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CASE NO: A-26-952733-W
Department 8

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY NEVADA**

11 AMERICAN CIVIL LIBERTIES UNION OF
12 NEVADA, a domestic nonprofit organization, THE
13 FLORES FIRM LTD. d/b/a EDGAR FLORES
14 LAW, THE MARSHALL PROJECT, a nonprofit
15 organization, NEVADA NEWS BUREAU d/b/a
16 THE NEVADA INDEPENDENT, a domestic
17 nonprofit organization,

18 Petitioners,

19 vs.

20 LAS VEGAS METROPOLITAN POLICE
21 DEPARTMENT, a governmental entity,

22 Respondent.

Case No.:

Department:

Hearing requested

**Petition for Writ of Mandamus
pursuant to NRS 239.001 et seq.**

**Expedited Matter Pursuant to
NRS 239.011**

23 Petitioners American Civil Liberties Union (ACLU) of Nevada, The Flores Firm Ltd. d/b/a
24 Edgar Flores Law, The Marshall Project, and Nevada News Bureau d/b/a The Nevada Independent
hereby submit this Petition for Writ of Mandamus pursuant to the Nevada Public Records Act
(NPRa), Nevada Revised Statute § 239 *et seq.* This matter should be given priority over other
civil matters to which priority is not given by other statutes pursuant to NRS 239.011(2).

1 Petitioners request this Court (1) declare Respondent Las Vegas Metropolitan Police Department's
2 (LVMPD) practice of charging excessive and improper fees for copies of public records violates
3 the NPRA, (2) enjoin LVMPD from charging more than the actual cost of providing a public record
4 for all future requests as mandated by NRS 239.052, (3) order LVMPD to provide Petitioners with
5 the outstanding public records detailed in this petition without delay, to only charge fees
6 permissible under Nevada law, and to reimburse Petitioners for the excess costs paid for public
7 records detailed in this petition, and (4) award Petitioners' attorneys' fees and costs pursuant to
8 NRS 239.011(2). In addition, Petitioners ask that this Court find LVMPD willfully failed to
9 comply with the NPRA and impose the requisite civil penalty required by NRS 239.340.

10 This Petition is supported by the pleadings and papers filed with this Court, and any
11 attached exhibits.

12 **NATURE OF THE ACTION**

13 1. Petitioners bring this Petition pursuant to NRS 239.011, which allows a requestor
14 of a public record to apply to the district court for relief if they believe a governmental entity is
15 charging excessive or improper fee for providing a copy of a public book or record.

16 2. Las Vegas Metropolitan Police Department (LVMPD) violates the NPRA's
17 requirement that a fee charged for a copy of a public record must not exceed the "actual cost" to
18 the governmental entity. NRS 239.052; NRS 239.005(1).

19 3. Charging requestors hundreds to thousands of dollars in excess of the actual cost of
20 providing copies of requested records interferes with the NPRA's purpose of ensuring
21 transparency and, for some, creates an insurmountable hurdle depriving people of their right to
22 access this information altogether. *See* NRS 239.001.

23 4. This Petition for a Writ of Mandamus is the proper means to secure compliance
24 with the NPRA. NRS 239.011; *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d

623, 630 n.4 (2011); *see also* *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nev. v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990) (writ of mandamus is the appropriate procedural remedy to compel compliance with the NPRA)).

5. Petitioners are entitled to an expedited hearing on this matter. NRS 239.011(2) (“the court shall give this matter priority over other civil matters to which priority is not given by other statutes.”).

6. Should Petitioners prevail in this matter, they are entitled to an award of fees and costs associated with pursuing this matter. NRS 239.011(2) (“If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney’s fees in the proceeding.”).

7. Should this Court find that LVMPD willfully failed to comply with the NPRA, this Court should impose the requisite civil penalty. NRS 239.340.

PARTIES

8. Petitioner ACLU of Nevada is a domestic Nevada based nonprofit entity that works to defend and advance the civil liberties and civil rights of all Nevadans.

9. Petitioner, The Flores Firm Ltd. d/b/a Edgar Flores Law, is domestic Nevada based entity that provides Nevadans with legal services for immigration and personal injury related issues.

10. Petitioner, The Marshall Project, is a nonprofit news organization incorporated in Delaware that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system.

11. Petitioner, Nevada News Bureau d/b/a The Nevada Independent, is a domestic Nevada based nonprofit corporation committed to illuminating the state's most pressing issues and holding those in power to account.

12. Respondent, Las Vegas Metropolitan Police Department, is a governmental entity and political subdivision of the State of Nevada that is subject to the Nevada Public Records Act. NRS 239.005(5)(b).

JURISDICTION AND VENUE

13. This Court has jurisdiction to issue writs of mandamus. Nev. Const. art. VI, § 6; NRS 34.160; NRS 34.330.

14. This Court has jurisdiction as the court of Clark County where all relevant public records sought are held. NRS 239.011.

15. Venue is proper in the Eighth Judicial District Court of Nevada as all relevant actions to this matter were and are in Clark County, Nevada. NRS 239.011.

STANDING

16. Petitioner ACLU of Nevada has standing to pursue this Petition as LVMPD has charged ACLU of Nevada excessive and improper fees for its public records requests. NRS 239.011.

17. Petitioner Edgar Flores Law has standing to pursue this Petition as LVMPD has charged Edgar Flores Law excessive and improper fees for its public records request. NRS 239.011.

18. Petitioner The Marshall Project has standing to pursue this Petition as LVMPD has charged The Marshall Project excessive and improper fees for its public records requests. NRS 239.011.

19. Petitioner The Nevada Independent has standing to pursue this Petition as LVMPD has charged The Nevada Independent excessive and improper fees for its public records request. NRS 239.011.

STATEMENT OF FACTS

I. LVMPD's Various Methods of Calculating Costs for Copies of Public Records

20. LVMPD has a Public Records Unit (PRU) responsible for responding to requests for public records submitted to the agency pursuant to the NPRA. LVMPD Letter to TMP re: Costs at 2–3, attached as Exhibit 1.

21. The PRU employees are responsible for gathering responses to requests for public records and providing the requestor with copies. Ex. 1 at 3.

22. The PRU employees review and redact the responsive records when necessary. Ex.

1 at 3.

23. LVMPD charges rates for copies of public records based on “the actual salaries and benefits of the employees.” Ex. 1 at 6.

24. LVMPD's webpage linking to its "Public Records Request Portal" outlined LVMPD's service charges, effective February 1, 2026.¹ LVMPD Public Records Webpage, attached as Exhibit 2.

25. The chart on LVMPD's website previously stated that "Body Worn Camera Video/Audio Preparation, Research, Redaction" costs \$87.00 per hour. Ex. 2.

26. The chart further provided that the per hour rate for LVMPD's "Research Fee (for records and information not readily available)" and "Redaction Fee" "[v]aries." Ex. 2.

¹ LVMPD's current webpage shows an increase in these charges, effective July 1, 2026; LVMPD now charges \$89.00 for "Body Worn Camera Video/Audio Preparation, Research, Redaction," while the "Research Fee" and "Redaction Fee" still "Varies". Las Vegas Metropolitan Police Department, *Public Records*, <https://www.lvmpd.com/i-want-to/file/public-records> (last visited July 23, 2026).

1 27. Below LVMPD’s posted charges, the webpage states “All fees may be subject to
2 additional charge for additional personnel costs, as permitted by NRS 239.052(1) and NRS
3 239.005(1).” Ex. 2.

