

**Nevada Public Records Task Force Status Report to the
Joint Interim Standing Committee on Government Affairs**

July 9, 2026

Legislative History & Background:

Assembly Bill 128 (A.B. 128) passed unanimously during the 83rd Regular Legislative Session and was signed into law on June 3, 2025. The bill took effect on July 1, 2025. In short, the bill established a 10-member Public Records Task Force comprising appointed government representatives and transparency advocates to evaluate certain topics relating to requests for public records under NRS Chapter 239, Nevada’s Public Records Act (“NPRA”). The bill prescribes the Task Force’s membership and duties and directs the Task Force to make recommendations and submit a written report describing its work and recommendations to LCB. The written report is due on or before October 31, 2026.

Task Force Membership:

The Task Force currently is composed of the following 10 volunteer members:

Member Names	Organization	Member Type
Benjamin Z. Lipman	Las Vegas Review-Journal	Transparency
Brittany L. Walker	City of Boulder City	Government
Colleen E. McCarty	Ballard Spahr	Transparency
Kalie Work	Washoe County	Government
Joshua J. Hicks	McDonald Carrano	Transparency
Leslie M. Nino Piro	Office of the Attorney General	Government
Mitch Fox	Nevada Broadcasters Association	Transparency
Matthew C. Morris	Holland & Hart, LLP	Transparency
Matthew J. Christian	Las Vegas Metropolitan Police Dep’t.	Government
Staci Lindberg	Lyon County	Government

Task Force Activity To Date:

Following member appointments in the fall of 2025, the Task Force held its first meeting on February 26, 2026, at City Hall in Boulder City. Members attended in-person and virtually. At its first meeting, the Task Force received in-person and written public comments, unanimously elected a Chair and Vice Chair, approved a Task Force webpage hosted by the Office of the Attorney General, and discussed potential topics to be considered at future meetings.

The Task Force webpage includes meeting minutes, meeting agendas, and presentation materials accessible online at https://ag.nv.gov/Hot_Topics/Public_Records_Task_Force/.

The Task Force held its second meeting on April 27, 2026, at Washoe County Commission Chambers in Reno. Members attended in-person and virtually. The Task Force received multiple written public comment submissions which are included in the supporting materials attached to this status report. Given changes in membership that occurred following the first meeting, the Task Force unanimously selected a new Chair and Vice Chair.

At its second meeting, the Task Force received a presentation from former Nevada State Senator Warren Hardy, representing Warren Hardy Strategies, on behalf of the Urban Consortium. In the presentation, Sen. Hardy made several assertions, including claims that ambiguity in current legislation leads to inconsistent decisions and there is a need for a dispute resolution process outside of litigation, and Sen. Hardy discussed commercial requests and monetization, and possible risks associated with Artificial Intelligence. The presentation asserted, in particular, that “the volume of some requests consumes disproportionate staff time and should be more specific,” among other observations and recommendations for legislative action.

The Task Force also received a presentation from City of Las Vegas Chief Deputy City Clerk Pat Cabrera, on behalf of the Nevada Municipal Clerks’ Association. The presentation addressed topics including asserted burdens on public agencies associated with the redaction process, the impacts of what they see as overly broad records requests, asserted risks associated with sensitive information disclosure, claims of vexatious requestors, fee structure challenges and payment gaps, suggested governance opportunities and related recommendations for legislative action. The presentation also addressed the use of NPRA by litigants to obtain records outside the discovery process and practical challenges associated with NPRA’s response timeline, among other assertions.

Finally, the Task Force addressed the request for a status presentation to the Joint Interim Standing Committee on Government Affairs, considered the structure of the final report to the Legislature, selected additional Task Force Meeting Dates and Locations, and addressed related administrative and housekeeping items.

The Task Force held its third meeting on June 8, 2026, at the Clark County Commission Chambers in Las Vegas. Members attended in-person and virtually. The Task Force received multiple written and in-person public comment submissions, which are included in the supporting materials attached to this status report.

During its third meeting, the Task Force received a presentation from Mr. Glenn Cook, Executive Editor for the *Las Vegas Review-Journal*. In the presentation, Mr. Cook provided his observation that “governments routinely deny requests for information that is public,” and emphasized that transparency “is an essential function of government.” The presentation addressed rights of records requestors, costs associated with producing public records, and a variety of challenges that he said present hurdles to requestors seeking access to public information, among other observations. The presentation noted specific examples involving investigative journalism being “stymied by public records denials,” as well as specific examples involving “investigative stories completed thanks to access to public records.” The presentation concluded with specific recommendations for reforms to the NPRA statute.

The Task Force also received a presentation from Dr. Bob Conrad, representing the publication *This is Reno* and the Nevada Open Government Coalition. The presentation addressed topics including case studies involving allegations of improperly withheld records by various government entities, the improper use of prolonged delays and failure to meet deadlines, and related observations. The presentation concluded that “public records litigation occurs because

records are frequently denied and mishandled, not because of lack of NPRA clarity,” and proposed various recommendations for legislative action.

Additionally, the Task Force Received a presentation from Attorney Luke Busby, which noted challenges presented when public agencies’ fail to timely respond to NPRA requests, when responses lack sufficient substance, and the perceived lack of clear statutory procedures for challenging a denied records request, among other topics. The presentation also included a “critique” of the Urban Consortium’s and Municipal Clerks’ Association presentations that had been given during the April 27, 2026, meeting.

The Task Force also received a presentation from The Electronic Frontier Foundation (“EFF”), which addressed topics including UNR’s 1-credit journalism course on public records requests and related case studies involving withheld records. EFF’s presentation highlighted positive examples with Washoe County’s Northern Nevada Public Health district’s timely responses to public records requests, and negative examples involving the Nevada Secretary of State Office’s responses to public records requests, among other examples.

Finally, the Task Force received a presentation from Washoe County Deputy District Attorney Lindsay Liddell. Ms. Liddell’s presentation addressed topics including the asserted need to protect victims’ rights and fair trials, and balancing transparency concerns with avoiding exploitation of victims and witnesses, among other topics. The presentation also discussed topics relating to Marsy’s Law, Nev. Const. Art. 1, Sec. 8A, including the Nevada Constitution’s protections for a victim’s right to be treated with fairness and respect for privacy and dignity, with emphasis on a case study involving the State of Idaho.

Also during its third meeting, the Task Force addressed various housekeeping and administrative items concerning future meeting topics, meeting dates, and related issues, as well as the format of presenting a status report to the Joint Interim Standing Committee on Government Affairs.

Planned Future Activity & Final Report Submission:

The Task Force is scheduled to meet again in July, August, and September of this year, and will finalize and submit its final report and recommendations on or before October 31, 2026. Notices of future meetings will be available online at <https://notice.nv.gov>, and public comments may be submitted electronically by e-mail at AGGeneralCounsel@ag.nv.gov.

**Nevada Public Records Task Force Status Report to the
Joint Interim Standing Committee on Government Affairs**

Appendix of Supporting Materials

July 9, 2026

Assembly Bill No. 128–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public records; creating the Public Records Task Force; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless otherwise declared by law to be confidential, all public books and records of a state or local governmental entity are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public book or record in any medium in which the book or record is available. (NRS 239.010) This bill creates the Public Records Task Force to evaluate certain topics relating to requests for public records and make certain recommendations. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-6. (Deleted by amendment.)

Sec. 7. 1. The Public Records Task Force is hereby created.
The Task Force consists of the following 10 members:

(a) One government representative and two transparency advocates appointed by the Majority Leader of the Senate;

(b) Two government representatives and one transparency advocate appointed by the Speaker of the Assembly;

(c) One government representative appointed by the Minority Leader of the Senate;

(d) One transparency advocate appointed by the Minority Leader of the Assembly; and

(e) One government representative and one transparency advocate appointed by the Governor.

2. The Task Force shall:

(a) Evaluate:

(1) Current exemptions to chapter 239 of NRS;

(2) The policies relating to public records of any review board created pursuant to NRS 289.380 or 289.383;



(3) The impact of broad requests for public records on governmental entities;

(4) The cost, burden and time constraint on governmental entities to redact confidential information;

(5) The financial burden on a person who requests a public record;

(6) Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution; and

(7) Methods for collecting and sharing data related to requests for public records.

(b) Make recommendations, including, without limitation:

(1) To clarify the custodianship and control of public records;

(2) To protect sensitive information while promoting government transparency;

(3) To identify situations in which access to public records should be granted or denied;

(4) For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;

(5) For protocols to protect personal information and criminal investigations;

(6) For a standardized fee schedule; and

(7) For mechanisms to protect governmental entities from retaliatory litigation.

3. The members of the Task Force serve without compensation.

4. Each member of the Task Force who is an officer or employee of the State or local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual, vacation or compensatory time for the absence.

5. The Task Force shall, at its first meeting, elect a Chair from the members who are transparency advocates and a Vice Chair from the members who are government representatives.

6. The Task Force shall meet:



(a) Upon the call of the Chair or a majority of the members of the Task Force; and

(b) At least four times.

7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

8. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

9. On or before October 31, 2026, the Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

10. As used in this section:

(a) “Governmental entity” has the meaning ascribed to it in NRS 239.005.

(b) “Government representative” includes, without limitation, a representative:

- (1) From the Nevada Association of Counties or a county;
- (2) From the Nevada League of Cities or a local government;
- (3) Who is a district attorney or city attorney;
- (4) From a law enforcement agency;
- (5) From a school district;
- (6) From the Office of the Attorney General;
- (7) From a public utility that is not regulated by the Public Utilities Commission of Nevada; and

(8) From the Division of State Library, Archives and Public Records of the Department of Administration.

(c) “Transparency advocate” includes, without limitation, a representative:

- (1) From the Nevada Broadcasters Association;
- (2) From the Nevada Press Association;
- (3) From the Nevada Open Government Coalition;
- (4) From the American Civil Liberties Union;
- (5) Who is an attorney that specializes in requests for public records;
- (6) From the Legal Aid Center of Southern Nevada; and
- (7) Who is a member of the public and has experience related to public records.



Sec. 8. The members of the Public Records Task Force must be appointed pursuant to section 7 of this act not later than October 31, 2025.

Sec. 9. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.



[Interim Committees \(/App/InterimCommittee/REL/Interim2025\)](#)

[/ Committees \(/App/InterimCommittee/REL/Interim2025/CommitteeList\)](#) / [Non-Legislative Committees](#)

[/ Public Records Task Force](#)

Public Records Task Force (AB128 (<https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12047/Text>))

[Overview](#)

[Meetings](#)

[Members](#)

[Staff](#)

Current

- Matthew J. Christian
- Mitch Fox
- Joshua J. Hicks
- Staci Lindberg
- Benjamin Z. Lipman
- Colleen E. McCarty
- Matthew C. Morris
- Leslie Nino Piro
- Brittany L. Walker
- Kalie Work

AG Topics

Get Information

CAFA Notifications

Inquire About

FAQs Concerning Utility Rates

Hate Crime Hotline

Help for Victims of Crime

High Risk Protection Order

Sexual Assault Survivors' Bill of Rights

Fighting the Opioid Epidemic

Tobacco Enforcement

Nevada Do Not Call Registry

Notice Regarding Data Breaches

Reports

Social Media Platforms Survey

Social Media Platforms Investigation and Litigation

Pro Bono Contracts

Public Records Task Force

Public Records Task Force Information Page

Overview of Public Records Task Force

The Public Records Task Force was created by [Assembly Bill 128](#), (NRS 239.010). The purpose of this Task Force is to evaluate certain topics relating to requests for public records and make certain recommendations. The bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

Member Names	Organization	Member Type
Benjamin Z. Lipman	Las Vegas Review-Journal	Transparency
Brittany L. Walker	City of Boulder City	Government
Colleen E. McCarty	Ballard Spahr	Transparency
Kalie Work	Washoe County	Government
Joshua J. Hicks	McDonald Carrano	Transparency
Leslie M. Nino Piro	Office of the Attorney General	Government
Mitch Fox	Nevada Broadcasters Association	Transparency
Matthew C. Morris	Holland & Hart, LLP	Transparency
Matthew J. Christian	Las Vegas Metropolitan Police Department	Government
Staci Lindberg	Lyon County	Government

Disclaimer

This webpage is provided for informational purposes only. The Nevada Public Records Act, NRS Chapter 239, does not authorize the Attorney General to regulate governmental entities' responses to public records requests or address requesters' complaints regarding those requests. *See, e.g.*, NRS 239.011, 239.0115.

[Public Records Task Force Meetings](#)

Select Language ▾

Public Records Task Force

[Public Records Task Force Information Page](#)

 Originating Site |  Teleconference remote site |  Video Conference remote site |  View Online

Date	Location	Agenda	Minutes	Attachments
STATE OF NEVADA PUBLIC RECORDS TASK FORCE				
06/08/2026 09:00 AM	 - Clark County Commissioners Chambers - 500 S Grand Central Pkwy - Las Vegas  - Click here to view the meeting - Part 1 -  - Click here to view the meeting - Part 2 -	 		                     
STATE OF NEVADA PUBLIC RECORDS TASK FORCE				
04/27/2026 09:00 AM	 - Washoe County Chambers - 1001 E. 9th Street - Reno - Click here to listen to the audio recording of the meeting -   - Join via audio: +1 669 900 6833 US (San Jose) Webinar ID: 929 3150 9474 -  - +16699006833,,92931509474# US (San Jose) +17193594580,,92931509474# US -	 	 	         
STATE OF NEVADA PUBLIC RECORDS TASK FORCE				
02/26/2026 01:30 PM	 - City Hall - 401 California Avenue - Boulder City, NV 89005 - Click here to view the meeting -  - +16699006833,,83239132514# US (San Jose) +17193594580,,83239132514# US -	 	 	   

Public Records Task Force



STATE OF NEVADA PUBLIC RECORDS TASK FORCE

NOTICE OF PUBLIC MEETING AND AGENDA

Date and Time: February 26, 2026, 1:30 PM

Location: City Hall
401 California Avenue
Boulder City, Nevada 89005

This meeting may be viewed on Zoom: <https://us06web.zoom.us/j/83239132514>

Meeting ID: 832 3913 2514

Call In Audio:

One tap mobile

+16699006833,,83239132514# US (San Jose)

+17193594580,,83239132514# US

AGENDA

1. Call to Order / Roll Call

2. Public Comment Members of the public may comment in person or in writing on matters on the agenda at this time. Comment is not available by Zoom or telephone. In person comments will be limited to three minutes. No action may be taken upon a matter raised under a public comment period unless the matter itself has been specifically included on an agenda as an action item.

3. Election of Chair and Vice Chair (For possible action)

4. **Consideration of Task Force Webpage hosted by the Office of the Attorney General** (For possible action)
5. **Consideration of Topics for Next Meeting's Agenda and Related Issues** (For discussion and possible action)
6. **Public Comment** Members of the public may comment in person or in writing on any matter that is not specifically included on the agenda at this time. Comment is not available by Zoom or telephone. In person comments will be limited to three minutes. However, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
7. **Adjournment** (For possible action)

Please Note: (1) Items on the agenda may be taken out of order; (2) The Public Records Task Force may combine two or more agenda items for consideration; and (3) The Public Records Task Force may delay or remove an item from the agenda at any time.

The Public Records Task Force will limit public comments to three minutes per speaker and may place other reasonable restrictions on the time, place, and manner of public comments but will not restrict comments based upon viewpoint.

A person may submit comments to be attached to the minutes of the meeting, in writing, up to three business days before the meeting date, in addition to testifying, or in lieu of testifying. Written comments are limited to two pages. Written comments may be submitted electronically by email at AGGeneralCounsel@ag.nv.gov.

Anyone desiring the agenda or supporting materials regarding any Public Records Task Force meeting is invited to call or email Yoon (Eunice) Lee at (702) 486-3420 or AGGeneralCounsel@ag.nv.gov. Material may also be requested at 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119.

The Public Records Task Force is pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If accommodations for the meeting are needed, please notify Yoon (Eunice) Lee at (702) 486-3420 or by email at AGGeneralCounsel@ag.nv.gov, as soon as possible, and at least two days in advance of the meeting.

Notice of Public Meeting and Agenda Posted at the Following Locations:

1. City Hall, 401 California Avenue, Boulder City, Nevada 89005
2. Office of the Attorney General, 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119
3. Internet: <https://notice.nv.gov>



STATE OF NEVADA PUBLIC RECORDS TASK FORCE

MEETING MINUTES

Meeting Date and Time: February 26, 2026, 1:30 PM
Hybrid Meeting (In-Person and Zoom)

Physical Location: City Hall
401 California Avenue
Boulder City, Nevada 89005

1. Call to Order and Roll Call

The meeting was called to order at 1:30 PM. Attendance was taken.

In-Person Members Present:

- Ben Lipman
- Colleen McCarty
- Brittany Walker
- Leslie Nino Piro
- Mitch Fox

Virtual Members Present:

- Matt Christian
- Josh Hicks
- Matt Morris
- Vince Guthreau
- Kalie Work

A quorum was established.

2. Public Comment (First Period)

One in-person public comment was received.

- **David Charns**, investigative reporter, spoke regarding inconsistencies in access to arrest reports and public records among Nevada agencies and jurisdictions. He urged the task force to pursue greater consistency, transparency, and timely access.

One written public comment was received from Jeff Church and is attached to these minutes.

3. Election of Chair and Vice Chair

Pursuant to AB 128, the Chair must be selected from the transparency advocates; the Vice Chair from the government representatives.

Members first introduced themselves and briefly summarized their backgrounds and appointment categories.

Nomination and Election of Chair:

- Colleen McCarty was nominated.
- No other nominations.
- Motion passed unanimously.

Nomination and Election of Vice Chair:

- Vince Guthreau was nominated.
- Motion passed unanimously.

4. Task Force Webpage Hosted by the Office of the Attorney General

Leslie Nino Piro explained the proposal to create a simple webpage to:

- List task force members
- Indicate each member's appointment category (transparency or government)
- Post agendas and meeting materials
- Provide public transparency and ensure Open Meeting Law compliance

Additional discussion included:

- The Legislative Counsel Bureau is unable to host the website due to statutory limitations.
- The AG's Office is providing administrative support to enable posting and compliance, although not statutorily required.
- The webpage would not include member biographies.
- A disclaimer will clarify that the AG's Office is not providing legal counsel to the task force.

Discussion of Public Comment Submission:

- Discussion raised the question of where email comments should be directed.
- Suggestion: route public comment to the Chair and Vice Chair.
- Matter to be added to a future agenda.

5. Items for Next Meeting Agenda

Discussion identified topics for inclusion on the next agenda:

- Process for submitting agenda items
- Identifying subject-matter presenters or outside contributors

- Potential decision-making structure (e.g., clarifying how recommendations are approved)
- Development of task force bylaws
- Site for hosting public comment submissions

Clarifications noted:

- Open Meeting Law requires subcommittees to meet publicly.
- The statute requires that official action be taken by a simple majority of members present; changing this standard may conflict with statute.
- Members can meet informally in groups less than a quorum.

After discussion, the motion to include the above agenda topics (excluding meeting location and bylaws) was approved unanimously.

6. Public Comment (Second Period)

No in-person public comment received.

Virtual public comment was not available due to resource limitations.

7. Adjournment

The meeting was adjourned at 2:23 PM.

Public Document Task Force: Public Comment, 2-26-2026

I just saw this so am responding on very short notice. I was just forwarded this but believe today's meeting is in violation of NRS 241 as detailed in other correspondence.

Now that I have endeared myself to you, should any openings come up, I would be interested in serving on the task force.

Again on short notice but NRS 239 and subsequent court cases have gutted and rendered useless the Public Document Law. Agencies routinely ignore the law with no repercussions.

For example, I filed under NRS 239 vs the Washoe County School District (WCSD) Case No. CV23-02245. It cost me about \$4,000 out of my own pocket and I won but it took **eight ++ months** and two judges and essentially WCSD continues to ignore the intent of the law. By then the issue was essentially moot. The cost to the taxpayer was likely over \$100,000 for one minor case. They were represented by the previously prestigious (and expensive) law firm of McDonald Carano.

I'm open to ideas but I think clearly that NRS 241 and NRS 239 are siblings and should be handled the same. Persons should be able to file a complaint with the A.G. and the A.G. should be duty bound to address it promptly (currently that doesn't happen) and perhaps there might be a mediation step thrown in to save time and money. Sanctions in addition to attorney fees might be warranted where it does go to court (if you can find a judge in Washoe County).

Complainants should be indemnified. If not the A.G. then who: a contract with the ACLU or a legal services firm, etc?

I so much commend Bob Conrad of ThisIsReno, Attorney Luke Busby and the ACLU Nevada for challenging some of these. The ACLU just caught the State (DMV) so called 'pants down'. Bob Conrad has taken them on but these take months or years and in many cases the court's rulings are bizarre at best.

No one is looking out for the public's interest. Likewise it is not in the government-agency interest to have expensive protracted litigation. I have not had time to look and see good models from other states.

