
IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN CIVIL LIBERTIES
UNION OF NEVADA, a domestic non-
profit organization,

Appellant,

v.

CLARK COUNTY SCHOOL
DISTRICT, a public entity of the State
of Nevada,

Respondent/Cross-Appellant.

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CASE NO. 88680

**Appellant American Civil Liberties Union of Nevada's
Opening Brief**

Appeal from Eighth Judicial District Court, Clark County
Case No. A-23-869216-W
Hon. Danielle Pieper, District Judge

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NRAP 26.1 Disclosures

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) that must be disclosed. These representations are made in order that the justices of this Court may evaluate possible disqualification or recusal.

American Civil Liberties Union of Nevada Foundation, Inc., is a domestic nonprofit, non-stock corporation. It has no parent corporations, and no publicly held corporations have an ownership interest in it. This party is represented by Christopher Peterson and Jacob Smith.

Dated: February 10, 2025

Respectfully submitted,

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Jurisdictional Statement

On May 10, 2024, The ACLU of Nevada timely filed its appeal of the district court's order issued on April 10, 2024, which denied the ACLU's petition for writ of mandamus in part. When the district court entered a subsequent final order on July 30, 2024, it expressly incorporated its ruling in the April 10, 2024, order. Joint Appendix, Vol. III, Notice of Entry of Final Order, APP 543–546. As ACLU's appeal was still pending as of July 30, 2024, the ACLU's appeal is considered filed as of the date that the final order was issued. NRAP 4(a)(2).

Routing Statement

This matter should be retained by the Supreme Court pursuant to NRAP 17(d)(2)(D) as the brief's sole issue is a question of statewide importance that has application beyond the parties. Whether NRS 289.080(9) exempts every document that a government agency places into a “file concerning [an] internal investigation” as described in that statutory provision will impact every Nevada Public Records Act (NPRA) request by a media organization or watchdog group seeking to hold officers and their agencies accountable for misconduct. This Court alone has ruled in multiple public records request cases within the last few years where the requester sought records related to investigations into police misconduct. *See, e.g., Conrad v. Washoe Cnty.*, No. 87468, 2024 Nev. Unpub. LEXIS 974 (December 16, 2024) (request seeking records related to an officer involved shooting); *Las Vegas Review-*

Journal, Inc. v. Las Vegas Metro. Police Dep't, 139 Nev. Adv. Rep. 8, 526 P.3d 724 (2023) (requests seeking records related to investigation into peace officer for criminal activity).

Statement of Issue Presented

Does NRS 289.080(9) create a blanket exemption for all documents an agency has decided to place within a “file concerning [an] internal investigation” into police misconduct whenever the investigation agency decides not to recommend punitive action against the officer investigated?

Statement of the Case

On February 9, 2023, a video circulated on social media depicting a CCSD police officer, later identified as Jason Elfberg, grabbing, throwing, and pinning down an unidentified boy with his knee while yelling profanity at a group of students outside of Durango High School. *See* ACLU of Nevada’s Petition for Writ of Mandamus, Joint Appendix, Vol. I, APP 019. Multiple media outlets, both local and national, reported on the incident.¹ *Id.* Community organizations, including the

¹ *See also, eg.,* Michael Bell and Joe Vigil, *Video shows CCSD officer shove student to ground, school district ‘concerned’ over interaction*, Fox 5 Las Vegas (February 10, 2023, 4:07 PM), <https://www.fox5vegas.com/2023/02/11/video-shows-ccsd->

ACLU, the National Association for the Advancement of Colored People (NAACP) and National Action Network (NAN), demanded that CCSD take action to address the incident.² Id. at APP 020.

I. The ACLU submits its public records request to CCSD for documents related to the February 9th incident, which CCSD denies.

On February 21, 2023, the ACLU sent a public records request to the Clark County School District for information related to the February 9th incident. Initial Public Records Request made on February 21, 2023, Joint Appendix, Vol. I, at APP 001–004. In that communication, the ACLU requested the following records among others:

Any logs, documents, and/or files related to the February 9, 2023, incident at Durango High School including but not limited to:

officer-shoves-student-groundschooldistrict-concerned-over-interaction/; Tiffany Lane, *NAACP: CCSD police officer who slammed teen to ground has been reassigned*, News 3 Las Vegas (February 14, 2023, 6:31 PM), <https://news3lv.com/news/crisis-in-the-classroom/naacp-ccsd-police-officer-who-slammed-teen-to-ground-has-been-reassigned>; Associated Press, *Nevada Officer Slams Student Recording Police, Kneels on Him*, U.S. News (February 17, 2023, 12:47 AM), <https://www.usnews.com/news/beststates/nevada/articles/2023-02-17/nevada-officer-slams-student-recording-police-kneels-on-him>.

² See also, e.g., Joshua Peguero, *Civil rights groups hold protest after CCSD police incident near Durango High School*, 8 News Now (February 17, 2023, 8:01 PM), <https://www.8newsnow.com/news/local-news/civil-rights-groups-hold-protest-after-ccsd-police-incident-near-durango-high-school/>; Joe Vigil, *ACLU and NAACP demand CCSD police officer be fired, CCSD Police Chief responds for first time*, Fox 5 Las Vegas (February 15, 2023, 8:47 PM), <https://www.fox5vegas.com/2023/02/16/aclu-naacp-demand-ccsd-police-officer-be-fired-ccsd-police-chief-responds-first-time/>.

- (a) Any video footage—including but not limited to footage from cameras worn by CCSDPD officers or CCSD surveillance cameras—related to and depicting the incident;
- (b) Any photographs from the incident;
- (c) Any BlueTeam data related to the incident including but not limited to data related to uses of force, pursuits, and complaints;
- (d) Any witness statements related to the incident;
- (e) Any reports, notes, or other written material generated by CCSD employees describing the incident;
- (f) Any communications by CCSD employees discussing the incident, including but not limited to CCSD administration and police personnel; and
- (g) Any materials describing the disciplining, sanctioning, or reprimanding of CCSD employees and students related to the incident.

Id. at APP 002. On March 14, 2023, CCSD responded by providing records generally related to CCSD’s training but refusing to disclose any records specifically related to the February 9th incident, stating that any potential records CCSD may have related to incident were confidential and privileged. Respondent/Defendant CCSD’s Email Response Asserting Privileges on March 14, 2023, Joint Appendix, Vol. II, at APP 005–008. CCSD did not cite NRS 289.080(9) in this initial response, only “NRS Chapter 289”. Id. at APP 005. On March 21, 2023, CCSD asserted additional

privileges, this time including a reference to 289.080 generally, but again did not reference NRS 289.080(9) or an “investigative file” in the correspondence. Respondent/Defendant CCSD’s Email Response Asserting Privileges on March 21, 2023, Joint Appendix, Vol. II, at APP 009–011.

On March 27, 2023, CCSD sent a final email to the ACLU of Nevada listing out all confidentiality provisions that CCSD believed might apply, combining all privileges asserted in its March 14th and March 27th communications. Respondent/Defendant CCSD’s Email Response Asserting Privileges on March 27, 2023, Joint Appendix, Vol. II, at APP 0012–015. Again, CCSD did not cite to NRS 289.080(9) specifically or claim privilege over a “file” related to its investigation in this response. *Id.*

II. CCSD comments on incident to the public without disclosing records.

On March 6, 2023, Chief Henry Blackeye, the chief of police for CCSD, attended a town hall meeting hosted by NAN.³ ACLU of Nevada’s Petition for Writ of Mandamus, Joint Appendix, Vol. I, APP 021–022. According to news reports, Blackeye told the crowd that the incident was related to a CCSD weapons investigation into someone brandishing a firearm and denied that the officers

³ See also Hillary Davis, *CCSD police chief meets with rights group over Feb. 9 officer incident*, Las Vegas Sun (March 6, 2023), <https://lasvegasun.com/news/2023/mar/06/ccsd-police-chief-meets-with-civil-rights-group-ov/>.

detained the students because the students were filming them. *Id.* However, even after issuing these public statements, CCSD continued to refuse to voluntarily disclose any records from the incident, denying requests for the police reports or body worn camera.⁴

III. The ACLU files its petition for writ of mandamus challenging CCSD's denial.

On April 19, 2023, the ACLU filed a writ of mandamus in the Eighth Judicial District Court, seeking an order compelling CCSD to produce the records and a request that the court sanction CCSD for failing to adhere to the NPRA. *See* ACLU of Nevada's Petition for Writ of Mandamus, Joint Appendix, Vol. I, APP 016–030. The ACLU's opening brief did not address NRS 289.080(9) as CCSD had not asserted a privilege pursuant to that subsection in its pre-litigation correspondence with the ACLU. *See* ACLU of Nevada's Opening Brief in Support of Petition for Writ of Mandamus, Joint Appendix, Vol. I, APP 031–074.

On June 9, 2023, CCSD responded that there were no records responsive to the ACLU's request for “(1) photographs; (2) witness statements; (3) BlueTeam data; (4) disciplining, sanctioning, and reprimands related to February 9th Incident of

⁴ *See* Lorraine Longhi, *What are they hiding, District denies records request for police-student incident*, Las Vegas Review-Journal (March 19, 2023), <https://www.reviewjournal.com/investigations/what-are-they-hiding-district-denies-records-request-for-police-student-incident-2746975/>.

students; and (5) disciplining, sanctioning, and reprimands related to February 9th Incident of CCSD employees.” Respondent/Defendant CCSD’s Response to Petitioner/Plaintiff ACLU of Nevada’s Opening Brief in Support of Petition for Writ of Mandamus Pursuant to NRS 239.001 et. seq. and Motion for Summary Judgment, Joint Appendix, Vol. I, APP 086. CCSD also argued that the remaining records were either protected under NRS Chapter 62H or that CCSD’s interests in non-disclosure, due to the burden of reviewing records, outweighed any public interest. *See generally* Id. Again, CCSD did not cite to NRS 289.080(9) or reference an “investigative file” in this opposition. *See generally* Id.