4 28. The chart does not explain why video preparation, research, or redaction would
5 incur additional personnel costs beyond those already listed. *See* Ex. 2.

6 29. LVMPD has also used its “Service Charges Schedule” to determine its charges for
7 copies of public records.² LVMPD Service Charges, attached as Exhibit 3.

8 30. LVMPD’s “Service Charges” document, effective February 1, 2026, provides that
9 the charge for “Video/Audio Case Preparation/Research/Redaction” for body worn cameras is
10 \$87.00 per hour. Ex. 3 at 1.

11 31. The “Service Charges” document states the cost for “Case
12 Preparation/Research/Redaction” for other public records is \$47.00 per hour. Ex. 3 at 1.

13 32. Copies to “CD/DVD/Flash Drive” are listed as \$32.00 each. Ex. 3 at 1.

14 33. “Incident Crime Report Reproduction” is listed at \$12.00 each (up to 20 pages),
15 with requests over 20 pages charged at a rate of \$0.40 per page. Ex. 3 at 1.

16 34. The document notes that expedited requests are charged at 1.5 times the hourly rate.
17 Ex. 3 at 1.

18 35. The “Service Charges” document also provides that “Crime Analysis Research for
19 Public Records Requests and Subpoenas” costs \$73.00 per hour. Ex. 3 at 1.

22 ² Prior to February 1, 2026, LVMPD’s Service Charges Schedule charged \$85.00 per hour for
23 “Video/Audio Case Preparation/Research/Redaction” for body worn cameras and the cost for
24 “Case Preparation/Research/Redaction” for other public records was \$47.00 per hour. LVMPD
Jul. 2025 Service Charges at 1, attached as Exhibit 4. Copies to “CD/DVD/Flash Drive” were
listed as \$31.00 each, and “Incident Crime Report Reproduction” was listed at \$12.00 each (up to
20 pages). Ex. 4 at 1.

1 36. Again, the chart does not explain why time spent on “video/audio” case preparation
2 costs more than general case preparation. *See* Ex. 3.

3 37. It does not explain why the costs related to the time spent on “research” for requests
4 varies depending on whether it is for public records, body worn camera footage, or crime analysis
5 data. *See* Ex. 3.

6 38. It does not explain how LVMPD determined that it was incurring the exact same
7 costs for CDs, DVDs, and flash drives. *See* Ex. 3.

8 39. It does not explain how all crime reports, no matter the length, incur the same cost.
9 *See* Ex. 3.

10 40. It does not explain how the ink and paper to print a single page report would result
11 in \$12.00 in actual costs. *See* Ex. 3.

12 41. LVMPD’s Public Records Unit has also used “working tools” such as its internal
13 tabulation worksheets to estimate personnel time.³ LVMPD Email to ACLUNV re: Calc. of Costs
14 at 2, attached as Exhibit 5.

15 42. The tabulation sheets show LVMPD’s calculation of charges for the hours spent on
16 “investigative research”, “redactions”, “quality assurance”, and “video/audio case preparation”.
17 Tabulation Wksht: ACLUNV BWC Req., attached as Exhibit 6; Tabulation Wksht: EFL BWC
18 Req., attached as Exhibit 7.

19 43. In some instances, LVMPD charges for copies of body worn camera footage at the
20 hourly rate reflected on its services charges sheet. *See* Ex. 6.

21
22 ³ LVMPD’s “tabulation worksheets” were provided in response to a request that ACLU of Nevada
23 submitted to LVMPD on September 30, 2025. Ex. 5. The request sought the policies and
24 procedures related to LVMPD’s calculation or estimation of costs or fees charged for copies of
public records, as well as a calculation or estimation of the costs for ACLU of Nevada’s request
for body worn camera footage on June 17, 2025, and for Edgar Flores Law’s request for body worn
camera footage. ACLUNV Req. for Calc. of Costs, attached as Exhibit 9.

1 44. In other instances, LVMPD charges for copies of body worn camera footage at a
2 rate by minute of footage. *See Invoice: ACLUNV Request for Arrest BWC*, attached as Exhibit 8.

3 45. LVMPD has stated to ACLU of Nevada that “LVMPD does not maintain a
4 standalone ‘policy’ or ‘procedure’ document [for determining charges for public records] beyond
5 [its] published Service Charge Schedule.” Ex. 5 at 1.

6 **II. Petitioner ACLU of Nevada’s Requests**

7 46. ACLU of Nevada is a non-profit organization whose mission is to defend and
8 advance the civil liberties, civil rights, and other fundamental human rights of all Nevadans.

9 47. As part of ensuring people’s civil rights are protected, ACLU of Nevada frequently
10 submits public records requests to governmental entities, including LVMPD.

11 48. In the wake of LVMPD’s use of tear gas and pepper balls at a protest on June 11,
12 2025, ACLU of Nevada submitted requests for public records related to the incident via LVMPD’s
13 online “Public Records Center” portal located at [https://www.lvmpd.com/i-want-to/file/public-](https://www.lvmpd.com/i-want-to/file/public-records)
14 records.

15 49. As detailed below, the requests sought officers’ body worn camera footage and
16 LVMPD’s training materials on protest response tactics.

17 **A. Requests for Body Camera Footage**

18 50. On June 17, 2025, ACLU of Nevada submitted a request for public records to
19 LVMPD. *ACLUNV Req. for BWC*, attached as Exhibit 10.

20 51. This request sought body worn camera footage from officers who issued dispersal
21 orders, engaged in the use of force, or who were involved in arrests the evening of June 11, 2025.
22 Ex. 10 at 1-2.

1 52. ACLU of Nevada’s request for body worn camera footage was assigned a LVMPD
2 NPR Number: 2025-0072090. LVMPD Email: Invoice for ACLUNV BWC Req., attached as
3 Exhibit 11 (confirming receipt of request).

4 53. In its request, ACLU of Nevada also asked for a waiver of fees, as the records
5 sought by the nonprofit were not for commercial interest but were for the purpose of contributing
6 to public understanding of an event of substantial public interest. Ex. 10 at 2.

7 54. On July 8, 2026, LVMPD informed ACLU of Nevada that its initial request was
8 burdensome, stating if ACLU of Nevada could “narrow or limit the request in some way,” then
9 LVMPD could “consider sending [ACLU of Nevada] a cost estimate.” ACLUNV-LVMPD Emails
10 re: Req. for BWC at 4-5, attached as Exhibit 12.

11 55. ACLU of Nevada made numerous attempts to narrow its original request for body
12 worn camera footage to facilitate its production. Ex. 12 at 1-4.

13 56. Despite these attempts, LVMPD informed ACLU of Nevada that even after
14 narrowing its request “the cost for processing and producing these materials will be significant.”
15 ACLUNV-LVMPD Email Update re: Req. for BWC, attached as Exhibit 13.

16 57. On September 4, 2025, LVMPD emailed ACLU of Nevada a link to the invoice
17 with the charges for its request for body camera footage. Ex. 11.

18 58. For a copy of the footage, LVMPD required payment of \$6,811.33 prior to work
19 being initiated.⁴ Ex. 6; Ex. 11.

20 59. As a result, ACLU of Nevada made multiple attempts to further narrow its request
21 to reduce the costs of receiving copies of the requested body camera footage.

22
23
24 ⁴ The link to this invoice has since expired, however the fee LVMPD charged for the requested
records are reflected in its “tabulation worksheet” for this request. *See* Ex. 5 (providing ACLU of
Nevada with the tabulation worksheet for this request).

