

Checklist

(Numbers in parentheses following entries refer to page/s in text where discussed.)

* PUBLIC INFORMATION – RELEASE IT – NO EXCUSES ACCEPTABLE*:
ANYTHING AND EVERYTHING NOT LISTED BELOW IS PUBLIC INFORMATION

Specifically Public: Courts May Not Withhold from Public Access Investigation Records Relating to the Presence of and Amount or Concentration of Alcohol or Drugs in Any Body Fluid of Any Person

But, Exception to Public Access: **Anything A Judge Ordered Sealed,**

And Then, (very large potential) Exception to Any Confidentiality Rule:

Anything, even if described below and/or in the essay as permanently confidential, including juvenile records, if it was made part of the record of a court proceeding of any kind and/or part of a court case file, or, a judge ordered its release, becomes publicly accessible.

Note of Caution: Entries in any of the categories listed below can move to and from other categories due to individual case facts, so, they're all in a sort of "it depends" state of being, but relatively stable.

A Very Special Set of Records

Juvenile Court Records:

1. *ALWAYS RELEASE to the public: pleadings, orders, decrees, and judgments;*
2. *BUT NEVER EVER RELEASE: pleadings, orders, decrees, and judgments in 3(c) cases (juvenile mental health commitment actions); AND,*
3. *NEVER EVER RELEASE ANY OTHER JUVENILE RECORDS!*

Check the statute, § 43-2,108 – full of limited exceptions, *but not public access!* (4-8)

A. Permanently Confidential Court Records
Never Ever Release – Period:

But, anything, even if described below and/or in the essay as permanently confidential, if it was made part of the record of a court proceeding of any kind and/or part of a court case file, or, a judge ordered its release, becomes publicly accessible.

1. Pre-sentence Reports and Pre-sentence Psychiatric Examinations (4)
2. Adult Mental Health Commitments, *except medical and psychiatric reports not received in evidence at trial resulting in verdict of not responsible by reason of insanity, a/k/a, not guilty by reason of insanity, which fall into it-depends class* (8)
3. Adoption Case Records, *limited exception under Indian Child Welfare Act, but even then not to the public* (8-9)
4. State DNA Sample Bank and the State DNA Data Base Records (9)
5. Sexual and Domestic Abuse Victims' Confidential Communications to Advocates (9)
6. Nebraska Sex Offender Registration Act (other than required releases) (9)
7. Grand Juror Votes on any question before the grand jury and any grand juror's opinions on such questions (9)

B. Temporarily Confidential Court Records

But, anything, even if described here and/or in the essay as temporarily confidential, if it was made part of the record of a court proceeding of any kind and/or part of a court case file, or, a judge ordered its release, becomes publicly accessible.

1. Search Warrant Applications -Release Only After Warrant Executed, Returned, and Filed (10)
2. Wiretapping and Other Electronic, Wire, or Mechanical Communications Intercepts -Release Only On Judge's Order – at least for now; no definite answer possible (10)
3. Indictments, Informations, & Complaints (until filed & case docketed, but if accused in custody or under bail, non-disclosure inapplicable) (10-12)

***C. It Depends – Permanently, Temporarily, &
Maybe Not At All, Confidential Court Records***

But, anything, even if described below and/or in the essay as permanently confidential, if it was made part of the record of a court proceeding of any kind and/or part of a court case file, or, a judge ordered its release, becomes publicly accessible.

And a Statutory General Rule Relating to All of the Following: *Information That Has Been Disclosed in Open Court Cannot Be Withheld from Public Access*

1. Jury Selection Lists - Release Only Actually Selected Jurors, Grand & Petit, *Unless Judge Orders Otherwise* (12)
2. Grand Jury Reports - Release Only After Report Filed, Unless District Judge Orders Otherwise (12-13)
3. Victims and Witnesses Names & Addresses - *conflicting statutes & rules on this one* (13-14)
4. General Criminal History Information - Only Show Inquirer the Public Access Terminal (& the User's Manual) and Old Criminal Indexes (14-15)
5. Mediation Communications (15)
6. Identity of Informers (15-16)
7. Adult Abuse Records (16)
8. Lawyer Disciplinary Proceeding Records (16)
9. Personal Information in Records Regarding a Student, Prospective Student, or Former Student of Any Educational Institution or Exempt School That Has Effectuated an Election Not to Meet State Approval or Accreditation Requirements When Such Records Are Maintained by and in the Possession of a Public Entity, Other than Routine Directory Information (16-17)
10. Medical Records, Other than Records of Births and Deaths and Except as Provided in § 84-712.05(5)(Investigation Materials) (17)
11. Records of Election to Not Be Bound by the Nebraska Hospital Medical Liability Act (§ 44-2821) (17)
12. Patient Safety Work Product under the Patient Safety Improvement Act (17)
13. Record of Proceedings Conducted by Health Care Peer Review Committees and Forced Disclosures of the People Who Participated in the Peer Reviews (17)
14. Trade Secrets, Academic and Scientific Research Work That Is in Progress and Unpublished, and Other Proprietary or Commercial Information That If Released Would Give Advantage to Business Competitors and Serve No Public Purpose (17)
15. 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, Investigation, Intelligence Information, Citizen Complaints or Inquiries, Informant Identification, or Strategic or Tactical Information Used in Law Enforcement Training (17-18)
16. 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 (18)
17. Sexual and Domestic Abuse Victims' Confidential Communications to Advocates (9)