On July 11, 2023, the district court first heard argument, and at the close of the hearing, the court ordered supplemental briefing to address issues related to the “internal affairs investigative report prepared by CCSD’s internal investigation of Lt. Elfberg.” Notice of Entry of Order, Joint Appendix, Vol. III, APP 537. In its supplemental opening brief, CCSD cited specifically to NRS 239.080(9) for the first time, but CCSD again failed to argue that NRS 289.080(9) provided an independent basis for withholding records pursuant to the NPRA. Respondent CCSD Supplemental Opening Brief, Joint Appendix, Vol. I, APP 141 – 150. Rather CCSD relied on the balancing test originating in *Clark Cty. Sch. Dist. v. Las Vegas Review-Journal*, citing to NRS 289.080(9) only as persuasive authority within the context of that test. Id. ACLU filed a response on August 8, 2023, and CCSD filed a reply on

August 15, 2023. At no point during this first round of supplemental briefing did CCSD argue that NRS 289.080(9) offered an independent basis outside of the *CCSD* balancing test to withhold records in response to a public records request.

IV. CCSD files its privilege log as required by *Gibbons* and asserts privilege pursuant to NRS 289.080(9) over every document except the ACLU's original public records request.

Six months after the initiation of litigation, CCSD filed a privilege log on September 21, 2023, listing 85 separate items responsive to the ACLU's request that CCSD withheld as exempt from disclosure. CCSD's Privilege Log, Joint Appendix, Vol. I, APP 212–235. For every item other than the ACLU's own records request, CCSD asserted NRS 289.080(9) as an independent basis to withhold the records. *Id.* In doing so, CCSD claimed NRS 289.080(9) as a basis to withhold all body worn camera from February 9th incident, the citation issued to one of the students, and the incident reports. *Id.* at APP 215–APP 217, APP 221, APP 233. CCSD also asserted privilege pursuant to NRS 289.080(9) to withhold newspaper articles and a TikTok video presumably created by third parties and collected by CCSD. *Id.* at APP 227–228. and In regards to documents related to CCSD's own investigation, CCSD asserted NRS 289.080(9) privilege over documents clearly accessible to the officer under investigation, including communications and warnings sent to Elfberg as well as Elfberg's own witness statements. *Id.* at APP 214, APP 219 – 220, APP 222–225, APP 227.

V. The district court grants the ACLU’s petition in part, denies the petition in part, and CCSD releases body worn camera footage from the incident.

On December 18, 2023, the district court issued an order granting in part and denying in part the ACLU’s petition. Notice of Entry of Order, Joint Appendix, Vol. II, APP 394–403. In granting the petition, the district court found that the body worn camera footage, citation, incident report, and Computer Assisted Dispatch log notes from the February 9, 2023, incident were public records subject to disclosure. *Id.* at APP 399–APP 402. The district court made this finding even though CCSD had asserted privilege pursuant to NRS 289.080(9) over these documents in its privilege log. CCSD’s Privilege Log, Joint Appendix, Vol. I, at APP 215–APP 217, APP 221, APP 233. The district court ordered that CCSD release these documents with appropriate redactions to protect the identities of the juveniles involved in the incident. Notice of Entry of Order, Joint Appendix, Vol. II, APP 403.

In denying the petition in part, the district court ruled that the internal affairs report was “confidential pursuant to NRS 239.010.” *Id.* at APP 403. The court reasoned that because CCSD did not take punitive action against Elfberg, NRS 289.080(9) barred Elfberg from accessing the report, and since NRS 289.080 was listed in NRS 239.010, this necessarily meant that NRS 289.080(9) exempted investigative reports from internal investigations from disclosure under the NPRA.

Id. at APP 402–403. The district court did not rule on any other documents listed in CCSD’s privilege log in the order issued on December 18, 2023. Id.

On January 18, 2024, CCSD complied with the court’s order and released the body worn camera footage, citation, incident report, and Computer Assisted Dispatch log notes with the identifying information of any juveniles involved in the incident redacted. Notice of Entry of Final Order, Joint Appendix, Vol. III at APP 545.

VI. After further briefing, the district court denies access to any other records identified in CCSD’s privilege log while citing exclusively to NRS 289.080(9).

On September 26, 2023, the ACLU moved for supplemental briefing to address the privileges raised in CCSD’s privilege log, which the district court granted.

During this second round of supplemental briefing, CCSD argued for the first time in writing that NRS 289.080(9) was an independent statutory basis to withhold records requested pursuant to the NPRA. CCSD’s argument mirrored the district court’s reasoning in the order issued December 18, 2023, that NRS 289.080(9)’s inclusion in NRS 239.010 along with Elfberg’s alleged inability to access the investigative file meant that the investigative file was privileged. CCSD’s Supplemental Answering Brief, Joint Appendix, Vol. II, at APP 431–433. CCSD also incorporated an updated privilege log into its brief identifying all documents that it

asserted NRS 289.080(9) over. *Id.* at APP 422–APP 426. Despite stating that no one, including Elfberg, could access the privileged documents, *see id.* at APP 427 (“Lt. Elfberg has not reviewed, inspected, or received a copy of any records contained in the Internal Affairs Investigative File.”), CCSD yet again asserted privilege over materials generated by third parties and documents Elfberg clearly had access to. *Id.* at APP 422–426 (asserting privilege over Elfberg’s correspondences, Garrity warnings, and statements).

After the parties completed this second round of supplemental briefing, the district court determined that all outstanding records in CCSD’s privilege log were exempt from disclosure pursuant to NRS 289.080(9). Relying on the same reasoning it applied to the investigative report, the district court determined that NRS 289.080(9) was an exemption to the NPRA because (1) NRS 289.080 was among the statutory provisions listed in NRS 239.010 and (2) as CCSD had not recommended punitive action against him, Elfberg had no way to access to the documents in the investigative file.⁵ Notice of Entry of Order, Joint Appendix, Vol.

⁵ To the extent that it is relevant, the district court claimed “it is undisputed that neither CCSDPD nor CCSD recommended any punitive action against Lt. Elfberg and Lt. Elfberg has not been given an opportunity to review the materials included in the Internal Affairs Investigative File.” Notice of Entry of Order, Joint Appendix, Vol. III, *Id.* at APP 538–APP 539. The second part is inaccurate – while the ACLU did not dispute no punitive action was taken, it repeatedly disputed before the district court the claim that Elfberg did not have access to these records in multiple rounds of briefing. *See, e.g.,* ACLU of Nevada’s Reply in Support of Opening Brief, Joint

III, at APP 538–539. The court did not explain why the body worn camera, incident report, or citation released in its first order would have fallen outside of CCSD’s “investigative file.” Id. The court’s order also did not explain why documents that were not generated by CCSD, such as news reports and TikTok videos, and documents that Elfberg had access to could be withheld pursuant to NRS 289.080(9). Id.

To its credit, the district court acknowledged struggling with its decision, stating:

I would love for another Court to give me guidance in regard to this, because I’m going to be honest with the parties. In looking through this, the Court was looking at a different ruling in regard to some of these items related to this investigative file. But after looking at my order and looking at the statute, I think that's -- and while I understand the ACLU will disagree with my decision, I think to be consistent, that's the decision the Court is going to make today.

Transcript of March 19, 2024, Hearing, Joint Appendix, Vol. III, APP 515. The court also stated that “I think that some of the [outstanding documents] could be turned over with redaction, but I think to be consistent with my ruling and my order, this is the decision that the Court has to go with.” Id. at APP 516.

Appendix, Vol. II, APP 405 (“[CCSD] necessarily sweeps in documents that Elfberg undisputably had access to including the transcript of the interview with Elfberg, emails to Elfberg, and other records Elfberg necessarily had access to.”).

The court issued a written ruling on April 10, 2024, consistent with its ruling from the bench, and ultimately incorporated that order and the order issued on December 19, 2023, into its final order issued on July 30, 2024. Notice of Entry of Final Order, Joint Appendix, Vol. III, APP 544–545.

The ACLU now appeals the district court’s order finding that NRS 289.080(9) is an exemption to the NPRA.

Summary of Argument

The district court erred in denying the ACLU access to records based upon NRS 289.080(9). NRS 289.080(9) does not exempt any records from disclosure under the NPRA. Unlike other subsections in NRS 289.080 such as NRS 289.080(6) and NRS 289.080(7), NRS 289.080(9) does not contain any language that renders any documents “confidential” or otherwise exempts them from a public records request. Nothing in either NRS 289.080(9)’s or NRS 239.010’s legislative histories suggest that NRS 289.080(9) was ever intended to even implicitly authorize the government to withhold records.

Rather, NRS 289.080(9) is clearly a discovery provision that only imposes an affirmative duty on government agencies to *disclose* documents under specific conditions, granting the investigated officer the right to review an agency’s investigative file if an agency seeks to discipline the officer.

Beyond the plain text and related history, allowing the government to withhold documents pursuant NRS 289.080(9) invites abuse that would fundamentally undermine the NPRA. NRS 289.080(9) does not clearly define what an “investigative file” is or limit what an agency can shove into such a “file”. Interpreting NRS 289.080(9) as an exemption to the NPRA incentivizes the governments to open investigations with the objective to shield documents rather than uncover wrongdoing. Finally, such an interpretation necessarily impedes the public’s ability to judge for itself whether a law enforcement agency is adequately policing misconduct by peace officers, which this Court has recently recognized the public has a substantial interest in.

Standard of Review

The issue presented is an issue of statutory interpretation: whether the district court err in finding that NRS 289.080(9) provides a statutory exemption to the NPRA. This Court reviews de novo questions of statutory interpretation. *Webb v. Shull*, 128 Nev. 85, 88, 270 P.3d 1266, 1268 (2012).