1 60. On January 28, 2026, an attorney for ACLU of Nevada met with two LVMPD
2 detectives in order to limit ACLU of Nevada’s request for body camera footage. LVMPD Portal
3 Messages re: ACLUNV BWC Req. at 12, attached as Exhibit 14.

4 61. After reviewing some of the requested footage at the public records office for
5 several hours, ACLU of Nevada submitted a narrowed request for the relevant body cam footage
6 on February 3, 2025.⁵ Ex. 14 at 12.

7 62. Despite these efforts, LVMPD sent ACLU of Nevada an invoice on February 9,
8 2026, charging \$2,766.60 for the full videos. Ex. 14 at 9-10; Invoice: ACLUNV Narrowed Req.
9 for BWC, attached as Exhibit 15.

10 63. LVMPD now stated that it was “unable to create new records (video clips).” Ex. 15
11 at 1.

12 64. LVMPD’s invoice for the videos reviewed in office charged ACLU of Nevada at a
13 rate of \$5.80 per minute of footage. Ex. 15.

14 65. On February 3, 2026, ACLU of Nevada submitted a public records request for body
15 worn camera footage of one protestor who was struck by projectiles fired by LVMPD during the
16 June 11, 2025, protest.⁶ LVMPD Portal Messages re: ACLUNV Req. for Projectiles BWC at 5,
17 attached as Exhibit 16.

18 66. On February 5, 2026, LVMPD sent ACLU of Nevada two invoices for its request
19 for footage of a protestor being struck by projectiles. Ex. 16 at 1.

20 67. LVMPD’s invoices for ACLU of Nevada’s request for footage of a protestor being
21 struck by projectiles charged a total of \$1,808.73 for the request. Invoice 1: ACLUNV Req. for
22 Projectiles BWC, attached as Exhibit 17; Invoice 2: ACLUNV Req. for Projectiles BWC, attached
23 as Exhibit 18.

24 ⁵ LVMPD assigned this request with reference no. X006325-020326. Ex. 14 at 11-12.

⁶ LVMPD assigned this request reference no. X006326-020326. Ex. 16 at 5.

1 68. LVMPD's invoices for ACLU of Nevada's request for footage of a protestor being
2 struck by projectiles charged at a rate of \$5.67 per minute of footage. Exs. 17-18.

3 69. On February 5, 2026, ACLU of Nevada submitted a public records request for body
4 worn camera footage involving a particular citation and arrest for a separate protest related
5 incident. ACLUNV Req. for Arrest BWC at 3, attached as Exhibit 19.

6 70. LVMPD assigned this request reference number X006517-020526. Ex. 19 at 3.

7 71. On February 6, 2026, LVMPD sent ACLU of Nevada an invoice for its request for
8 body camera footage related to the arrest, charging at a rate of \$5.80 per minute. Ex. 8.

9 72. The invoices LVMPD provided for ACLU of Nevada's requests for body worn
10 camera calculated the proposed costs at different rates and units of measurement.

11 73. The invoice for ACLU of Nevada's original request was calculated in estimated
12 hours spent by LVMPD staff. *See* Ex. 6.

13 74. Later invoices for body camera footage charged ACLU of Nevada at a rate of \$5.67
14 per minute of footage. Ex. 17; Ex. 18.

15 75. Just days later, LVMPD sent ACLU of Nevada an invoice for another request
16 charging at a rate of \$5.80 per minute of footage. Ex. 8; Ex. 15.

17 76. LVMPD provided no explanation for why it deviated from its listed rate of \$87 per
18 hour by charging per minute of footage. *See e.g.*, Ex. 15.

19 77. LVMPD provided no explanation as to why the "per minute" rate increased since
20 the invoice for ACLU of Nevada's previous requests received just days prior. *Compare e.g.*, Ex.
21 8, *with* Ex. 17.

22 78. LVMPD required payment of these invoices prior to placing ACLU of Nevada's
23 requests back in the queue to be processed. Ex. 14 at 10; Ex. 16 at 2-3; Ex. 19 at 2.

1 79. Because ACLU of Nevada’s attempts to work with LVMPD to narrow its requests
2 and reduce the costs associated were unsuccessful after months of effort, and in light of concerning
3 reports⁷ that video footage produced from the June 11, 2025, protests depicted significant and
4 pervasive First Amendment violations, ACLU of Nevada emailed LVMPD on February 24, 2026.
5 Ex. 14 at 7-8.

6 80. In that email, ACLU of Nevada asked LVMPD to provide ACLU of Nevada with
7 records responsive to its original request submitted on June 17, 2025, and an updated invoice for
8 the charges and a breakdown of the costs. Ex. 14 at 7.

9 81. When LVMPD did not respond to ACLU of Nevada’s request, ACLU of Nevada
10 sent follow up emails on March 3, 2026, and March 18, 2026. Ex. 14 at 1, 4.

11 82. ACLU of Nevada also attempted to contact LVMPD through its public records
12 portal. Ex. 14 at 1.

13 83. As of the date of this filing, LVMPD has yet to respond to any of ACLU of
14 Nevada’s inquiries about this request. *See* Ex. 14.

15 84. Nor has ACLU of Nevada received any of the body worn camera footage it
16 requested.

17 **B. Request for Trainings**

18 85. On September 30, 2025, ACLU of Nevada submitted a request for public records
19 seeking seven Power Point trainings. ACLUNV Req. for Trainings, attached as Exhibit 20.

20 86. LVMPD assigned this request with reference number X000934-093025. LVMPD
21 Confirmation Email re: ACLUNV Req. for Trainings, attached as Exhibit 21.

23 ⁷ Darcy Spears & Jarah Wright, *Lawsuit claims LVMPD violated its own use-of-force policies in*
24 *response to Las Vegas anti-ICE protests*, KTNV Channel 13 News (Dec. 30, 2025, 7:35 PM)
[https://www.ktnv.com/13-investigates/lawsuit-claims-lvmpd-violated-its-own-use-of-force-](https://www.ktnv.com/13-investigates/lawsuit-claims-lvmpd-violated-its-own-use-of-force-policies-in-response-to-las-vegas-anti-ice-protests)
[policies-in-response-to-las-vegas-anti-ice-protests](https://www.ktnv.com/13-investigates/lawsuit-claims-lvmpd-violated-its-own-use-of-force-policies-in-response-to-las-vegas-anti-ice-protests) (last visited Jul. 29, 2026).

1 87. On October 17, 2025, LVMPD sent ACLU of Nevada an email with an invoice for
2 its request for trainings, stating that work on ACLU of Nevada's request would resume after
3 payment. LVMPD Email to ACLUNV re: Invoice for Req. for Trainings, attached as Exhibit 22.

4 88. LVMPD charged ACLU of Nevada \$329.00 for its request for Power Point
5 trainings. Invoice: ACLUNV Req. for Trainings, attached as Exhibit 23.

6 89. ACLU of Nevada asked LVMPD to clarify the basis for the fee and provide an
7 explanation for how it was calculated. ACLUNV Email to LVMPD re: Explanation of Trainings
8 Req. Costs, attached as Exhibit 24.

9 90. LVMPD emailed ACLU of Nevada an explanatory letter, which stated that it had
10 determined the labor required to process ACLU of Nevada's request was 7 personnel hours.
11 LVMPD Letter to ACLUNV Explaining Costs for Trainings Req. at 1, attached as Exhibit 25.