Sincerely,

Jeff Church
RenoTaxRevolt.com
775 544-RENO (7366)
RenoTaxRevolt@Sbcglobal.net



STATE OF NEVADA PUBLIC RECORDS TASK FORCE

MEETING MINUTES

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775 544-RENO (7366)
RenoTaxRevolt@Sbcglobal.net



**STATE OF NEVADA
PUBLIC RECORDS TASK FORCE**

NOTICE OF PUBLIC MEETING AND AGENDA

Date and Time: April 27, 2026, 9:00 AM

Location: Washoe County Chambers
1001 E. 9th Street
Reno, Nevada 89512

This meeting may be viewed on

<https://washoecounty-gov.zoom.us/j/92931509474>

Phone one-tap:

+16699006833,,92931509474# US (San Jose)

+17193594580,,92931509474# US

Join via audio:

+1 669 900 6833 US (San Jose)

Webinar ID: 929 3150 9474

AGENDA

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2. Public Comment Members of the public may comment in person, on the Zoom webinar, or in writing on matters on the agenda at this time. No action may be taken upon a matter raised under a public comment period unless the matter itself has been specifically included on an agenda as an action item.

3. Approval of February 26, 2026 Meeting Minutes (For possible action)

4. **Election of Chair and Vice Chair** (For discussion and possible action)
 5. **Presentation Addressing Government Entities' Considerations under AB 128, Section 7.2(a)** (For discussion and possible action)
Warren Hardy, Warren Hardy Strategies, on behalf of the Urban Consortium
 6. **Presentation Addressing Government Entities' Considerations under AB 128, Section 7.2(a)** (For discussion and possible action)
Pat Cabrera, Chief Deputy City Clerk City of Las Vegas, on behalf of the Nevada Municipal Clerk's Association
 7. **Consideration of Presentation Request by the Joint Interim Standing Committee on Government Affairs at the June 4, 2026 Meeting** (For discussion and possible action)
 8. **Select Remaining Task Force Meeting Dates and Locations** (For discussion and possible action)
 9. **Structure of Meetings, Procedure for Public Comment, Topics for Discussion, and Presenters for Future Agendas** (For discussion and possible action)
 10. **Structure of Decisions and Actions** (For discussion and possible action)
 11. **Structure of Report to Legislature, Including Drafting, Editing, Deadlines, and Approval** (For discussion and possible action)
 12. **Public Comment** Members of the public may comment in person, on the Zoom webinar, or in writing on any matter that is not specifically included on the agenda at this time. However, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
 13. **Adjournment** (For possible action)
-

Please Note: (1) Items on the agenda may be taken out of order; (2) The Public Records Task Force may combine two or more agenda items for consideration; and (3) The Public Records Task Force may delay or remove an item from the agenda at any time.

The Public Records Task Force may place reasonable restrictions on the time, place, and manner of public comments but will not restrict comments based upon viewpoint.

A person may submit comments to be attached to the minutes of the meeting, in writing, before the meeting date, in addition to testifying, or in lieu of testifying. Written comments may be submitted electronically by email at AGGeneralCounsel@ag.nv.gov.

Meeting agendas and materials are available for download at the Public Records Task Force meeting page of the Attorney General's website:

https://ag.nv.gov/Hot_Topics/Public_Records_Task_Force_Information_Page/

Anyone desiring the agenda or supporting materials regarding any Public Records Task Force meeting is invited to call or email Yoon (Eunice) Lee at (702) 486-5717 or AGGeneralCounsel@ag.nv.gov. Material may also be requested at 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119.

The Public Records Task Force is pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If accommodations for the meeting are needed, please notify washoe311@washoecounty.gov as soon as possible, and at least two days in advance of the meeting.

Notice of Public Meeting and Agenda Posted at the Following Locations:

1. Office of the Attorney General, 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119
2. Internet: <https://notice.nv.gov>
3. Washoe County Administrative Building, 1001 E. 9th Street, Reno, Nevada 89512



STATE OF NEVADA PUBLIC RECORDS TASK FORCE

MEETING MINUTES

Meeting Date and Time: April 27, 2026 – 9:00 AM
Hybrid Meeting (In-Person and Zoom)

Physical Location: Washoe County Chambers
1001 E 9th Street
Reno, NV 89512

1. Call to Order and Roll Call

The meeting was called to order at 9:00 AM. Attendance was taken.

In-Person Members Present:

- Josh Hicks
- Kalie Work

Virtual Members Present:

- Ben Lipman
- Brittany Walker
- Colleen McCarty
- Leslie Nino Piro
- Mitch Fox
- Matt Christian
- Staci Lindberg

Absent Members:

- Matt Morris

A quorum was established.

2. Public Comment (First Period)

No in-person public comment was received.

No virtual public comment was received.

Written public comment was received from Jeff Church, Washoe County School District, and Oscar Williams. Written comments are attached to these minutes.

3. Approval of February 26, 2026 Meeting Minutes

Motion passed unanimously.

4. Election of Chair and Vice Chair

Kalie Work explained that the elected Chair and Vice Chair from the first meeting needed to step down and a new vote needed to be taken. Pursuant to AB 128, the Chair must be selected from the transparency advocates; the Vice Chair from the government representatives.

Nomination and Election of Chair:

- Josh Hicks was nominated.
- No other nominations.
- Motion passed unanimously.

Nomination and Election of Vice Chair:

- Kalie Work was nominated.
- No other nominations.
- Motion passed unanimously.

5. Presentation Addressing Government Entities' Considerations under AB 128, Section 7.2(a)

- Warren Hardy presented on behalf of the Urban Consortium. Topics included transparency and privacy, ambiguity in current legislation creates inconsistent decisions, need for a dispute resolution process outside of litigation, commercial requests and monetization, and risks associated with AI.

6. Presentation Addressing Government Entities' Considerations under AB 128, Section 7.2(a)

- Pat Cabrera presented on behalf of the Nevada Municipal Clerk's Association. Topics included burden of redaction, impacts of broad requests, sensitive information risk, vexatious requestors, fee structure challenges and payment gaps, governance opportunities and recommended actions.

7. Consideration of Presentation Request by the Joint Interim Standing Committee on Government Affairs at the June 4, 2026 Meeting

The committee discussed the request by the Joint Interim Standing Committee on Government Affairs to present on the work of the task force to-date. Discussion raised a proposal to provide a written status report to the joint committee in advance of the June 4, 2026 meeting. Motion passed unanimously.

8. Select Remaining Task Force Meeting Dates and Locations

Discussion identified tentative dates and locations for future meetings.

- June 8, 2026 at 9:00 AM at Metro in Las Vegas
- August 5 or 6, 2026 at 9:00 AM at the Legislative Counsel Bureau in Las Vegas with a hearing room in Carson City
- September 9 or 10, 2026 at 9:00 AM at Ballard Spahr in Las Vegas

9. Structure of Meetings, Procedure for Public Comment, Topics for Discussion, and Presenters for Future Agendas

The task force discussed keeping the current meeting structure and public comment structure in place.

Discussion of Future Presentations:

- Law Enforcement
- NDOT
- County Clerks
- Broadcasters
- Press

Additional discussion included:

- There was a request to add a standing item to future agendas for open discussion about AB 128 Sec. 7.2. Matter to be added to future agendas.
- Colleen McCarty made a proposal to advance the final report if it includes a majority vote within each voting group (at least three transparency advocates and three government advocates) rather than a simple majority vote. Motion failed 3-5.

10. Structure of Decisions and Actions

- No additional information was discussed on this item.

11. Structure of Report to Legislature, Including Drafting, Editing, Deadlines, and Approval

Discussion about how the task force will remain structured and organized.

- Kalie Work offered to create a draft report template for the next meeting as framework to keep the members on task.

12. Public Comment (Second Period)

No-in person public comment received.
Christian Salmon provided virtual public comment.

13. Adjournment

The meeting was adjourned at 11:33 AM.



Office of the General Counsel

Sara K. Montalvo, Esq., Chief General Counsel
Kevin A. Pick, Esq., Deputy Chief General Counsel
Travis B. Lucia, Esq., General Counsel
Andrea L. Schulewitch, Esq., Associate General Counsel
P.O. Box 30425, Reno, NV 89520-3425
Phone (775) 348-0300 / Fax (775) 333-6010
legal@washoeschools.net

April 24, 2026

Sent via email to AGGeneralCounsel@ag.nv.gov

Public Records Task Force

Re: Public Records Task Force April 27, 2026 Meeting – Public Comment

Dear Public Records Task Force:

We appreciate the opportunity to comment on proposed reforms to Nevada's Public Records Act and respectfully urge the task force to recommend two related clarifications: (1) express statutory authority for public entities to recover reasonable staff time costs incurred in responding to excessive or complex public records requests; and (2) codification and expansion of confidentiality protections for employee personnel records, including those of political subdivisions.

A. RECOMMENDED CLARIFICATIONS TO NEVADA'S PUBLIC RECORDS ACT

1. Fee Authority for Excessive Staff Time.

Nevada's Public Records Act has long recognized that public entities may recover the actual costs of producing public records. Legislative history confirms that earlier versions of the statute expressly allowed recovery of extraordinary personnel costs, and that, when the Legislature amended the statute and removed that specific phrase, it did so to simplify and consolidate cost-recovery provisions—not to require public agencies to absorb unlimited staff time at public expense.

The statutory amendments relocating allowable costs into the definition of "actual cost," and the removal of language prohibiting recovery of staff time, reflect a legislative intent to permit reasonable cost recovery rather than to silently eliminate it. Under well-established principles of statutory construction, when the Legislature removes an express prohibition, it is presumed to have intended to allow what was previously barred.

This clarification is increasingly necessary given the nature of modern public records requests. Many requests now require substantial staff time for:

- Locating records stored across multiple systems or departments;
- Reviewing records for attorney-client privilege, statutory exemptions, or confidential information;
- Redacting protected information before release; and
- Coordinating production to ensure completeness and accuracy.

When public entities are required to divert staff for hours—or days—from core governmental functions to respond to unusually broad or complex requests without the ability to recover reasonable costs, the result is diminished public service, delayed responsiveness to other requesters, and improper subsidization of private interests by taxpayers. Allowing cost recovery for excessive staff time promotes fairness, discourages abusive or overbroad requests, and ensures that limited public resources are used responsibly.

Making this authority explicit in statute would reduce disputes, provide transparency to requesters, and promote consistent application across agencies, while preserving public access to records through reasonable and predictable fee structures.

2. Confidentiality of Employee Personnel Records.

In addition, we respectfully recommend that the Legislature codify NAC 284.718, which deems state personnel records confidential, and extend equivalent statutory confidentiality protections to the personnel records of employees of political subdivisions, including school districts, counties, cities, and special districts.

The policy rationale underlying NAC 284.718 is sound and widely accepted: unrestricted disclosure of personnel records can subject public employees to harassment, retaliation, identity misuse, and reputational harm, while offering little insight into governmental decision-making. Personnel files typically contain sensitive information—including performance evaluations, disciplinary investigations that do not result in formal action, medical information, and personal identifiers—that does not advance transparency when disclosed.

Codifying this regulation would strengthen legal clarity and durability, ensuring that these important protections are not dependent on regulatory interpretation. Extending comparable protections to political subdivision employees would also correct an inconsistency in current practice that leaves many public servants more exposed simply because of the structure of their employer.

Importantly, protecting personnel record confidentiality does not undermine transparency or accountability. Nevada courts already recognize that the Public Records Act requires a balancing of interests, and public access to records reflecting official actions, final disciplinary outcomes, and governmental policy decisions would remain intact. Confidentiality simply ensures

Public Records Task Force

Re: Public Records Task Force April 27, 2026 Meeting – Public Comment

April 24, 2026

Page 3

that disclosure serves a legitimate public purpose rather than facilitating harassment or misuse of personal information.

B. CONCLUSION

Clarifying fee authority for excessive staff time and codifying personnel-record confidentiality work together to modernize Nevada's Public Records Act. These reforms would promote transparency while acknowledging operational realities, safeguard privacy and employee safety, reduce unnecessary conflict and litigation, and support the responsible stewardship of public resources.

I encourage the task force to advance both recommendations as part of a thoughtful and balanced update to Nevada's public records framework. Thank you for your consideration.

Sincerely,

/s/Sara K. Montalvo, Esq.
Sara K. Montalvo, Esq.
Chief General Counsel

From: Oscar <info@nevadavotersalliance.com>
Sent: Tuesday, April 14, 2026 4:48 PM
To: AGGeneralCounsel
Subject: Two things for the Public Records Task Force:

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello. Please share my comments and concerns with the members of the Public Records Task Force:

1. Washoe County has not posted video online of processing ballots of the 2024 general election. Posting video coverage should be mandatory.
2. Washoe County's Election Administration Valuation Survey (EAVS) data is being unduly withheld and denied the public. This data includes official results certified by the Secretary of State within 30-days of a general election. There is no valid reason to delay or deny voters the EAVS data from their elections. Providing the EAVS data to the public after state certification of results should be mandatory.

Thank you for your interest and cooperation.

-Oscar Williams, 775-240-3456

--

Oscar Williams
Nevada Voters Alliance



From: Oscar <info@nevadavotersalliance.com>
Sent: Friday, March 6, 2026 1:58 PM
To: AGGeneralCounsel
Cc: Ira Hansen; Lisa Krasner; Alexis Hansen; Jill Dickman; John Steinbeck; carrie.buck@sen.state.nv.us
Subject: Comments for the Public Records Task Force

WARNING This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello. Please forward the following comments to the members of the Public Records Task Force:

Open Records for Elections:

- a) Cyber-security inquiries: Data transmission and network security are areas that the public cannot ask nor receive information. Audits of the system are not public knowledge. This hurts public confidence in elections. Considering Nevada had a major breach in August 2025 for which many questions linger about the data affected and what not, the public needs to know a minimum of how their tax money is being spent on equipment, software, and services. Can this committee set guidelines for the Secretary of State to review on greater transparency?
- b) Timely receipt of information: Including but not limited to county voter rolls, poll pad voter data, daily check-in list, Cast Vote Records, chain-of-custody forms, and tabulator tapes.
- c) Access to ballot images: An important aspect of citizen audit of elections is having the before and after ballot images and related data files that prove the ballot is real and accurate. No voter data is shared--it's just ballot images and not the real ballot.
- d) Fees for data/info: Election data/info should be accessible and affordable for all. High fees hinder transparency by deterring inquiry. Abolish data/info fees.
- e) Repository for election data/info: The county or state could establish a login section of their website(s) to access voter data/info.

Thank you for your interest and cooperation

Respectfully submitted on behalf of Nevada Voters Alliance and Conservative Republicans of Northern Nevada (CRNN).

Oscar Williams
Nevada Voters Alliance



Public Document Task Force: Public Comment, 2-26-2026

I just saw this so am responding on very short notice. I was just forwarded this but believe today's meeting is in violation of NRS 241 as detailed in other correspondence.

Now that I have endeared myself to you, should any openings come up, I would be interested in serving on the task force.

Again on short notice but NRS 239 and subsequent court cases have gutted and rendered useless the Public Document Law. Agencies routinely ignore the law with no repercussions.

For example, I filed under NRS 239 vs the Washoe County School District (WCSD) Case No. CV23-02245. It cost me about \$4,000 out of my own pocket and I won but it took eight ++ months and two judges and essentially WCSD continues to ignore the intent of the law. By then the issue was essentially moot. The cost to the taxpayer was likely over \$100,000 for one minor case. They were represented by the previously prestigious (and expensive) law firm of McDonald Carano.

I'm open to ideas but I think clearly that NRS 241 and NRS 239 are siblings and should be handled the same. Persons should be able to file a complaint with the A.G. and the A.G. should be duty bound to address it promptly (currently that doesn't happen) and perhaps there might be a mediation step thrown in to save time and money. Sanctions in addition to attorney fees might be warranted where it does go to court (if you can find a judge in Washoe County).

Complainants should be indemnified. If not the A.G. then who: a contract with the ACLU or a legal services firm, etc?

I so much commend Bob Conrad of ThisIsReno, Attorney Luke Busby and the ACLU Nevada for challenging some of these. The ACLU just caught the State (DMV) so called 'pants down'. Bob Conrad has taken them on but these take months or years and in many cases the court's rulings are bizarre at best.

No one is looking out for the public's interest. Likewise it is not in the government-agency interest to have expensive protracted litigation. I have not had time to look and see good models from other states.

Sincerely,

Jeff Church
RenoTaxRevolt.com
775 544-RENO (7366)
RenoTaxRevolt@Sbcglobal.net

From: WatchDogJeff <renotaxrevolt@sbcglobal.net>
Sent: Thursday, February 26, 2026 12:27 PM
To: StateWeb; AGGeneralCounsel
Cc: publicnotice
Subject: OML Concerns (Today's Meeting)
Attachments: OML 2 2 6 26.doc; 2026.02.26 PR Task Force Materials.pdf

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

See attached. I have serious concerns about OML compliance.

Add my comments to today's vague Public Comments if applicable.

Jeff Church
WatchDogJeff.com

February 26, 2026

To Whom It May Concern:

OML Concerns As Related to:

1. Public Document Task Force, today at 130 pm (2-26-26)
2. Overall vague postings

Regarding today's **Public Document Task Force**: Assuming that it is subject to OML:

- I find it vague. See NRS 232.2175. It does not clarify the agency. This could be the Town of Gabbs, etc.

- Was it posted in time? ("b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State." It was posted 1-23-26

- More importantly the link would not open. I see that unlike the others on the site, it lists a mailbox icon that seems to require a mail server that is compatible.

- I had a friend try and they found no agenda as well so it's not just me.

- In looking on line the attached is all I found. No real agenda, idea of how to attend etc.

- If true you need to postpone the meeting due to OML violations.

Regarding the second issue, vagueness.

NRS 232.2175 uses the term ... "clear and conspicuous manner." It further allows the State to adopt regulations. In doing so I urge the state to adopt a regulation that posting be clear and conspicuous. A perfect example is below, it simply says "Directors Office". Allowing such vague postings requires the user to click on every single site. In this case it is not really a director's office but a "NOTICE OF PUBLIC MEETING OF THE BENEFICIARY ADVISORY COUNCIL The Beneficiary Advisory Council (BAC) for Nevada Medicaid will conduct a public meeting at the following location: ..."

NRS also uses the terms "clear and complete". A vague posting seems to violate the legislative intent of notice. To allow this is to allow rogue agencies to intentionally engage in vague postings so as to mislead the public and hide meetings from them.

Another example was today at 9 am: "Executive Advisory Committee" that could be anything but it's RTC South.

As per NRS 232, "4. The Department may adopt regulations to carry out the provisions of this section." The State must adopt regulations to effectively carry out the legislature's intent.

NRS 241.010 Legislative declaration and intent. In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

Upcoming Meetings

02/26/2026 01:00 PM		Aging and Disability Services Division	Date Posted: 02/20/2026
02/26/2026 01:00 PM		Innovations International Charter School of Nevada Governing Board	Date Posted: 02/23/2026
 02/26/2026 01:30 PM		Public Records Task Force	Date Posted: 02/23/2026
02/26/2026 01:30 PM		Commission on Autism Spectrum Disorders	Date Posted: 02/20/2026
02/26/2026 01:30 PM		Commission for the Las Vegas Centennial	Date Posted: 02/19/2026
02/26/2026 02:00 PM		Las Vegas Metro Police Department Civil Service Board	Date Posted: 02/18/2026
02/26/2026 02:00 PM		Clark County Building Enterprise Fund Advisory Committee (BEFAC)	Date Posted: 02/17/2026

**Note the mail logo above vs the chain link logo.*

03/03/2026
09:00 AM

 [Director's Office](#)

Date Posted: 02/11/2026

What do you suppose that may be? "NOTICE OF PUBLIC MEETING OF THE BENEFICIARY ADVISORY COUNCIL The Beneficiary Advisory Council (BAC) for Nevada Medicaid will conduct a public meeting at the following location: ..."

NRS 232.2175 Posting of notices of meetings by public bodies on State's website: Requirements; duties of Department; regulations.

1. The Department shall establish and maintain a location on the official website of the State for the posting of notices by public bodies as required pursuant to [NRS 241.020](#). The location must be identified on the official website of the State in a clear and conspicuous manner.

2. The location established pursuant to subsection 1 must include a place for the posting of [electronic links to the Internet website](#) or any electronic mail addresses, if available, of each public body which has posted a notice pursuant to NRS 241.020, from which a person may request the information and supporting materials that a public body must provide to a requester pursuant to NRS 241.020.

3. The Department **shall** provide for:

(a) The transmission to the Department by public bodies of:

(1) Notices required pursuant to NRS 241.020; and

(2) The Internet website or any electronic mail addresses, if available, of a public body that has submitted a notice for posting on the official website of the State.

(b) The timely and efficient posting of such notices and electronic links to addresses on the official website of Nevada.

