

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF SPARKS, a political
subdivision of the State of Nevada,

Appellant/Cross-Respondent,

vs.

ERICA BLUTH, an individual,

Respondent/Cross-Appellant,

vs.

CITY OF RENO, a political
subdivision of the State of Nevada,

Respondent/Cross-Respondent.

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Case No.: 90244

**MOTION OF AMERICAN CIVIL LIBERTIES UNION OF NEVADA AND
SURVIVOR REPRESENTATION & ADVOCACY CLINIC FOR LEAVE TO
FILE AMICUS CURIAE BRIEF IN SUPPORT OF REVERSAL AND
RESPONDENT/CROSS-APPELLANT ERICA BLUTH'S OPENING BRIEF**

Pursuant to NRAP 29(a) of the Nevada Rules of Appellate Procedure, the American Civil Liberties Union of Nevada (hereinafter "ACLU of Nevada") and the Survivor Representation & Advocacy Clinic (hereinafter "Survivor Clinic"), part of the Thomas & Mack Legal Clinic at the UNLV William S. Boyd School of Law, hereby move for leave to file a brief as amicus curiae in support of Respondent/Cross-Appellant. NRAP 29(a) authorizes an amicus curiae to file a brief "by leave of court granted on motion." The ACLU of Nevada and Survivor Clinic

seek a granting of this motion to properly file amicus curiae brief as required by NRAP 29(a). The proposed brief of amicus curiae is attached to this motion.

ARGUMENT

A motion for leave to file an amicus brief must include “(1) the movant’s interest and (2) the reasons why an amicus brief is desirable.” NRAP 29(c).

I. Amicus curiae’s interest in submitting the brief

The ACLU of Nevada is a nonprofit, nonpartisan organization that defends the fundamental rights provided and protected by the United States and Nevada Constitutions. It has been the nation’s guardian of civil liberties for over 100 years. In its role as an advocate for Nevadans’ constitutional rights, the ACLU of Nevada regularly raises claims under our state’s constitution and applicable judicial precedent in cases filed in both federal and state court.

The ACLU of Nevada has interest in this case related to the organization’s broader mission to increase transparency within government agencies and hold them accountable when necessary. As part of its ongoing mission, the ACLU of Nevada regularly submits public records requests on behalf of its clients—particularly those who have experienced government misconduct—as well as its members. Furthermore, the ACLU of Nevada actively supports and encourages other advocacy and legal aid organizations to utilize public records requests as a tool to advance

government transparency and uphold civil liberties within Nevada's legal community.

The Survivor Clinic, which operates within the Thomas & Mack Legal Clinic at the William S. Boyd School of Law, UNLV, represents survivors of and those at risk of experiencing traumatic violence in multiple legal contexts. The Survivor Clinic represents many clients who have experienced, *inter alia*, gender-based violence and sexual harassment committed by private and/or public actors.

The Survivor Clinic has interest in this case related to one of the clinic's primary goals: protecting survivors' dignity and advocating for their rights after they have been harmed. The Survivor Clinic is committed to ensuring that survivors are not retraumatized by legal processes and that they are afforded meaningful opportunities to seek justice and accountability. This case presents legal and systemic issues directly aligned with the Survivor Clinic's advocacy to elevate survivor voices and challenge individuals and institutions that perpetuate harm.

II. Desirability of the amicus brief

“There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful or otherwise desirable to the court.” *California v. U.S. Dep't of Interior*, 381 F. Supp. 3d 1153, 1163-64 (N. Cal. 2019), citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982).

As the United States Court of Appeals for the Ninth Circuit has observed, law enforcement agencies do not represent the victim's interests while carrying out their primary, prosecutorial function. *Lanuza v. Love*, 899 F.3d 1019, 1032 (9th Cir. 2018). By comparison, amici directly represent victims, including victims that have been victimized by the government, and are in a better position to explain the full range of interests that victims have, not just those that align with the government's agenda. Chief among the interests not addressed in the City of Sparks' brief is that victims have strong interests in transparency and accountability, especially when their victimizer is employed by a government agency and their abuse is enabled by that same agency.