12 91. LVMPD further explained: "**Pursuant to the published rate of \$47.00 per hour,**
13 **the total cost for review and redaction is \$329.00.** If the actual time is less, we will reduce the
14 charge and refund any overage; if additional time appears necessary, we will notify you in
15 advance." Ex. 25 at 2 (emphasis in original document).

16 92. Because ACLU of Nevada refuses to pay these excessive costs, ACLU of Nevada
17 has not received the requested trainings.

18 **III. Edgar Flores Law's Request**

19 93. Edgar Flores Law submitted a public records request for body worn camera footage
20 in relation to one of its cases, which LVMPD assigned the NPR Number: 2025-0082588. LVMPD
21 Email to Edgar Flores Law re: Req. for BWC, attached as Exhibit 26.

1 94. On August 30, 2025, LVMPD sent Edgar Flores Law an email confirming receipt
2 of the request and a link to the invoice for the request.⁸ Ex. 26.

3 95. LVMPD stated that “[f]ull payment for this request is required prior to work being
4 initiated.” Ex. 26.

5 96. LVMPD’s tabulation sheet for this request outlines the cost of providing 194
6 minutes total of body worn camera footage, which amounted to \$1,099.33 total at a rate of \$85 per
7 hour for standard processing. Ex. 7.

8 97. The same tabulation sheet estimates a total of 4 hours of work at a rate of \$85 per
9 hour, which totals \$340, not the requested total of \$1,099.33 by LVMPD. Ex. 7.

10 98. The tabulation sheet estimates 1 hour for “investigative research”, 1 hour for
11 “redactions”, 1 hour for “quality assurance”, and 1 hour for “video/audio case preparation”. Ex. 7.

12 99. Because Edgar Flores Law will not pay the excessive costs LVMPD charged for its
13 request, Edgar Flores Law has not received the body worn camera footage it requested.

14 **IV. The Marshall Project’s Requests**

15 **A. Requests for Officer Reports and Arrest Affidavits**

16 100. On June 2, 2025, The Marshall Project submitted a public records request for
17 “Officer Reports” for fifteen homicide cases, which was assigned NPR Number: 2025-0078519.
18 LVMPD Confirmation Email re: TMP June Reqs. for Officer Reports, attached as Exhibit 27.

19 101. The same day, The Marshall Project submitted a public records request for the
20 arrest affidavits and/or declarations of warrant for the same fifteen homicide cases, which was
21 assigned NPR Number 2025-0078520. Ex. 27.

22
23
24 ⁸ The link to this invoice has also since expired, however the fee LVMPD charged for the
requested records are reflected in its “tabulation worksheet” for this request. *See* Ex. 5 (providing
the tabulation worksheet for this request).

1 102. On June 9, 2025, LVMPD sent The Marshall Project a letter describing the costs
2 charged for the two requests. LVMPD Letter to TMP re: Cost for June Reqs., attached as Exhibit
3 28.

4 103. LVMPD's letter estimated that the labor to process The Marshall Project's requests
5 was 10 personnel hours. Ex. 28 at 1.

6 104. It further stated that "the total cost for redaction and review is \$460", charged
7 "[p]ursuant to the published rate of \$46.00 per hour[.]" Ex. 28 at 1.

8 105. The Marshall Project paid \$460 for LVMPD to produce 312 pages of records
9 responsive to its June requests for officer reports and affidavits. LVMPD Email to TMP
10 Confirming Payment for June Reqs., attached as Exhibit 29.

11 106. During the month of September 2025, The Marshall Project submitted multiple
12 public records requests.⁹

13 107. LVMPD did not charge any fees when it provided The Marshall Project with copies
14 of the requested "Officer Reports" for nineteen homicide cases and two incident reports. *See* Ex.
15 37 at 2.

16 108. However, LVMPD did charge The Marshall Project \$30 for a Computer-Aided
17 Dispatch Report, NPR 2025-0083028, which The Marshall Project promptly paid. LVMPD Email
18 to TMP re: Cost of CAD Req., attached as Exhibit 30; LVMPD Email to TMP re: Payment Receipt
19 for CAD Req., attached as Exhibit 31.

22 ⁹ Those requests were NPR 2025-0082785, NPR 2025-0082787, NPR 2025-0082788, NPR 2025-
23 0082790, NPR 2025-0082791, NPR 2025-0082792, NPR 2025-0082793, NPR 2025-0082794,
24 NPR2025-0082795, NPR2025-0082797, NPR2025-0082798, NPR2025-0082799, NPR 2025-
0082802, NPR 2025-0082803, NPR 2025-0082804, NPR 2025-0082806, NPR 2025-0082808,
NPR 2025-0082809, NPR 2025-0082810, NPR 2025-0082812, and NPR 2025-0082813. *See* TMP
to Letter to LVMPD re: Costs of Public Records at 2, attached as Exhibit 37.

1 109. On October 9, 2025, The Marshall Project submitted separate requests for “Officer
2 Reports” from eleven homicide cases and two homicide files from LVMPD. *See* LVMPD Letter
3 to TMP re: Costs for Oct. Reqs., attached as Exhibit 32.

4 110. LVMPD charged The Marshall Project for each of these requests and later stated it
5 was charging for labor and personnel costs at a rate of \$47 per hour. LVMPD Letter to TMP re:
6 Public Records Costs at 6, Ex. 1.

7 111. The Marshall Project paid LVMPD to produce the requested records for eleven of
8 its thirteen requests. TMP’s Paid Invoices for Oct. Reqs., attached as Exhibit 33; TMP’s Paid
9 Invoice for FIT Report, attached as Exhibit 34.

10 112. For ten of The Marshall Project’s requests in October, LVMPD charged a total of
11 \$940 for 215 pages of records. *See* Ex. 33; Ex. 37 at 2.

12 113. After paying another \$235 for LVMPD to produce the eleventh of these requests,
13 The Marshall Project discovered that LVMPD provided a Force Investigation Team report in
14 response to its request for Officer Reports. *See* Ex. 1, at 6 (explaining that the FIT report was
15 provided because no other report existed).

16 114. This document was not responsive to The Marshall Project’s request for the
17 “homicide investigation report” or “officer report.”¹⁰ LVMPD Confirmation Email re: TMP Oct.
18 Req. for Homicide Investigation Rep., attached as Exhibit 35.

19 115. In addition, a version of the report was already publicly available for free online.¹¹

20 116. LVMPD charged The Marshall Project \$540.50 for its remaining October request.
21 Invoice: TMP Oct. Req. for Transcripts, attached as Exhibit 36.

22
23 ¹⁰ LVMPD assigned this request reference number X001349-100925. Ex. 35.

24 ¹¹ *See* Las Vegas Metro. Police Dep’t, *Force Investigation Team Report: Fatal Officer-Involved Shooting* (Aug. 30, 2022),
<https://www.lvmpd.com/home/showpublisheddocument/1724/638326183794770000>.

1 117. However, due to the prohibitively high cost of this request, The Marshall Project
2 has been forced to find this public information through other means. *See* Ex. 37 at 3.

3 118. On February 4, 2026, The Marshall Project sent LVMPD a letter outlining
4 LVMPD's overcharges for its public records requests and requesting a refund for the payments
5 The Marshall Project made in excess of the "actual cost" as defined by the NPRA, including the
6 \$235 charged for the FIT report that was available online for free. Ex. 37 at 1–5.

