

February 19, 2021

Mr. Todd Schmaderer  
Chief of Police  
505 South 15th Street  
Omaha, NE 68102



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Nebraska

134 S. 13th St. #1010  
Lincoln, NE 68508  
(402) 476-8091  
aclunebraska.org

***Re: Surveillance of racial justice advocates***

Chief Schmaderer:

For over 50 years in Nebraska, the ACLU has worked in courts, legislatures, and communities to protect the constitutional and individual rights of *all* people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberties fights, daring to create a more perfect union.

I am writing to give you a heads up as a professional courtesy about work we have been doing over the past many months to ensure transparency and accountability in the OPDs response to widespread peaceful protest this summer. As you know, your previous responses to public records requests raised red flags for us regarding surveillance of BLM activists.

As such, we have been sharing information with community leaders and are preparing a media release around these matters the week of February 22, 2021. In connection with that effort, I invite your response as to the extent and utility of Omaha Police Department surveillance of residents active in the racial justice movement.

After review of the information previously provided, we have significant concerns related to both the sheer extent of surveillance and its purpose. It appears to us surveillance reflected by the public records was linked to advocates' beliefs about the need for police reform rather than to reasonable suspicion of criminal conduct or activity. Out of concern for the safety and rights of local Black activists and their allies, we respectfully seek immediate clarification on the following points.

1. What policy, if any, covers police corresponding about and monitoring lawful activities of advocates, such as a local advocate's birthday party, a journalist posting a Facebook event for a city council meeting, or the ACLU's legal clinic at Culxr House?
2. Did Command Staff authorize police surveillance of individuals associated with racial justice and/or police reform movements

following the initial protests at the end of May, 2020? Was the monitoring of the foregoing lawful activities consistent with your Department's policies and procedures?

3. Did the surveillance of Black Lives Matter activists, including surveillance of chalking the sidewalks outside of OPD Headquarters, draw resources away from or otherwise interfere with other important police functions, such as genuine threats to public safety or investigation of serious crimes like sexual assaults or homicides?



I am sure you understand there is a disturbing historical pattern of police monitoring lawful activities of Black civil rights leaders. Unnecessary, biased surveillance damages public trust and our shared public safety goals – especially among communities that suffer the most from police misconduct and over policing.

We look forward to your prompt response to the questions above and sincerely hope you will address these concerns by clearly stating surveillance absent firm legal grounding will no longer happen under your watch.

Very truly yours,

A handwritten signature in blue ink, which appears to read "Adam J. Sipple".

Adam J. Sipple

C: Bernard In den Bosch, Esq.  
Mayor Jean Stothert