Argument

While the district court granted the ACLU’s petition in regards to body worn camera footage, incident report, citation, and CAD log from the incident on

February, it denied the petition in regards to a trove of other documents identified in CCSD's privilege log that were responsive to the ACLU's request. The withheld records include but are not limited to voicemails from people not employed by CCSD, communications between CCSD investigators and Elfberg, witness statements collected by the investigators from the incident, and TikTok videos presumably depicting the incident. To justify withholding these records, the district court reasoned that NRS 289.080(9) rendered any documents CCSD placed in its investigative file confidential, and in turn apparently relied upon CCSD's representations as to what constituted the agency's protected file in refusing to release any other documents besides the body worn camera, incident report, citation, and CAD log from the incident. Notably, the district court relied entirely and solely upon NRS 289.080(9) in its denial; it did not rely on any other privileges or balancing tests in denying the ACLU's request. Notice of Entry of Final Order, Joint Appendix, Vol. III, APP 543–545.

This was in error. The plain language of NRS 289.080(9) only mandates that the government disclose records under specific circumstances and in no way grants the government the power to withhold documents sought under other statutory provisions. Reading an implicit exemption into NRS 289.080(9) would necessarily run contrary to the NPRA's mandate that any possible exemption be interpreted narrowly. Beyond the plain text and related history, allowing the government to

withhold documents pursuant to NRS 289.080(9) invites manipulation by agencies to avoid disclosing sensitive documents and is at odds with the purpose of the NPRA.

I. The plain language of NRS 289.080(9) does not authorize CCSD to withhold documents requested pursuant to the NPRA.

The NPRA's "purpose ... is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law." NRS 239.001(1). In turn, the NPRA's provisions "must be construed liberally to carry out this important purpose[.]" NRS 239.001(2). Conversely, any exceptions to the access enshrined in the NPRA must be construed narrowly. NRS 239.001(3).

A governmental entity withholding a record bears the burden of proving that the requested record is confidential. NRS 239.0113. The government entity must show that a provision explicitly exempts the record from the Nevada Public Records Act, or if a provision does not explicitly exempt a public record, that the entities' interest in non-disclosure clearly outweighs the public's interest in the records. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 880, 266 P.3d 623, 628 (2011). Even if the government entity satisfies this burden, it must release the record in a redacted form if portions of the records are not confidential. NRS 239.010(3).

This Court previously provided a roadmap in *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal* for how Nevada courts should determine whether a particular statute exempts records from disclosure

pursuant to the NPRA and, if an exemption exists, the scope of that exemption. The analysis begins with determining whether the statutory provision at issue is referenced in NRS 239.010(1). *Clark Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal*, 136 Nev. 44, 50, 458 P.3d 1048, 1054 (2020). After determining NRS 239.010(1) references the provision at issue and the “statute clearly and unambiguously creates an exception to disclosure of a public record”, the analysis turns to the statutory provision itself to determine the scope of the exemption. *Id.* (quotation excluded). In interpreting a statutory provision, the Court cautions that the statute would need to be construed “as a whole, so that all provisions are considered together and, . . . [the Court] will seek to avoid an interpretation that leads to an absurd result.” *Id.* at 136 Nev. at 48, 458 P.3d at 1053 (2020) (quotation omitted). Finally, it emphasized any exemption found within the statute “must be interpreted narrowly.” *Id.* at 136 Nev. at 50, 458 P.3d at 1054 (2020).

Using the facts of *Clark County Office of the Coroner/Medical Examiner* as an example in how to apply this process, the Court there began by recognizing that NRS 432B.407, which contained the privilege at issue, was included in NRS 239.010(1). *Id.* It then turned to NRS 432B.407 to determine what unambiguous privileges were contained in the statute and interpret the scope of those privileges. *Id.*, 136 Nev. at 50, 458 P.3d at 1054. The Court focused on the language in NRS 432B.407(6), the only subsection in NRS 432B.407(6) that clearly and

unambiguously created an exception to disclosure of a public record, rather than all subsections in NRS 432B.407 referring to specific documents or rights of access. *See id.*, 136 Nev. at 50-51, 458 P.3d at 1054–55; *see also* NRS 432B.407(1) (listing documents accessible by multidisciplinary team). Then the Court interpreted the confidentiality provision found in NRS 432B.407(6) narrowly, determining that only the documents in the possession of the team discussed in NRS 432B.407(6) were confidential under that provision; documents held by government actors outside of that team, even if identical to those possessed by the team, were not subject to confidentiality under NRS 432B.407(6). *Id.*, 136 Nev. at 54, 458 P.3d at 1056.

Here the district court correctly determined that NRS 239.010(1) references NRS 289.080 but failed to determine what, if any, subsection clearly provided an exemption to the NPRA or to evaluate the scope of those exemptions. The only subsections in NRS 289.080 that clearly and unambiguously create an exception to disclosure of a public record are NRS 289.080(6) and NRS 289.080(7). NRS 289.080(6) states that “[a]ny information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.” Similarly, NRS 289.080(7) states that “[a]ny information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the (a) [r]equest of the peace officer; or (b) [l]awful order of a court of competent jurisdiction.” Taking the

necessary next step and interpreting these provisions narrowly, only the information “a representative obtains” would be considered confidential, which is similar to how NRS 432B.407(6) only renders documents in the possession of the multidisciplinary team discussed in that provision confidential. *See* NRS 289.080(6) & NRS 289.080(7) (expressly referring to “information a representative obtains”). As to the purpose of these provisions, a government official acting effectively as defense counsel for an officer under investigation would need confidentiality to perform their function; the agency who is effectively prosecuting the officer would not need that same protection.

“[W]here [a] document has used one term in one place, and a materially different term in another, the presumption is that the different term denotes a different idea.” A. Scalia & B. Garner, *Reading the Law: The Interpretation of Legal Texts* 170 (2012). Compared to NRS 289.080(6) and NRS 289.080(7), NRS 289.080(9) does not clearly and unambiguously create an exception to disclosure of a public record. NRS 289.080(9) does not use the term “confidential” or provide any express bar on disclosure. And unlike NRS 289.080(6) and NRS 289.080(7), NRS 289.080(9) does not describe any information as “confidential and not to be disclosed.”

The Legislature knew how to create confidentiality provisions when it intended them, and its omission of such language from subsection 9 indicates it

created no NPRA exemption there. The legislative history of NRS 239.010 supports the interpretation that only NRS 289.080(6) and NRS 289.080(7), not NRS 289.080(9), were intended as exemptions to the NPRA. When NRS 239.010 was amended during the 2013 legislative session, the Legislature provided in the record a table identifying the exemption contained in each statute listed in NRS 239.010. Hearing on A.B. 31 Before the Assembly Comm. on Government Affairs, 77th Session (Nev. February 7, 2013), Ex. “Section 3–Table”. The table described the exemption contained in NRS 289.080 as “Peace officers: Any information that a representative obtains from a peace officer who is a witness concerning an investigation of another peace officer”; the table did not refer to the agency’s “file concerning the internal investigation” though the accused’s right of access after recommendation of punitive action existed at that time. *Id.* at 7; NRS 289.080 (2011). And when NRS 289.080(9) was amended in 2020 into its current form, the bill’s sponsor only described the changes as providing procedural protections to officers; at no point did the sponsor or any other legislator suggest that any changes to what became NRS 289.080(9) somehow restricted access to public records. Hearing on S.B. 2 Before Senate Comm. of the Whole, 32nd Special Session (Nev. August 1, 2020).

Rather than creating an exemption to the NPRA, NRS 289.080(9) provides procedural protections to officers threatened with punishment for misconduct.

Similar to the right to notice, be heard, and discovery bestowed upon defendants in both criminal and civil cases, NRS 289.080(9) requires an agency recommending punitive action to notify the accused officer and their representatives of the recommendation, to provide the officer with the opportunity to respond to the notice, and to disclose documents in the agency's "file concerning the investigation" to the officer's upon request. *Compare* NRS 289.080(9) *with* NRS 171.1965(1) (providing the accused in a criminal case the right to access documents in a prosecutor's possession prior to preliminary hearing) & NRS 174.235(1) (expanding the right to access of the accused in a criminal case when trial is pending). The accused officer's right to access the investigative file is essential in ensuring a fair and adequate process – after all, requiring an officer to file a public records request and wait weeks, if not months and years, to adequately defend against a misconduct allegation would be absurd.

Nothing in NRS 289.080(9) describes any records as confidential or otherwise exempt from disclosure. Nothing in NRS 289.080(9) suggests that the provision offers exclusive rights of access. Nothing in NRS 289.080(9) otherwise limits the rights conveyed by other Nevada statutory provisions to access records that an agency has placed in their files. Instead, everything in NRS 289.080(9) focuses on ensuring that an officer receives adequate due process during a misconduct investigation.

II. The language plain language of NRS 289.080 and CCSD's own representations on the record conflict with the district court's justifications for withholding records pursuant to NRS 289.080(9).

In determining that NRS 289.080(9) rendered all documents in CCSD's investigative file confidential under the NPRA, the district court reasoned that (1) NRS 289.080's inclusion in NRS 239.010 meant that all documents referenced in any subsection of NRS 289.080 were exempt from disclosure and (2) NRS 289.080(9) provided the only way anyone, including the accused, could access the documents in an agency's file from an investigation into officer misconduct. This reasoning conflicts with how this Court has traditionally analyzed statutes containing exemptions to the NPRA, the language of NRS 289.080, and CCSD's own representations.

A. NRS 239.010's general reference to NRS 289.080 does not mean that subsection NRS 289.080(9) is an exemption to the NPRA.