7 119. LVMPD refused to refund The Marshall Project for any portion of their payments,
8 claiming that "the law allows LVMPD to recover the labor costs associated with the production of
9 records." Ex. 1 at 7.

10 **B. Request for Body Worn Camera Footage**

11 120. On April 17, 2026, The Marshall Project submitted a public records request for
12 body worn camera footage related to a domestic violence arrest. LVMPD Portal Messages re: TMP
13 Req. for BWC at 4, attached as Exhibit 38.

14 121. LVMPD assigned this request the reference number X009575-041726. Ex. 38 at 3.

15 122. LVMPD sent The Marshall Project an invoice charging a total of \$1,473.20 for the
16 request. Invoice: TMP Req. for BWC, attached as Exhibit 39.

17 123. The invoice showed LVMPD charged \$5.80 per minute of footage for the
18 "video/audio case preparation/redaction" of 254 minutes of footage. Ex. 39.

19 124. LVMPD provided no explanation as to why it charged at this per minute rate rather
20 than \$87.00 per hour rate listed on its "Service Charges" sheet. *See* Ex. 39.

21 125. Because the Marshall Project will not pay the excessive fee LVMPD charged for
22 this request, LVMPD has yet to provide The Marshall Project with the body worn camera footage
23 it requested.
24

1 **V. Petitioner The Nevada Independent’s Request**

2 126. On January 13, 2026, a reporter from The Nevada Independent submitted a request
3 under the NPRA for homicide data. LVMPD Portal Messages re: Indy Req. for Homicide Data at
4 5–7, attached as Exhibit 40.

5 127. LVMPD assigned this request the reference number X005441-011326.

6 128. On January 21, 2026, LVMPD provided The Nevada Independent with an invoice
7 for the request. Invoice: Indy Req. for Homicide Data, attached as Exhibit 41.

8 129. LVMPD charged \$584 for The Nevada Independent’s request. Ex. 41.

9 130. The invoice charged for “Crime Analysis Research for Public Records Requests
10 and Subpoenas” at a rate of \$73.00 per hour. Ex. 41.

11 131. After receiving the invoice, the reporter explained that the homicide data would
12 have already been collected and reported to the federal government through Uniform Crime
13 Reporting, or for more recent data, via the National Incident Based Reporting System. Ex. 40 at
14 2–3.

15 132. Even though the data should be readily available due to the reporting requirements
16 to the federal government, the reporter offered to narrow the request to make the records easier to
17 provide. Ex. 40 at 3.

18 133. In response, LVMPD explained that it had forwarded the request to the Crime
19 Analysis Group and assured the reporter they would forward their response or produce the
20 requested data. Ex. 40 at 1.

21 134. On February 25, 2026, LVMPD sent a message stating it had forwarded the
22 reporter’s concerns to its Office of Legal Counsel. Ex. 40 at 1.

23 135. At the time of this filing, The Nevada Independent has not received a message from
24 LVMPD’s Office of Legal Counsel or LVMPD. *See* Ex. 40.

1 136. In addition, The Nevada Independent has not received any of the requested data.

2 **LEGAL STANDARD AND AUTHORITY**

3 137. The NPRA sets forth that records of governmental entities belong to the public.
4 NRS 239.010(1) mandates that, unless a record is confidential, “all public books and public records
5 of a governmental entity must be open at all times during office hours to inspection by any person,
6 and may be fully copied”

7 138. The NPRA’s express purpose “is to foster democratic principles by providing
8 members of the public with prompt access to inspect, copy, or receive a copy of public books and
9 records to the extent permitted by law.” NRS 239.001.

10 139. The provisions mandating access to public records “must be construed liberally to
11 carry out this important purpose[.]” NRS 239.001(1) and (2).

12 140. “Any exemption, exception or balancing of interests which limits or restricts access
13 to public books and records by members of the public must be construed narrowly[.]” NRS
14 239.001(3).

15 141. NRS 239.011 provides:

16 “If a request for inspection, copying or copies of a public book or record open to
17 inspection and copying is denied or unreasonably delayed or if a person who
18 requests a copy of a public book or record believes that the fee charged by the
19 governmental entity for providing the copy of the public book or record is excessive
20 or improper, the requester may apply to the district court in the county in which the
21 book or record is located for an order: (a) Permitting the requester to inspect or
22 copy the book or record; (b) Requiring the person who has legal custody or control
23 of the public book or record to provide a copy to the requester; or (c) Providing
24 relief relating to the amount of the fee, as applicable.”

21 142. NRS 239.011(4) further provides that “[t]he rights and remedies recognized by this
22 section are in addition to any other rights or remedies that may exist in law or in equity.”
23
24

143. A government agency's failure to comply with the Nevada Public Records Act allows the requesting party to recover attorney's fees and costs from the government agency. NRS 239.011.

144. A government agency's willful failure to adhere to the NPRA imposes penalties upon that agency. NRS 239.340.

CLAIM FOR RELIEF
Violation of NRS 239.052(1)
(Excessive and Improper Fees)

145. ACLU of Nevada re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 to 144 as if fully set forth herein.

146. LVMPD interferes with the public's right of prompt access to public records pursuant to the NPRA by charging improper and excessive fees based on staff salaries and benefits for the personnel time spent responding to public records requests.

147. In doing so, LVMPD willfully violates the NPRA's requirement that a fee must not exceed the "actual cost" to the governmental entity, NRS 239.052(1), which expressly excludes costs like salaried personnel time as an agency incurs this cost regardless of whether or not a particular record is requested. NRS 239.005(1).

148. Charging hundreds to thousands of dollars of fees in excess of the “actual cost” LVMPD incurs in providing a copy of a particular public record is a clear violation of the Nevada Public Records Act.

I. LVMPD VIOLATES THE NEVADA PUBLIC RECORDS ACT BY UNLAWFULLY CHARGING FEES IN EXCESS OF THE “ACTUAL COST” IT INCURS FOR PROVIDING A PARTICULAR PUBLIC RECORD

149. “A statute's provisions should be interpreted harmoniously, and the text should be construed as a whole. If a statute's language is unambiguous, its plain meaning controls.” *Las Vegas Metro. Police Dep't v. Mayorga*, 569 P.3d 624, 629 (Nev. 2025).

1 150. “A statute’s express definition of a term controls the construction of that term no
2 matter where the term appears in the statute.” *State v. Second Judicial Dist. Court of Nev.*, 136
3 Nev. 191, 195, 462 P.3d 671, 674 (2020) (quoting *Williams v. Clark Cty. Dist. Attorney*, 118 Nev.
4 473, 485, 50 P.3d 536, 544 (2002)).

5 151. NRS 239.052(1) provides:

6 “Except as otherwise provided in this subsection, a governmental entity may charge
7 a fee for providing a copy of a public record. Such a fee must not exceed the actual
8 cost to the governmental entity to provide the copy of the public record unless a
specific statute or regulation sets a fee that the governmental entity must charge for
the copy. . . .”

9 152. The text of NRS 239.052 is unambiguous.

10 153. NRS 239.052(1) prohibits governmental entities from charging fees that exceed the
11 actual cost to the governmental entity for providing the copy of the public record. NRS 239.052(1).

12 154. The term “actual cost” as used in the NPRA is defined in NRS 239.005(1).

13 155. “Actual cost” is defined as “the direct cost incurred by a governmental entity in the
14 provision of a public record, including, without limitation, the cost of ink, toner, paper, media and
15 postage.” NRS 239.005(1).