4. [The Department may adopt regulations to carry out the provisions of this section.](#)



**STATE OF NEVADA
PUBLIC RECORDS TASK FORCE**

MEETING MATERIALS ATTACHED

Meeting Date and Time:

February 26, 2026, 1:30 PM

1. Assembly Bill No. 128 (83rd Session 2025)

An Act relating to public records; creating the Public Records Task Force; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Assembly Bill No. 128—Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public records; creating the Public Records Task Force; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless otherwise declared by law to be confidential, all public books and records of a state or local governmental entity are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public book or record in any medium in which the book or record is available. (NRS 239.010) This bill creates the Public Records Task Force to evaluate certain topics relating to requests for public records and make certain recommendations. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

EXPLANATION—Matter in *bolded italics* is new; matter between brackets ~~permitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-6. (Deleted by amendment.)

Sec. 7. 1. The Public Records Task Force is hereby created.
The Task Force consists of the following 10 members:

- (a) One government representative and two transparency advocates appointed by the Majority Leader of the Senate;
- (b) Two government representatives and one transparency advocate appointed by the Speaker of the Assembly;
- (c) One government representative appointed by the Minority Leader of the Senate;
- (d) One transparency advocate appointed by the Minority Leader of the Assembly; and
- (e) One government representative and one transparency advocate appointed by the Governor.

2. The Task Force shall:

(a) Evaluate:

- (1) Current exemptions to chapter 239 of NRS;
- (2) The policies relating to public records of any review board created pursuant to NRS 289.380 or 289.383;



(3) The impact of broad requests for public records on governmental entities;

(4) The cost, burden and time constraint on governmental entities to redact confidential information;

(5) The financial burden on a person who requests a public record;

(6) Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution; and

(7) Methods for collecting and sharing data related to requests for public records.

(b) Make recommendations, including, without limitation:

(1) To clarify the custodianship and control of public records;

(2) To protect sensitive information while promoting government transparency;

(3) To identify situations in which access to public records should be granted or denied;

(4) For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;

(5) For protocols to protect personal information and criminal investigations;

(6) For a standardized fee schedule; and

(7) For mechanisms to protect governmental entities from retaliatory litigation.

3. The members of the Task Force serve without compensation.

4. Each member of the Task Force who is an officer or employee of the State or local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual, vacation or compensatory time for the absence.

5. The Task Force shall, at its first meeting, elect a Chair from the members who are transparency advocates and a Vice Chair from the members who are government representatives.

6. The Task Force shall meet:



(a) Upon the call of the Chair or a majority of the members of the Task Force; and

(b) At least four times.

7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

8. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

9. On or before October 31, 2026, the Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

10. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Government representative" includes, without limitation, a representative:

- (1) From the Nevada Association of Counties or a county;
- (2) From the Nevada League of Cities or a local government;
- (3) Who is a district attorney or city attorney;
- (4) From a law enforcement agency;
- (5) From a school district;
- (6) From the Office of the Attorney General;
- (7) From a public utility that is not regulated by the Public Utilities Commission of Nevada; and
- (8) From the Division of State Library, Archives and Public Records of the Department of Administration.

(c) "Transparency advocate" includes, without limitation, a representative:

- (1) From the Nevada Broadcasters Association;
- (2) From the Nevada Press Association;
- (3) From the Nevada Open Government Coalition;
- (4) From the American Civil Liberties Union;
- (5) Who is an attorney that specializes in requests for public records;
- (6) From the Legal Aid Center of Southern Nevada; and
- (7) Who is a member of the public and has experience related to public records.



Sec. 8. The members of the Public Records Task Force must be appointed pursuant to section 7 of this act not later than October 31, 2025.

Sec. 9. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.





STATE OF NEVADA PUBLIC RECORDS TASK FORCE

MEETING MINUTES

Meeting Date and Time: February 26, 2026, 1:30 PM
Hybrid Meeting (In-Person and Zoom)

Physical Location: City Hall
401 California Avenue
Boulder City, Nevada 89005

1. Call to Order and Roll Call

The meeting was called to order at 1:30 PM. Attendance was taken.

In-Person Members Present:

- Ben Lipman
- Colleen McCarty
- Brittany Walker
- Leslie Nino Piro
- Mitch Fox

Virtual Members Present:

- Matt Christian
- Josh Hicks
- Matt Morris
- Vince Guthreau
- Kalie Work

A quorum was established.

2. Public Comment (First Period)

One in-person public comment was received.

- **David Charns**, investigative reporter, spoke regarding inconsistencies in access to arrest reports and public records among Nevada agencies and jurisdictions. He urged the task force to pursue greater consistency, transparency, and timely access.

One written public comment was received from Jeff Church and is attached to these minutes.

3. Election of Chair and Vice Chair

Pursuant to AB 128, the Chair must be selected from the transparency advocates; the Vice Chair from the government representatives.

Members first introduced themselves and briefly summarized their backgrounds and appointment categories.

Nomination and Election of Chair:

- Colleen McCarty was nominated.
- No other nominations.
- Motion passed unanimously.

Nomination and Election of Vice Chair:

- Vince Guthreau was nominated.
- Motion passed unanimously.

4. Task Force Webpage Hosted by the Office of the Attorney General

Leslie Nino Piro explained the proposal to create a simple webpage to:

- List task force members
- Indicate each member's appointment category (transparency or government)
- Post agendas and meeting materials
- Provide public transparency and ensure Open Meeting Law compliance

Additional discussion included:

- The Legislative Counsel Bureau is unable to host the website due to statutory limitations.
- The AG's Office is providing administrative support to enable posting and compliance, although not statutorily required.
- The webpage would not include member biographies.
- A disclaimer will clarify that the AG's Office is not providing legal counsel to the task force.

Discussion of Public Comment Submission:

- Discussion raised the question of where email comments should be directed.
- Suggestion: route public comment to the Chair and Vice Chair.
- Matter to be added to a future agenda.

5. Items for Next Meeting Agenda

Discussion identified topics for inclusion on the next agenda:

- Process for submitting agenda items
- Identifying subject-matter presenters or outside contributors

- Potential decision-making structure (e.g., clarifying how recommendations are approved)
- Development of task force bylaws
- Site for hosting public comment submissions

Clarifications noted:

- Open Meeting Law requires subcommittees to meet publicly.
- The statute requires that official action be taken by a simple majority of members present; changing this standard may conflict with statute.
- Members can meet informally in groups less than a quorum.

After discussion, the motion to include the above agenda topics (excluding meeting location and bylaws) was approved unanimously.

6. Public Comment (Second Period)

No in-person public comment received.

Virtual public comment was not available due to resource limitations.

7. Adjournment

The meeting was adjourned at 2:23 PM.

Public Document Task Force: Public Comment, 2-26-2026

I just saw this so am responding on very short notice. I was just forwarded this but believe today's meeting is in violation of NRS 241 as detailed in other correspondence.

Now that I have endeared myself to you, should any openings come up, I would be interested in serving on the task force.

Again on short notice but NRS 239 and subsequent court cases have gutted and rendered useless the Public Document Law. Agencies routinely ignore the law with no repercussions.

For example ,I filed under NRS 239 vs the Washe County School District (WCSD) Case No. CV23-02245. It cost me about \$4,000 out of my own pocket and I won but it took **eight ++ months** and two judges and essentially WCSD continues to ignore the intent of the law. By then the issue was essentially moot. The cost to the taxpayer was likely over \$100,000 for one minor case. They were represented by the previously prestigious (and expensive) law firm of McDonald Carano.

I'm open to ideas but I think clearly that NRS 241 and NRS 239 are siblings and should be handled the same. Persons should be able to file a complaint with the A.G. and the A.G. should be duty bound to address it promptly (currently that doesn't happen) an perhaps there might be a mediation step thrown in to save time and money. Sanctions in addition to attorney fees might be warranted where it does go to court (if you can find a judge in Washoe County).

Complainants should be indemnified. If not the A.G. then who: a contract with the ACLU or a legal services firm, etc?

I so much commend Bob Conrad of ThisIsReno, Attorney Luke Busby and the ACLU Nevada for challenging some of these. The ACLU just caught the State (DMV) so called 'pants down". Bob Conrad has taken them on but these take months or years and in many cases the court's rulings are bizarre at best.

No one is looking out for the public's interest. Likewise it is not in the government-agency interest to have expensive protracted litigation. I have not had time to look and see good models from other states.

Sincerely,

Jeff Church
RenoTaxRevolt.com
775 544-RENO (7366)
RenoTaxRevolt@Sbcglobal.net

Urban Consortium Perspective on the Nevada Public Records Act (NPRA)

Las Vegas – Reno – Henderson – North Las Vegas - Sparks

- o Local governments fully support transparency and the Nevada Public Records Act (NPRA)
- o In our experience, a majority of public records requests are fulfilled quickly and at little to no cost
- o Local governments have a **legal obligation** to both provide public records and to safeguard sensitive personal information and other types of records that the law says we must protect
- o Local governments believe Nevada has an effective public records law that functions as intended, but that it would benefit from additional clarity
- o Any proposed changes must be strategic, not wholesale, and developed thoughtfully with robust stakeholder input

Transparency and Privacy are not Mutually Exclusive Goals

Local governments are custodians of public records that contain sensitive personal data and other information that must or should be protected

- We are generally satisfied with the current public records framework
- What we are seeking is clearer statutory guidance to help in balancing the requirement to provide public records with the legal requirements to protect privacy and the need to ensure safety, fairness, and administrative practicality
- Better clarity would help agencies respond faster, treat requesters more consistently, and protect sensitive and/or restricted information that appears in public records

Privacy duties are real

Records requests routinely implicate victims, minors, home addresses, health details, personnel information, and sensitive audio/video.

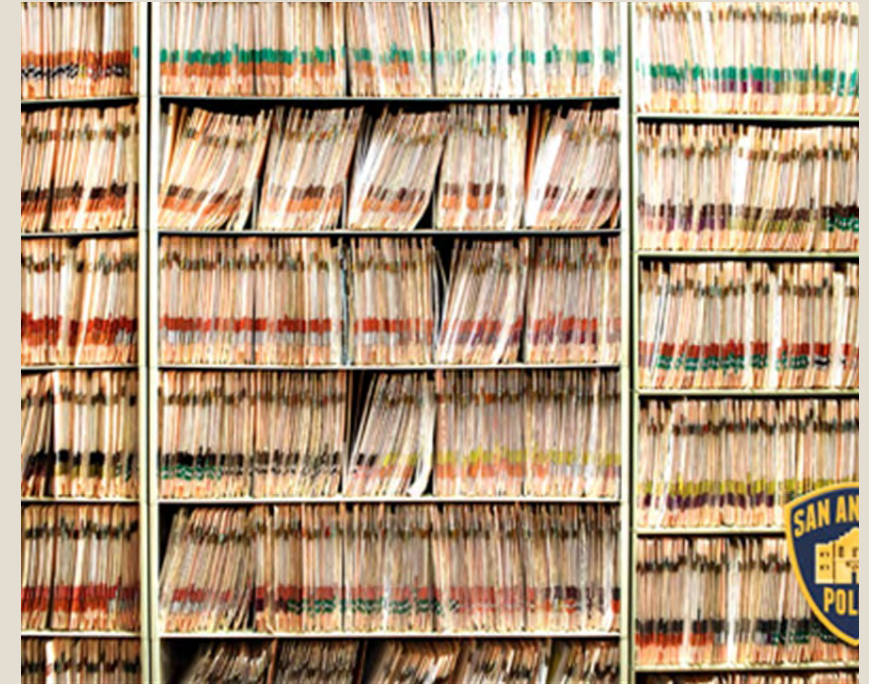
Clarity helps everyone

Requesters benefit from clearer response rules; agencies benefit from clearer authority; Individuals benefit from stronger, more predictable protection of legitimate privacy interests

Overly Broad or Harassing Requests can Dilute and Distort a Law Designed for Accountability

The problem is not ordinary public scrutiny. The problem is when request volume, scope, or motive turns the process into conflict.

- The volume of some requests consumes disproportionate staff time and should be more specific.
- The challenge is especially acute when former employees, former partners, or other aggrieved individuals use the process to target specific staff, offices, or individuals.
- The goal is to preserve broad access while still providing agencies with a reviewable means to address demonstrably problematic conduct.



What clearer law could do

Allow structured responses to unnecessarily broad or harassment-driven requests, subject to documentation and appeal.

What it should not do

Deny difficult, unpopular, or time-consuming requests simply because they are seen as burdensome or potentially embarrassing.

Ambiguity in the Law Creates Inconsistent Decisions and Avoidable Conflict

**Expansive Definition of
“public record” in NRS**

**Basis for withholding or
redaction**

Agencies need clearer statutory authority on privacy, safety, personnel, investigative, and victim-related exemptions.

Cost recovery

Production of bodycam, dashcam, and surveillance video can require hours of review and specialized labor.

Legitimate Disputes Should Have a Path to Resolution Short of Litigation

When agencies and requesters genuinely disagree, the only option should not be an all-or-nothing trip to court.

Commercial Requesters Raise a Distinct Policy Question

The law often treats a resident seeking oversight and a company seeking a monetizable dataset the same way — even when the downstream use is very different.

The core distinction

Open-records laws are meant to promote public oversight. They were not necessarily written for high-volume extraction of personal or quasi-personal data that can be packaged, resold, or used for lead generation and profiling.

\$282M

InvestigateTV said DMVs nationally pulled in at least this much in 2024 from personal-information sales.

Question for lawmakers

Should the law draw a clearer line between noncommercial civic use and commercial exploitation — especially where personal identifiers or bulk datasets are involved?

Potential legislative options

- permit different fee rules for commercial bulk requests
- limit redisclosure of sensitive fields
- require stronger stated purpose for large dataset requests
- preserve full access for watchdog, journalistic, and individual use

AI Changes the Scale of the Risk

A request that once produced a stack of documents can now feed tools that scrape, summarize, cross-reference, re-identify, and redistribute information at industrial speed

- Bulk public data can be used to build searchable profiles, infer identities, or generate misleading narratives about individuals.
- AI lowers the cost of harvesting records for monetization, targeted harassment, doxing, and deceptive “news” or content products.
- The legal framework has not caught up to the speed, scale, and synthetic-output risks created by modern tools.
- Potentially a significant cybersecurity risk

Wired, Feb. 2026

WIRED reported that state privacy laws give public servants few ways to stop data brokers from selling personal data sourced from public records, describing a “data-to-violence pipeline.”

Targeted clarifications can strengthen both access and trust

The ask is not less transparency. The ask is a better-operating law.

Bottom line

Clearer rules help local governments
release what should be public,
protect what should stay private, and
resolve disputes more fairly

- Define “public record” more clearly
- Clarify withholding/redaction authority where privacy, safety, and victim or employee protections are genuinely implicated.
- Create a fast, affordable dispute-resolution path short of litigation.
- Authorize a narrow, documented response to problematic requests, with appeal rights.
- Address commercial bulk extraction and AI-enabled exploitation without impairing ordinary civic oversight.

Public Records Task Force Presentation

Operational Risks, Legal Gaps, and Strategic Recommendations

Presented by:
Pat Cabrera, Chief Deputy City Clerk
City of Las Vegas
on behalf of the
Nevada Municipal Clerks' Association



Why This Matters



**Public Records
Law *has not* Kept
Pace with Digital
Reality**



**Volume,
Complexity, and
Risk are Increasing**



**Inconsistency
Across
Jurisdictions is
Growing**



**Sustainable and
Defensible
Transparency
should be the Goal**

Redaction Burden

Issue

**Manual, Labor-
Intensive Review**

Impact

**Delays, Cost, Legal
Exposure**

Recommendation

**Define Cost Recovery,
Standardize
Workflows, Adopt
Tools**



Broad & Overbroad Requests



Issue

Vague or Expansive Scope
Across Multi-Departments;
Significant Effort Required to
Identify, Locate & Scope
Responsive Requests



Impact

Staff Time Consumed before
Records are Even
Gathered/Reviewed;
Resource Strain; Delays in
Responding

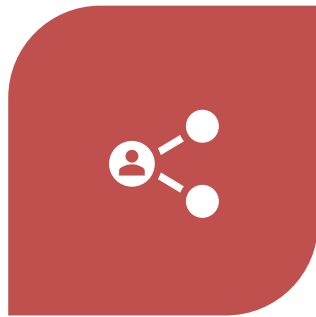


Recommendation

Require Reasonable Request
Refinement/Clarification;
Allow Defined Scoping
Phase; Establish
Expectations for What's
Reasonable; Encourage
Proactive Disclosure



Sensitive Information Risk



Issue

Public and Confidential
Data Intermingled



Impact

Disclosure Risk and
Liability



Recommendation

Standard Redaction
Rules, Layered Review,
Training



Vexatious Requestors



Issue

Repetitive or Disruptive
Requests



Impact

Diverts Staff from
Legitimate Requests



Recommendation

Define Behavior, Allow
Controls, Escalation
Process



Litigants Bypassing Discovery

Issue

PRRs Used Outside Court Process

Impact

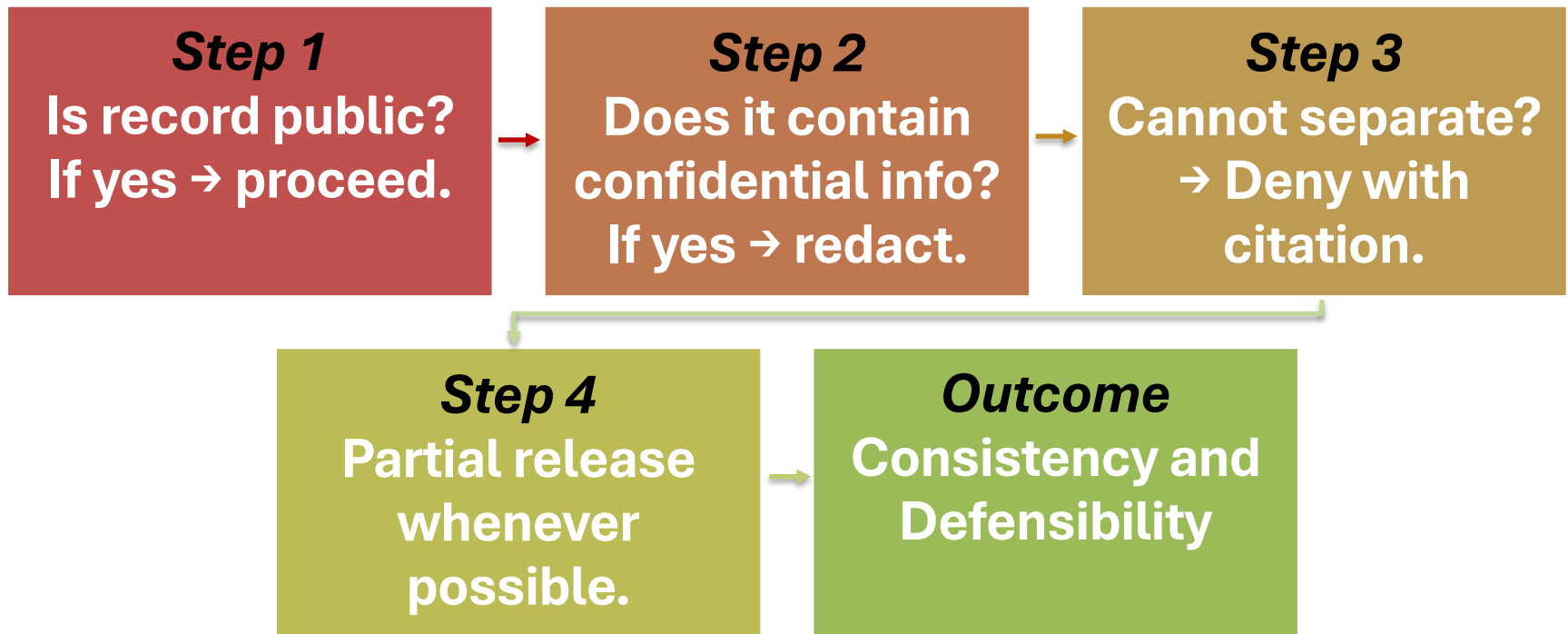
Undermines Fairness and Legal Process

Recommendation

Clarify Boundaries, Coordinate with Legal, Statutory Guidance



Decision Framework: Release vs. Redact vs. Deny



Fee Structure Challenges

Issue

Inconsistent Fees Statewide

Impact

Inequity and Confusion

Recommendation

Statewide Parameters, Caps, Transparency



Payment Gaps

Issue
**Manual
Processes**

Impact
**Delays and
Inefficiency**

Recommendation
**Digital Payment
Integration**



Response Timeline Reality

Issue

5-day Requirement vs. Complex Workflows

Impact

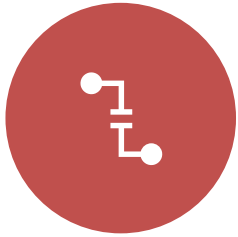
Apparent Non-Compliance

Recommendation

Define Timeline Expectations During Processing



Statewide Governance Opportunity



Current
Fragmented
Approach



Future
Standardized
Processes and
Tools



Task Force Role
Define
Framework and
Provide Guidance



Outcome
Efficiency,
Consistency,
Transparency



Task Force – Recommended Actions

Immediate

Define Cost, Timelines, Decision Framework

Structural

Standardize Fees and Appeals

Operational

Modernize Systems & Training

Ownership

Task Force, State & Local Agencies



What Happens If We Do Nothing



**Increased
Litigation**



**Growing
Inconsistency
Across
Jurisdictions**



**Higher Costs
and Slower
Response Times**



**Erosion of
Public Trust**

Closing

Transparency Must Be Sustainable



Clarity Reduces Risk



Consistency Builds Trust



Modernization Is Necessary



Thank You!