As discussed above, this Court has made clear that while a court should begin with NRS 239.010 to determine whether a statute contains an exemption to the NPRA, the inquiry does not end with NRS 239.010. *See Clark Cty. Office of the Coroner/Medical Exam'r*, 136 Nev. at 50–52, 458 P.3d at 1054–55. The district court erred in failing to analyze the language of NRS 289.080 itself to determine what provisions in that statute provided “clear and unambiguous” exemptions to the NPRA and then the scope of those exemptions. While NRS 239.010 lists NRS 289.080 among the statutes that provide an exemption to the NPRA, NRS 289.080's

general inclusion in NRS 239.010 does not mean that every subsection, including NRS 289.080(9), provides an exemption.

B. The district court's belief that Elfberg could not access the documents in CCSD's file after CCSD failed to recommend punitive action is contradicted by CCSD's representations on the record and the language of NRS 289.080(9).

The district court also determined that CCSD's file was exempt from disclosure because Elfberg himself could not access the information in the file. This assertion is not supported by the plain text of NRS 289.080(9) or the facts presented before the district court.

First, nothing in NRS 289.080(9) indicates that subsection offers Elfberg the exclusive means to access documents included in CCSD's file concerning his investigation. Unlike employment laws related to workman's compensation, NRS 289.080(9) does not include any language stating that NRS 289.080(9) offers rights to the exclusion of others. *Compare* NRS 289.080(9) *with* NRS 616A.020 (expressly providing exclusive rights and remedies to employees in the context of worker's compensation). Furthermore, Elfberg expressly had the right to access many of the documents included in CCSD's file well before CCSD made its final determination regarding punishment. For example, CCSD withheld Elfberg's notice and Garrity warning from the ACLU pursuant to NRS 289.080(9) after including those documents in its file, but Nevada law expressly required disclosure of those documents to Elfberg. *See* NRS 289.060(2) (requiring that the accused officer

receive the notice and warnings). CCSD also withheld the recordings of Elfberg's own statement under NRS 289.080(9), but Elfberg again had an express right to access those records regardless whether the CCSD recommended punitive action. NRS 289.080(8) (requiring the agency to provide a copy of an officer's recorded statement upon request at the officer's expense).

Second, many of the documents identified by CCSD as part of the "investigative file" were clearly documents that had been provided directly to Elfberg or were accessible by him even though CCSD never recommended punitive action against him. The documents listed in CCSD's privilege log and considered exempt by the district court under NRS 289.080(9) include:

- A March 7, 2023, recording of Elfberg's own interview;
- Videos of Elfberg's interview;
- Email correspondence between "J.Mingo" and "Jason Elfberg" on March 1, 2023, April 27, 2023, and February 10, 2023;
- Garrity warning issued to Elfberg on March 7, 2023;
- Elfberg's personal statement; and
- Elfberg's receipt of notification of possible disciplinary action.

CCSD's Privilege Log, Joint Appendix, Vol. I, APP 212–235. Additionally, other documents considered exempt by the district court under NRS 289.080(9) were certainly available to people besides CCSD's investigators, including:

- “Parent Call Message w/ Dispatch”
- “Tik-Tok video of 2/9/2023 incident”
- “News Articles from Various Media Outlets”.

Id. The district court accepted CCSD's representations that Elfberg and others did not have access to the documents in CCSD's investigative file due to CCSD's failure to recommend punishment, but CCSD contradicts these representations in its own filings. The facts as represented in CCSD's privilege log make clear that NRS 289.080(9) does not bar disclosure of documents within the file to Elfberg.

Despite CCSD's representations and the district courts finding to the contrary, the reality is that Elfberg had other legal recourse besides NRS 289.080(9) to access the documents and was in fact provided access to many of them. Nothing in NRS 289.080(9) barred him from receiving the communications and warnings sent to him by CCSD. Nothing in NRS 289.080(9) prevented him from accessing his own recorded statements through NRS 289.080(8). And nothing in NRS 289.080(9) prevented Elfberg from seeking his entire investigative file through an NPRA request.

III. Finding that NRS 289.080(9) exempts all records in an agency's "investigative file" is disfavored by public policy.

Even if this Court found NRS 289.080(9)'s language ambiguous, NRS 289.080(9) cannot be construed as an exception to the NPRA in a way that "conforms to reason and public policy." *Las Vegas Review-Journal, Inc.*, 139 Nev. Adv. Rep. 8, 526 P.3d at 733. While this Court has previously discouraged empowering government agencies to dictate what documents qualify as public records, that is precisely what the district court's interpretation would authorize agencies like CCSD to do; the interpretation would also provide CCSD and other agencies the disturbing incentive to open investigations not to uncover wrongdoing but to withhold sensitive or embarrassing records. Second, the district court's interpretation provides no guidance as to what constitutes the investigative file under NRS 289.080(9), and CCSD's own interpretation and then re-interpretation as to what documents are excluded exposes the proposed exemption as unworkably vague. Finally, finding that NRS 289.080(9) bars disclosure undermines NPRA's fundamental purpose in empowering the public to not accept the government's version of events and ensure that agencies like CCSD are properly investigating sensitive matters involving police violence like the February 9th incident.

A. Allowing agencies to withhold all records that they decide to place in an investigative file as defined by NRS 289.080(9) empowers agencies to dictate what records to disclose, contradicting this Court’s prior admonitions related to such power.

This Court has previously warned against “creat[ing] an opportunity for government to make an end-run around the NPRA.” *Clark Cty Sch. Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 704, 429 P.3d 313, 318 (2018) (referencing this concern in the context of agency-promulgated regulations). Allowing an agency like CCSD to dictate what constitutes a public record based on what the agency stuffs into its “file concerning [an] internal investigation” under NRS 289.080(9) creates precisely this opportunity.

The concern that such power would be abused is more than merely theoretical. In reviewing CCSD’s initial privilege log, CCSD claimed privilege pursuant to NRS 289.080(9) for every record withheld except for the ACLU’s own records request. This included body worn camera from the incident, the citation issued to the ACLU’s own client, and documents generated by third parties such as TikTok videos, news reports, a voicemails left with dispatch. Even when CCSD modified the scope of its NRS 289.080(9) privilege in its supplemental briefing following the district court’s ruling on December 18, 2023, the modified scope still contained documents clearly created outside the scope of the investigation including the aforementioned TikTok video, news reports, and voicemails.

On the other hand, the agency receives no benefit from mislabeling documents as part of the investigative file if NRS 289.080(9) functions solely as a discovery mechanism; including more information in the file only broadens the access explicitly provided by the provision. This interpretation also ensures that agencies will only open investigations when they are truly considering punitive action, not when they want to manufacture an excuse to deny a public records request seeking damning documentation.

B. If NRS 289.080(9) is an exemption to the NPRA, it would be subject to abuse because the scope of a “file concerning the investigation” is unclear.

From a practical perspective, allowing an agency to exempt any document in an investigative file is also unworkable because what constitutes such a file is unclear. NRS 289.080(9) does not define the term, and neither CCSD nor the district court provided clear parameters on what documents should be considered part of an “file concerning [an] internal investigation.” NRS 289.080(9). CCSD argued that such a file was filled with documents inaccessible to anyone, including the officer under investigation, if an agency did not recommend punitive action, and the district court apparently embraced CCSD’s position whole cloth. But CCSD actual assertions of privilege both in its privilege log and then in its supplemental briefing went well beyond this supposed boundary, including documents that Elfberg clearly

accessed and documents generated by third parties such as news reports and TikTok videos.

CCSD's expansive assertion of privilege pursuant to NRS 289.080(9) gives up the game – the boundaries of such a privilege would necessarily defy definition and invite abuse by agencies. Considering that the plain language of NRS 289.080(9) does not provide for withholding records, this Court should hesitate before inferring a privilege so ill defined.

At this time no blanket exception to disclosure on investigative files exists under Nevada law. In *Donrey of Nev. v. Bradshaw*, this Court ruled that investigative reports are subject to disclosure under the NPRA if public policy considerations outweigh privacy and security interests, and that there is no law deeming such records confidential. 106 Nev. 630, 798 P.2d 144 (1990). Contrary to how many public entities portray the case, the Court found no statutory exception to disclosure of investigative reports exists and ordered the release of the entire police investigative report, emphasizing the general policy in favor of open government. *Id.* Accepting the district court's interpretation of NRS 289.080(9) would be a fundamental shift away from this precedent.

C. Finding that NRS 289.080(9) exempts all records in an agency’s “investigative file” prevents the public from determining for itself whether the agency conducted an adequate investigation.

In *Las Vegas Review-Journal, Inc. v. Las Vegas Metropolitan Police Department*, this Court addressed the interests the public has in records from a law enforcement agency’s investigation into the alleged misconduct of a peace officer:

[T]he public has a significant interest in determining whether [the law enforcement agency] handled the investigation appropriately or whether it treated a fellow law-enforcement officer with more sympathy or leniency than any other offender. To say the least, the incident raises questions about the safety of the public and the accountability of officers. But the public should not and, according to the NPRA does not, have to accept at face value [the agency's] claims that its actions were lawful and legitimate. And it may only begin to broach these concerns with access to the investigative records.

526 P.3d at 739 (Nev. 2023). These interests are precisely at issue here and directly threatened by the district court’s interpretation of NRS 289.080(9) as an exemption to the NPRA.

From the instant videos from the February 9th incident surfaced on social media, the public has demanded answers and accountability for the officer’s conduct. Rather than immediately releasing the records, CCSD responded by issuing unsupported public statements through its Chief speaking at a town hall about the incident. This is precisely the instance where the public should have the right to

access the records from CCSD's investigation to determine whether CCSD carried out its obligation to protect the public and, perhaps more important, its children.

Accepting the district court's interpretation of NRS 289.080(9) necessarily means that the public will never have access to investigative records into police misconduct when they are most needed - when an agency decides not to punish an officer over an incident where the public clearly believes that the officer engaged in misconduct.

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Conclusion

For the foregoing reason, this Court should reverse the district court's decision to the extent it denied the ACLU's petition for writ of mandamus based upon finding that NRS 289.080(9) provided a statutory exemption to the NPRA and remand for the district court to release any outstanding records identified in CCSD's privilege log that are not subject to an exemption to the NPRA.