16 156. “The term [“actual cost”] does not include a cost that a governmental entity incurs
17 regardless of whether or not a person requests a copy of a particular public record.” NRS
18 239.005(1).

19
20 **A. LVMPD unlawfully charges for staff time and benefits in excess of the “actual cost”
it incurs in providing a public record.**

21 157. The NPRA provides that the “actual cost” as used in NRS 239.052(1), “does not
22 include a cost that a governmental entity incurs regardless of whether or not a person requests a
23 copy of a particular public record.” NRS 239.005(1).

1 158. However, LVMPD includes such costs in its fees when charging the public for
2 records.

3 159. LVMPD openly states that its rates are based on “the actual salaries and benefits of
4 the employees” in its Public Records Unit (PRU). Ex. 1 at 6.

5 160. These staff members’ salaries, benefits, and labor costs are costs that LVMPD
6 incurs regardless of whether or not a person requests a copy of a particular record.

7 161. Therefore, these charges cannot be passed along to the requestor without violating
8 NRS 239.052(1).

9 162. Despite this, LVMPD refuses to restrict its charges for public records to the “actual
10 costs” it incurs – i.e. the direct costs of material items such as paper, ink, DVDs, or flash drives.

11 163. As seen in LVMPD’s charges for Petitioners’ requests, LVMPD routinely charges
12 in excess of the “actual cost” of providing a public record by charging for costs it would incur
13 regardless of whether a particular record is requested.

14 164. LVMPD repeatedly admits its costs are charging for staff time spent on work
15 LVMPD is statutorily obligated to perform under the NPRA.¹²

16 165. LVMPD explained it was charging ACLU of Nevada \$329 for the 7 personnel
17 hours required to process ACLU of Nevada’s request. Ex. 25 at 2.

18 166. LVMPD’s tabulation worksheet showed it charged Edgar Flores Law \$1,099 for
19 the 4 hours of estimated work time spent on “research”, “quality assurance”, “redaction”, and “case
20 preparation” for its request. Ex. 7.

21
22
23 ¹² Finding, redacting, and copying records for requestors are part of LVMPD’s statutory duties
24 under the NPRA. *See* NRS 239.010(3) (mandating that a governmental entity redact confidential
information, rather than deny request based on confidentiality); NRS 239.010(5) (requiring
personnel of governmental entities with legal custody and control of a public record to prepare the
copy of the public record upon request and in the requested medium).

1 167. LVMPD's invoice charged The Marshall Project \$460 for the 10 hours of estimated
2 personnel time spent on "redaction and review" for its requests in June. Ex. 28 at 1.

3 168. For later requests, LVMPD told The Marshall Project it was charging for labor and
4 personnel costs at a rate of \$47 per hour. Ex. 1 at 6.

5 169. And LVMPD's invoice to the Nevada Independent charged \$584 for the 8 hours of
6 "crime analysis research" for its request. Ex. 41.

7 170. Because costs for staff time and benefits are incurred regardless of whether or not
8 a particular public records request is made, LVMPD willfully violates the clear, unambiguous
9 language of NRS 239.052(1) by charging Petitioners and other requestors fees in excess of the
10 "actual cost" of providing a public record.

11
12 **B. LVMPD unlawfully charges more than the "actual cost" it incurs in providing a**
13 **public record, as demonstrated by its overcharges on deposits, arbitrary estimates,**
14 **and random rates.**

15 **1. LVMPD's overcharges on deposits prove that it charges more than the**
16 **"actual cost" of providing a public record.**

17 171. The NPRA does permit a governmental entity to charge a fee based on the "actual
18 cost" of providing a record. NRS 239.052(1).

19 172. However, there is no provision in the NPRA that permits a governmental entity to
20 require a requestor to make a deposit of these "actual costs" in order for the entity to fulfill public
21 records requests.

22 173. Nor does the NPRA permit a governmental entity to require a deposit in excess of
23 these "actual costs." NRS 239.052(1).

24 174. Because NRS 239.052(1) requires that a governmental entity limit its fees for public
records to the "actual cost" it incurs in providing a particular record, any need for pre-payment is
eliminated.

1 175. The rates should already be set based upon the costs that the entity actually incurs
2 in providing a particular record.

3 176. Under no circumstance should the government entity promise to refund any excess
4 paid, as government entities are prohibited from charging a fee in excess of the “actual cost” that
5 the governmental entity incurs in providing a public record. NRS 239.052(1).

6 177. However, LVMPD does exactly that.

7 178. LVMPD unlawfully forces requestors to make deposits of hundreds to thousands
8 of dollars in excess of the “actual cost” of providing a public record for it to process the requests.

9 179. LVMPD’s assurance that it will “refund any overage”—which would necessarily
10 exceed the actual cost it incurs in providing a public record—demonstrates it is willfully violating
11 NRS 239.052(1)’s clear requirement that the fees charged by governmental entities must not
12 exceed the “actual costs” it incurs in providing a public record. Ex. 25 at 2.

13 180. For each of Petitioners’ requests, LVMPD required Petitioners to make a deposit
14 prior to work being initiated.

15 181. For example, LVMPD required ACLU of Nevada to make a deposit of \$6,811.33
16 for its request prior to work being initiated. Ex. 11.

17 182. LVMPD required “[f]ull payment” of the \$1,099.33 invoice for Edgar Flores Law’s
18 request “prior to work being initiated”. Ex. 26.

19 183. LVMPD’s told The Marshall Project that it “will not provide documents for a
20 request until an invoice is paid”. Ex. 32 at 2.

21 184. And LVMPD’s email invoicing the Nevada Independent’s request informed it that
22 “at this time no documents will be uploaded. Once payment is received, work on [its] request will
23 resume.” Ex. 42 at 2.

1 185. While the basis of LVMPD’s charges is already unlawful, The Marshall Project’s
2 experience further demonstrates why LVMPD’s unlawful pre-payment requirement conflicts with
3 the purpose of the NPRA.

4 186. Prior to completing one of The Marshall Project’s public records requests, LVMPD
5 required a deposit of \$235 for “case preparation/research/redaction.” Ex. 32 at 2; Ex. 34.

6 187. After The Marshall Project provided the deposit, LVMPD provided a Forced
7 Investigation Team (“FIT”) report, *see* Ex. 1 at 6 (explaining FIT report was provided because no
8 other report existed), which was not responsive to The Marshall Project’s request for Officer’s
9 Reports. *See* Ex. 35 (requesting “the homicide investigation report” or “officers report” for the
10 incident).

11 188. In addition, a version of this record was already publicly available online for free.¹³

12 189. After shelling out hundreds of dollars for its requests, the Marshall Project sent
13 LVMPD a letter requesting a refund for its payments in excess of the “actual cost” LVMPD
14 incurred. Ex. 37 at 1.

15 190. The Marshall Project also requested a refund for its \$235 payment for the FIT report
16 that was not responsive to its request and was publicly available online for free. Ex. 37 at 5.

17 191. Despite LVMPD’s earlier assurance that it would “refund any excess monies” from
18 deposits made by The Marshall Project, Ex. 28 at 1, LVMPD refused to refund the payment for
19 the report. *See* Ex. 1 at 7 (asking The Marshall Project “to reconsider [its] position” when
20 responding to The Marshall Project’s request for refund).

21 192. The NPRA does not permit LVMPD to require deposits for its charges at all,
22 nonetheless for charges that exceed the “actual cost” it incurs in providing a particular record.