Pat Cabrera
Chief Deputy City Clerk

pcabrera@lasvegasnevada.gov
(702) 229-4229



➤ **Officers**

- LuAnn Holmes, President
- Lisa Hunderman, Vice President
- Jackie Rodgers, Treasurer
- Lauren Morris, Secretary
- Bridgette Rodriguez, Education Director

➤ **Nevada Municipal Clerks**

- Tami McKay, Boulder City
- Annette Robinson, Elko
- Jennifer Lee, Ely
- Kimberly Swanson, Fernley
- Heidi White, Incline Village GID
- Brooke Thompson, Indian Hills GID
- LuAnn Holmes, Las Vegas
- Julie Goodsell, Mesquite
- Jackie Rodgers, North Las Vegas
- Mikki Huntsman, Reno
- Lisa Hunderman, Sparks
- Anna Bartlome, West Wendover



121 Nev. 446
Supreme Court of Nevada.

SOUTHERN NEVADA HOMEBUILDERS
ASSOCIATION, Appellant,

v.

CLARK COUNTY, a Political Subdivision of
the State of Nevada; Citizens for Smart
Growth; [Concerned](#) Citizens of Logandale;
[Northwest Citizens Association](#); Charles
Carter; Mary Duehlmeier; [Carolyn](#)
[Edwards](#); George Hitter; and Lisa Mayo–De
Riso, Respondents.

No. 42418
|
Aug. 11, 2005.

Synopsis

Background: County, joined by various citizens and citizens' groups, filed an action seeking a declaration that zoning ordinance was valid. The Eighth Judicial District Court, Clark County, [Valerie Adair, J.](#), granted summary judgment in favor of county and the citizens' groups, and homebuilders' association appealed.

[Holding:] The Supreme Court, [Hardesty, J.](#), held that county zoning ordinance's supermajority approval requirement for nonconforming zone change applications violated its enabling statute and, thus, was invalid.

Reversed.

Procedural Posture(s): On Appeal; Motion for Summary Judgment.

West Headnotes (11)

- [1] **Municipal, County, and Local Government** [Number of votes required](#)

Silence on voting requirements in statute indicates the legislature's desire that only a simple majority approval be met.

[1 Case that cites this headnote](#)

- [2] **Appeal and Error** [Statutory or legislative law](#)
Statutory construction is a question of law and is reviewed de novo, without deference to the district court's conclusions.

[6 Cases that cite this headnote](#)

- [3] **Statutes** [Plain Language; Plain, Ordinary, or Common Meaning](#)
Statutes [Statute as a Whole; Relation of Parts to Whole and to One Another](#)
Statutes [Superfluosity](#)

When interpreting a statute, court must give its terms their plain meaning, considering its provisions as a whole so as to read them in a way that would not render words or phrases superfluous or make a provision nugatory.

[29 Cases that cite this headnote](#)

- [4] **Statutes** [Purpose and intent](#)
Statutes [Departing from or varying language of statute](#)
Statutes [Construing together; harmony](#)
Statutes [Unintended or unreasonable results; absurdity](#)

It is the duty of the court, when possible, to interpret provisions within a common statutory scheme harmoniously with one another in accordance with the general purpose of those statutes and to avoid unreasonable or absurd results, thereby giving effect to the legislature's intent.

[26 Cases that cite this headnote](#)

- [5] **Zoning and Planning** [Number of votes required](#)

Enabling statute, which provided County Commissioners with the power to effect zoning decisions and, in particular, to decide nonconforming zone change applications, did not authorize the adoption of a supermajority voting requirement to approve nonconforming zone

change applications, and thus, county zoning ordinance's supermajority approval requirement for nonconforming zone change applications violated its enabling statute and was invalid; by its failure to state otherwise, the legislature intended only simple majority approval of nonconforming zone change applications under enabling statute. [NRS 278.260](#).

[1 Case that cites this headnote](#)

^[6] **Statutes** [Statutory scheme in general](#)

When a statutory scheme is in place, deference should be given to that scheme.

[2 Cases that cite this headnote](#)

^[7] **Municipal, County, and Local Government** [Number of votes required](#)

When a statute does not express specific or heightened voting requirements, court will not take it upon itself to fill in such requirements, for it is not the business of the court to fill in alleged legislative omissions based on conjecture as to what the legislature would or should have done.

[4 Cases that cite this headnote](#)

^[8] **Zoning and Planning** [Number of votes required](#)

Statutory subsection, providing that governing body may adopt and use such procedures as may be necessary for this purpose, had to be read in context of another subsection which concerned implementation of a master plan by the governing body once a master plan had been adopted, and as such, the former subsection could not be read to expand the authority of the County Commissioners to impose a greater voting requirement than that mandated by the legislature's silence in the enabling statute, and thus, the former subsection did not authorize county zoning ordinance's supermajority approval requirement for nonconforming zone change applications. West's [NRSA 278.230](#)(1, 2).

^[9] **Zoning and Planning** [Number of votes required](#)

Statute providing that the necessary quorum to act upon and the number of votes necessary to

act upon a matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee was a narrow statute defining a quorum when a public body member had to abstain from a vote due to a conflict of interest, and this statute did not operate as an enabling statute empowering the County Commissioners to adopt zoning ordinance which contained supermajority approval requirement for nonconforming zone change applications. [NRS 281.501](#)(5).

^[10] **Zoning and Planning** [Number of votes required](#)

County zoning ordinance's supermajority approval requirement for nonconforming zone change applications was invalid since no authority allowed county to create supermajority voting requirements for approval of nonconforming zone change applications.

^[11] **Municipal, County, and Local Government** [Number of votes required](#)

Legislature has expressly enumerated supermajority voting requirements when it has intended to do so, and therefore, when the legislature has not specified a supermajority voting requirement, its silence reflects an intent to permit the imposition of only a simple majority vote.

Attorneys and Law Firms

****172** Kummer Kaempfer Bonner & Renshaw and [Christopher L. Kaempfer](#) and [James E. Smyth II](#), Las Vegas; Lubbers Law Group and [Edward C. Lubbers](#), Las Vegas, for Appellant.

David J. Roger, District Attorney, and [Robert T. Warhola](#), Deputy District Attorney, Clark County, for Respondent Clark County.

Law Office of Garry L. Hayes and [Garry L. Hayes](#) and [Martin L. Welsh](#), Henderson, for Respondents Citizens for Smart Growth, Concerned Citizens of Logandale, Northwest

Citizens Association, Carter, Duehlmeier, Edwards, Hitter, and Mayo–De Riso.

Before ROSE, GIBBONS and HARDESTY, JJ.

*448 OPINION

HARDESTY, J.

The Clark County Board of Commissioners approved a debated zoning ordinance that required supermajority (two-thirds) board approval of nonconforming zone change applications. The ordinance's enabling statute, [NRS 278.260](#), is silent as to whether supermajority approval is authorized. The district court concluded that the construction of other relevant statutes, together with silence on the matter in [NRS 278.260](#), amounted to a broad grant of authority to the County Commissioners and declared the supermajority voting provision valid.

^[1] We conclude that there is no support for the district court's construction. Silence on voting requirements in a statute indicates the Legislature's desire that only a simple majority approval be met. And there are no other statutes upon which the supermajority approval requirement can be properly grounded. Further, the County Commissioners have not demonstrated any contrary legislative intent, and public policy considerations do not support their position. Therefore, declaratory relief validating the supermajority voting requirement was improper.

FACTS AND PROCEDURAL HISTORY

In February 2003, the County Commissioners approved Clark County Ordinance 2865. The ordinance requires a comprehensive update of the Clark County master plan at least once every five years and sets forth new procedures to amend zone change applications that do not conform to the master plan. These new procedures also prohibit the County Commissioners from considering nonconforming zone change applications within two years of a master plan update. Once this two-year period expires, the County Commissioners may consider nonconforming zone change applications once each quarter, but approval of such requests may only ****173** occur if the applicant meets certain compelling justification requirements not at issue here and

satisfies the ordinance's new supermajority approval requirement.

During the public hearings held as part of the approval process for this ordinance, representatives for Southern Nevada Homebuilders Association (SNHA) voiced their opposition. SNHA's opposition was unsuccessful, and the County Commissioners approved the ordinance.

Once the ordinance was adopted, Clark County, joined by various citizens and citizens groups, filed an action in district court ***449** seeking a declaration that the ordinance is valid and not in conflict with [NRS 278.260](#). SNHA filed a counterclaim, asserting that the supermajority voting requirement in the ordinance is invalid because it is inconsistent with [NRS 278.260](#).

The district court granted summary judgment in favor of Clark County and the citizens groups, holding that county commissions were given broad grants of power by the Legislature. In particular, the district court held that the grants of power found in [NRS 278.260](#) and [NRS 278.230\(2\)](#) provide mechanisms by which the County Commissioners could require supermajority approval of nonconforming zone change applications. In so holding, the district court also determined that our decision in *Falcke v. Douglas County*,¹ which invalidated a different supermajority voting requirement based on a conflict with its enabling statute, was not controlling in this instance. This appeal followed.

DISCUSSION

Standard of review

^[2] ^[3] ^[4] The issue in this case is one of statutory construction, which is a question of law, and is reviewed de novo, without deference to the district court's conclusions.² When interpreting a statute, this court must give its terms their plain meaning, considering its provisions as a whole so as to read them “in a way that would not render words or phrases superfluous or make a provision nugatory.”³ Further, it is the duty of this court, when possible, to interpret provisions within a common statutory scheme “harmoniously with one another in accordance with the general purpose of those statutes” and to avoid unreasonable or absurd results, thereby giving effect to the Legislature's intent.⁴

NRS 278.260 does not authorize the adoption of a supermajority voting requirement to approve nonconforming zone change applications

^[5] [NRS 278.260](#) is an enabling statute, providing the County Commissioners with the power to effect zoning decisions and, in particular, to decide nonconforming zone change applications. ***450** [NRS 278.260\(1\)](#) gives the County Commissioners authority to “provide for the manner in which zoning regulations and restrictions ... are determined, established, enforced and amended.”⁵ This grant of power is more broadly enumerated in [NRS 278.020](#), which provides that the County Commissioners are “authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures” in order to promote the “health, safety, morals, or the general welfare of the community.” The statutes, however, are silent on whether voting requirements to approve nonconforming zone change applications require simple or supermajority approval.

The Nevada Legislature has specifically legislated voting requirements for other land planning applications within ****174** [NRS Chapter 278](#).⁶ No zoning application statute in Nevada, however, requires supermajority approval in any instance. In *Falcke*, this court compared a different [NRS Chapter 278](#) enabling statute, [NRS 287.220](#), with a related statute, [NRS 278.210](#). [NRS 278.220](#) provides for the County Commissioners' approval of master plan amendments, but, like the statute at issue here, does not expressly provide for a supermajority voting requirement regarding such amendments. [NRS 278.210\(2\)](#), on the other hand, expressly requires that, at the earlier stage, when a planning commission approves plan amendments, it “must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission.” Thus, in *Falcke*, we held that given the express language requiring a supermajority vote for approval in [NRS 278.210\(2\)](#) and the absence of similar language in [NRS 278.220](#), the Legislature's omission in the former statute reflects its intent to require approval only by a simple majority.⁷

^[6] ^[7] We further stated in *Falcke* that [NRS Chapter 278](#) provides a “comprehensive statutory framework”⁸ and that our decision was necessary to provide guidance to the counties of this state in “following the dictates of [NRS](#)

[Chapter 278](#).”⁹ When a statutory scheme is in place, deference should be given to that scheme.¹⁰ A common statutory scheme exists in this instance, within which [NRS 278.260](#) and [NRS 278.220](#) are both found. As a result, the ***451** *Falcke* court's reasoning is instructive in this instance. When a statute does not express specific or heightened voting requirements, this court will not take it upon itself to fill in such requirements, for “ ‘it is not the business of this court to fill in alleged legislative omissions based on conjecture as to what the legislature would or should have done.’ ”¹¹ Therefore, we conclude that, by its failure to state otherwise, the Legislature intended only simple majority approval of nonconforming zone change applications under [NRS 278.260](#).

Clark County and the citizens groups argue that [NRS 278.250\(4\)](#) and [NRS 278.260\(1\)](#) authorize the County Commissioners to impose supermajority approval requirements because they broadly grant the governing body power over zoning issues;¹² however, neither provision expressly authorizes a supermajority voting requirement. Further, accepting this argument would necessarily lead to the conclusion that a county could require a vote of 80% or 90% majority. Nothing in the legislative history of [NRS Chapter 278](#) suggests that the Legislature intended to delegate that kind of power to the counties' governing bodies. Although the Nevada Legislature has expressly required heightened approval requirements in a number of other contexts,¹³ it has not provided for imposing a supermajority voting requirement for nonconforming zone change applications, and we will not infer one here.

We conclude, therefore, that the ordinance's supermajority approval requirement violates its enabling statute, [NRS 278.260](#).

No other statutory provision provides a basis for a supermajority voting requirement

^[8] ^[9] SNHA further contends that the district court erred when it concluded that ****175** [NRS 278.230\(2\)](#) or [NRS 281.501\(5\)](#) provide a statutory basis for upholding the ordinance. We agree.

The district court cited [NRS 278.230\(2\)](#) in support of its conclusion that the Legislature expressly authorized the County Commissioners ***452** to adopt a supermajority voting rule. However, reliance on this subsection for authority to

establish voting requirements is improper. [NRS 278.230\(2\)](#) provides, “[T]he governing body may adopt and use such procedures as may be necessary for this purpose.” But this subsection must be read in the context of [NRS 278.230\(1\)](#) and the statutory scheme in which it appears. [NRS 278.230\(1\)](#) concerns the implementation of a master plan by the governing body once a master plan has been adopted. It does not, therefore, govern the approval of nonconforming zone change applications, or even approval procedures in general. Thus, [NRS 278.230\(2\)](#) cannot be read to expand the authority of the County Commissioners to impose a greater voting requirement than that mandated by the Legislature's silence in [NRS 278.260](#).

[NRS 281.501\(5\)](#) states that “the necessary quorum to act upon and the number of votes necessary to act upon [a] matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.” [NRS 281.501\(5\)](#) is a narrow statute defining a quorum when a public body member must abstain from a vote due to a conflict of interest. It does not operate as an enabling statute empowering the County Commissioners to adopt a supermajority voting requirement in zoning matters.

Further, we disagree with the district court's conclusion that, by addressing concerns regarding the quorum provision's effect on nonconforming zone change application supermajority approval requirements, the Legislature impliedly ratified the ordinance's voting requirement. During [NRS 281.501\(5\)](#) pre-enactment hearings, Clark County argued that certain quorum specifications would make it more difficult to obtain a quorum in supermajority approval votes as with the ordinance at issue here.¹⁴ The Legislature modified the specifications to account for supermajority voting requirements.¹⁵

^[10] There is no authoritative support, however, for the conclusion that the Legislature's modification operated as an approval of the ordinance's supermajority voting requirements for nonconforming zone change applications. Instead, the modification merely shows that the Legislature recognized problems created by the original specifications as applied to supermajority voting requirements in general, which, as we have already pointed out, validly exist in other contexts. As no authority allows Clark County to create supermajority voting requirements for the approval of nonconforming ***453** zone change applications, the ordinance's supermajority voting requirement is invalid.

CONCLUSION

^[11] The Legislature has expressly enumerated supermajority voting requirements when it has intended to do so. Therefore, when the Legislature has not specified a supermajority voting requirement, its silence reflects an intent to permit the imposition of only a simple majority vote. As no statutes or other examples of legislative intent expressly indicate otherwise, we conclude that [NRS 278.260\(2\)](#) requires only simple majority approval of nonconforming zone change applications. As a result, the ordinance violates its enabling statute and is not valid, and we reverse the district court's order granting declaratory relief on that issue.

[ROSE](#) and [GIBBONS](#), JJ., concur.

All Citations

121 Nev. 446, 117 P.3d 171

Footnotes

- ¹ 116 Nev. 583, 3 P.3d 661 (2000).
- ² *Walker v. Dist. Ct.*, 120 Nev. 815, 817, 101 P.3d 787, 790 (2004); *Salas v. Allstate Rent-A-Car, Inc.*, 116 Nev. 1165, 1168, 14 P.3d 511, 513 (2000).
- ³ *Charlie Brown Constr. Co. v. Boulder City*, 106 Nev. 497, 502, 797 P.2d 946, 949 (1990), *overruled on other grounds by Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000).
- ⁴ *Washington v. State*, 117 Nev. 735, 739, 30 P.3d 1134, 1136 (2001).
- ⁵ NRS 278.015 defines “[g]overning body” as “the city council or other legislative body of the city or the board of county commissioners.”
- ⁶ *Falcke*, 116 Nev. at 589, 3 P.3d at 664; *see* NRS 278.210.
- ⁷ 116 Nev. at 589, 3 P.3d at 664.
- ⁸ *Id.*
- ⁹ *Id.* at 587, 3 P.3d at 663.
- ¹⁰ *See Flick Theater v. City of Las Vegas*, 104 Nev. 87, 89–90, 752 P.2d 235, 237 (1988).
- ¹¹ *Falcke*, 116 Nev. at 589, 3 P.3d at 665 (quoting *McKay v. Board of Cty. Comm’r*, 103 Nev. 490, 492, 746 P.2d 124, 125 (1987)).
- ¹² NRS 278.250(4) states that “[i]n exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate” NRS 278.260(1) states that “[t]he governing body shall provide for the manner in which zoning regulations and restrictions ... are determined”
- ¹³ *See, e.g.*, NRS 278.210(2) (two-thirds vote by the planning commission to adopt or amend a master plan); NRS 377B.100(2) (two-thirds vote by the board required to approve tax for infrastructure); NRS 540A.040 (two-thirds vote by the board required to take action concerning the board's administrative matters); NRS 705.020(1) (two-thirds vote by the board required to grant use of a street to a railroad).
- ¹⁴ Hearing on S.B. 16 Before the Senate Comm. on Gov’t Affairs, 72d Leg. (Nev., Feb. 5, 2003).
- ¹⁵ Hearing on S.B. 16, Before the Senate Comm. on Gov’t Affairs, 72d Leg. (Nev., Mar. 5, 2003).



STATE OF NEVADA PUBLIC RECORDS TASK FORCE

NOTICE OF PUBLIC MEETING AND AGENDA

Date and Time: June 8, 2026, 9:00AM

Location: Clark County Commissioners Chambers
500 S Grand Central Pkwy
Las Vegas, Nevada 89155

This meeting may be viewed on Zoom:

Join Zoom Meeting

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AGENDA

1. Call to Order / Roll Call

- 2. Public Comment** Members of the public may comment in person, on the Zoom webinar, or in writing on any matter that is not specifically included on the agenda at this time. However, no action may be taken upon a matter

raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

3. **Approval of April 27, 2026 Meeting Minutes**
4. **Review Draft Report Template** (for discussion and possible action)
5. **Presentation Addressing Transparency Entities' Considerations under AB 128, Section 7.2(a) and Possible Action to Incorporate Presentation, or Portions thereof, into the Task Force's Written Report under AB 128, Section 7.9** (for discussion and possible action)
 - **Glen Cook, Las Vegas Review Journal**
6. **Presentation Addressing Transparency Entities' Considerations under AB 128, Section 7.2(a) and Possible Action to Incorporate Presentation, or Portions thereof, into the Task Force's Written Report under AB 128, Section 7.9** (for discussion and possible action)
 - **Bob Conrad, This is Reno**
7. **Presentation Addressing Transparency Entities' Considerations under AB 128, Section 7.2(a) and Possible Action to Incorporate Presentation, or Portions thereof, into the Task Force's Written Report under AB 128, Section 7.9** (for discussion and possible action)
 - **Luke Busby, Nevada Attorney**
8. **Presentation Addressing Transparency Entities' Considerations under AB 128, Section 7.2(a) and Possible Action to Incorporate Presentation, or Portions thereof, into the Task Force's Written Report under AB 128, Section 7.9** (for discussion and possible action)
 - **Dr. Sondra Cosgrove, Vote Nevada and Dave Maass, Electronic Frontier Foundation**
9. **Presentation under AB 128, Section 7.2(a) Regarding the Nature of Government Transparency, Records Involving Pending Prosecution Cases, and Records Involving Private (Non-Government) Individuals, Including but not Limited to Victims of Crime, and Possible Action to Incorporate Presentation, or Portions thereof, into the Task Force's**

Written Report under AB 128, Section 7.9 (for discussion and possible action)

- **Lindsay Liddell, Washoe County District Attorney's Office**

10. Evaluations and Recommendations Under AB 128, Section 7.2(a-b) (for discussion and possible action)

11. Consideration of Presentation Request by the Joint Interim Standing Committee on Government Affairs at the July 9, 2026 Meeting (for discussion and possible action)

12. Consideration of Topics and Next Meeting Dates and Related Issues (for discussion and possible action)

13. Public Comment Members of the public may comment in person, on the Zoom webinar, or in writing on any matter that is not specifically included on the agenda at this time. However, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

14. Adjournment (for possible action)

Please Note: (1) Items on the agenda may be taken out of order; (2) The Public Records Task Force may combine two or more agenda items for consideration; and (3) The Public Records Task Force may delay or remove an item from the agenda at any time.

