information will be redacted from documents as deemed appropriate with the approval of City Law.
- F. If the request will not be fulfilled, the PIO Lieutenant or City Law will provide the requesting party with a written denial within four (4) days, to include details per NRS [§84-712.04](#).

III. Maintenance of Records

- A. The PIO will maintain documentation of the following:
 - 1. Use of the City of Omaha Public Records portal to track and maintain records of all Public Record Requests received by the Department.
NOTE: All Public Records requests were maintained in IAPro prior to 2019.
 - 2. A copy of all OPD responses to City Law and all data provided to City Law in relation to Public Records requests.
 - 3. The City's official, final response to all Public Record Requests, including denials, and all associated documents provided to requesting parties as provided by OPD or City Law.
- B. City Law will maintain documentation of the following in the City of Omaha Public Records portal:
 - 1. The City's official, final response to all Public Record Requests, including denials, and all associated documents provided to requesting parties.
 - 2. A record of all fees collected related to Public Records requests.

REFERENCES:

I. Laws

- A. NRS [§84-712](#) through [84-713](#) are applicable to this policy.

II. Previous OPD Orders

- A. Previous General Orders: #20-18, 28-19, and 76-22.

III. Accreditation Standards

- A. Accreditation Chapter 82 relates to this policy.

IV. Other

- A. PPM Monthly Updates: #4-2021.