The proposed amicus brief is useful in multiple ways. First, it analyzes how Nevada law through Article 1, Section 8A of the Nevada Constitution recognizes that victims do not share the same interests as the government and have an interest in transparency and accountability alongside an interest in privacy. Second, it establishes that the concern that agencies weaponize victims' rights to serve their own interests is more than theoretical, by providing specific examples in Nevada and across the country where police departments used laws meant to protect victims to avoid releasing documents exposing police misconduct. Third, it illustrates how victims use transparency, and in particular, public records, to hold agencies accountable when an agency enables an abuser's misconduct. Fourth, it addresses

the importance of transparency for victims of sexual abuse when the abuser is a government official. Finally, it explains how Nevada law avoids creating a conflict between victims' interest in privacy and their interests in transparency and accountability by protecting victims' identifying information while requiring the government to disclose information related to their own conduct.

Amici's involvement is indispensable to ensure that victims' interests are fully represented, protected, and advanced in a manner that government actors, constrained by their own institutional priorities, cannot provide.

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Accordingly, amicus requests that the Court grant its motion to file an amicus brief in support of Respondent/Cross-Appellant.

DATED this 23rd day of September 2025.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23rd day of September 2025. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

/s/ Suzanne Lara
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Case No.: 90244

**BRIEF OF AMICUS CURIAE AMERICAN CIVIL LIBERTIES UNION OF
NEVADA AND UNLV SURVIVOR REPRESENTATION & ADVOCACY
CLINIC IN SUPPORT OF REVERSAL AND RESPONDENT/CROSS-
APPELLANT ERICA BLUTH'S OPENING BRIEF**

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NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following persons and entities as described in NRAP 26.1(a) must be disclosed. These representations are made in order that the judges 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 amicus curiae is represented by Christopher Peterson.

The Survivor Representation & Advocacy Clinic (hereinafter “Survivor Clinic”) is part of the Thomas and Mack Legal Clinic at the UNLV William S. Boyd School of Law, a state educational institution under the Nevada System of Higher Education—a governmental institution without parent corporations or ownership by publicly traded corporations. This amicus curiae is represented by Courtney Cross, Professor of Law and director of the Survivor Clinic. The Survivor Clinic does not represent the views of the Board of Regents of the Nevada System of Higher Education, UNLV, nor the William S. Boyd School of Law.

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No other law firms have appeared for the amicus in this case or are expected to appear for the amicus in this Court.

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STATEMENT OF INTEREST

The American Civil Liberties Union (ACLU) of Nevada is a state affiliate of the national ACLU, a nonprofit, nonpartisan organization that has been the nation's guardian of liberty for over 100 years. The ACLU works to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. As part of its mission, the ACLU of Nevada has and continues to submit Nevada public record requests on behalf of its clients who have been victims of government misconduct and ACLU of Nevada members. The ACLU of Nevada also supports and encourages other advocacy and legal aid organizations to submit public record requests as part of the organization's mission to promote government transparency and the protection of civil liberties by the Nevada legal community.

University of Nevada, Las Vegas, William S. Boyd School of Law's Survivor Representation and Advocacy Clinic (hereinafter "Survivor Clinic") within the Thomas and Mack Legal Clinic, directed by Professor Courtney Cross, represents survivors of and those at risk of experiencing traumatic violence. As part of the Clinic's mission, the Survivor Clinic and Professor Cross represent many individuals who are victims of gender-based violence and sexual harassment.

No other party or a party's counsel authored the brief in whole or in part; and no other person—other than the amicus curiae, its members, or its counsel—

contributed money or other consideration intended to fund preparing or submitting the brief.

ARGUMENT

As this court has previously observed, the public has a strong interest in transparency for the purpose of government institutional accountability, particularly when it is not handling the conduct of its employees properly. Even when a crime has not been committed, “the public has a significant interest in determining whether [a government agency’s] decision to close the investigation, and its participation, if any, in the fallout of the investigation, was informed and proper.” *Las Vegas Review-Journal, Inc. v. Las Vegas Metropolitan Police Dep’t*, 526 P.3d 724, 736 (2023). State agencies, including police departments, have utilized victims’ privacy rights to obscure the misdeeds of officers and the agency’s failure to discipline them. Nevada law recognizes that state entities do not represent victims and using victim privacy rights this way is directly at odds with victims’ interests.