DATED this 10th day of February 2025.

Respectfully submitted,

/s/ Christopher M. Peterson

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Certificate of Compliance

I certify that this Opening Brief complies with the typeface and type style requirements of Rule 32(a)(4)-(6) as this brief is in proportionally spaced Times New Roman, 14-point font and is double spaced.

I certify that this Opening Brief complies with page or type-volume limitations of NRAP 32(a)(7) because it is proportionally space, has a typeface of 14 point, and contains 7004 words.

Finally, I hereby certify that I have read this supplemental brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.

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I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, specifically NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions if the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: February 10, 2025

/s/ Christopher Peterson

Christopher M. Peterson

NV Bar: 13932

Legal Director

ACLU of Nevada

Certificate of Service

I certify that on February 10, 2025, I electronically filed the foregoing Appellant's Opening Brief by using the appellate electronic filing system and I served a true and correct copy of the same via the Court's e-service system.

/s/ Christopher Peterson_____

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ACLU of Nevada

ADDENDUM OF PROVISIONS INVOLVED

Statutes1

NRS 289.080, Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to notice of intent to recommend punitive action, to submit response to such recommendation and to review and copy investigation file upon appeal.1

Legislative History3

Hearing on A.B. 31 Before the Assembly Comm. on Government Affairs, 77th Session (Nev. February 7, 2013), Ex. “Section 3–Table”3

Statutes

NRS 289.080, Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to notice of intent to recommend punitive action, to submit response to such recommendation and to review and copy investigation file upon appeal.

1. Except as otherwise provided in subsection 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. Except as otherwise provided in subsection 5, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.

3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing.

4. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

5. A representative must not otherwise be connected to, or the subject of, the same investigation.

6. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.

7. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

- a. Request of the peace officer; or
- b. Lawful order of a court of competent jurisdiction.

A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

8. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:

- a. Stenographic transcript of the proceedings; or
- b. Recording on the digital or magnetic tape.

9. After the conclusion of the investigation, if a law enforcement agency intends to recommend that punitive action be imposed against the peace officer who was the subject of the investigation, the law enforcement agency must notify the peace officer of such fact and give the peace officer or any representative of the peace officer a reasonable opportunity to inspect any evidence in the possession of the law enforcement agency and submit a response. The law enforcement agency must consider any such response before making a recommendation to impose punitive action against the peace officer. If the law enforcement agency recommends punitive action be imposed against the peace officer and the peace officer appeals the recommendation to impose punitive action, the peace officer or any representative of the peace officer may review and copy the entire file concerning the internal investigation, including, without limitation, any evidence, recordings, notes, transcripts of interviews and documents contained in the file.

Legislative History

Hearing on A.B. 31 Before the Assembly Comm. on Government Affairs, 77th Session (Nev. February 7, 2013), Ex. “Section 3–Table”

[COPY OF ORIGINAL RECORD PROVIDED]

Assembly Bill No. 31

NRS:	Type of record:
1.4683	Judges: Proceedings concerning disciplinary action or removal from office, and information and materials relating thereto
62D.420	Juveniles: Records relating to custody of child or involvement of child with agency which provides child welfare services
62D.440	Juveniles: Personal information pertaining to a victim, and his or her parent or guardian, of an act committed by a child
62E.516	Juveniles: Information obtained from a screening to determine whether a child is in need of mental health services or is an abuser of alcohol or drugs
62E.620	Juveniles: Information relating to the evaluation or treatment of a child who committed certain acts involving alcohol or controlled substance
62H.220	Juveniles: Information containing the name of a child adjudicated delinquent for committing a sexual offense and all information relating to programs of treatment in which the child participated
62H.320	Juveniles: Statistical data concerning juvenile sex offenders
76.160	State business licenses: Records and files of the Secretary of State
78.152	Private corporations: The name and contact information of the custodian of the list of the owners of records
80.113	Foreign corporations: The name and contact information of the custodian of the list of the owners of records
81.850	Unincorporated nonprofit associations: Records maintained by an association regarding its activities, financial condition and other circumstances
82.183	Nonprofit corporations: The name and contact information of the custodian of the members' ledger or duplicate members' ledger
86.246	Limited-liability companies: The name and contact information of the custodian of the list of the full name and last known business address of each member and manager
86.54615	Limited-liability companies: The name and contact information of the custodian of the list of the full name and last known business address of each member and manager
87.515	Registered limited-liability partnerships: The name and contact information of the custodian of the list of the full name and last known business address of the managing partners
87.5413	Foreign registered limited-liability partnerships: The name and contact information of the custodian of the list of the full name and last known business address of the managing partners
87A.200	Limited partnerships: The name and contact information of the custodian of the list of the full name and last known street and mailing address of each partner
87A.580	Foreign limited partnerships: The name and contact information of the custodian of the list of the general partners
87A.640	Registered limited-liability limited partnerships: The name and contact information of the custodian of the list of the general partners
88.3355	Limited partnerships: The name and contact information of the custodian of the list of the full name and last known business address of each partner

88.5927	Foreign limited partnerships: The name and contact information of the custodian of the list of the general partners
88.6067	Registered limited-liability limited partnerships The name and contact information of the custodian of the list of the general partners
88A.345	Business trusts: The name and contact information of the custodian of the ledger, duplicate ledger or statement containing the names of the beneficial owners and places of residence if known
88A.7345	Foreign business trusts: The name and contact information of the custodian of the list of the beneficial owners
89.045	Professional entities: The name and contact information of the custodian of the list of the owners of record
89.251	Professional associations: The name and contact information of the custodian of the list of the members
90.730	Securities: Information or records: (1) relating to an investigation concerning possible violations of securities law; and (2) which constitute trade secrets or certain commercial or financial information
91.160	Commodities: Information obtained: (1) in private investigations; and (2) from federal agencies which may not be disclosed under federal law
116.757 116A.270 116B.880	Common-interest communities and condominium hotels: Written affidavits, complaints and other documents and information filed by aggrieved persons and alleging violations of chapter 116, 116A or 116B of NRS, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline or take other administrative action
118B.026	Manufactured home parks: Any information obtained in the investigation of a complaint, including the name of the complainant, unless so ordered by the Administrator or a court of competent jurisdiction
119.260	Sale of subdivided land: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119.265	Sale of subdivided land: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
119.267	Sale of subdivided land: The criminal and financial records of a licensee, permittee or an applicant for a license or permit issued pursuant to the chapter
119.280	Sale of subdivided land: Certain records and information which may be trade secrets, including lists of prospective purchasers and lists of purchasers with whom a sale has been consummated
119A.280	Time shares: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119A.653	Time shares: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a

	result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
119B.370	Memberships in campgrounds: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119B.382	Memberships in campgrounds: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
120A.690	Unclaimed property: Documents and working papers obtained or compiled in the course of conducting an examination of the records of any person to determine whether the person has complied with the chapter
125.130	Divorce: The social security numbers of both parties, except as otherwise required to carry out a specific statute
125B.140	Obligations for support: The social security numbers of the obligor, except as otherwise required to carry out a specific statute
126.061	Artificial insemination: Husband's consent to artificial insemination of his wife
126.141	Paternity: The alleged father's identity, if the court deems it in the best interest of the child
126.161 126.163	Paternity: The social security numbers of a child and the parents of a child, except as otherwise required to carry out a specific statute
127.007	Adoption: If requested by the person: (1) the name of a person in the State Register for Adoptions, or the fact the name was even in the Register; and (2) certain information about an adopted person
127.057	Adoption: All information received by the agency which provides child welfare services relating to a consent to adoption
127.130	Adoption: The report of the agency which provides child welfare services or the licensed child-placing agency designated by the court
127.140	Adoption: All hearings, except certain persons and by order of the court; and the files and records of the court in adoption proceedings, except in certain circumstances
127.2817	Adoption: The identity of those persons who are interviewed or submit information concerning whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption
159.044	Guardianships: The social security number, taxpayer identification number, driver's license number, identification card number, or passport number of the proposed ward and proposed guardian
172.075	Grand juries: The record of the number of jurors concurring in the finding of every presentment or indictment, except on order of the court
172.245	Grand juries: A person's knowledge concerning the proceedings of a grand jury, except in certain circumstances
176.015	Sentencing hearings: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the prosecutor

176.0625	Collection of fees and fines: Personal identifying information
176.156	Investigations by the Division of Parole and Probation of the Department of Public Safety: Reports of a presentence investigation or general investigation and the sources of information, except in certain circumstances
176A.630	Modification of sentence of probationer: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the Division of Parole and Probation of the Department of Public Safety
178.39801	Collection of fees: Personal identifying information
178.4715	Notification of victims upon discharge, conditional release or escape: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services
178.5691	Protection of victims and witnesses: All personal information, including a current or former address, which pertains to a victim, relative, witness or other person and which is received for such protection
179.495	Wiretaps: An inventory of an order to intercept communications and whether any communications were or were not intercepted
179A.165	Records of Criminal History: Any mental health information transmitted to the National Instant Criminal Background Check System
179A.450	Repository for Information Concerning Crimes Against Older Persons: Any information collected to assess the incidence of the abuse, neglect, exploitation or isolation of older persons
200.3771	Victims of certain sexual offenses: The identity of a victim of a sexual offense or an offense involving a pupil, including the victim's photograph, likeness, name, address or telephone number, except in certain circumstances
200.3772	Victims of certain sexual offenses: Forms used to request the use of a pseudonym in legal proceedings, except in certain circumstances
200.5095	Crimes against the person: Reports of the abuse, neglect, exploitation or isolation of older persons and vulnerable persons, except in certain circumstances
200.604	Peeping: Any image of the private area of a person, except in certain circumstances
202.3662	Concealed firearms: Any records and information regarding an application for a permit to carry a concealed weapon or a person already so permitted
205.4651	Identity theft: Applications for an identity theft program card, including supporting documentation
209.392 209.3925	Residential confinement of offenders: All personal information, including a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation of the Department of Public Safety
209.419	Wiretaps in prisons and similar facilities: Certain communications made by an offender
209.521	Notification of victim of escape or release of offender: All personal information, including a current or former address, which pertains to a victim and which is received by the Director of the Department of Corrections