23 _____
24 ¹³ Las Vegas Metro. Police Dep’t, *Force Investigation Team Report: Fatal Officer-Involved Shooting* (Aug. 30, 2022),
<https://www.lvmpd.com/home/showpublisheddocument/1724/638326183794770000>.

1 193. LVMPD’s method of requiring requestors to make a deposit for public records
2 requests enables it to charge prohibitive fees that bar access to these records altogether.

3 194. This allows LVMPD to operate without oversight or accountability, conflicting
4 with the NPRA’s purpose of ensuring transparency and “the accountability of the government to
5 the public by facilitating public access to vital information about governmental activities”. *DR*
6 *Partners*, 116 Nev. at 621, 6 P.3d at 468; *see also Reno Newspaper*, 127 Nev. at 878, 266 P.3d at
7 626 (noting the NPRA is “designed to promote government transparency and accountability”).

8 195. That LVMPD overcharges on deposits proves that its charges exceed the actual cost
9 it incurs in providing a particular public record in violation of NRS 239.052(1).

10
11 **2. LVMPD estimates its charges, demonstrating that its fees cannot reflect
the “actual cost” it incurs in providing a particular public record.**

12 196. If a governmental entity charges a fee for a public record, the governmental entity
13 must show that the fee is based on the “actual cost” it incurs in providing a copy of a public record.

14 197. NRS 239.052(3) provides:

15 “A governmental entity shall prepare and maintain a list of the fees that it charges
16 at each office in which the governmental entity provides copies of public records.
17 A governmental entity shall post, in a conspicuous place at each office in which the
18 governmental entity provides copies of public records, a legible sign or notice
which states: (a) The fee that the governmental entity charges to provide a copy of
a public record; or (b) The location at which a list of each fee that the governmental
entity charges to provide a copy of a public record may be obtained.”

19 198. The NPRA requires a governmental entity to determine the actual costs of
20 providing a public record and to maintain a publicly accessible list of these actual costs. NRS
21 239.052(3).

22 199. A publicly accessible list of fees ensures that requestors are informed about the
23 costs they should expect when requesting particular records.

1 200. LVMPD cannot contravene the requirement that it maintain a publicly accessible
2 list of fees by stating that the fees for certain requests “varies.” Ex. 2.

3 201. The mandate that an entity maintain a list of the fees charged for particular records
4 demonstrates that “actual costs” are those costs that can be determined ahead of time—such as the
5 price of a CD, flash drive, ink, or paper—it does not include estimations of personnel time spent
6 on a request.

7 202. However, LVMPD consistently estimates its charges for public records, proving
8 these charges cannot reflect the “actual cost” it incurs in providing a particular public record.

9 203. As shown in its “tabulation worksheets”, LVMPD estimates the costs it charges for
10 its public records and requires the requestor to make a deposit based upon that estimation. *See* Exs.
11 6–7.

12 204. LVMPD charged ACLU of Nevada \$6,811.33 for an estimated 82.06 hours of
13 work. Ex. 6.

14 205. Similarly, LVMPD’s “tabulation worksheet” for Edgar Flores Law’s request for
15 194 minutes of body camera footage estimated 4 hours of work time. Ex. 7.

16 206. LVMPD’s assurances that it will “refund any overage” or “refund excess monies”
17 further demonstrate that LVMPD’s charges are estimates and do not reflect the “actual cost” it
18 incurs in providing a public record. Ex. 25 at 2; Ex. 28 at 1.

19 207. LVMPD assesses charges based upon its own estimations of costs rather than the
20 “actual cost” of providing a copy of a public record, which can easily be determined ahead of time
21 and should be reflected in its list of fees.

22 208. As such, LVMPD violates the express provisions of NRS 239.052(1) prohibiting
23 charges in excess of the “actual cost” of providing a public record.
24

3. LVMPD's inconsistent rates show it fails to consider the "actual costs" it incurs in providing a public record when charging requestors.

209. The NPRA prohibits governmental entities from charging more than the "actual cost" of providing a public record. NRS 239.052(1).

210. Further, as outlined in NRS 239.052(3), the NPRA requires a governmental entity to maintain a list of the fees reflecting those "actual costs."

211. Despite this, LVMPD charges requestors at random, inconsistent rates, demonstrating that LVMPD's rates do not reflect the "actual cost" it incurs when providing a public record.

212. For example, LVMPD charged ACLU of Nevada \$6,811.33 for 1,202 minutes of footage, charging about \$85 per hour for an estimated 82.06 hours of work. Ex. 6.

213. When ACLU submitted more narrowed requests, LVMPD randomly charged at a rate of \$5.67 per minute of footage rather than the hourly rate reflected in its "Service Charges" document. *Compare* Ex. 17, *with* Ex. 3.

214. Days later, LVMPD arbitrarily increased this per minute rate to \$5.80 per minute of footage. *Compare* Ex. 17, *with* Exs. 8, 15.

215. LVMPD similarly charged The Marshall Project at a rate of \$5.80 per minute of footage, rather than at the \$87 per hour rate reflected in its webpage. *Compare* Ex. 38, *with* Ex. 2.

216. LVMPD provided no explanation for these varied rates.

217. LVMPD also charged Edgar Flores Law \$1,099.33 for its request—a total that inexplicably far exceeds the \$340 total for the estimated four hours of work if charged at the then posted rate of \$85 per hour. *Compare* Ex. 7, *with* Ex. 4.

218. In addition, LVMPD steeply and disproportionately increased charges for The Marshall Project's recent requests for records, which were similar to those provided a month earlier at no cost. *See* Ex. 32 at 3 (stating October requests will remain "on hold" while LVMPD awaits

1 payment); Ex. 37 at 2 (stating that The Marshall Project was not charged for its September
2 requests).

3 219. LVMPD charged The Marshall Project \$940 for its October requests—over double
4 the charge for The Marshall Project’s similar request in June despite the response containing 100
5 less pages of records. *Compare* Ex. 33 (charging a total of \$940 for 215 pages of records), *with*
6 Ex. 29 (charging \$460 for 312 pages of records).

7 220. LVMPD also needlessly charged The Marshall Project \$235 for a record that is
8 publicly available online for free and that was not responsive to The Marshall Project’s request for
9 “Officer Reports.” Ex. 34.

10 221. Similarly, LVMPD charged the Nevada Independent \$584 at a rate of \$73 per hour
11 for 8 hours spent on “crime analysis research”, Ex. 41, for its request for homicide data that should
12 already be compiled and reported to NIBRS as required by the federal government. *See* Ex. 40 at
13 3 (explaining data should already be compiled and submitted via Uniform Crime Reporting or the
14 National Incident-Based Reporting System).

15 222. If LVMPD’s charges reflected the “actual cost” of providing a public record, these
16 rates would be consistent regardless of the requestor and would not radically increase in such a
17 short period of time.

18 223. LVMPD’s charges are not restricted to the direct costs of materials like DVDs and
19 thumb drives or the cost of electronic transfer.

20 224. Instead, LVMPD violates the NPRA by charging requestors at randomly set rates
21 not reflected in the list it is required to prepare and maintain pursuant to NRS 239.052(3).

22 225. Although it is unclear how LVMPD calculates its costs, it is clear that LVMPD fails
23 to comply with its obligation to ensure its rates do not exceed the “actual cost” of providing the
24 record as mandated by NRS 239.052(1).