While victims have legitimate personal privacy interests in information disclosed to the public, these interests are adequately protected under existing laws in the exemptions to the Nevada Public Records Act (NPRa) provided by the Legislature. When the government enables sexual abuse, victims like Respondent Bluth have as much an interest in government transparency to ensure that their abuser and enabling agency are held accountable as in personal privacy, and the

government should not be allowed to manufacture a conflict between these two interests when a victim's privacy can be protected and the government's misdeed's exposed at the same time. Amici respectfully ask this to Court expressly recognize and clarify that victims' rights cannot be used to serve the government's interest in avoiding accountability and that transparency plays a significant role in protecting the public and victims from future harm.

I. As seen in Article 1, Section 8A of the Nevada Constitution, Nevada law recognizes that victims' interests and the government's interests are not the same.

Investigating and prosecuting crime serves to "vindicate the government's interests, not the interests of the victim." *Lanuza v. Love*, 899 F.3d 1019, 1032 (9th Cir. 2018). If that was not the case, enshrining victim rights' laws into the Nevada constitution would be immaterial.

Article 1, Section 8A of the Nevada Constitution reflects the reality that victim and government interests are not the same. To provide a few examples, a victim would not need the constitutional rights to "reasonably confer with the prosecuting agency, upon request, regarding the case," "the prompt return of [their] legal property when no longer needed as evidence," or "have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim [rather than government related fees]" if the government already represented their

interests. Nev. Const. art. 1, § 8A(1)(f); Nev. Const. art. 1, § 8A(1)(m); Nev. Const. art. 1, § 8A(1)(p). Furthermore, Article 1, Section 8A makes clear that victims have many different interests and those interests may vary from case-to-case and victim-to-victim. Where some provisions are designed to protect a victim's privacy, others protect the right to transparency and to be heard. *Compare* Nev. Const. art. 1, § 8A(1)(a) (the right "[t]o be treated with fairness and respect for his or her privacy and dignity"), *with* Nev. Const. art. 1, § 8A(1)(f) (right "[t]o reasonably confer with the prosecuting agency, upon request, regarding the case"); Nev. Const. art. 1, § 8A(1)(h) (the right "[t]o be reasonably heard, upon request, at any public proceeding"). In addition to these enumerated rights, Article 1, Section 8A expressly empowers victims to "maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto," a power that would be unnecessary if government agencies could be trusted to place a victim's interest before their own. Nev. Const. art. 1, § 8A(4).

In amending the State Constitution to include victim's rights, proponents for the amendment consistently emphasized the importance of transparency for victims. In testifying in support of what would become Article 1, Section 8, to the Legislature, Meg Garvin, the Executive Director of the National Crime Victim Law Institute, explained that "[v]ictims' rights are about transparency and treating people with dignity, which are basic human rights." Hearing on S.J.R. 17 Before the S. Comm.

On Judiciary, 2015 Leg., 78th Sess. 6 (Nev. 2015) (statement of Meg Garvin, Exec. Dir. of the National Crime Victim Law Institute). Garvin observed that “Decades of studies of defendants and victims found that when they do not perceive the system as transparent, they distrust it.” Hearing on S.J.R. 17 Before the S. Comm. On Judiciary, 2017 Leg., 79th Sess. 16 (Nev. 2017) (statement of Meg Garvin, Exec. Dir. of the National Crime Victim Law Institute). Garvin made clear that the constitutional protections were not only to protect victims from criminal defendants but also the government, quoting Harvard Professor Lawrence Tribe in stating, “There’s a tendency to ignore or underenforce [victim] statutory rights whenever they even appear to rub up against the rights of the criminally accused or *the needs or wishes of prosecution.*” *Id.* (emphasis added).

II. Police departments weaponize victims’ privacy rights to serve their own interests over the interest of victims.

Even though it is clear that the government and victim interests are not necessarily aligned and the government does not represent victims, agencies regularly use victims and the laws meant to protect victims as an excuse not to release records documenting government misconduct. This, unfortunately, is a nationwide trend.