211A.140	Probationers: Any information regarding a probationer obtained by the chief, an assistant or other employee of the department of alternative sentencing
213.010 213.040 213.095 213.131	Pardons: All personal information, including a current or former address, which pertains to a victim and which is received by the State Board of Pardons Commissioners, a district attorney
217.105	Compensation for victims of crime: Any information a compensation officer obtains in the investigation of a claim for compensation
217.110	Compensation for victims of crime: Any investigative or police reports obtained by a compensation officer, unless ordered by a court
217.464	Fictitious address for victim of domestic violence, sexual assault or stalking: Any records containing the name, confidential address or fictitious address of a participant, except in certain circumstances
217.475	Assistance to victims of domestic violence: Any information or records provided to a team to review the death of a victim
218E.625	Legislative Bureau of Educational Accountability and Program Evaluation: Any information obtained by the Bureau
218F.150	Legislative Counsel Bureau: (1) The nature or content of any matter entrusted to the Legislative Counsel Bureau; (2) the identity of the person who requested it or any material submitted by a requester to the Research Division which has not been published or publicly disclosed; and (3) the nature and content of the work product of the Legal Division and Fiscal Analysis Division
218G.130	Audits: All working papers from an audit by the Audit Division of the Legislative Counsel Bureau
218G.240	Audits: The content of any audit before it is presented to the Audit Subcommittee or the Legislative Commission, as appropriate
218G.350	Audits: Information disclosed by an audit before it is presented to the Audit Subcommittee or submitted to the appropriate federal agency or an entity designated by the federal agency
228.270	Crimes against older persons: Any information shared by an organization with other members of a multidisciplinary team to review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be from abuse, neglect or isolation
228.450	Domestic violence: Any information used to prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History
228.495	Domestic violence: Any information or records provided to a team to review the death of a victim of a crime that constitutes domestic violence
228.570	Telecommunication solicitation: The information, except the telephone numbers, in the registry of names and telephone numbers of persons requesting not to receive unsolicited telephone calls for sale of goods or services
231.069	Economic development: If requested by a client, any record or other document possessed by the Office of Economic Development concerning the initial contact with and research and planning for that client
233.190	Equal rights: Any information gathered by the Nevada Equal Rights Commission in the course of investigating an alleged unlawful discriminatory

	practice in housing, employment or public accommodations
237.300	Digital parcel base maps: Certain maps provided to the State Demographer
239.010	Public bodies: The contents of certain public books and records
239.0105	Local governmental entities: Certain records
239.0113	Public bodies: Burden of proof on governmental entity to establish confidentiality
239B.030 239B.040 239B.050	Governmental agencies: (1) Any personal information about a person on any document that is recorded, filed or otherwise submitted, including on a website of the agency; (2) databases containing electronic mail addresses or telephone numbers of certain persons
239C.140	Nevada Commission on Homeland Security: All information and materials received or prepared during certain closed meetings and all minutes and audiovisual or electronic reproductions of such a meeting
239C.210	Homeland security: Certain documents, records or other items of information upon declaration of Governor
239C.230	Homeland security: Log of inspections of the documents, records or other items of information declared confidential by the Governor
239C.250	Homeland security: Emergency response plans of political subdivisions
239C.270	Homeland security: Vulnerability assessment and response plan of utilities
240.007	Notaries public: Certain information and documents filed with or obtained by Secretary of State
241.020	Public meetings: Certain supporting documents
241.030	Public meetings, exceptions to: The identity of certain appellants
242.105	Information technology services: Certain documents relating to homeland security
244.264	County organizations for economic development: Records or other documents concerning the initial contact with and research and planning for that client.
244.335	County fair and recreation boards: All information concerning license taxes levied or other information concerning the business affairs or operation of a licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by certain authorized employees
250.087	Parcel datasets: Certain parcel datasets of county assessors
250.130 to 250.160	County assessors: The personal information about certain persons in the records of a county assessor
268.095	Cities and towns: All information concerning license taxes levied or other information concerning the business affairs or operation of a licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by certain authorized employees
268.490	Cities and towns: The records of all license taxes due or collected, or both
268.910	City organizations for economic development: Records or other documents concerning the initial contact with and research and planning for that client.
271A.105	Tourism improvement districts: Any information reported to the Department of Taxation
281.195	State agencies: A log of access to the computers of a state agency
281A.440	Commission on Ethics: The proceedings of an investigatory panel and all documents in the possession of the Commission or its staff that is related to a

	request for an opinion regarding a public officer or employee submitted, until the investigatory panel determines whether there is just and sufficient cause to render an opinion
281A.470	Specialized or local ethics committee: All documents and information relating to requests for opinions, as well as any hearings or deliberations
281A.550	Employment of certain former public officers and employees by regulated: All documents and information relating to requests for opinions, including any motion, determination, evidence or record of a hearing
284.4068	Public employees: The results of screening tests for the use of alcohol or drugs
289.025	Peace officers: Confidentiality of home address and photograph of peace officer in possession of law enforcement agency
289.080	Peace officers: Any information that a representative obtains from a peace officer who is a witness concerning an investigation of another peace officer
289.387	Peace officers: The findings and recommendation of an advisory review board, unless otherwise declared confidential by state or federal law; proceedings are closed.
293.5002	Voter registration: The name, confidential address or fictitious address of a person who has been issued a fictitious address
293.503	Voter registration: Any information relating to where a person registers to vote
293.558	Voter registration: The address, telephone number, social security number and driver's license or identification card number of a registered voter
293B.135	Voting: Election computer programs certified by the accuracy certification board for an election in this State
293D.510	Military and overseas absentee voters: Electronic-mail addresses
331.110	State public works: Information regarding property deemed confidential by the Chief of the Budget Division
332.061	Local government purchasing: Proprietary information
332.351	Local government purchasing: Financial information and other data pertaining to the net worth of an applicant used to determine the financial ability of an applicant to perform certain contracts
333.333	State purchasing: Proprietary information regarding trade secrets
333.335	State purchasing: Proposals
338.070	Public works: Certain personal information regarding employees
338.1379	Public works: Financial information and other data pertaining to the net worth of an applicant used to determine the financial ability of an applicant to perform a contract
338.1725	Design-build teams: Before the selection of finalists, the results of the evaluations of preliminary proposals
338.1727	Design-build teams: (1) Before the selection of finalists, the results of the evaluations of preliminary proposals; and (2) financial or proprietary information submitted by a design-build team
348.420	Public securities: Records of the transferees and pledgees of public securities and their addresses
349.597	Industrial development: Proprietary information and financial statements or records of the obligor or guarantor
349.775	Exporting goods: Any information concerning the identity, background,

	finances, marketing plans, trade secrets or any other commercially sensitive affairs of an exporter
353.205	State budget: Part 3 of the proposed budget, until the bills which result from the proposed budget are introduced in the Legislature
353A.085	Audits: The contents of any audit before the final report is submitted to the Executive Branch Audit Committee
353A.100	Audits: All working papers from an audit
353C.240	Public debt collection: All information provided to the State Controller by a financial institution
360.247	Taxation: Any information provided by a taxpayer that the Nevada Tax Commission has determined to be proprietary or confidential
360.255	Taxation: The records and files of the Department of Taxation concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected
360.755	Taxation: Until the business has exhausted all appeals to the Department of Taxation and the Nevada Tax Commission, the information in an audit report provided to the Office of Economic Development
361.044	Property tax: Certain proprietary information concerning taxpayers
361.610	Property tax: Any records or other documents concerning a claim for excess proceeds
365.138	Fuel tax: All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential
366.160	Special fuel tax: All supporting schedules, invoices and other pertinent papers relative to the business affairs and operations, and regarding the records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user or special fuel manufacturer
368A.180	Live entertainment tax: The records and files of the State Gaming Control Board and the Department of Taxation in certain cases
372A.080	Tax on controlled substances: All information which is submitted to the Department of Taxation by or on behalf of a dealer in controlled substances and all records of the Department which contain the name, address or any other identifying information concerning a dealer
378.290	Public records: Certain records of former Governors
378.300	Public records: Certain public records acquired by the Division of State Library and Archives of the Department of Administration
379.008	Libraries: Applications for certification of personnel and related documents
386.655	Local administrative organization: The education records of a pupil
387.626	Financial support of school systems: All information, records and data, and all working papers necessary to conduct a review of a school district
387.631	Financial support of school systems: Until the final report is submitted, the preliminary report of a review
388.5275	Pupils with a disability: A file of the use of physical restraint on a pupil with a disability in an emergency