The Public Records Task Force will limit public comments to three minutes per speaker and may place other reasonable restrictions on the time, place, and manner of public comments but will not restrict comments based upon viewpoint.

A person may submit comments to be attached to the minutes of the meeting, in writing, one business day before the meeting date, in addition to testifying in person, or in lieu of testifying in person. Written comments are limited to two pages. Written comments may be submitted electronically by email at AGGeneralCounsel@ag.nv.gov.

Meeting agendas and materials are available for download at the Public Records Task Force meeting page of the Attorney General's website: https://ag.nv.gov/Hot_Topics/Public_Records_Task_Force/. Anyone desiring the agenda or supporting materials regarding any Public Records Task Force meeting is invited to call or email Yoon (Eunice) Lee at (702) 486-5717 or AGGeneralCounsel@ag.nv.gov. Material may also be requested at 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119.

The Public Records Task Force is pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If accommodations for the meeting are needed, please notify Matt Christian at (702) 828-3310 or by email at m16091c@lvmpd.com, as soon as possible, and at least two days in advance of the meeting.

Notice of Public Meeting and Agenda Posted at the Following Locations:

1. Office of the Attorney General, 1 State of Nevada Way, Suite 100, Las Vegas, Nevada 89119
2. Internet: <https://notice.nv.gov>
3. Clark County Commissioners Chambers 500 S Grand Central Pkwy, Las Vegas, NV 89155

From: [Jared M. Frost](#)
To: [Leslie M. Nino Piro](#)
Subject: FW: Input for Public Records Task Force
Date: Tuesday, June 2, 2026 4:28:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Leslie here is some initial DMV feedback regarding the Public Records Task Force.

Jared M. Frost
Senior Deputy Attorney General
Transportation Division - DMV/DPS
702-486-3177
jfrost@ag.nv.gov

From: Josh Parker <JWParker@dmv.nv.gov>
Sent: Tuesday, June 2, 2026 12:30 PM
To: Jared M. Frost <JFrost@ag.nv.gov>; Hailey Foster <HFoster@dmv.nv.gov>; Amanda Manzo <AManzo@dmv.nv.gov>
Cc: Angela Smith <ASmith@dmv.nv.gov>; Tonya Laney <TLaney@dmv.nv.gov>; Brittany Messer <BMesser@dmv.nv.gov>; Margie White <MRWhite@dmv.nv.gov>; Roseann Smith <RoseannSmith@dmv.nv.gov>
Subject: RE: Input for Public Records Task Force

Hi Jared,

Thank you for your message. This is both interesting and exciting.

It seems apparent that agencies struggle with volume, complexity, and inconsistency in processing requests. Clearer statutory definitions and pathways for resolving disputes would likely drastically reduce conflict and litigation.

I've captured the following via copilot from what you shared and can identify with each.

Here are the **Top 5 Recommended Reforms** based strictly on the three documents you provided:

1. Clarify and modernize statutory definitions and exemptions

- Define "public record" more precisely.
- Provide clearer authority for redaction and withholding when privacy, safety, or victim protections apply.

2. Standardize statewide processes, fees, and timelines

- Create uniform cost-recovery rules, fee caps, and timeline expectations across all jurisdictions.

- Reduce current inconsistencies and confusion.
- 3. Implement structured mechanisms for handling overbroad or vexatious requests**
 - Allow documented refinement and scoping phases.
 - Establish reviewable controls for repetitive or harassing request patterns, with appeal rights.
- 4. Create a dispute-resolution pathway short of litigation**
 - Provide a fast, affordable, administrative way to resolve disagreements between agencies and requesters.
- 5. Address modern data risks, including AI-enabled exploitation and commercial bulk extraction**
 - Consider differentiated fees for commercial requesters.
 - Limit redisclosure of sensitive fields.
 - Recognize AI-driven reidentification, doxing, and data-harvesting risks.

It is reassuring to know there is a structured body discussing and strategizing around these statewide issues. Thank you for the opportunity and transparency.



JOSH PARKER | Chief Data Officer
Nevada Department of Motor Vehicles
555 Wright Way, Carson City, NV 89711
Work: (775)684-4676
Email: jwparker@dmv.nv.gov



From: Jared M. Frost <JFrost@ag.nv.gov>
Sent: Monday, June 1, 2026 8:36 AM
To: Josh Parker <JWParker@dmv.nv.gov>; Hailey Foster <HFoster@dmv.nv.gov>; Amanda Manzo <AManzo@dmv.nv.gov>
Cc: Angela Smith <ASmith@dmv.nv.gov>; Tonya Laney <TLaney@dmv.nv.gov>
Subject: Input for Public Records Task Force

Hello DMV records team,

The OAG's general counsel has requested agency input for upcoming Public Records Task Force meetings on changes you would like to see in the NPRA. The attached materials from a meeting in April outline issues other government entities have flagged for discussion. I've also attached minutes from the first meeting in February

that includes more information about the composition of the group. Thanks and let me know if you have comments you would like me to pass along.

Kind regards,

Jared M. Frost
Senior Deputy Attorney General
Transportation Division - DMV/DPS
702-486-3177
jfrost@ag.nv.gov

From: [Oscar](#)
To: [AGGeneralCounsel](#); [Yoon C. Lee](#); [Work, Kalie M](#)
Subject: My concerns about protecting PII for the Public Records Task Force
Date: Tuesday, June 2, 2026 3:15:51 PM
Attachments: [Complaint to McDonald--PII Violation_1-8-26.docx](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello. I'm excited by the agenda for the June 8th meeting. The issue of PII in elections is one I am concerned about. I've written to the Washoe ROV Andrew McDonald about my concerns and have attached that document to this message for your edification and discussion on certain federal laws, regulations, and guidance on the issue.

Please take a look.

Contact me if you have any questions or concerns.

Thank you for your interest and cooperation.

Sincerely,

Oscar Williams
1540 Whisper Rock Way
Reno, NV 89523
C: 775-240-3456

COMPLAINT AGAINST WASHOE COUNTY'S BALLOT RETURN ENVELOPES AND REGISTRATION POSTCARDS

FROM: Oscar Williams
1540 Whisper Rock Way
Reno, NV 89523
Email: oscar@oscardeywilliams.com

TO: Andrew McDonald
1001 E. Ninth St.
Reno, NV 89512

CC: Dep. Secretary of State Mark Wlaschin

DATE: January 8, 2026

Subject: Lack of Voter Privacy/Protection, Aiding & Abetting ID Theft and Forgery

I. Introduction

Too much of a voter's Personally Identifiable Information (PII) goes unprotected in Washoe County, putting voters at risk of identity theft and forgery in violation of voter and consumer rights, federal laws, and state laws.

A handwritten signature is a biometric identifier and a universally recognized authentication factor for legal, financial, medical, and governmental transactions, including voter registration and voting.

Washoe County previously concealed voter signatures with a privacy flap on the return envelope, but the county discontinued those protections in 2024. [Exh. Images of ballot return envelopes] Change of Address and Voter Verification postcards expose signatures as well. [Exh. Images of postcards]

This complaint respectfully requests you revert to the 2022 envelope design that has an opaque privacy flap covering the signature. There is no impediment to this design change now.

This complaint also requests implementation of federally required privacy/security notices and opt-out of data sharing with third parties on election materials.

The impact that Washoe County’s election system has on a voter’s privacy is not assessed by the Secretary of State. A voter’s PII wafts in the wind, so to speak, as a result.

The issue is not merely one of elections for identity theft and forgery go a long way, accelerated by the advent of Artificial Intelligence and high-resolution cameras on cell phones.

According to a report at TechSpot by Skye Jacobs (<https://www.techspot.com/news/108250-cybercriminals-using-ai-enroll-ghost-students-steal-financial.html>), stating:

“Cybercriminals are using AI-driven bots to impersonate students, enroll in online college courses, and divert financial aid, leaving real individuals with stolen identities and fraudulent debt.”

The stakes are high. In 2022, the total of victim losses due to identity theft in Nevada amounted to \$127,315,394, according to the FBI’s 2022 Internet Crime Report, page 26. (https://www.ic3.gov/AnnualReport/Reports/2022_IC3Report.pdf)

This complaint intends to safeguard against identity theft and forgery in pursuit of the purity of elections for all Nevadans.

Contents

I. Introduction.....	1
II. Complaint Points	3
A. Washoe County’s Lapses in Protection of PII	3
B. Nevada and Washoe County’s Lapses in Consumer Notifications and Opt-Out Options by Method of Voting.....	4
C. USPS Mail Imaging & Interstate Routing.....	6
D. eBallots v. Others	6
E. Exploits of Unprotected PII.....	7
F. Secretary’s Failure to Uphold State and Federal Laws that Protect PII	8
G. Erosion of public trust	9
III. Elections Covered by Commerce and Consumer Laws	10
IV. State Standards Protecting Signatures and Authentication Identifiers	10

A. Privacy and independence in the act of voting.....	11
B. Voter privileged to a secret ballot	11
C. Secrecy of mail ballots, electronic equivalents	11
D. Protection of personal information within election systems.....	11
V. Federal Standards Protecting Signatures and Authentication Identifiers.....	11
A. Federal PII frameworks	11
B. Federal statutes implicated	12
C. Pertinent federal case law	12
VI. Requested Action	13
VII. Conclusion	13

II. Complaint Points

A. Washoe County's Lapses in Protection of PII

Washoe County protects the secrecy of *how* one votes but not the voter's Personally Identifiable Information (PII) required to accept and record their votes or verify/update their registration.

1. Numerous Nevada laws provide for privacy in voting and ballot secrecy (see IV. State Standards below), but there are lapses in the protection of PII as follows:

When signed and returned, Washoe County's ballot envelopes, Change of Address, and Voter Verification postcards publicly display:

- handwritten signature
- full name
- residential address
- precinct information
- Voter ID number and other registration identifiers
- ballot barcodes tied to a voter's record

Individuals with access to the above information may include:

- household members
- coworkers
- USPS personnel

- ballot harvesters
- election staff and trainees
- temporary election workers
- volunteers
- vendor representatives
- ballot storage handlers
- observers

It's ironic that Washoe's signature-verification system in elections relies on a handwritten biometric identifier that you have chosen not to protect — even while mandating ballot secrecy.

2. Nevada's primary data-protection statute, NRS 603A.040, applies to private businesses ("data collectors") and the Secretary of State. It defines limited categories of protected information:

- SSNs
- Driver's license/ID numbers
- Financial account numbers
- Medical IDs
- Email + password combinations

The Gap: NRS 603A.040 does NOT protect:

- handwritten signatures
- handwritten signatures in conjunction with name, address, etc.
- authentication-signature data

The disparity between the secrecy of *how* one votes and protection of a voter's PII is a central flaw in the design of Nevada's elections due to the state's lapses in providing necessary and expected consumer and voter protections.

B. Nevada and Washoe County's Lapses in Consumer Notifications and Opt-Out Options by Method of Voting

Former New York Governor Andrew Cuomo once said:

“People showing up, people actually showing ID, is still the easiest system to assure total integrity.”

In-person voting assures total integrity, according to Cuomo. It is widely regarded as the safest, most secure way to verify voters and to cast and collect ballots.

The following screenshot of Nevada's official NVease.gov portal labels return-by-mail as:

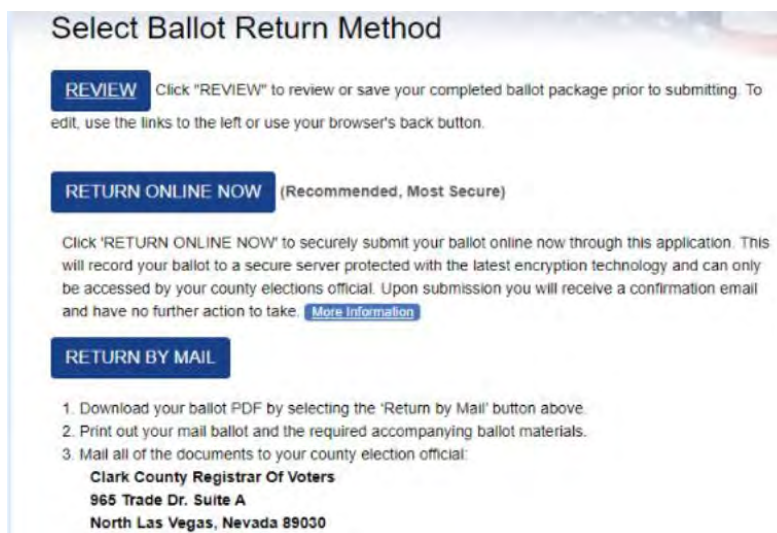
"RETURN BY MAIL — Most Secure"



This notice is only visible online during an election when a covered voter, whose qualification to use the web portal is self-affirming, requests an electronic ballot (eBallot) and they are given choices as how to return their ballot.

Yet, all other forms of voting, including by mail or hand delivery and in-person, have no such security notice.

In the Secretary's posted Visual Guide to NVease.gov¹, the security is different and no return by fax is shown:



This change in messaging and misinformation regarding the security of eBallots and no others is legally significant and relevant to federal inquiry because:

¹ <https://www.nvsos.gov/sos/home/showpublisheddocument/16072/638799869669100000>

- Voters rely on the State's representation of security.
- Voters are not warned that universal mail balloting exposes their PII.
- The State provides no opt-out from sharing their PII with third parties.
- Voters are not told that in-person voting is the most secure.

Counting votes requires voter verification which relies on signatures and other PII. Nevada and Washoe County have differing systems to verify voters depending on eBallot, paper ballot, and in-person digitized ballot.

Nevada and Washoe County have inconsistent security messaging between the three forms of voting, with those voting by mail and in-person receiving no security notices.

Nevada and Washoe County have no privacy notices or third party opt-out options in elections in violation of consumer protection and anti-ID theft and forgery laws regarding risks to PII and ways to avoid them.

C. USPS Mail Imaging & Interstate Routing

Mail is routinely scanned for metadata; general procedures derive from 39 U.S.C. §§ 401, 403, and USPS operational directives.

The scanned return envelope images that capture a voter's PII and signature may be stored, accessed, or analyzed by personnel or contractors beyond Washoe County's control.

The security of the records and length of retention are not openly disclosed to the voter.

This uncontrolled exposure raises federal privacy implications.

Mail ballots are an interstate matter with Washoe County sending and receiving mail ballots to/from out-of-state and with mail being routed through Sacramento. Federal laws apply.

D. eBallots v. Others

In Nevada, an eBallot (PDF format) can be obtained via NVease.gov² or the Clerk/ROV can email it. The PDF ballots are offered to active-duty members of the United States Armed Forces, their spouses and dependents, Nevada voters who are outside of the country (NRS Chapter 293D), tribal voters who live on a colony or reservation in Nevada (NRS 293.269952(1)(a)(2)), and Nevada residents claiming a disability without proof (NRS 293.269951(1)(a)(a); NAC 293.206).

² <https://www.nvsos.gov/sos/elections/voters/uniformed-overseas-citizens/ease-overview>

Online electronic ballots encompass a competing method of voting to vote-by-mail and in-person voting and have a different set of issues regarding protection of a voter's PII. For example, a voter who uses NVease.gov self-affirms a digital image of their signature. Or, they can replace the signature on file. An imposter with the right credentials on a voter can gain access to the signature image by simply applying for an eBallot. Then they self-affirm and obtain a ballot. Or, forge a signature and upload it, then self-affirm, and obtain a ballot.

A cast eBallot may be saved and stored on digital media such as a voter's hard drive. No other form of voting allows a voter to receive a copy of their cast ballot.

Electronic ballots sent electronically are handled and processed internally, out of public view, whereas official mail ballots are sent through the postal service or delivered by hand to a drop box or county office and are processed at intake in a publicly observable way.

Inconsistent with official paper ballots, an electronic ballot returned by mail or fax is self-printed and does not require approved ballot stock nor an official ballot return envelope. The unofficial envelope does not have to be signed. Self-printed ballots require extra processing for extraction, verification, and duplication compared to official ballots and return envelopes, and in-person voting.

Out of the many contrasts and inequalities between eBallots and other forms of voting, the risks to a voter's PII are occurring in cyberspace as opposed to more traditional and tangible forms of voting.

NVease.gov used to label ballots returned by mail as "Most Secure". Now NVEase.gov recommends 'RETURN ONLINE NOW' as "Most Secure". Nevadans rely on those assertions. But in reality, in-person is the most secure and always has been. NVease.gov fails to inform voters of the superior security of in-person voting. But at least the NVease.gov voters get a notice where others do not.

E. Exploits of Unprotected PII

The scope of the problem:

- Easy access to a voter's PII with binding signature significantly increases the risk of identity theft and forgery.
- Voter Assistants and mail handlers public and private have access to the cast ballot return envelope.
- Nevada mails ballots to all active voters, some out-of-state, and with Washoe County's mail going through Sacramento — magnifying systemic exposure.

- USPS imaging and data retention adds external exposure risk.
- Likely, most Nevada voters are unaware of the risks and potential damages from ID theft and forgery when casting mail ballot.

Associated risks potentially resulting in ID theft and financial loss include but are not limited to:

- photograph the signature and envelope
- scan or photocopy the signature and envelope
- sell or share the PII-signature image
- compliment personal data to that found and sold on the Dark Web
- use the signature and other information for identity theft
- AI has already led to identity theft, a tool so powerful the risks cannot be overstated

The ROV, with approval of the Secretary of State, has created a situation ripe for exploitation by persons with ill intent in spite of the problems and risks associated with not protecting PII. Voting-by-mail is a catalyst for identity theft and forgery, with implications that go far beyond elections.

F. Secretary's Failure to Uphold State and Federal Laws that Protect PII

There is confusion as to who has authority over the design of ballot return envelopes. The following statutes indicate that the Secretary designs and approves ballot envelopes with privacy in mind:

NRS 293.269913(5). The Secretary of State shall prescribe: (a)
The form of all envelopes in which mail ballots are sent to
voters and return envelopes.

NRS 293D.200(3). The Secretary of State shall develop
standardized absentee-voting materials, including, without
limitation, privacy and transmission envelopes and their
electronic equivalents. (emphasis added)

A signature on a return ballot envelope is required pursuant to NRS 293.269917(1)(c):

Affix his or her signature on the return envelope in the space
provided for the signature.

Prior to the 2024 Primary, the ROV changed the envelope design to expose signatures without legislative approval or a public process. [Exh. Images of ballot return envelopes]

Former Washoe County Deputy DA Mary Kandaras explained to me in her email of 7-17-24:

The reason the signature block was moved to the outside of the envelope related to significant delays caused by the continual malfunction of the laser that cuts the envelope to expose the signature under the flap. It simply couldn't consistently cut large quantities of envelopes reliably.

Whether or not Ms. Kandaras' insight as to the failure of what was a new Model 72 RED with Rapid Extraction by Opex³ is true, her statements go to the ROV's actions without legislative or public process, putting full responsibility for failure to protect a voter's PII onto Washoe County.

The ROV changed the 2024 envelope to expose the signature. They can just as easily revert back to the prior 2022 version or something akin to it that protects one's signature. There is no legislative impediment that I'm aware of.

If the Secretary ignored his statutory duty to design the ballot return envelope with privacy in mind, I will address that issue under separate cover.

If true, then it is all the more important that you follow the law even if the Secretary doesn't.

G. Erosion of public trust

The lack of protection of PII creates an erosion of trust, while aiding and abetting foreseeable, preventable risks to identity theft and forgery. The lack of proper messaging keeps the public uninformed of the risks in a conscious act to mollify the electorate into thinking their PII is safe and protected when it is not.

Due to a lack of messaging by Washoe County, its voters may be ignorant to the risks associated with exposure of their PII and how that may affect them. If voters knew the risks, it could alter their choice of voting method.

Voters deserve accurate information from which they can make a choice on how to vote.

The Washoe County Registrar of Voters has the power to change the equation by reviewing policies related to a voter's PII and instituting proper notice and safeguards to protect PII, including a change in the ballot return envelope to hide signatures.

³ <https://washoe.cobblestone.software/public/ViewFile.aspx?fid=1873&cid=1438>

III. Elections Covered by Commerce and Consumer Laws

Often referred to as suffrage or the franchise, voting and elections are transactional and contractual and are covered by state and federal commerce and consumer protection laws.

- Voters are taxpayers who foot the bill for elections.
- Voters are consumers of a service and a product when registering to vote and voting.
- Voters have a contract with the city/county and state.
- Cities have a contract with the county.
- Counties have contracts with the state.