1 226. LVMPD’s inconsistent rates show that these charges do not reflect the “actual cost”
2 it incurs to provide copies of public records, further demonstrating LVMPD’s willful violation of
3 NRS 239.052(1).

4
5 **II. LVMPD’S VIOLATION OF THE NPRA IS WILLFUL, WARRANTING CIVIL**
6 **PENALTIES PURSUANT TO NRS 239.340.**

7 227. If a court determines that a governmental entity “willfully failed to comply with the
8 provisions” of the NPRA “concerning a request to inspect, copy or receive a copy of a public book
9 or record, the court must impose on the governmental entity a civil penalty” for each violation.
10 NRS 239.340(1).

11 228. A \$1,000 penalty is imposed for the first willful violation of the Nevada Public
12 Records Act within a 10-year period; a \$5,000 penalty is imposed for the second willful violation
13 of the Nevada Public Records Act within a 10-year period; and, after the second willful violation
14 of the Nevada Public records within a 10-year period, a \$10,000 penalty is imposed for each
15 subsequent willful violation within a 10-year period. NRS 239.340(1)(a)-(c).

16 229. The NPRA requires that governmental entities’ fees for public records must not
17 exceed the “actual cost” the governmental entity incurs to provide the copy of the public record.
18 NRS 239.052(1).

19 230. Costs that are incurred regardless of whether or not a particular record is requested
20 are expressly excluded from the definition of “actual costs” under the NPRA. NRS 239.005(1).

21 231. However, LVMPD consistently charges requestors fees in excess of the “actual
22 cost” it incurs in providing a copy of a particular public record in willful violation of the NPRA.

23 232. LVMPD’s willful violation of NRS 239.052 is shown through its repeated
24 statements that its charges are based on the personnel time spent on a request. *See e.g.*, Ex. 25 at 2
(charging ACLU of Nevada for 7 personnel hours required to process request); Ex. 7 (charging

1 Edgar Flores Law for estimated work time spent on “research”, “quality assurance”, “redaction”,
2 and “case preparation” for its request); Ex. 28 at 1 (explaining charges for the 10 hours of estimated
3 personnel time spent on “redaction and review” for The Marshall Project’s requests); Ex. 41
4 (charging The Nevada Independent for 8 hours of “crime analysis research”).

5 233. LVMPD’s unlawful charges are also reflected on LVMPD’s website (charging for
6 “Body Worn Camera Video/Audio Preparation,” “Research,” and “Redaction”), *see* Ex. 2, in its
7 Service Charge Schedule (charging for “Video/Audio Case Preparation/Research/Redaction” and
8 “Case Preparation/Research/Redaction”), Ex. 3, and in its tabulation worksheets (estimating hours
9 spent on “research”, “quality assurance”, “redaction” and “case preparation”), Exs. 6-7.

10 234. In fact, LVMPD admits that its rates “are based on the actual salaries and benefits
11 of [its] employees” in its letter to The Marshall Project, despite the fact that LVMPD incurs the
12 costs of paying its full time, salaried employees regardless of whether a copy of a particular record
13 is requested. Ex. 1 at 6.

14 235. LVMPD’s charges not only exceed the “actual cost” of providing a public record,
15 but at times also far exceed the personnel costs LVMPD uses to determine its charges, further
16 demonstrating its violation of the NPRA is willful.

17 236. This is shown through LVMPD’s invoices charging ACLU of Nevada per minute
18 of footage rather than LVMPD’s posted hourly rate, Ex. 17, and its unexplained increase in this
19 rate in invoices received just days later. Ex. 8.

20 237. It is also demonstrated through the marked increase in its charges for The Marshall
21 Projects’ requested records even where publicly available for free. *See* Ex. 33 (charging a total of
22 \$940 for 215 pages of records); Ex. 29 (charging \$460 for 312 pages of records); Ex. 34 (charging
23 \$235 for a publicly available document).

238. The \$1,099.33 charge for an estimated total of four hours of work for Edgar Flores Law's request also highlights the willfulness of LVMPD's conduct. Ex. 7.

PRAYER FOR RELIEF

Petitioners request the following relief:

1. That the Court resolve this matter on an expedited basis as mandated by Nev. Rev. Stat. § 239.011.
2. Declaratory relief declaring Las Vegas Metropolitan Police Department is charging improper and excessive fees in violation of Nev. Rev. Stat. § 239.052(1);
3. Injunctive relief permanently enjoining Las Vegas Metropolitan Police Department from charging fees in excess of the actual cost of providing a copy of a public record;
4. An order requiring Las Vegas Metropolitan Police Department to immediately provide the following outstanding requested records at no cost, as outlined in this petition:
 - ACLU of Nevada's request for body camera footage related to the June, 11 2025, protests, NPR No.: 2025-0072090.¹⁴
 - ACLU of Nevada's request for body worn camera footage involving a citation and arrest for another protest related incident, Reference No. X006517-020526.
 - ACLU of Nevada's request for Power Point trainings related to LVMPD's protest response tactics, Reference No.: X000934-093025.
 - Edgar Flores Law's request for body worn camera footage, NPR No.: 2025-0082588.
 - The Marshall Project's request for witness statements and transcripts, Reference No.: X001359-100925.

¹⁴ This request encompasses ACLU of Nevada's later requests attempting to narrow this request: ACLU of Nevada's narrowed request for body worn camera footage, Reference No.: X006325-020326 and ACLU of Nevada's request for body worn camera footage of a protestor being struck by a projectile, Reference No.: X006326-020326.

1 • The Marshall Project’s request for body worn camera footage, Reference No.: X009575-041726.

2 • The Nevada Independent’s request for homicide data, Reference No.: X005441-0113226.

3
4 5. An order requiring Las Vegas Metropolitan Police Department to fully refund
5 Petitioner The Marshall Project’s payments for copies of the following public records,
6 as outlined in this petition:

7 • NPR 2025-0078519: \$460.00 payment.

8 • NPR 2025-0083058: \$30 payment.

9 • Reference No. X001354-100925: \$164.50 payment.

10 • Reference No. X001352-100925: \$47.00 payment.

11 • Reference No. X001348-100925: \$70.50 payment.

12 • Reference No. X001350-100925: \$47.00 payment.

13 • Reference No. X001351-100925: \$94.00 payment.

14 • Reference No. X001347-100925: \$94.00 payment.

15 • Reference No. X001345-100925: \$117.50 payment.

16 • Reference No. X001344-100925: \$70.50 payment.

17 • Reference No. X001353-100925: \$94.00 payment.

18 • Reference No. X001343-100925: \$141.00 payment.

19 • Reference No. X001349-100925: \$235.00 payment.

20 6. An order finding that Las Vegas Metropolitan Police Department willfully violated the
21 Nevada Public Records Act and therefore must pay the mandated civil penalties for
22 each and every violation as outlined in Nev. Rev. Stat. § 239.340;

23 7. Reasonable costs and attorneys’ fees pursuant to Nev. Rev. Stat. § 239.011(2);
24

- 1 8. All relief necessary to secure Petitioners' access to records and Las Vegas Metro Police
2 Department's compliance with the Nevada Public Records Act; and
3 9. Any further relief the Court deems appropriate.
4

5 Dated July 30, 2026

6 Pursuant to NRS 53.045, I declare under
7 penalty of perjury that the foregoing is true
8 and correct.

9 **AMERICAN CIVIL LIBERTIES**
10 **UNION OF NEVADA**

11 /s/ Samantha R. Kroner
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