For example, law enforcement agencies often use laws meant to protect juveniles as a means to withhold records from juveniles who have experienced police brutality. In Louisiana, the Jefferson Parish Sheriff’s Office exploited a statute

protecting juvenile privacy to withhold records related to an officer shooting of an unarmed 14-year-old boy. Matt Agorist, *Body Cam Shows Cop Shoot Defenseless 14yo Boy in Back, Lying Facedown On the Ground- Lawsuit*, The Free Thought Project (March 23, 2021) <https://thefreethoughtproject.com/police-brutality-cop-watch/body-camera-boy-facedown-ground-shot>. The officers at the hospital failed to inform the boy's mother that it was an officer who fired the shot. *Id.* Here in Nevada, the Clark County School District refused to release body worn camera to the ACLU or the press of its officers manhandling two fourteen-year-old boys despite the ACLU representing the students, by asserting Nevada's juvenile justice privilege even though only one boy received a misdemeanor citation and no case was ever opened in juvenile court. *Am. Civ. Liberties Union of Nevada v. Clark Cnty. Sch. Dis.*, No. A-23-869216-W (Eighth Judicial Dist. Ct. Nev., July 30, 2024) (unpublished order); Tiffany Lane, *'It's only a step towards getting justice': ACLU continues fight after settlement*, KSNV News 3 Las Vegas (Jan. 24, 2025, 5:43 PM) <https://news3lv.com/news/local/its-only-a-step-towards-getting-justice-aclu-continues-fight-after-settlement>.

Police departments across the country are even using their state's versions of Marsy's Law, the equivalent to Nevada's Article 1, Section 8A, to conceal their misconduct. A North Dakota police department asserted Marsy's Law to hide an officer's name from the media after a deadly shooting. James MacPherson, *Officer*

in shooting invokes victim's law to withhold name, AP News (Nov. 2, 2017, 3:15 PM) <https://apnews.com/general-news-861bf1e42dbf473e9029e77a36932685>. Florida police officers repeatedly asserted their state's Marsy's Law to avoid disclosing records related to deadly force incidents. *City of Tallahassee v. Fla Police Benevolent Ass'n, Inc.*, 375 So.3d 178, 181 (Fla. 2023). Media organizations requested names of officers when investigating use of deadly force incidents that happened within days of the murder of George Floyd. Karl Etters & Jeff Burlew, 'Secret Police' or a right to anonymity? Florida Supreme Court decide future of Marsy's Law, Tallahassee Democrat (Dec. 6, 2022, 5:05 AM) <https://www.tallahassee.com/story/news/2022/12/06/marsys-law-florida-case-pits-tallahassee-vs-tpd-supreme-court/8065479001/>. The Florida officers declared themselves victims of assault to claim Marsy's law against the inquiries of reporters. *Tallahassee*, 375 So.3d at 182. Notably, other courts have resisted this misappropriation victim's rights by police officers. The Florida Supreme Court ruled Tallahassee's police department could not use victim's rights to withhold the officers' names. *Id.* at 189. That court recognized the importance of not falsely creating exemptions for disclosure and rights to anonymity where the state's legislature has not carved them out. *Id.*

This Court should similarly honor the legislative intent behind the privacy rights afforded to Nevada victims by preventing their co-option by state entities

seeking to obscure acts of misconduct. By hijacking victim's privacy rights, police departments elude taking accountability for their officers' actions. Police departments are empowered to hide patterns of misconduct in order to sidestep necessary institutional reforms. Here, Bluth is a primary example of the state asserting the privacy rights of the victim against the victim herself, as she requests relevant records. The City of Sparks and Reno have not even alleged that Bluth, or any other similarly situated victim of its officers, has asserted her own privacy rights to these records. It can only be assumed that the cities are using victim privacy rights for their own interests.

III. Victims of government abuse have an interest and require transparency to hold the government accountable.

Victims benefit from transparency in multiple ways. Informal public pressure fueled by outrage and media coverage can cause necessary policy and personnel changes, influencing appointments and elections. Victims may also determine that they have a legal cause of action against the agency as well as the perpetrator and seek accountability in the courtroom.