A voter's use of the franchise is rights-based and supported by numerous U.S. Supreme Court rulings. In *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the high court ruled that elections are "preservative of all rights," emphasizing the importance of voting to protect one's various rights.

A U.S. citizen and county resident submits a completed voter registration form to the county. Once accepted, the voter is entitled to receive a ballot. NRS 293.485(1) Qualifications: "...who has registered in the manner provided in this chapter, is entitled to vote at that election." The ballot becomes the property of the voter while it is in their possession.

The voter then casts and returns their ballot and is entitled to a fair, secure, accurate, and timely recording of their votes by the county.

Statewide, voters are entitled to a "uniform, statewide standard of counting and recounting all votes..." Nev. Const. art. 2 § 1A(10); NRS 293.2546(10). Other state constitutional rights in art. 2 § 1A go to accuracy, safety, non-discrimination, spoiled ballot replacement, assistance and instruction, complaint resolution, and more.

City-County contracts are interlocal agreements where the city pays the county to conduct their elections for a fee.

County-State contracts relate to funding, ballots, voter registration systems, reporting of results, certifying results, cybersecurity, and the NASPO Purchasing Agreement, along with numerous statutory performance commitments.

IV. State Standards Protecting Signatures and Authentication Identifiers

Nevada law contains a comprehensive body of statutory protections demonstrating clear legislative intent to safeguard voter privacy, ballot secrecy, and confidentiality of personal information associated with elections.

A. Privacy and independence in the act of voting

NRS 293B.065 — Voting systems must secure voter privacy and independence.

B. Voter privileged to a secret ballot

NRS 49.315 "Every person has a privilege to refuse to disclose the tenor of his or her vote at a political election conducted by secret ballot..."

NRS 293.2555 Extends the privilege to all circumstances, prohibiting compelled disclosure of how a voter cast their ballot in any context.

C. Secrecy of mail ballots, electronic equivalents

NRS 293.269913(1)(c) — Ballots must include "an envelope or sleeve... to ensure its secrecy."

NRS 293.269935(2) — Clerks must ensure "each mail ballot is kept secret."

NRS 293.3606(4) — County clerks must ensure ballots are "kept secret."

NRS 293D.200(3) — Secretary shall develop privacy and transmission envelopes and their electronic equivalents.

D. Protection of personal information within election systems

NRS 293.3086(2) — Ballot tracking must ensure secrecy and protect "the confidentiality and integrity of personal information contained therein."

NRS 293.5882(2) — Reinforces identical obligations for all statewide free-access systems.

NRS 602A.040 — Requires data collectors to protect personal data, including the Secretary.

V. Federal Standards Protecting Signatures and Authentication Identifiers

Federal frameworks uniformly recognize handwritten signatures as sensitive identifiers requiring protection.

A. Federal PII frameworks

- OMB Circular A-130 — requires minimizing exposure of biometric identifiers.
- NIST SP 800-122 — classifies signatures as sensitive PII with high misuse risk.
- NIST SP 800-63-3 — Digital Identity Guidelines (Biometric & Authentication Factor Security).

- DOJ/FBI identity-crime guidance — lists signatures as primary fraud vectors. (Referenced for general principles; not a single codified document.)
- 12 CFR 1016 Privacy of Consumer Financial Information: periodic privacy notice (1016.4), opt-out (1016.7)
- 21 CFR Part 11 Electronic Records; Electronic Signatures: agency obligations, definitions, controls for data security

B. Federal statutes implicated

Several federal authorities are relevant:

- Identity Theft and Assumption Deterrence Act of 1998, Pub. L. No. 105-318, 112 Stat. 3007; (f) — aiding & abetting ID theft and forgery
- 52 U.S.C. § 20511— criminal deprivation of a fair election process
- 18 U.S.C. §§ 1028 & 1028A — identity theft & aggravated identity theft
- 18 U.S.C. § 2(a) — aiding & abetting, counseling, commanding, inducing, or procuring an offense
- 15 U.S.C. § 6801 — safeguarding nonpublic personal information
- 15 U.S.C. § 7001(b) — meaningful notice required when using authentication-related identifiers
- 5 U.S.C. § 552a — federal requirements for handling sensitive personal information (Privacy Act)
- 5 U.S.C. § 552a(e)(3) — duty to warn

C. Pertinent federal case law

- *Clapper v. Amnesty International*, 568 U.S. 398 (2013) — substantial future harm is sufficient injury.
- *Remijas v. Neiman Marcus*, 794 F.3d 688 (7th Cir. 2015) — exposure of identifiers creates actionable risk.
- *OPM Data Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019) — biometric identifiers demand heightened protection.

These authorities demonstrate that exposed signatures constitute a recognized federal privacy risk, particularly when combined with other identifiers.

VI. Requested Action

I respectfully request that you:

1. Review your practices to protect Personally Identifiable Information (PII), including the exposing of handwritten signatures on ballot envelopes and other election mailers, to determine which rights and laws are being violated.
2. A) Change the ballot return envelope design to conceal signatures, similar to the 2022 envelope. B) Provide privacy for return of other election mailers.
3. Assess whether Nevada's "Most Secure" online representations, without warnings, or without invite to vote in-person based on what is most secure, complies with federal consumer and privacy protections.
4. Provide clear disclosures regarding identity theft and forgery risks associated with exposed PII on ballot envelopes and other election mailers.
5. Provide an opt-out option to sharing personal information with third parties.
6. Demand NVease.gov to give notice of the security of in-person voting or official vote-by-mail as an alternative to eBallots.
7. Demand a statewide Privacy Impact Assessment.

VII. Conclusion

Thanks to Washoe County's policy of exposing signatures on election materials, identity theft and forgery are easier and more likely to occur.

With uncontrolled imaging by USPS, ballot harvesters, and anyone with a cell phone who has access to a voter's PII, the situation poses a serious risk of identity theft and forgery — risks that federal statutes aim to prevent.

Moreover, mailed election materials provide no notice of risk of identity theft and no option to opt-out of sharing PII with third parties either, irrespective of consumer and voter protections laws.

The economy of scanning an exposed signature does not outweigh the risks to a voter's PII from an exposed signature with name, address, and so on.

Please, accept this complaint and act accordingly to safeguard Washoe County voters and their PII, including me.

The information provided is accurate and true to the best of my knowledge.

Respectfully submitted,

Oscar Williams

Exhibits:

2-Images of 2020 General Envelope

2-Images of 2022 General Envelope

Image of 2024 Primary Envelope

Image of Change of Address postcard

Image of Voter Verification postcard

From: [WatchDogJeff](#)
To: [AGGeneralCounsel](#)
Cc: [Leslie M. Nino Piro](#)
Subject: Re: Public Records Task Force
Date: Friday, June 5, 2026 3:48:11 PM
Attachments: [Public Comment Pub Doc Task Force 6 8 26.doc](#)
[image002.png](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attached my Public Comment.

FYI: Essentially, other states use an Ombudsman that can render advisory decisions. Great idea that saves everyone time and money and improved satisfaction. The TF needs to research this. Maybe a University student or class?

I can tell you that the NV RED. HOA Ombudsman is an example in how NOT to do it.

Jeff Church
[WatchDogJeff.com](#)

On Friday, June 5, 2026 at 02:33:33 PM PDT, AGGeneralCounsel <aggeneralcounsel@ag.nv.gov> wrote:

Good afternoon,

Please see attached updated agenda and new materials for the upcoming Public Records Task Force meeting being held on Monday, June 8, 2026.

Thank you.

Sincerely,



State of Nevada
Office of the Attorney General

Office of General Counsel

Leslie M. Nino Piro, General Counsel
Sophia G. Long, Deputy General Counsel
Jeffrey W. Chronister, Deputy General Counsel

Email: AGGeneralCounsel@ag.nv.gov

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From: AGGeneralCounsel <AGGeneralCounsel@ag.nv.gov>
Sent: Tuesday, June 2, 2026 1:51 PM
To: AGGeneralCounsel <AGGeneralCounsel@ag.nv.gov>
Subject: Public Records Task Force

Good morning,

Please see attached Agenda, meeting minutes and supporting materials for the upcoming Public Records Task Force meeting being held on Monday, June 8, 2026.

Thank you.

Sincerely,

Yoon (Eunice) Lee

Executive Assistant
General Counsel Leslie M. Nino Piro
Office of the Nevada Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119

☎ (702) 486-5717 (Direct)

💻 y.lee@ag.nv.gov



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Public Document Task Force: Public Comment, 6-8-2026

First, the present system is not working. It is burdensome for local agencies and the only option for citizens is expensive litigation. That bogs down the courts and by the time the issue is decided, it is often moot.

The best option may be an ombudsperson or admin magistrate. As per below it is used in other states! Massive improvement in cost savings for all, time and satisfaction!

I'm open to ideas. Previously I considered the A.G. similar to OML but the A.G. is conflicted represented state agencies and the current A.G is approx. one full year ++ behind on decisions rendering them moot.

No one is looking out for the public's interest. I have not had time to look and see good models from other states. Another concern is the stock answer "There are no documents relevant to your request" making it a guessing game and back and forth when in essence the citizen is requesting an answer or has a question rather than wrapping the response in whether there exists a formal document consistent to the response.

Q: "When is the next XYZ meeting?"

A: There are no documents responsive to your request."

Recently I wanted to know if an employee was still employed and how much he made. They were not responsive but I then asked for his paystub (a document) and got it. Do it really have to be this cat and mouse game?

It would seem that the best options may be a ombudsman provided it is done right to expedite the process. A similar idea is a statewide administrative magistrate or similar along the lines of small claims to quickly hear the issue without a lot of discovery and the losing party can always then file with the courts. Result: Greatly increased community and media satisfaction; massive cost savings to local government vs litigation; massive savings to the Courts by having a hearing officer or advocate that can render decisions and mediate.

Has anyone done this research for you? If not why not?

I think it is essential that any ombudsman act quickly and be able to issue (advisory) opinions that could be appealed to the courts. So this is a tested option, nothing something outside the box or new.

From AI on an ombudsman; Examples in the United States

The Public Access Ombudsman is a valuable resource for ensuring transparency and accountability in government. By providing mediation, guidance, and education, the office helps citizens exercise their right to access public records while assisting agencies in complying with state laws. This role is particularly useful for resolving disputes informally and promoting a culture of openness in government operations.

Maryland: The Office of the Public Access Ombudsman was established in 2016. The Ombudsman is appointed by the Attorney General and helps resolve disputes under the Maryland Public Information Act (PIA).

Maryland.gov.

Maine: The Maine Legislature created a Public Access Ombudsman to review complaints under the Freedom of Access Act, mediate disputes, provide educational materials, **and issue advisory opinions**. maine.gov

Oregon: <https://www.oregon.gov/prs/Pages/default.aspx>

The Office of the Public Records Advocate was created pursuant to SB 106 during the 2017 legislative session. Under the law, which can be found in Oregon Revised Statutes Chapter 192, the Advocate is responsible for: providing dispute resolution services at the request of government bodies or public records requesters; providing training on public records laws and best practices; providing guidance and advice on the public records law upon request; and serving as a voting member, and executive director, of the Public Records Advisory Council.

Indiana: <https://www.in.gov/pac/> and <https://www.in.gov/pac/files/formal-complaint-form.pdf>

Sincerely,

Watchdog Jeff

Jeff Church
RenoTaxRevolt.com
775 544-RENO (7366)
RenoTaxRevolt@Sbcglobal.net

Declarations of Idaho Victims in Support of their
Applications for Restraining Order to Prevent
Continued Release of Law Enforcement Records
Regarding the Murders

Declaration of Karen Laramie, Mother of Maddie Mogen

Leander L. James, ISB No. 4800
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Coeur d'Alene, ID 83814
Tel (208) 667-0683
Fax: (208) 664-1684
Email: ljames@jvwlaw.net

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE

Plaintiff,

vs.

the CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

DECLARATION IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAINING ORDER

I, Karen Laramie declare as follows:

1. I am over the age of 18, and I am competent to testify to the matters set forth herein.
2. My testimony herein is based upon my personal knowledge.
3. I am the natural parent of Maddison Mogen (hereafter Maddie). Maddie, Kaylee Goncalves, Xana Kernodle and Eathan Chapin (Children) were stabbed to death by Bryan Kohberger (Kohberger) on November 13, 2022, in the house where Maddie, Kaylee, Xana resided, 1122 King Road in Moscow, Idaho.
4. Kohberger has admitted to stabbing the four Children..
5. Upon information and belief, the Defendant, the City of Moscow, is in the process of releasing images and video media related to the police investigation of the death and homicide of

the Children to third parties in response to a request for examination of public records pursuant to the Idaho Public Records Act.

6. Upon information and belief, the information being released contains images and video media showing events surrounding the investigation. Upon information and belief, these images were taken in furtherance of the homicide investigation related to the victims of Brian Kohberger.

7. Upon information and belief, the images being released include but are not limited to:

7.1. Images of the interior of Maddie's residence around the time the Children were killed;

7.2. Images including the scenes of the murders, pools of blood, blood platters, dried blood and personal items and property of Maddie, the descendants and her roommates, including containers of alcohol, underwear, ID cards and other personal items;

7.3. Images of the witnesses; and

7.4. Video media containing sounds of the witnesses, including sobbing and their statement to law enforcement officials.

8. The City has indicated through its attorney that it has released some of these images to a news outlet and intends to continue releasing these images and video media (including body camera footage) to numerous others.

9. I am experiencing extreme emotional distress with physical manifestations because the City has released some of these images and intends to release others and video media.

10. The City's release of the images and video media is an invasion of my privacy and the privacy of my deceased daughter; it is causing me irreparable harm in the form of severe emotional damage.

11. The City's continued release of these images and video media will cause me further extreme emotional distress, embarrassment, and irreparable harm.

I HEREBY CERTIFY AND DECLARE, under penalty of perjury pursuant to the laws of the State of Idaho, that the foregoing is true and correct.

DATED this 12 day of August, 2025.


KAREN LARAMIE

Declaration of Stacy Chapin, Mother of Ethan Chapin

Leander L. James, ISB No. 4800
JAMES, VERNON & WEEKS, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814
Tel (208) 667-0683
Fax: (208) 664-1684
Email: ljames@jvwlaw.net

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual; STACY
CHAPIN, an individual; JAMES CHAPIN,
an individual; and MAIZIE CHAPIN, an
individual,

Plaintiffs,

vs.

The CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

AMENDED DECLARATION OF STACY
CHAPIN IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND
INJUNCTION

I, Stacy Chapin, declare as follows:

1. I am over the age of 18 and competent to testify to the matters set forth herein. My testimony is based upon my personal knowledge.
2. I am the natural mother of Ethan Chapin (hereafter "Ethan"). Ethan, Maddie Mogen, Kaylee Goncalves, and Xana Kernodle (Children) were stabbed to death by Bryan Kohberger (Kohberger) on November 13, 2022, in the house where

Maddie, Kaylee, and Xana resided and Ethan was visiting, 1122 King Road in Moscow, Idaho.

3. Kohberger has admitted to stabbing the four Children.
4. Upon information and belief, the Defendant, the City of Moscow, has released and is in the process of releasing still images and body camera footage (video media) related to the police investigation of the homicide of the Children to third parties in response to requests for examination of public records pursuant to Idaho Code § 74-103.
5. Upon information and belief, the images being released include but are not limited to:
 - 5.1 Images of the interior of the private room where Ethan was murdered;
 - 5.2 Death scene images of the scenes of the murders, the victims, pools of blood, blood platters, dried blood and personal items and property of Ethan and the other Children;
 - 5.3 Images of the witnesses; and
 - 5.4 Video media containing sounds of the witnesses, including sobbing and their statement to law enforcement officials.
6. The release of the death scene images is horrific - made worse by the fact that my husband and I inadvertently came upon them with no notice. In one of the photographs, I recognize what I believe are my son's feet in socks. We saw a death scene photograph online on August 7, 2025, and we received our first email regarding the release of information on August 8, 2025. The email came from the prosecutor's office - not the City of Moscow attorney. We are personally haunted

by the photos and lose sleep nightly due to viewing them. We assure you that seeing a redacted photo is just as traumatizing because our son is still in the picture, clear or not. They are heartbreaking and continue to reopen a wound that has yet to heal.

7. The idea that the City of Moscow may release more of the death scene photos of the Children is extremely traumatizing to me and my husband. We now live in fear that these will be released to the World for everyone to see. Some of the media, bloggers and others in this case have shown that they will use images like death scenes for their own financial gain with no regard to the damage it does to family members.
8. In addition to those who will misuse these images, my husband and I are faced with the horrific reality that our son's murderer, Mr. Kohberger, can see these images online.
9. The images are not just photographs and body camera footage – they are painful reminders of our son's life taken too soon, a profound loss, and final moments which we have spent years trying to avoid in our minds. As a result of the released photos, we now have pictures in our minds – ones that we are unable to escape - and desperately do not want lingering in our memory. Releasing more of these death scene images of the Children will increase our pain and loss. Even the thought of releasing more of these images is damaging us.
10. Every single time anything is released regarding this murder case, the uptick in news articles, media requests and comments that keep this case top of the news is

just another kick in the gut that our son is no longer with us. It disrupts any peace that we may have found and sends us back to a dark place.

11. The thought that these images may be released, and some have been released, causes me, my husband and children psychological pain and anxiety, with physical manifestations, including serious sleep disturbances. We spend most nights trying to push the images out of our minds. No one should have access to these images. Releasing them is an unwarranted invasion of our privacy and into our lives; the images are graphic in nature and cause tremendous pain and sadness. We are at a loss for understanding why anyone would release them, let alone feel the need to look at them. Losing Ethan is a catastrophic loss to our family, and the photos are a gross reminder of that loss.
12. Any reasonable parent faced with the prospect of death scene images of their child being released to the world would fight to prevent their release because releasing these images is an unwarranted invasion of the parents' privacy. They are profoundly gruesome.
13. To the best of my knowledge, all of the parents and family members of the Children are against the release of death scene images of the Children because of the emotional trauma it will cause them. Unfortunately, some do not have the legal help we have from an attorney to voice their objection legally. But they are against releasing these images.
14. As for our other two children, they had not seen any death scene image until Maizie saw one on August 8, 2025. They worry and are anxious that the images may pop up online and cause them to have to live with those grotesque images

within their memory, and now one has with Maizie. That is tragic. I had hoped (more than anything) that they would not see them or view them online. The fear of seeing these images has caused them extreme anxiety in their everyday lives. It brings back memories of an incredible triplet life with a brother who is no longer here. Even the thought of crime scene photos being released or being on the internet takes us all back to that day of horror. It is a tremendous and heartbreaking loss for our family to live in fear, worry and sickness that we will inadvertently see death scene photos of Ethan and any of the Children. Just the words alone - death scene photos - cause emotional distress.

15. We lose sleep worrying that Maizie and Hunter (Ethan's surviving triplet siblings) will see more of these images. We can't imagine what it would be like for them - kids who have spent their entire lives together - to endure the gruesome images of their triplet brother during his final days alive. It is a parent's worst nightmare for their children who have already suffered unimaginable loss and emotional pain.
16. We are experiencing extreme emotional distress with physical manifestations because the City has released some of these images and intends to release others, including the body camera footage.
17. Releasing these images and video media is an unwarranted invasion of my privacy and the privacy of my husband, Ethan's siblings, our family, and my deceased son. Most importantly, I need to speak up for my son because he no longer has a voice.

///

18. Continued release of these images and video media will cause us further extreme emotional distress, embarrassment, and irreparable harm.

I HEREBY CERTIFY AND DECLARE under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 26th day of August 2025.

/s/ Stacy Chapin
STACY CHAPIN

Declaration of Maizie Chapin, Sister (Triplet) of Ethan Chapin

Leander L. James, ISB No. 4800
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Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual; SCOTT
LARAMIE, an individual; STACY
CHAPIN, an individual; JAMES CHAPIN,
an individual; and MAIZIE CHAPIN, an
individual,

Plaintiffs,

vs.

the CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

AMENDED DECLARATION OF MAIZIE
CHAPIN IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND
INJUNCTION

I, Maizie Chapin, declare as follows:

1. I am over the age of 18 and competent to testify to the matters set forth herein. My testimony is based upon my personal knowledge.
2. I am the biological triplet sibling of Ethan Chapin (hereafter "Ethan"). Ethan, Maddie Mogen, Kaylee Goncalves, and Xana Kernodle (Victims) were stabbed to

death by Bryan Kohberger (Kohberger) on November 13, 2022, in the house where Maddie, Kaylee, and Xana resided and Ethan was visiting, 1122 King Road in Moscow, Idaho.