388.528	Pupils with a disability: A file of the use of a mechanical restraint on a pupil with a disability in an emergency
388.5315	Pupils with a disability: The denial of rights of a pupil with a disability
388.750	Educational foundations: The names of the contributors to the foundation or the amount of their contributions
389.015	High school proficiency examinations: The questions and answers
391.035	Educational personnel: An application and related documents for a license as a teacher or to perform other educational functions
392.029	Pupils: The education records of a pupil
392.129	Pupils: In an annual report concerning truancy, the identity of an individual pupil
392.147	Pupils: Information concerning the records of a pupil or services provided to a pupil or the pupil's family in regards to school attendance
392.264	Pupils: The name of a victim of a sexual offense or a sexually motivated act
392.271	Pupils: The name of an offender or of a victim of a sexual offense or a sexually motivated act, except in certain circumstances
392.456 392.4575	Pupils: The identity of an individual parent, legal guardian or pupil.
392.652 394.1698	Crisis and emergency response in schools: Plans, approved deviations and certain other information
392.850	Pupils: Information received by an employee regarding a pupil who has unlawfully caused or attempted to cause serious bodily injury to any person
394.167	Private schools: The name of an offender or of a victim of a sexual offense or a sexually motivated act, except in certain circumstances
394.447	Private postsecondary institutions: Accreditation as evidence of compliance with minimum standards. All written materials relating to the accreditation of a school
394.460	Private postsecondary institutions: The curriculum and financial statement of the institution
394.465	Private postsecondary institutions: The results of certain background investigations
396.3295	University police: The proceedings of a panel of a campus review board. and the findings and recommendations of a panel if otherwise declared confidential by state or federal law.
396.405	University foundations: The name of any contributor or potential contributor and the amount of a contribution or any information which may reveal or lead to the discovery of a contributor's identity
396.525 396.535	Genetics programs: The records of the genetics program concerning clients and families
398.403	Athletes' agents: Any information obtained in connection with an application for registration or an investigation
408.3885	Design-build contracts: Before the selection of finalists, the results of the evaluations of preliminary proposals
408.3886	Design-build contracts: Financial or proprietary information submitted by a design-build team.
412.153	State militia: Any personal information of a member of the Nevada National

	Guard which is related to the member's military service
416.070	Military: Any information relating to emergencies concerning water or energy and designated as confidential by the person providing the information
422.305	Medicaid: Any information obtained in an investigation of a provider of services under the State Plan for Medicaid
422A.350	Welfare and supportive services: A determination of domestic violence
427A.1236	Services for elderly persons: All records in the possession relating to the counseling or representation of certain elderly persons
427A.872	Services for certain persons with autism spectrum disorder: The identify a person who received services
432.205	Missing/exploited children: Communications with the Clearinghouse or the fact that a communication must be made.
432B.175	Protection of children: Data or information regarding a fatality or near fatality of a child who is the subject of a report of abuse or neglect
432B.280 432B.290	Prenatal illegal substance abuse: Reports of prenatal illegal substance abuse and related records
432B.407	Child death review teams: Information, books, records or papers received by a team pursuant to a subpoena.
432B.430	Children in need of protection: Any proceedings and information related thereto
432B.560	Children in need of protection: The social security number of a parent or guardian who is subject to an order for child support while the child is in the care of a custodian
433.534	Consumers of mental health services: Report detailing the denial of the rights of a consumer and certain meetings of the Commission on Mental Health and Developmental Services
433A.360	Consumers of mental health services: Clinical records for each consumer
439.270	Epilepsy: The name, age and address of every person with epilepsy reported to DMV by the Health Division
439.840	Reports of sentinel events
439B.420	Operative contracts of a hospital or related entity
441A.220	Communicable diseases: Information of a personal nature
441A.230	Communicable diseases: The name of or other personal identifying information about a person infected with a communicable disease
442.330	Statewide system for collection and analysis of information concerning birth defects and other adverse birth outcomes: Information that would reveal the identity of a patient
442.395	Fetal alcohol syndrome: Any report or other documentation relating to the referral of a pregnant woman to programs for the prevention and treatment of fetal alcohol syndrome
445A.665	Water pollution control: Any records, reports or information entitled to protection as a trade secret
445B.570	Air pollution: Information or records relating to dollar amounts of production or sales, processes or production unique to an owner or operator or, if disclosed, would tend to affect adversely the competitive position of an owner or operator
449.209	Personally identifying information relating to a person who is referred to a residential facility for groups, and other information deemed confidential under

	federal law
449.245	Release of child from a hospital: All information relating to the release of a child from a hospital or the surrender of physical custody of a child under 6 months
449.720	Medical and other related facilities: All communications and records concerning a patient
453.1545	Controlled substances: Information obtained from the computerized program to track prescriptions for controlled substances relating to a practitioner or a patient
453.720	Controlled substances: All information in the possession of Health Division, rehab clinic or any certified hospital concerning a narcotic addict being treated or who was treated
453A.610	University of Nevada School of Medicine program for the evaluation and research of the medical use of marijuana in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition: The contents of any applications, records or other written materials received pursuant to the program, including the name or other identifying information of an applicant
453A.700	Medical use of marijuana: The contents of any applications, records or other written documentation, including the name or other identifying information of an attending physician or an applicant
458.055	Alcohol and drug abuse programs: Records, files and communications filed with the Health Division
458.280	Alcohol and drug abuse programs: Registration and other records of a treatment facility
459.050	State control of radiation: Reports of investigation or inspection and information concerning trade secrets or secret industrial processes
459.3866	Highly hazardous substances and explosives: Information that an owner or operator of a facility claims will reveal a trade secret or confidential information
459.555	Disposal of hazardous waste: Trade secrets established to the satisfaction of the Director of Department of Conservation and Natural Resources
459.7056	Hazardous materials: Information regarding the ownership, a parent company, affiliate or subsidiary, the financial balance sheet and statement of income, liability for any debts or the customers of a motor carrier, including services provided to specific customers
459.846	Hazardous materials storage tanks: Trade secrets including information concerning fuel additives
463.120	Gaming Control Board: All information and data required to be provided to the Board or its, and the agents or employees of the Board or Nevada Gaming Commission
463.15993	Nevada Gaming Commission: The rate of progression of the primary jackpot meter of an inter-casino linked system
463.240	Gaming: Information supplied to a county, city or town by an applicant or licensee
463.3403	Gaming: Any information relating to the termination of a gaming employee or the services of an independent agent
463.3407	Gaming: Any communication or document of an applicant or licensee made or

	transmitted to the State Gaming Control Board or Nevada Gaming Commission to comply with any law or regulations or subpoena or to assist the Board or Commission in the performance of their duties
463.790	Gaming: Resort hotel emergency response plans
467.1005	Gaming/Unarmed combat: Any information concerning an applicant for a license and medical and financial records of an applicant
467.137	Gaming/Unarmed combat: Contracts entered into by a promoter and a television broadcasting network for the sale, lease or other exploitation of television rights for a contest or exhibition
481.063	Motor vehicles: License plate numbers combined with other personally identifiable information, social security numbers and any other personally identifiable information
482.170	Motor vehicle registration: All personal information in the records of registration and licensing in the offices of DMV
482.5536	Stolen vehicles: Identification of any confidential investigative technique or location of any confidential identifying number or mark used by a law enforcement agency or DMV to identify a motor vehicle or part from a motor vehicle
483.340	Drivers' licenses: Information pertaining to the issuance of a driver's license for identification purposes
483.363	Drivers' licenses: Reports requesting that DMV examine a licensee who may be unable to safely operate a motor vehicle
483.800	Registry of persons who are blind or visually impaired: All information contained in the registry.
484E.070	Written accident reports
485.316	System for verifying motor vehicle insurance: Information contained in the system
522.040	Oil and gas: Logs of exploratory or "wildcat" wells marked "confidential"
534A.031	Geothermal resources: Exploration and subsurface information obtained as a result of a geothermal project
561.285	State Department of Agriculture: Proprietary information concerning the numbers of animals, production quantities, fiscal or tax matter, or the security of any facility which specifically relates to a person, company, corporation or other nonpublic entity and collected by the Department
571.160	Diseased animals: Notice of an infected animal
574.053	Cruelty to animals: Reports of an act of cruelty
584.583 584.5835	Fluid milk and fluid cream: Distributor statements of the costs of milk, cream, butter, fresh dairy products and substitute dairy products
584.655	Fluid milk and fluid cream: Distributors' records containing names and addresses of producers, dates of receipt, amounts received, official tests, usage and evidence of payment
598.0964	Deceptive trade practices: Any intelligence or information obtained by the Attorney General when investigating, including trade secrets
598.0979	Deceptive trade practices: Assurances of discontinuance and any stipulation accepted by the Commissioner of Consumer Affairs
598.098	Deceptive trade practices: The name of any person alleged to have committed a

	deceptive trade practice
598A.110	Unfair trade practices: Any information or other tangible evidence produced or answer made relating to an investigation
599B.090	Solicitation by telephone-registration of seller: The script, outline or presentation an applicant will require a salesperson to use when soliciting
603.070	Trade regulations-computers: Proprietary programs or data obtained by a governmental agency
604A.710	Deferred deposit loans, high-interest loans, title loans, etc.: Books, accounts, papers and records obtained in an investigation of a registered agent
612.265	Unemployment compensation: Information obtained from an employing unit or person as to the benefit rights of a person
616B.012	Industrial insurance: Information obtained from any insurer, employer or employee
616B.015	Industrial insurance: Records and files of the Division of Industrial Relations concerning self-insured employers and associations of self-insured public or private employers
616B.315	Industrial insurance: Any documents declared by the Commissioner of Insurance to be confidential submitted in support of a request for an extension of a certification
616B.350	Associations of self-insured employers: Any financial information relating to a member of an association received by the Commissioner of Insurance
618.341	Industrial relations: The name of any employee who filed a complaint or who made statements concerning an employer and any information which is part of a current investigation
618.425	Occupational safety and health: The name of any employee giving a complaint notice or names of employees mentioned in a complaint.
623.131	Architecture, interior design and residential design: (1) Records of the Board which relate to its employee or an examination given by the Board; and (2) complaints and all documents and other information compiled as a result of an investigation.
623A.353	Architecture, interior design and residential design: Records of the Board which relate to an employee of the Board or an examination given by the Board; complaints and all documents and other information compiled as a result of an investigation
624.110	Contractors: Credit reports, references, financial information and data pertaining to a licensee's net worth
624.265	Contractors: The results of investigations of applicants
624.327	Contractors: The existence of and personally identifying information in a complaint filed with the Board, and all documents and information obtained during an investigation of a complaint
625.425	Professional engineers and land surveyors: Any information obtained during an investigation by the Board
625A.185	Environmental health specialists: A complaint filed with the Board, all documents and other information obtained during an investigation
628.418	Accountants: A complaint filed with the Board, all documents and other information obtained during an investigation