Victims have an interest in preventing future instances of misconduct, which is advanced when the public demands accountability for misconduct. It is a common phenomenon that public outrage can change policies. There are clear times where this has been effective. For example, ACLU of Nevada's representation of the two boys manhandled by CCSD Police Officer Elfberg led to the disclosure of the

incident's body worn camera footage. CCSD Police Department's chief pulled Lieutenant Elfberg's appointment from the training bureau and investigations and evidence bureau after the appointment was leaked to the news, receiving negative backlash from media outlets and community organizations. Joshua Peguero, *CCSDPD chief pulls appointment of embattled officer to oversee training, sources say*, 8 News Now (June 30, 2025, 8:53 PM) <https://www.8newsnow.com/news/local-news/ccsdpd-chief-pulls-appointment-of-embattled-officer-to-oversee-training-sources-say/>; Cristen Drummond, *Controversial school police lieutenant removed from training role after community outcry*, KSNV News 3 Las Vegas (July 1, 2025, 8:09 PM) <https://news3lv.com/news/local/controversial-school-police-lieutenant-removed-from-training-role-after-community-outcry>.

Transparency enables the public to at least consider prior incidents of victimization even if the candidate prevails. It requires candidates to address allegations, like Sheriff McMahill who discussed his prior allegations of sexual misconduct with the media during his campaign. Vanessa Murphy, *I-Team: McMahill denies story from 1995 as he pursues sheriff's office*, 8 News Now (April 1, 2022, 6:13 PM) <https://www.8newsnow.com/investigators/i-team-mcmahill-denies-story-from-1995-as-he-pursues-sheriffs-office/>. The public's consideration of the sexual allegations against Brett Kavanaugh before his confirmation as the next Supreme Court Justice in 2018 resulted in protestors interrupting the confirmation

vote. Tom Dunlavey & Meghan Keneally, *Brett Kavanaugh sworn in as Supreme Court justice amid protests*, ABC News (Oct. 6, 2018, 8:14 PM) <https://abcnews.go.com/Politics/kavanaugh-latest-confirmation-ahead-senate-vote-saturday/story?id=58316458/>.

Finally, victims require transparency not only to hold their perpetrator accountable, but also the agency who has enabled the abuse. Without transparency, victims would find it difficult to move past the pleading stage for establishing a section 1983 claim. First, public records are essential for making a plausible claim of *Monell* liability. Government entities are liable for violating rights under 42 U.S.C. § 1983 when the government entity has a practice, policy, or custom which violates a constitutional right. *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978). A victim's ability to plead a *Monell* claim is jeopardized when significant barriers prevent a victim from accessing the agency's trainings and policies. Establishing *Monell* liability requires a plaintiff to prove "(1) [they were] deprived of a constitutional right; (2) the municipality had a policy; (3) the policy amounted to deliberate indifference to [their] constitutional right; and (4) the policy was the moving force behind the constitutional violation." *Lockett v. Cnty. of L.A.*, 977 F.3d 737, 741 (9th Cir. 2020). Alternatively, a plaintiff can raise a "failure-to-train" theory, but doing so requires a high standard for proving deliberate indifference, meaning transparency is necessary to plead an adequate *Monell* claim. *McIntyre v.*

Las Vegas Metro. Police Dep't, No. 2:24-cv-01953, 2025 U.S. Dist. Lexis 161507, at *8 (D. Nev. Aug. 19, 2025).

Second, victims who file in federal court, or file an amended complaint after removal to federal court, must meet a higher pleading standard. Fed. R. Civ. P. 81(c)(1). To survive a Rule 12(b)(6) motion to dismiss, the factual allegations in a complaint need to be “more than labels and conclusions.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); Fed. R. Civ. P. 12(b)(6). By a court assuming all facts to be true, the court should “draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Nevada has not adopted the ‘*Twiqbal*’ “plausibility” pleading standard, requiring dismissal only when “the plaintiff could prove no set of facts [that], if accepted by the trier of fact, would entitle [them] to relief.” *Dezzani v. Kern & Assocs.*, 134 Nev. 61, 72 (Nev. 2018) (quoting *Washoe Med. Ctr., Inc. v. Reliance Ins. Co.*, 112 Nev. 494, 496 (1996)). Government agencies can skirt liability in multiple forums simply by denying victim’s transparency.