3. Kohberger has admitted to stabbing the four Victims.
4. Upon information and belief, the Defendant, the City of Moscow, has released and is in the process of releasing still images and body camera footage (video media) related to the police investigation of the homicide of the Victims to third parties in response to requests for examination of public records under Idaho's Freedom Information Act law.
5. Upon information and belief, the images being released include but are not limited to:
 - 5.1 Images of the interior of the private room where Ethan was murdered;
 - 5.2 Death scene images of the scenes of the murders, the victims, pools of blood, blood platters, dried blood and personal items and property of Ethan and the other Children;
 - 5.3 Images of the witnesses; and
 - 5.4 Video media containing sounds of the witnesses, including sobbing and their statement to law enforcement officials.
6. The release of the death scene images is horrific - made worse by the fact that my mom inadvertently came across an investigation photo on the internet and recognized what she believes are the feet (in socks) of my deceased brother, Ethan.
7. I am personally haunted by the photos and lose sleep nightly, wondering what will show up on my computer and iPhone. A redacted photo is just as traumatizing

because my brother is still in the picture, clear or not. It is devastating to me, and continues to reopen a wound that has yet to heal.

8. Once these images, including images of the bedrooms (death scene images), are released to the public, they are published, republished and circulated on the Internet, causing me actual, threatened and ongoing irreparable harm in the form of extreme emotional distress with physical manifestations, including shaking, sobbing and sleeplessness. I see and resee that released death scene image over and over in my mind, which causes me continuing profound emotional injury. I will never be able to get that image out of my mind. I now live in constant fear that I will inadvertently encounter more of these images and have them forever imprinted on my mind.
9. Ethan and I were supposed to graduate together. Now, instead of graduation photos, I see photos of his death scene. The fact that some of these photos have been released, and more may be released, is devastating to me and causes me ongoing great harm.
10. The idea that the City of Moscow may release more of the death scene photos of the Victims is extremely traumatizing to me. I now live in fear that these will be released to the World for everyone to see. Some of the media, bloggers and others in this case have shown that they will use images like death scenes for their own financial gain with no regard to the damage it does to me and my family members.
11. In addition to those who will misuse these images, I think about Mr. Kohberger seeing these images online. The prospect that these images may be seen by my

brother's murderer, and perhaps enjoyed by him, causes me irreparable and great injury of the most profound kind.

12. The images are not just photographs and body camera footage – they are painful reminders of my brother's life taken too soon, a profound loss, and final moments, which I have tried not to think about. Releasing more of these death scene images of the Victims will increase my pain and loss. Even the thought of releasing more of these images is greatly damaging and injurious to me.
13. I struggle to deal with the loss of my triplet brother. There were always three of us. Now there are only two. That reality has caused me a deep emotional wound. The City's release of images of the crime scene and the death scene greatly opened that wound further. Continued release of these images will open the wound yet further, irreparably injuring me.
14. Every single time anything is released regarding this murder case, the uptick in news articles, media requests and comments that keep this case top of the news is unbearable. I can no longer sleep.
15. The thought that these images may be released, and some have already been released, causes me psychological pain and anxiety, with physical manifestations, including shaking, sobbing and serious sleep disturbances. I spend most nights trying to push the images out of our minds. No one should have access to these images. Releasing them is an unwarranted invasion of my privacy and into the lives of my family; the images are graphic and cause tremendous pain and sadness. I am at a loss for understanding why anyone would release them, let alone

feel the need to look at them. Losing my brother, my triplet, is a catastrophic loss to our entire family, and the photos are a gross reminder of that loss.

16. To the best of my knowledge, all of the parents and family members of the Victims are against the release of death scene images of the Victims because of the great emotional trauma and harm the release of the images has and will cause them.
17. The fear of seeing these images online has caused me extreme anxiety in everyday life. It brings back memories of an incredible triplet life with a brother who is no longer here. Even the thought of crime scene photos being released or being on the internet takes me back to that day of horror. It is a tremendous and heartbreaking loss for me and my family to live in fear, worry and sickness that we will inadvertently see death scene photos of Ethan and other Victims. Just the words alone - death scene photos - cause me emotional distress.
18. I worry that Hunter (my other surviving triplet sibling) will see more of these images. I do not want Hunter, nor myself, to endure the gruesome images of our triplet brother during his final days alive, because seeing them will cause irreparable, great, permanent harm.
19. I witnessed Hunter's great and irreparable emotional injury upon learning that some of the images of the crime scene and death scene had been released, and more may be released. He visibly expressed great agitation, sadness, fear and anguish. He was so emotionally damaged that he has been unable to speak out or join this lawsuit.
20. My family and I are experiencing extreme emotional distress with physical manifestations because the City has released some of these images and intends to

release others, including the body camera footage. The more images released, the greater our emotional distress and harm.

21. Releasing these images and video media is an unwarranted invasion of my privacy and the privacy of my family.

22. Continued release of these images and video media will cause us further extreme emotional distress, embarrassment, and irreparable harm.

I HEREBY CERTIFY AND DECLARE under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 26th day of August 2025.

/s/ Maizie Chapin
MAIZIE CHAPIN

LEGAL PUBLICATIONS PROJECT OF THE NATIONAL CRIME VICTIM LAW INSTITUTE AT LEWIS & CLARK LAW SCHOOL

The information in this product is educational and intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. Any information provided is not intended to apply to a specific legal entity, individual or case. NCVLI does not warrant, express or implied, any information it may provide, nor is it creating an attorney-client relationship with the recipient.

This product was supported by Grant No. 2017-VF-GX-K026, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions or recommendations expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Protecting Victims' Rights and Interests in the Context of Open Records Laws

Among the many collateral issues resulting from the commission of a crime that victims may face is an attempt by members of the public, offenders or their families, or the media to use open records laws to seek records held by government agencies that contain victims' information. Among the common records sought are police reports, records of 911 calls, law enforcement body worn camera footage, records associated with state crime victim compensation claims and judicial records. Open records laws—also commonly referred to as freedom of information acts, public records laws, sunshine laws or right to know acts—are designed to allow persons to request government documents and, if the government agency holding the records refuses to turn them over, to file a lawsuit to compel disclosure.¹

These records may include private information about victims, such as information about victims' mental or medical health, and their home, employment, family and more. Because of the private nature of these types of records, their potential disclosure via open records laws implicates victims' rights and interests—including the rights to protection,² privacy and to be treated fairly and with dignity and respect³—and can result in secondary victimization.⁴ Assisting victims with the meaningful exercise of their rights in the context of open records laws requires that practitioners understand their jurisdiction's laws and adopt strategies to protect these rights in the face of requests seeking victims' information.

Identifying and Understanding Open Records Laws and Their Exemptions

The federal government and every state has laws governing public access to governmental records—i.e., public records laws.⁵ The overarching purpose of the federal open records law, known as the Freedom of Information Act (FOIA), 5 U.S.C. § 552, is to afford the public broad access to public records.⁶ State laws, which are often modeled on FOIA,⁷ have similar stated purposes.⁸ Both state and federal laws carry a presumption of disclosure, meaning that “public records” are presumed open for public inspection unless an exemption applies.⁹

For purposes of open records laws, “public records” are generally defined to include any writing or recording—including audio and video recordings—with information about the conduct of public business that is prepared, owned, used or retained by public agencies.¹⁰ A jurisdiction’s open records law and case law determine the governmental agencies to which the law applies in that jurisdiction.¹¹

Just as there are many governmental agencies involved in public life, there are many types of public records that may fall within the purview of open records laws unless exempted, including judicial records; marriage, divorce and annulment records; birth and death records; automobile registration and driver’s license records; automobile collision reports; corporation registration and licensing; federal tax lien information; and law enforcement records (including 911 recordings and body-worn and dashboard camera footage).

Because open records laws carry a presumption that public records are open for inspection unless an exemption applies, it is important for practitioners working with victims to understand their jurisdiction’s exemptions and how they operate.¹² For example, exemptions can work to exempt an entire category of records from disclosure (e.g., all records about participants in an address confidentiality program), or can work to exempt from disclosure only specific information contained within a record (e.g., the name of victims of certain crimes within law enforcement records).¹³ Further, exemptions may be framed either as a mandatory exemption (requiring the records’ custodian to decline any request to access the exempted record or information), or as a discretionary exemption (permitting the records custodian to exercise discretion to either grant or decline requests to access the particular records or information).¹⁴

Common categories of exemptions that may directly aid protection of victims’ rights to privacy, protection and to be treated with fairness, dignity and respect include: (1) records likely to contain sensitive and private information such as judicial records,¹⁵ medical and education records, information about participants in address confidentiality programs, sexual assault or

family violence program records, records deemed confidential or protected by evidentiary privileges, and state compensation records;¹⁶ (2) law enforcement records, including investigative records, 911 calls, and body-worn and dashboard camera recordings (often, however, this exemption limits access only when it would interfere with an active investigation);¹⁷ and (3) a catch-all category for other information or records that are specifically exempted from disclosure by statute or rule.¹⁸ A handful of jurisdictions also exempt from disclosure records sought under open records laws by incarcerated offenders or their representatives except under limited circumstances.¹⁹

Timely Notice is Key to Challenging Records Requests for Victim Information

For victims and their representatives to make protective arguments leveraging either open records laws' exemptions or victims' rights to privacy, protection and to be treated with fairness, dignity and respect, they must first have timely notice of the records request.

At least one jurisdiction provides an explicit procedure to challenge open records requests, and the procedure references notice. The statute recognizes the right of an agency or the "person who is named in the record or to whom the record specifically pertains" to file a motion and affidavit in the superior court in which the record is maintained to enjoin its disclosure. *See* Wash. Rev. Code Ann. § 42.56.540 (providing that the court may enjoin "[t]he examination of any specific public record . . . [if the court] finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions"). The statute further provides that "[a]n agency has the option of notifying persons named in the record or to whom a record specifically pertains, that release of a record has been requested[;] [h]owever, this option does not exist where the agency is required by law to provide such notice." *Id.* *See also* *Freedom Found. v. Wash. State Dep't of Soc. & Health Servs.*, 445 P.3d 971, 980 (Wash. Ct. App. 2019) (explaining that "RCW 42.56.540 allows an agency to notify an affected person of a PRA [Public Records Act] request[,]" that "former RCW 42.56.520 states that the agency may take additional time to respond to a requestor in order to provide such notice[,]" and that "[t]he purpose of this notice and the delay in production is to give a person affected by a PRA request time to request an injunction under RCW 42.56.540").

Because of victims' rights to privacy, protection, and to be treated with fairness, dignity and respect, agencies are "required by law to provide" timely notice to victims of requests for records that contain victims' information in all cases. Timely notice is a necessity for victims who wish

to assert their rights to protect their information from disclosure; thus even when not explicitly provided for in statute, victims are entitled to timely notice of requests for records that include their information. This understanding of notice—mandating notice when a right is at risk—is rooted in due process. Moreover, due process requires not only that notice is provided, but also that it is afforded in a meaningful manner.²⁰ Thus, due process requires that victims are provided timely notice of requests made pursuant to open records laws for records that implicate victims' rights and interests so that they may seek to protect the records from disclosure.²¹ Only with sufficient notice may victims make informed decisions about whether, when and how to exercise their rights and mitigate the risk of re-victimization.²²

Practice tips:

- Research the open records law in a jurisdiction, including all exemptions, as well as other protections provided to victims' information *before* a request is made.
- Invest time in learning about the agencies in a jurisdiction that are likely to hold records subject to a public records request that may contain victims' information. Visit their websites and meet with the personnel responsible for records requests to determine what records they hold and where, as well as what their policies are for responding to public records requests.
- Consider proactively contacting the records personnel that hold records implicating the victim's rights to: (1) request that the agency provide timely notice to the victim of any requests for the records; and (2) permit the victim and his/her/their attorney or other representative to review the records and make requests to have records exempted from disclosure and/or to request redaction of private or identifying information.
- If exemption and/or redaction are not possible, and someone seeks disclosure, consider all avenues for relief available in your jurisdiction, including filing a motion to enjoin disclosure of the records.²³



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¹ “Without question, the [federal Freedom of Information] Act is broadly conceived. It seeks to permit access to official information long shielded unnecessarily from public view and attempts to create a judicially enforceable public right to secure such information from possibly unwilling official hands.” *EPA v. Mink*, 410 U.S. 73, 80 (1973), *superseded by statute on other grounds as recognized in Halpern v. FBI*, 181 F.3d 279, 291 (2nd Cir.1999).

² Victims in many jurisdiction have the rights to protection and to be free from harassment and intimidation. *See, e.g.*, 18 U.S.C. § 3771(a)(1) (guaranteeing crime victims the right to reasonable protection from the accused); Alaska Const. art. 1, § 24 (granting victims “the right to be reasonably protected from the accused”); Ariz. Const. art. 2, § 2.1(A)(1) (according victims the right “to be free from intimidation, harassment, or abuse, throughout the criminal justice process”); Conn. Const. art. 1, § 8(b)(3) (guaranteeing victims “the right to be reasonably protected from the accused”); Ill. Const. art. 1, § 8.1(a)(8) (granting victims “[t]he right to be reasonably protected from the accused”); Mich. Const. art. I, § 24(1) (guaranteeing victims the “right to be reasonably protected from the accused”); Mo. Const. art. I, § 32(1)(6) (granting victims the “right to reasonable protection from the defendant or any person acting on behalf of the defendant”); N.M. Const. art. II, § 24(A)(3) (granting victims the “right to be reasonably protected from the accused”); Ohio Const. art. I, § 10a(A)(4) (according victims the right “to reasonable protection from the accused or any person acting on behalf of the accused”); Or. Const. art. I, § 43(1)(a) (granting victims the “right to be reasonably protected from the criminal defendant”); S.C. Const. art. I, § 24(A)(6) (granting victims the right to “be reasonably protected from the accused or persons acting on his behalf”); Tenn. Const. art. I, § 35(2) (granting victims “the right to be free from intimidation, harassment and abuse throughout the criminal justice system”); Wis. Const. art. I, § 9m (granting victims the right to “reasonable protection from the accused”).

³ Some combination of victims’ rights to privacy and to be treated with fairness, dignity, and respect is found in many jurisdictions’ laws nationwide. *See, e.g.*, 18 U.S.C. § 3771(a)(8) (treated with fairness and with respect for the victim’s dignity and privacy); Ariz. Const. art. 2, § 2.1(A)(1) (treated with fairness, respect, and dignity); Cal. Const. art. I, § 28(b)(1) (treated with fairness and respect for privacy and dignity); Colo. Rev. Stat. § 24-4.1- 302.5(1)(a) (treated with fairness, respect, and dignity); Conn. Const. art. 1, § 8(b)(1) (treated with fairness and respect); Fla. Const. art. I, § 16(b)(1) (treated with fairness and respect for the victim’s dignity); Ga. Const. art. I, § 1, ¶ XXX(a) (accorded the utmost dignity and respect and be treated fairly by the criminal justice system); Haw. Rev. Stat. § 801D-1 (treated with dignity, respect, courtesy, and sensitivity); Idaho Const. art. 1, § 22(1) (treated with fairness, respect, dignity and privacy); Ill. Const. art. 1, § 8.1(a)(1) (treated with fairness and respect for victim’s dignity and privacy); Ind. Const. art. 1, § 13(b) (treated with fairness, dignity, and respect); Kan. Stat. Ann. § 74-7333(a)(1) (treated with courtesy, compassion, and respect for victim’s dignity and privacy); La. Const. art. I, § 25 (treated with fairness, dignity, and respect); Md. Const. Decl. of Rights art. 47(a) (treated with dignity, respect, and sensitivity); Mich. Const. art. 1, § 24(1) (treated with fairness and respect for victim’s dignity and privacy); Miss. Const. art. 3, § 26A(1) (treated with fairness, dignity, and respect); Nev. Const. art. I, § 8A(1)(a) (treated with fairness and respect for victim’s privacy and dignity); N.H. Rev. Stat. Ann. § 21- M:8-k(II)(a) (treated with fairness and respect for victim’s dignity and privacy); N.J. Const. art. 1, § 22 (treated with fairness, compassion, and respect); N.M. Const. art. 2, § 24(A)(1) (treated with fairness and respect for victim’s dignity and privacy); N.C. Const. art. I, § 37(1) (treated with dignity and respect by the criminal justice system); Ohio Const. art. I, § 10a(A)(1) (treated with fairness and respect for victim’s safety, dignity and privacy); Okla. Const. art. II, § 34 (A)(treated with fairness and respect for victim’s safety, dignity and privacy); Or. Const. art. I, § 42(1) (accorded due dignity and respect); Pa. Const. Stat. § 11.102(1) (treated with dignity, respect, courtesy, and sensitivity); R.I. Const. art. 1, § 23 (treated with dignity, respect, and sensitivity); S.C. Const. art. I, § 24(A)(1) (treated with fairness, respect, and dignity); Tenn. Code Ann. § 40-38-102(a)(1) (treated with dignity and compassion); Utah Const. art. I, § 28(1)(a) (treated with fairness, respect, and dignity); Vt. Stat. Ann. tit. 13, § 5303(a) (treated with dignity and respect); Va. Const. art. I, § 8-A(2) (treated with respect, dignity and fairness); Wash. Const. art. 1, § 35 (accorded due dignity and respect); Wis. Const. art. I, § 9m (treated with fairness, dignity, and respect for privacy). If a victim is to be treated with dignity,

fairness and respect, his/her/their privacy must be honored and protected. *Cf. Schmerber v. California*, 384 U.S. 757, 769-70 (1966) (observing in the context of searches and seizures that the Fourth Amendment protects the twin “interests in human dignity and privacy”). *See also Johnson v. Carroll*, Civ. Act. No. 05-237-KAJ, 2011 WL 12854409 (D. Del. Jan. 18, 2011) (ordering documents sealed in habeas proceeding to protect the victim’s privacy under both the CVRA and 18 U.S.C. § 3509). Although the rights of “fairness,” “dignity” and “respect” are broad and seemingly abstract, these are enforceable rights with unique meaning. Notably, one state, Utah, has statutorily defined the terms. *See* Utah Code Ann. §§ 77-38-2(2) (defining dignity as “treating the crime victim with worthiness, honor, and esteem”), (3) (defining fairness as “treating the crime victim reasonably, even-handedly, and impartially”), (8) (defining respect as “treating the crime victim with regard and value”).

⁴ Secondary victimization is “victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim.” U.N. Office for Drug Control & Crime Prevention, Handbook on Just. for Victims 9 (1999), https://www.unodc.org/pdf/criminal_justice/UNODC_Handbook_on_Justice_for_victims.pdf. *See also, e.g.,* Pamela Tontodonato & Edna Erez, *Crime, Punishment, and Victim Distress*, 3 Int’l R. of Victimology 33, 34 (1994) (defining “secondary victimization” as “the wounds suffered by victims when they come in contact with the criminal justice system as complainants or witnesses”); Malini Laxminarayan, *Procedural Just. and Psychol. Effects of Crim. Proc.: The Moderating Effect of Offense Type*, 25 Soc. Just. Res. 390, 392 (2012) (describing “secondary victimization” as “negative experiences” caused by criminal proceedings or “societal reactions in response to a primary victimization that may be perceived as a further violation of rights or entitlements by the victim”). For a discussion of secondary victimization and its impact on victims, *see Polyvictims: Victims’ Rights Enforcement as a Tool to Mitigate “Secondary Victimization” in the Crim. Just. Sys.*, Victim Law Bull. (Nat’l Crime Victim Law Inst., Portland, Or.), Mar. 2013, <https://law.lclark.edu/live/files/13798-polyvictims-victims-rights-enforcement-as-a-tool>.

⁵ *See* 5 U.S.C. §552; Ala. Code § 36-12-40; Alaska Stat. Ann. § 40.25.110; Ariz. Rev. Stat. Ann. § 39-121; Ark. Code Ann. § 25-19-105; Cal. Gov’t Code § 6253; Colo. Rev. Stat. § 24-72-203; Conn. Gen. Stat. Ann. § 1-210; Del. Code Ann. tit. 9, § 1184; D.C. Code Ann. § 2-1710; Fla. Stat. Ann. § 119.01; Ga. Code Ann. § 50-18-70; Haw. Rev. Stat. Ann. § 92-1; Idaho Code Ann. § 74-102; 5 Ill. Comp. Stat. Ann. 140/1; Ind. Code Ann. § 5-14-3-1; Iowa Code Ann. § 22.2; Kan. Stat. Ann. § 45-216; Ky. Rev. Stat. Ann. § 61.872; La. Stat. Ann. § 44:31; Me. Rev. Stat. tit. 1, § 408-A; Md. Code Ann., Gen. Prov. § 4-103; Mass. Gen. Laws Ann. ch. 66, § 10; Mich. Comp. Laws Ann. § 15.231; Minn. Stat. Ann. § 13.03; Miss. Code Ann. § 25-61-1; Mo. Rev. Stat. § 610.011; Mont. Code Ann. § 2-6-1003; Neb. Rev. Stat. Ann. § 84-712.01; Nev. Rev. Stat. § 239.010; N.H. Rev. Stat. Ann. § 91-A:4; N.J. Rev. Stat. § 47:1A-1; N.M. Stat. Ann. § 14-2-1; N.Y. Pub. Off. Law § 84; N.C. Gen. Stat. Ann. § 132-6; N.D. Const. art. 11, § 6, N.D. Cent. Code Ann. § 44-04-18; Ohio Rev. Code Ann. § 149.43; Okla. Stat. Ann. tit. 51, § 24A.2; Or. Rev. Stat. Ann. § 192.314; 65 Pa. Stat. Ann. § 67.701; 38 R.I. Gen. Laws Ann. § 38-2-3; S.C. Code Ann. § 30-4-30; S.D. Codified Laws § 1-27-1; Tenn. Code Ann. § 10-7-503; Tex. Gov’t. Code Ann. § 552.001; Utah Code Ann. § 63G-2-201; Vt. Stat. Ann. tit. 1, § 316; Va. Code Ann. § 2.2-3704; Wash. Rev. Code Ann. § 42.56.001; W. Va. Code Ann. § 29B-1-3; Wis. Stat. Ann. § 19.35; Wyo. Stat. Ann. § 16-4-202.

