



City of Omaha
Jim Suttle, Mayor

Law Department

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Paul D. Kratz
City Attorney

August 7, 2012

Amy A. Miller
ACLU Nebraska
941 'O' Street
Suite 706
Lincoln, Nebraska 68508

RE: Public Records Request – Automatic License Plate Readers

Dear Ms. Miller:

On behalf of Acting Chief of Police Dave Baker I am responding to your request for Omaha Police Department records. You ask for copies of records relating to the use of automatic license plate readers (ALPRS). Your request is made under the provisions of the Nebraska Public Records Act, Neb. Rev. Stat. sections 84-712 et seq. This is the response required by section 84-712(4)(c).

Your entire request cannot with reasonable good faith be fulfilled within the four days allowed by the Act. To the degree they exist, the records are maintained by several different departments and are not readily available. A hand search for the records will be needed and the Department appreciates and accepts your offer to allow four weeks to gather the material.

We do anticipate that your request will impose a substantial expense on the City. Staff time will be required to retrieve the records, some computer run time and programming is likely to be required, and there will be a cost for materials for copies. The cost is estimated to run between \$600.00 and \$800.00. I believe this cost recovery is consistent with Attorney General advisory opinion #01029 (August 2, 2001). A \$600.00 deposit will be required before retrieval begins, with a joint commitment to refund any unused amount and to pay any additional amount. You will receive a complete response as quickly as possible after this deposit is received.

It may be helpful if I provide some general information about the Omaha Police Department's practices so you can modify or prioritize your request.

OPD purchased three ALPR units from Federal Signal and began using them in 2009. Two units are mobile and one is installed in a stationary location. The stationary unit was struck

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by lightning over one year ago and has not been used since. One of the mobile units is currently inoperable and it's unknown when, if ever, it will be repaired.

The units do not photograph the license of every vehicle passing by; photographs are taken only when the reader understands the plate to match an NCIC stolen vehicles list automatically loaded into the units daily. At the end of a shift the photos and information is uploaded automatically to a secure server with the date, time, and coordinates of the camera location. Photos are maintained solely in the server until retrieved as evidence in a specific case investigation. There is no automatic notification that any photo exists – it is viewed only if a search of the database is made for a particular investigation. The database contains photos taken over the approximately three years of operation.

Because the information obtained is no more than what is publicly exposed to any police officer on the street, it is difficult to see the privacy issues expressed in the media coverage of your request. But OPD understands the valuable role your organization plays in our society and it will, nonetheless, provide the available, non-privileged, records upon receipt of the deposit.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas O. Mumgaard", is written over the typed name and title.

Thomas O. Mumgaard
Deputy City Attorney

c: Acting Chief Baker
Dep. Chief Schmaderer