IV. Transparency is just as, if not more, valuable for victims of sexual violence.

Transparency is just as, if not more, valuable for victims of sexual violence for holding their abuser and the enabling agency accountable. Law enforcement and other agencies have enabled abuse, including sexual abuse, in the past. Patterns of abuse come to light not from the government’s self-monitoring but from third parties

and victims that investigate abuses. Victims, like Bluth, seek out records of their own victimization and related incidents of misconduct to rightfully assess if and how their individual case was investigated and whether the harm was reoccurring. Transparency is key for victims and third parties alike to determine whether the government is adequately addressing wrongdoings, including how it oversees allegations of sexual abuse at state-funded agencies.

Without transparency, victims are denied evidence that can show an entity's knowledge of previous or continued harm by the state employee. This was the case for St. Jude's Ranch for Children, a Nevada foster care agency, when house parent Aldrin Antonio West was criminally charged for inappropriate sexual misconduct towards a fellow staff member. Yesenia Amaro, *St. Jude's worker accused, returned to work before new sex charges*, *Las Vegas Review Journal* (June 23, 2014, 8:51 PM) <https://www.reviewjournal.com/news/st-judes-worker-accused-returned-to-work-before-new-sex-charges/>. The victim told investigative journalists that Clark County Family Services quickly reinstated West after investigating reports by two teenage girls and requiring him to attend "boundaries classes." *Id.* Instead of confirming or denying this claim, the department of Family Services used confidentiality laws for minors to bypass sharing information of any potential investigations and disciplinary action taken against West. *Id.* Boulder City Police Department and the Clark County district attorney's office both declined record

requests submitted by an investigative journalist. *Id.* Depriving victims of sexual violence this transparency denies them the ability to ascertain the scope of government agencies' potential failures. Being transparent with the public about a pattern of sexual violence with multiple victims sends a message that allegations are and will be taken seriously. After all, "courts have recognized that victims, witnesses, and other officers may be more likely to participate in investigations or discipline proceedings if they believe their reports of misconduct will be thoroughly and fairly investigated." *Murnane v. Las Vegas Metro. Police Dep't*, No. 2:13-cv-01088, 2015 U.S. Dist. LEXIS 129261, at *17 (Nev. Sept. 23, 2015) (citing *Kelly v. City of San Jose*, 114 F.R.D. 653, 664-66 (N.D. Cal. 1987)).

The importance of transparency for sexual violence victims also arises in the context of police departments as seen in the case of Officer Arevalos, where public records exposed institutional failings by San Diego Police Department. SDPD sought to hide its failures by denying public record requests related to San Diego Police Officer Anthony Arevalos' history of sexual misconduct. Keegan Kyle, *How a Bad Cop Avoided Detection*, Voice of San Diego (Dec. 15, 2011), <https://voiceofsandiego.org/2011/12/15/how-a-bad-cop-evaded-detection/>. Officer Arevalos was responsible for arresting drunk drivers and often abused his authority to sexually harass and assault young women. *Id.* Other officers received lewd photos of the women he stopped and put up a wall of silence. *Id.* Even after victims came

forward, Officer Arevalos' first investigation of sexual assault resulted in no criminal charges. *Id.* Instead, he was reinstated to the same job where a year later he was again accused of sexual misconduct. *Id.*

By this time, the department received multiple notices of abuse and failed to act in the interests of the victims. *Id.* The public reporting proved critical for victims to receive justice, ultimately leading to *seven* more victims coming forward. *Id.* The department initially denied records requests, attempting to portray Arevalos "as a rogue officer who eluded his peers," before later acknowledging an institutional problem resulting in eleven investigations across the department. *Id.* The police chief's public apology and investigations that followed support the significance and influence that public pressure can have to create change. *Id.* Public pressure on agencies to investigate and correct harm also serves a preventative goal: to prevent future harm by the same actors. From the increased public scrutiny, the San Diego Police Department was forced to confront their failures and implement new measures to protect potential victims.