630.133	Physicians, etc.: Information relating to identification of a sentinel event
630.30665	Physicians, etc.: Reports of surgeries requiring conscious sedation, deep sedation or general anesthesia and sentinel events arising from any such surgery
630.336	Physicians, etc.: (1) Any documents submitted in support of an application, including reports concerning the fitness of an applicant for a license to practice medicine, perfusion or respiratory care; (2) communications between the Board and any of its committees, panels, staff investigators, etc.; and (3) all documents and other information obtained during an investigation
630A.555	Homeopaths: A complaint filed with the Board, all documents and other information obtained during an investigation.
631.368	Dentists, etc.: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
632.121	Nursing: Reports of sentinel events.
632.125	Nursing: Lists of professional or practical nurses, nursing assistants or medication aides-certified submitted to the Board by hospitals or agencies.
632.405	Nursing: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
633.283	Osteopathic medicine: Reports identifying sentinel events.
633.301	Osteopathic Medicine: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
633.524	Osteopathic medicine: Reports of surgeries requiring conscious sedation, deep sedation or general anesthesia and sentinel events arising from any such surgery
634.212	Chiropractic:: Information pertaining to the personal background, medical history or financial affairs of an applicant or licensee which the Board requires
634.214	Chiropractic: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
634A.185	Oriental Medicine: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
635.158	Podiatry: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
636.107	Optometry: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
637.085	Dispensing opticians: (1) Any documents submitted in support of an application, including reports concerning the fitness of an applicant for a license to practice ophthalmic dispensing; (2) communications between the Board and any of its committees, panels, staff investigators, etc.; and (3) all documents and other information obtained during an investigation
637A.315	Hearing aid specialists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
637B.288	Audiology and speech pathology: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
638.087	Veterinary: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation

638.089	Veterinary: All information received by the Board concerning an applicant for a license or a licensee, including the results of an investigation
639.2485	Pharmacy: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
639.570	Pharmacy: The results of an audit and any proprietary or confidential business information of a drug wholesaler or manufacturer
640.075	Physical therapy examiners: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640A.220	Occupational therapy: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640B.730	Athletic trainers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640C.400	Massage therapists: The results of investigation by the Board of an applicant and any information relating to licenses to practice massage therapy
640C.745	Massage therapists: Certain records of conviction
640C.760	Massage therapists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640D.190	Music therapists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640E.340	Dietitians: All documents and other information compiled as a result of an investigation
641.090	Psychology, etc.: Personnel records of applicants; complaint filed with the Board, and all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
641A.191	Marriage and family therapists, etc.: All documents and other information compiled as a result of an investigation
641B.170	Social workers: Records and information relating to a licensee or applicant for a license, and all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
641C.760	Alcohol, drug and gambling counselors: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
642.524	Funerals: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
643.189	Barbers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
644.446	Cosmetology: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645.180	Real estate brokers, salespersons and owner-developers: Examinations for a certificate or license, and criminal and financial records
645.625	Real estate brokers and salespersons: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645A.050	Escrow agencies and agents: Financial statements of an escrow agency; certain

	records and information obtained by the Division of Mortgage Lending from a governmental agency; and records and information compiled in an investigation of possible violations relating to escrow agencies and agents
645A.082	Escrow agencies and agents: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645B.060	Mortgage brokers and mortgage agents: Certain records and information obtained by the Division of Mortgage Lending from a governmental agency
645B.092	Mortgage brokers and mortgage agents: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645C.220	Real estate appraisers and interns: Examinations for a certificate or license, and criminal and financial records
645C.225	Real estate appraisers and interns: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645D.130 645D.135	Inspectors of structures and energy auditors: Criminal and financial records, all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645E.300	Mortgage bankers: Certain records and information obtained by the Division of Mortgage Lending from a governmental agency
645E.375	Mortgage bankers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645G.510	Exchange facilitators: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645H.320	Asset management companies and asset managers: Criminal and financial records
645H.330	Asset management companies and asset managers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
648.033	Private investigators: Financial condition and criminal record of applicant or licensee not obtained from public source, all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
648.197	Private investigators: Records and information relating to polygraphic examinations
649.065	Collection agencies: Certain information contained within the public record kept by the Commissioner of Financial Institutions
649.067	Collection agencies: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
652.228	Medical laboratories: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
654.110	Long-term care administrators: All documents and other information filed with a complaint and all documents and other information compiled as a result of an

	investigation
656.105	Court reporters: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
661.115	Banks and related organizations: Any list of stockholders or members, as applicable, submitted to the Commissioner of Financial Institutions
665.130 665.133	Banks and related organizations: Reports filed with the Division of Financial Institutions and any reports prepared which relate thereto
669.275	Trust companies: Audited financial statements and any list of stockholders or members, as applicable, submitted to the Commissioner of Financial Institutions
669.285	Trust companies: Any application and personal or financial records submitted to the Division of Financial Institutions and any such records or other documents obtained by the Division pursuant to an examination or audit conducted by the Division
669A.310	Family trust companies: Any application and personal or financial records submitted to the Division of Financial Institutions and any such records or other documents obtained by the Division pursuant to an examination, audit or investigation conducted by the Division
671.170	Issuers of instruments for transmission or payment of money: All reports of investigations and examinations and other reports rendered pursuant to an investigation or hearing, and all correspondence and memoranda relating thereto
673.430	Savings and loan associations: Section of annual report containing information required by the Commissioner of Financial Institutions
675.380	Registered agents: Investigations relating to installment loans, including any book, accounts, papers and records used therein, except to the extent necessary to enforce chapter
676A.340 676A.370	Debt-management services providers: Certain information received by the Commissioner of Financial Institutions, including applications for registration
677.243	Thrift companies: Employee records
679B.122	Insurance: Certain information provided to a state, federal or international regulatory, law enforcement or legislative agency or the National Association of Insurance Commissioners
679B.152	Insurers and organizations for dental care: Description of “usual and customary” fees for medical or dental care
679B.159	Insurance: Any name and information reported to the Commissioner of Insurance for a violation of the Nevada Insurance Code
679B.190 679B.285	Insurance: Records or information relating to investigations by the Commissioner of Insurance; any records and information deemed confidential by Commissioner; any working papers and other documents used in the course of an examination of an insurer
679B.690	Insurance: Records and information related to investigations by the Attorney General and Fraud Control Unit
680A.270	Authorized insurers: Ratios of financial analyses and synopses of examinations concerning insurers submitted to the Division of Insurance by the NAIC Insurance Regulatory Information system
681A.440	Brokers and managers for reinsurance (intermediaries): Summary of the Commissioner of Insurance’s basis for refusal to issue a license to act as an

	intermediary
681B.260	Opinion of qualified actuaries: Opinion and materials submitted by an insurer to the Commissioner of Insurance relating to assets and liabilities
681B.280	Insurance: Reports of material acquisitions and disposition of assets
683A.0873	Persons involved in sale or administration of insurance: The names and addresses of insured persons and other material in the books and records of an administrator relating thereto
685A.077	Nonadmitted insurance: If classified as confidential by the Commissioner of Insurance, investigations conducted by nonprofit organizations of surplus line brokers, and communications between such organizations and the Commissioner
686A.289	Trade practices and fraud: Information concerning act or omission alleged to be insurance fraud
686B.170	Service organizations: Until made public, reports of examination of affairs and condition of rate service organizations
686C.306	Life and health insurance guaranty associations: Until made public, the ratios of insurers submitted to the Board of Directors by the NAIC Insurance Regulatory Information system r
687A.110 687A.115	Insurance guaranty associations: Until made public: (1) examination reports of member insurer that the Board of Directors believes may be in a hazardous financial condition; and (2) early warning tests developed by the National Association of Insurance Commissioners
687C.010	Interstate Insurance Product Regulation Commission: Certain records, data and information of the Commission
688C.230	Viatical settlements: Certain data relating to viatical settlements
688C.480 688C.490	Viatical settlements: Documents and information regarding felonious acts, and plan by licensees of certain protective measures against fraud
692A.117	Title insurance: The contents of an escrow file
692C.190	Acquisitions or mergers: Contents of statement filed with the Commissioner of Insurance
692C.420	Holding companies: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of an examination or investigation, and received in relation to the registration of a holding company
693A.480	Conversion of mutual into stock insurer: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of preparing, filing and processing an application of a converting mutual
693A.615	Reorganization on of mutual into stock insurer: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of preparing, filing and processing an application to reorganize
696B.550	Delinquent insurers: All records of the insurer, other documents and all Division files and court records and papers, so far as they pertain to or are part of the record of the summary proceedings
703.196	Public utilities: Any books, accounts, records, minutes, papers and property of any public utility, alternative seller, provider of discretionary natural gas service

	or provider of new electric resources that are subject to examination by the Public Utilities Commission of Nevada and any officer or employee thereof, and certain other governmental entities
706.1725	Motor carriers: Any books, accounts, records, minutes, papers and property of any motor carrier that are subject to examination by the Nevada Transportation Authority, any officer or employee thereof, and certain other governmental entities
704B.320	Providers of new electric resources: Information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of a contract that the Public Utilities Commission of Nevada determines are commercially sensitive
704B.325	Providers of new electric resources: Information concerning any terms and conditions of a transaction for the purchase of energy, capacity or ancillary services from alternative provider
710.159	Local government utilities: Appraisal of the value of a telephone system to be sold or leased by the board of county commissioners
711.600	Video service providers: Reports regarding the construction of facilities and service locations
Sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011	Demonstration project for a toll road in connection with the Boulder City Bypass Project: (1) Other than the executive summary, no part of a proposal submitted for the planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for the demonstration project; (2) Information obtained by or disclosed during the procurement or negotiation of a public-private partnership; and (3) the trip data and other personal identifying information of a user of the demonstration project