

**LAW DEPARTMENT**

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August 15, 2017

Alexander Cartwright & Jennifer Dirmeyer  
VIA EMAIL: [41633-68457352@requests.muckrock.com](mailto:41633-68457352@requests.muckrock.com)

Mr. Cartwright and Ms. Dirmeyer:

Please accept this correspondence as response to your public records request to the City of Lincoln Police Department (LPD) August 9, 2017.

- 1. What is the total number of complaints police officers made against their peer officers in department annually for the last 10 years? If your department logs complaints in a database, spreadsheet, or other log, a copy of those logs is fine instead. Please include the type of complaint (i.e., use of force, abuse language, unwarranted search) and the result of complaint (i.e., sustained, exonerated).**

The Lincoln Police Department does not separately track LPD peer complaints. All complaints, originating internally and from citizens outside the police force, are documented in LPD's annual reports under the heading "Unit Statistics" found here: <http://www.lincoln.ne.gov/city/police/annual/index.htm>

Reports detailing complaints against LPD employees are provided to Lincoln's Citizen Police Advisory Board. Those reports contain detailed information about LPD investigations and are withheld pursuant to Neb. Rev. Stat. § 84-712.05(5). I have attached minutes from each CPAB meeting since 2008 to this correspondence. CPAB meetings are generally held quarterly, but if there is not sufficient business for the Board to consider, or other conflicts arise, meetings may be cancelled or postponed. The City of Lincoln does not retain CPAB minutes prior to 2008.

LPD Internal Affairs personnel advise it will take hundreds of hours to review each relevant officer's personnel file to determine the origination, nature, and resolution of each complaint made over the last 10 years. Neb. Rev. Stat. § 84-712(3)(c) permits the City to charge a service fee equal to the labor costs associated with producing a public records responses when the time to produce the response exceeds four hours. The hourly fee to collect the specific information about Internal Affairs Complaints you have requested is estimated to be \$40.088 per hour (after the gratis first four hours).

If you would like LPD to begin the work to collect the information you have requested, a substantial deposit for fees will be required. Please consider the information above and advise if you would like LPD to proceed with gathering the data you have requested, or if you would like to amend your request. If I do not receive confirmation that you would like to proceed, or amend, within ten (10) days of the date of this letter, I will consider your request satisfied and this matter closed.

- 2. How many officer-involved-shootings were there per year for the last 10 years in your department? Any documentation or reports that detail the annual number of officer-involved shootings in your department for the past 10 years would be sufficient. Please include documentation regarding how many of these officer-involved shootings involved disciplinary action. (Please list officer firearm discharge directed at a person separately from a shooting involving an animal and separately from accidental firearm discharges). Please include the number of officer-involved shootings resulting in discipline.**

Fatal Shootings:

- January 4, 2008, an Officer shot and killed Scott Gannons, W/M 38. The Officer was exonerated and no discipline was issued.
- March 18, 2009, an Officer shot and killed Earl Russell, W/M 45. The Officer was exonerated and no discipline was issued.
- November 29, 2015, Officers shot and killed Zachary Grigsby, W/M 29. The Officers were exonerated and no discipline was issued.
- June 26, 2016, Officer's shot and killed Germichael Kennedy, B/M 22. The Officers were exonerated and no discipline was issued.

The above cases were all subjected to an Administrative Investigation by Internal Affairs and a Grand Jury process. All four resulted in No True Bill's from the Grand Jury.

Non-Fatal Shootings:

- November 7, 2009, an Officer fired their weapon into a vehicle driving towards them, striking the suspect but resulting in non-fatal wounds. The officer was exonerated and no discipline was issued.
- October 10, 2009, an Officer was investigated for a Use of Force/Shot Fired, however details are not available as the records no longer exist (older than 5 years). The Officer was exonerated and no discipline was issued.

Shootings of Dogs:

- March 21, 2015, an Officer shot a dog while on a call for service. The officer was exonerated and no discipline was issued.
- April 12, 2015, an Officer shot a dog while on a call for service. The officer was exonerated and no discipline was issued.

Additional department wide training was conducted following these two shootings reference interacting with dogs.

Negligent/Unsafe Firearm Discharge:

- July 24, 2008, Officers were participating in a firearms training scenario. Officers were conducting live fire and an officer was struck by a round. After the review the training scenario was deemed unsafe. It is unknown if discipline was issued as the records no longer exist (older than 5 years).

**3. Which of the above data are published publicly? Please provide a link to any and all publicly available reports containing the data above.**

Please refer to annual reports available here: <http://www.lincoln.ne.gov/city/police/annual/index.htm>

If you believe that the City of Lincoln has unlawfully withheld any records you have requested, you are hereby notified of your right to seek administrative review of the non-disclosure by the Nebraska Attorney General or petition the District Court of Lancaster County, Nebraska for a Writ of Mandamus demanding release of the withheld records. *See* Neb. Rev. Stat. § 84-712.03.

Please contact me directly by phone or email if you have questions about this response or wish to discuss further.

Regards,



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