The cases of St. Jude's Ranch and Arevalos are highly relevant to the experience of Bluth. Transparency of officer misconduct and the police department's response are matters of public interest, as this court has determined previously. *Las Vegas Review-Journal, Inc. v. Las Vegas Metropolitan Police Dep't*, 526 P.3d 724, 736 (2023). The nature and type of abuse does not change that fact. Like for the

victims of Arevalos, transparency is necessary for Bluth to seek accountability. It provides Bluth and the public the ability to assess whether the Sparks and Reno Police Departments require reform when it comes to officer oversight. Exposing institutional failings, like St. Judes Ranch's failure to keep children safe and the San Diego Police Department's pitiful police oversight, are evidence enough of the vital role public records play. Victims of sexual violence must be able to know that their harm could have been prevented and that the same sexual abuse will not continue.

V. The NPRA and related Nevada jurisprudence adequately accounts for victims' interest in both privacy and transparency and already avoids putting those interests in conflict.

The NPRA and Nevada jurisprudence allow for disclosure, transparency, and accountability across contexts. This is achieved through rules and policies that protect the privacy rights of sexual violence victims through redaction of identifying information. Further redactions of a public record are not warranted in the name of victims' rights when these privacy concerns have already been considered.

This court has adopted the *CCSD* balancing test to "balance the public's right to information against nontrivial personal privacy interests." *Clark Cty. Sch. Dist. (CCSD) v. Las Vegas Review Journal*, 134 Nev. 700, 708 (2018). Even so, the *CCSD* balancing test is strictly limited to identifying information. *Id.* Names of witnesses and victims could be withheld from public disclosure to prevent retaliation, but the test made no other redactions necessary or appropriate. *Id.* These determinations

prove that the privacy interests of sexual violence victims have already been considered by courts. Further limiting access to this kind of information not only risks obstructing the mission of the NPRA, it risks posing increased barriers for victims to achieve accountability.

The NPRA expects information to be disclosed. Protecting the privacy of victims and maintaining government transparency is possible because the NPRA favors redactions in lieu of withholding the entire document. *Las Vegas Review-Journal, Inc. v. Las Vegas Metropolitan Police Dep't*, 526 P.3d 724, 734 (2023); NRS 239.010(3). The intent behind the NPRA is to “ensure[] that the government is held accountable for its actions by preventing secrecy.” *Reno Newspapers v. Haley*, 234 P.3d 922, 927 (Nev. 2010). Because the NPRA expects transparency, the legislature has also inscribed victim privacy protections in Nevada statutes. For example, victims of a sexual offense can opt-in to use a pseudonym in criminal investigation reports, court records, media releases, and more. NRS 200.3772(1). Carving out this tool for victims of sexual offenses provides victims with a sense of safety. *Clark Cty. Sch. Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 708 (2018). The Nevada legislature also decided there is no overriding public interest in knowing the identity of the victim of a sexual offense per NRS. 200.377(5). *Id.* This means the privacy of a sexual violence victim would not be “at risk” by a public record request.

Formulating privacy right statutes for victims would be immaterial if the NPRA did not expect transparency.

When institutional failings exist, as they did in the Nevada foster care agency and San Diego's police department, victims like Bluth and the public are entitled to know both whether patterns of abuse should have been identified earlier and how the institution has responded to the allegations of abuse. Records that answer questions like these are especially important for victims of sexual abuse whose personal privacy interests are already protected through court precedent and legislation.

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CONCLUSION

Victims have an interest in transparency, protected by the NPRA and Article 1, Section 8A of the Nevada Constitution which gives them access to public records and information pertaining to their case. Transparency is essential for victims to seek accountability against their abusers and any potentially enabling agencies. State entities, including police departments, who enable abuse, should be preempted from using victims' privacy rights to prevent the disclosure of misconduct. Amici respectfully ask that this Court expressly recognize and clarify that victims' rights cannot be used by the state to avoid accountability and that transparency plays a significant role in protecting the public and victims from future harm.

DATED this 23rd day of September 2025.

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CERTIFICATE OF COMPLIANCE

I hereby certify that I have read this amici brief, and to the best of my knowledge, information, and belief it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, including the requirement of Rule 28(e), which requires that every assertion in the brief regarding matters in the record be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

I further certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14 point Times New Roman.

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Finally, I hereby certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 3,902 words.

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23rd day of September 2025. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

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An employee of ACLU of Nevada