



**City of Omaha
Jean Stothert,
Mayor**



**Todd R.
Schmaderer
Chief of
Police**

Omaha Police
Department
*"To Serve and
Protect"*
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police.cityofomaha.org

July 23, 2020

Dear Melanie Buer,

I am responding to your request on behalf of the Omaha Police Department. Your request is made pursuant to the provisions of the Nebraska Public Records Act.

In your request dated, June 19, 2020, you sought a copy of records related to:

All materials and records describing and sufficient to show/disclose all allegations of misconduct made and all disciplinary proceedings taken against any officer, employee, or representative of this policing agency.

Materials responsive to this request include — but are not limited to — all complaints, reports, records of discipline and penalties, aggregate collections of complaint and disciplinary materials (spreadsheets, databases), investigatory materials, relevant related correspondence, photographs, video, other related evidence, proof of discipline or fulfillment of penalties, and all personnel materials (including those used in promotion, contract, and other employment negotiations and considerations) that reference or utilize misconduct allegations or disciplinary materials of any sort.

Materials responsive to this request include all complaints— internal, external, and civilian — and include records disclosing the names, badge numbers, and personnel identification of each officer involved and/or serving as a witness, as well as all available details of the

incident/complaint: date, time, location, nature of the incident, description of the incident, nature of the investigation, investigatory materials, the disposition of the case, and any subsequent materials related to the execution of any resultant discipline. Responsive materials include all complaints and allegations against any officer, employee, or representative of this policing agency, regardless of whether that complaint or allegation resulted in any investigation or disciplinary action.

Responsive materials also include all records of use of force by officers, including records disclosing the names, badge numbers, and personnel identification of each officer involved and/or serving as a witness, as well as all available details of the incident: date, time, location, nature of the incident, description of the incident, nature of the use of force, subsequent investigatory materials related to the use of force, the disposition of any investigation into the incident, and any subsequent materials related to the use of force.

You requested records the following timeframe: January 1, 2010 - June 19, 2020

The Nebraska public records statutes allow persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those public records, and to obtain copies of public records in certain circumstances. Those statutes do not require a public agency to review documents and create abstracts or other lists, to answer questions, or to create documents that do not otherwise exist. *See* Neb. Rev. Stat. § 84-712. Although the Nebraska public records statutes provide for access to public documents, such access is not absolute. The statutes also provide for exceptions to disclosure by express and special provisions; there are 21 categories of documents that may be kept confidential from the public at the discretion of the agency involved. *See* Neb. Rev. Stat. § 84-712.05.

Additionally, we changed our professional standards software in 2013. Prior to that, the records were maintained in paper copy form which limits what information I am able to provide.

We are unable to provide a detailed spreadsheet for use of force reports information as requested we currently have no record that meets that request. In order to provide this type of information, an administrative assistant would have to review each use of force report and enter it into a spreadsheet or send you a redacted copy of each use of force report. Since 2013 there are just over 2300 unique incidents where some use of force occurred. A single incident may have multiple uses of force by multiple officers on multiple suspects. It would take our administrative assistant approximately 5 minutes per record to complete this task. She makes \$25 per hour. It would take approximately 198 hours to complete this task of \$5,000.

Regarding your request for citizen complaints, internal investigations and line investigations, I have provided a copy of a record which was created for a separate project. It contains the investigation type, the allegations, the finding and if discipline was issued, the discipline that was issued.

We are able to provide some aggregate data for your request. I have uploaded our Use of Force Analysis report that is completed by the Chairman of the Safety Review Board, who oversees the review of all use of force incidents for the department from 2008 until 2019.

Note: We do not provide copies of our use of force incident reports and citizen complaint, internal investigations line investigations because they contain investigative information and police tactical information, *see* Neb. Rev. Stat. § 84-712.05, as well as personal information in records regarding personnel of public bodies, *see* Neb. Rev. Stat. § 84-712.07.

This is the response required by NEB. REV. STAT. § 84-712(4).

Section 84-712.03 of the Nebraska Revised Statutes may grant you the right to administrative or judicial review of this response. Please consult the statute for further information. Chief of Police Todd Schmaderer is the public employee responsible for the decision to deny a portion of your request.

If you have any questions about the legal basis for this response, please contact me at 402.444.5861.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Bang". The signature is fluid and cursive, with the first name "Michele" and the last name "Bang" clearly distinguishable.

Deputy Chief Michele Bang
Police Services Bureau