⁶ The United States Supreme Court has explained that “[t]h[e] basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

⁷ Many state jurisdictions have modeled their open records laws on the federal FOIA. For this reason, state courts routinely draw on federal judicial decisions when deciding questions of statutory construction and legislative history. *See, e.g., Regents of Univ. of Cal. v. Super. Ct.*, 166 Cal. Rptr. 3d 166, 179-80 (Cal. Ct. App. 2013), *as modified on denial of reh’g*, (Jan. 14, 2014) (explaining that because “[t]he CPRA [California Public Records Act] was modeled on its federal predecessor, the FOIA[,] . . . [t]he legislative history and judicial construction of the FOIA . . . serve to illuminate the interpretation of its California counterpart”); *Powder River Basin Res. Council v. Wyo. Oil and Gas Conservation Comm’n*, 320 P.3d 222, 232-33 (Wyo. 2014) (finding that the consideration of “federal precedent is especially appropriate in this case, as the philosophy behind the FOIA is consistent with that which led to the adoption of the WPRA [Wyoming Public Records Act], and the FOIA also exempts trade secrets

from public disclosure”). Further, when few cases exist interpreting a particular open records law, state courts may consider federal case law as well as decisions of other states as guidance. *See Powder River Basic Res. Council*, 320 P.3d at 232-233 (considering federal case law as persuasive); *Kenyon v. Garrels*, 540 N.E.2d 11, 13 (Ill. App. Ct. 1989) (considering other state court decisions as persuasive); *Montenegro v. City of Dover*, 34 A.3d 717 (N.H. 2011) (considering federal and other state court decisions as persuasive); *Abdur-Rashid v. N.Y.C. Police Dep’t*, 992 N.Y.S.2d 870, 873 (N.Y. Sup. Ct. 2014) (considering federal case law as persuasive). State courts are not bound by cases interpreting the federal statute or other state open records laws, however. *See State Employees Ass’n v. Dep’t of Mgmt. and Budget*, 404 N.W.2d 606, 613-14 (Mich. 1987) (considering and rejecting federal approach of using balancing test when applying the privacy exemption).

⁸ *See e.g.*, Ark. Code Ann. § 25-19-102 (“It is vital in a democratic society that public business be performed in an open and public manner so that the electors shall be advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy.”); Cal. Gov’t Code § 6250 (“In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”); Ga. Code Ann. § 50-18-70(a) (“The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of governmental records. The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.”); 5 Ill. Comp. Stat. Ann. 140/1 (“Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.”); Va. Code Ann. § 2.2-3700(B) (“The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request.”); W. Va. Code Ann. § 29B-1-1 (“Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created.”); Wis. Stat. Ann. § 19.31 (“In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.”).

⁹ See, e.g., *U.S. Dep't of State v. Ray*, 502 U.S. 164, 173 (1991) (“The [FOIA] was designed ‘to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny.’ Consistently with this purpose, as well as the plain language of the Act, the strong presumption in favor of disclosure places the burden on the agency to justify the withholding of any requested documents.”) (quoting *Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976)); see also Va. Code Ann. § 2.2-3700(B) (“All public records and meetings shall be presumed open, unless an exemption is properly invoked.”); W. Va. Code Ann. § 29B-1-1 (“The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy.”); Wis. Stat. Ann. § 19.31 (“[The state’s open records laws] shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.”).

¹⁰ FOIA uses the term “agency records” instead of “public records[.]” which has been interpreted to include material created or obtained by an agency, and that is in the agency’s control at the time the FOIA request is made. See 5 U.S.C. § 552(f)(2)(A)-(B) (defining “record” to include “any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and . . . any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management”); *U.S. Dep't of Justice v. Tax Analysts*, 492 U.S. 136, 144-46 (1989) (explaining that to meet FOIA’s definition of “agency records” an “agency must ‘either create or obtain’ the requested materials” and “must be in control of the requested materials at the time the FOIA request is made”; and further explaining that “[b]y control we mean that the materials have come into the agency’s possession in the legitimate conduct of its official duties”). See also, e.g., Ark. Code Ann. § 25-19-103(7)(A) (“‘Public records’ means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.”); Cal. Gov’t Code § 6252(e), (g) (defining “[p]ublic records” to “include[] any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics[.]” and defining “writing” to “mean[] any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored”); Colo. Rev. Stat. Ann. § 24-72-202(6)(a)(I) (“‘Public records’ means and includes all writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121(2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.”); D.C. Code Ann. § 2-1701(13) (“‘Public record’ means any document, book, photographic image, electronic data recording, electronic mail, paper, video recording, sound recording, microfilm, computer disk, or other material, regardless of physical form or characteristic, that documents a transaction or activity made, received, or retained pursuant to law or in connection with the transaction of public business by or with any officer or employee of the District. The medium upon which such information is recorded shall have no bearing on the determination of whether the record is a public record.”); Fla. Stat. Ann. § 119.011(12) (“‘Public records’ means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”); Ga. Code Ann. § 50-18-70(b)(2) (“‘Public record’ means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material

prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.”); Neb. Rev. Stat. Ann. § 84-712.01(1) (“Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.”); N.Y. Pub. Off. Law § 86(4) (“‘Record’ means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.”); Tenn. Code Ann. § 10-7-503(a)(1)(A)(i) (“As used in this part and title 8, chapter 4, part 6: (A) ‘Public record or records’ or ‘state record or records’: (i) Means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity[.]”); Va. Code Ann. § 2.2-3701 (“‘Public records’ means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.”); Wis. Stat. Ann. § 19.32(2) (“‘Record’ means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. ‘Record’ includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. ‘Record’ does not include drafts, notes, preliminary computations, and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library.”).

¹¹ For example, the federal FOIA statute provides that for purposes of FOIA, “agency” is defined to mean: “each authority of the Government of the United States, whether or not it is within or subject to review by another agency,” but excludes: “(A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia; or except as to the requirements of section 552 of this title—(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them; (F) courts martial and military commissions; (G) military authority exercised in the field in time of war or in occupied territory; or (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix[.]” 5 U.S.C. § 551(1). Interpretive judicial decisions have provided further clarification. *See, e.g., Rocky Mountain Wild, Inc. v. United States Forest Serv.*, 878 F.3d 1258, 1261 (10th Cir. 2018) (holding that third-party contractor for the Forest Service was not a “federal agency” for purposes of the FOIA disclosure requirements even though agency and contractor had entered into an employment agreement, as “[i]n general, FOIA . . . does not apply to private companies, persons who receive federal contracts or grants, private organizations, or state or local governments” and the Forest Service did not exercise sufficient control over the day-to-day performance of the contractor to make it a federal instrumentality or FOIA agency”); *Main St. Legal Servs., Inc. v. Nat’l Sec. Council*, 811 F.3d 542, 568 (2d Cir. 2016) (concluding that the National Security Council “is not an agency subject to FOIA because both the Council itself and the NSC System (a) function only to

advise and assist the President in performing his national security responsibilities and (b) exercise no authority independent of the President”); *United States v. Chandler*, 220 F. Supp. 2d 165, 167-68 (E.D.N.Y. 2002) (internal citations omitted) (holding that because “[t]he United States Courts are expressly exempt from the definition of the word ‘agency’ . . . and the Probation Department is an arm of the United States District Court[,] . . . the Probation Department is exempt from the disclosure requirements of the FOIA and the Privacy Act”). Some jurisdictions’ open records laws explicitly provide that the law does not apply to certain governmental bodies, exempting them from public records requests. *See, e.g.*, 5 U.S.C. § 551(1) (excluding from the definition of “agency” for purposes of the federal FOIA: “(A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia; or except as to the requirements of section 552 of this title—(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them; (F) courts martial and military commissions; (G) military authority exercised in the field in time of war or in occupied territory; or (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix[.]”); Va. Code Ann. § 2.2-3703(A)(1), (4), (5) (providing that the state’s freedom of information act does not apply to certain entities and records including the state parole board, sexual assault response teams, and multidisciplinary child sexual abuse response teams).

¹² Because of the presumption of openness that frames open records laws, courts typically conclude that the exceptions to disclosure are to be strictly construed and that—unless otherwise provided—the records’ custodian bears the burden of establishing the applicability of an exception. *See, e.g.*, *State ex rel. Anderson v. Vermilion*, 980 N.E.2d 975, 978-79 (Ohio 2012) (internal citations omitted) (explaining that it “construe[s] the Public Records Act liberally in favor of broad access and resolve[s] any doubt in favor of disclosure of public records[,]” and that it strictly construes exceptions against the records custodian, who “has the burden to establish the applicability of an exception”); *Koenig v. Thurston Cty.*, 287 P.3d 523, 525, 527 (Wash. 2012) (en banc) (noting that “[i]t is well settled that a reviewing court interprets the disclosure provisions of the PRA [Public Records Act] liberally and exemptions narrowly” and that “[t]he agency claiming the exemption bears the burden of proving that the documents requested fall within the scope of the exemption[,]” and holding that “[b]ecause the victim impact statement is not part of a prosecutor’s investigation into criminal activity or alleged malfeasance, the investigative records exemption does not apply”).

¹³ Under circumstances in which some but not all of the information in a public record is exempted from disclosure, open records laws may explicitly require the records’ custodian to disclose a redacted version of the record. *See, e.g.*, 5 U.S.C. § 552 (“Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated at the place in the record where such deletion is made.”); Fla. Stat. Ann. § 119.07(1)(d) (“A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.”); Mo. Ann. Stat. § 610.024(1) (“If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public governmental body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.”); 38 R.I. Gen. Laws Ann. § 38-2-3(b) (“Any reasonably segregable portion of a public record excluded by subdivision 38-2-2(4) shall be available for public inspection after the deletion of the information which is the basis of the exclusion. If an entire document or record is deemed non-public, the public body shall state in writing that no portion of the document or record contains reasonable segregable information that is releasable.”); Va. Code Ann. § 2.2-3704.01 (“No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other

provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.”).

¹⁴ Using one jurisdiction—Oregon—as an example, the general rule with respect to exemptions is that, “[i]f [a] public body is satisfied that a claimed exemption from disclosure is justified, it may, but is not required to, withhold disclosure of the information.” *Guard Pub. Co. v. Lane Cty. Sch. Dist. No. 4J*, 791 P.2d 854, 857 (Or. 1990) (emphasis in original) (explaining that “[a]n individual claiming an exemption from disclosure must *initially show* a public body that the exemption is legally and factually justified . . . [and] [i]f the public body is satisfied that a claimed exemption from disclosure is justified, it may, *but is not required to*, withhold disclosure of the information”). However, in Oregon as well as other jurisdictions, there are some categories of records and information that public agencies are legally prohibited from disclosing or that may be disclosed only under specific circumstances or to select entities. For example, the Oregon Department of Human Services “may not” disclose records compiled in the course of investigating child abuse reports, but must make such records available to certain entities, such as a law enforcement agency investigating a subsequent case of child abuse. Or. Rev. Stat. Ann. § 419B.035(1)(a). As a general rule, statutes that use terms such as “may not[,]” “shall not[,]” “it is prohibited[,]” or “it is unlawful” prohibit disclosure, without leaving any discretion to the public agency.

¹⁵ This Bulletin focuses on the right to access public records, which is derived from the common law and from open records laws, and is generally not of constitutional dimension. Although courts have recognized a public right to access judicial proceedings grounded in the First Amendment of the Constitution as well as in common law, courts apply differing analysis to attempts to access judicial records. *Compare People v. Owens*, 420 P.3d 257, 258 (Colo. 2018) (finding “no support in United States Supreme Court jurisprudence for Petitioner’s contention that the First Amendment provides the public with a constitutional right of access to any and all court records in cases involving matters of public concern” and finding instead that “[t]he Tenth Circuit has more than once declined to recognize a First Amendment right of access to court records”) (citing *Lanphere & Urbaniak v. Colorado*, 21 F.3d 1508, 1512 (10th Cir. 1994) (“[T]here is no general First Amendment right in the public to access criminal justice records.”)) and *United States v. Hickey*, 767 F.2d 705, 709 (10th Cir. 1985) (distinguishing between the acknowledged right of the public and press to attend trial proceedings and a claimed of right to access court files)) with *Giuffre v. Maxwell*, 325 F. Supp. 3d 428, 440 (S.D.N.Y. 2018) (internal citations omitted) (explaining that “[t]here are two ‘related but distinct presumptions in favor of public access to court . . . records: a strong form rooted in the First Amendment and a slightly weaker form based in federal common law.’ Generally, the public holds an affirmative, enforceable right of access to judicial records under both the common law and the First Amendment to the U.S. Constitution. ‘The presumption of access is based on the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice.’ However, ‘the right to inspect . . . judicial records is not absolute. Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes’ such as using records ‘to gratify spite or promote scandals’ or where files might serve ‘as reservoirs of libelous statements for press consumption’”). Typically, open records act requests are analyzed pursuant to the jurisdiction’s public records laws, although some states have adopted specific rules placing additional limitations on the disclosure of court records. *See, e.g.*, Wyo. R. Gov. Access Ct. Rec. R. 6(a), (e), (i), (n), (p), (r)-(u), (cc), (hh), (kk) (providing a “partial list” of court records that are not publicly accessible, which includes: (1) records exempted from inspection pursuant to public records’ laws in [Wyoming Statutes, section] 16-4-203(b) and (d); (2) “domestic violence protection order petitioners’ and their children’s identifying information pursuant to [Wyoming Statutes, section] 35-21-105(e);” (3) “[r]ecords from child abuse and neglect proceedings, including but not limited to records of the multidisciplinary team, pursuant to [Wyoming Statutes, sections] 14-3-424, 14-3-427(g), 14-3-437, and 14-3-439;” (4) “[d]iscovery material or other items submitted to a court for *in camera* review;” (5) “[m]ental health and counseling records pursuant to [Wyoming Statutes, sections] 33-27-123,

33-38-113, 9-2-125, and 9-2-126[;]” (6) “[r]ecords sealed by a court[;]” (7) “[s]exual assault victim’s identifying information prior to filing of the information or indictment in district court, and minor sexual assault victim’s name pursuant to [Wyoming Statutes, section] 6-2-319(a) and (b)[;]” (8) “[m]edical records pursuant to [Wyoming Statutes, section] 16-4-203(d)(i)[;]” (9) “[c]rime victim’s compensation application pursuant to [Wyoming Statutes, section] 1-40-107(d)[;]” (10) “[c]hild abuse and neglect information pursuant to [Wyoming Statutes, section] 14-3-214[;]” (11) “[s]exual assault victim medical examination information and reports pursuant to [Wyoming Statutes, section] 6-2-309(m)[;]” and (12) “[c]oroner’s records, including toxicology reports, photographs, video recordings or audio recordings made at the scene of the death or made in the course of postmortem examinations pursuant to [Wyoming Statutes, section] 7-4-105”).

¹⁶ See, e.g., 5 U.S.C. § 552(b)(6) (exempting from FOIA “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”); Alaska Stat. Ann.

§ 40.25.120(a)(3), (4) (providing for the right of people to inspect public records “except . . . records required to be kept confidential by a federal law or regulation or by state law” and “medical and related public health records”); Ark. Code Ann. § 25-19-105(b)(2) (“It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter: . . . [m]edical records . . . and education records as defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, unless their disclosure is consistent with the provisions of that act”); Cal. Gov’t Code § 6254(c) (exempting from disclosure “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy”); Cal. Gov’t Code § 6254(k) (exempting from disclosure “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege”); Cal. Gov’t Code § 6276.01 (noting the intent of the legislature to exempt crime victims’ “confidential information or records” based on the state victims’ rights constitutional amendment); Cal. Gov’t Code § 6254.17(a) (“Nothing in this chapter shall be construed to require disclosure of records of the California Victim Compensation Board that relate to a request for assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.”); Colo. Rev. Stat. Ann. § 24-72-202(6)(b)(I), (IV) (excluding from the definition of “public records” subject to disclosure “[c]riminal justice records that are subject to the provisions of part 3 of this article” and “[m]aterials received, made, or kept by a crime victim compensation board or a district attorney that are confidential pursuant to the provisions of section 24-4.1-107.5”); Colo. Rev. Stat. Ann. § 24-72-204(2)(c) (“Notwithstanding any provision to the contrary in subparagraph (I) of paragraph (a) of this subsection (2), the custodian shall deny the right of inspection of any materials received, made, or kept by a crime victim compensation board or a district attorney that are confidential pursuant to the provisions of section 24-4.1-107.5.”); Colo. Rev. Stat. Ann. § 24-72-204(2)(d) (“Notwithstanding any provision to the contrary in subparagraph (I) of paragraph (a) of this subsection (2), the custodian shall deny the right of inspection of any materials received, made, or kept by a witness protection board, the department of public safety, or a prosecuting attorney that are confidential pursuant to section 24-33.5-106.5.”); Colo. Rev. Stat. Ann. § 24-72-204(2)(e) (“Notwithstanding any provision to the contrary in subparagraph (I) of paragraph (a) of this subsection (2), the custodian shall deny the right of inspection of any materials received, made, or kept by the safe2tell program, as described in section 24-31-606.”); Colo. Rev. Stat. Ann. § 24-72-204(3)(a)(I) (“The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest pursuant to this subsection (3): (I) Medical, mental health, sociological . . . and electronic health records, on individual persons . . . exclusive of coroners’ autopsy reports . . . ; but either the custodian or the person in interest may request a professionally qualified person, who shall be furnished by the said custodian, to be present to interpret the records[.]”); Colo. Rev. Stat. Ann. § 24-72-204 (3)(a)(XXII) (“The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest pursuant to this subsection (3): . . . (XXII) Personal information, as defined in section 18-9-313(1)(e), in a record for which the custodian has received a request under section 18-9-313;” where “personal information” is defined to include the home address,

home telephone number, personal mobile telephone number, pager number, personal e-mail address, and a personal photograph of a participant in the address confidentiality program); Conn. Gen. Stat. Ann. § 1-210(b)(2), (10), (21) (“Nothing in the Freedom of Information Act shall be construed to require disclosure of . . . [p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy”; “[r]ecords, tax returns, reports and statements exempted by federal law or the general statutes or communications privileged by the attorney-client relationship, marital relationship, clergy-penitent relationship, doctor-patient relationship, therapist-patient relationship or any other privilege established by the common law or the general statutes, including any such records, tax returns, reports or communications that were created or made prior to the establishment of the applicable privilege under the common law or the general statutes”; or “[t]he residential, work or school address of any participant in the address confidentiality program established pursuant to sections 54-240 to 54-240o, inclusive”); D.C. Code Ann. § 2-1707(a) (“Any public record made confidential by law shall be so treated.”); D.C. Code Ann. § 2-1707(b) (“No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court.”); Idaho Code Ann. § 74-104(2) (exempting from disclosure “[r]ecords contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules”); Idaho Code Ann. § 74-106(27) (exempting from disclosure “[r]ecords in an address confidentiality program participant’s file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances: (a) If requested by a law enforcement agency, to the law enforcement agency; or (b) If directed by a court order, to a person identified in the order”); Kan. Stat. Ann. § 45-221(a)(2), (3), (30), (47) (“Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose: . . . [r]ecords which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure”; “[m]edical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients”; “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy”; or “[i]nformation that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault”); Miss. Code. Ann. § 25-61-12(3) (“Personal information of victims, including victim impact statements and letters of support on behalf of victims that are contained in records on file with the Mississippi Department of Corrections and State Parole Board, shall be exempt from the provisions of this chapter.”); N.J. Stat. Ann. § 47:1A-1.1 (exempting from the definition of “government records” and finding confidential and therefore not to be disclosed pursuant to the state’s open records law “victims’ records, except that a victim of a crime shall have access to the victim’s own records”); 38 R.I. Gen. Laws Ann. § 38-2-2(4)(A)(1)(a) (“For the purposes of this chapter, the following records shall not be deemed public: . . . [a]ll records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files”); Tex. Gov’t Code Ann. § 552.138(b)(1)-(6) (providing that “[i]nformation maintained by a family violence shelter center, victims of trafficking shelter center, or sexual assault program is excepted from the requirements of Section 552.021 if it is information that relates to: (1) the home address, home telephone number, or social security number of an employee or a volunteer worker of a family violence shelter center, victims of trafficking shelter center, or sexual assault program, regardless of whether the employee or worker complies with Section 552.024; (2) the location or physical layout of a family violence shelter center or victims of trafficking shelter center; (3) the name, home address, home telephone number, or numeric identifier of a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program; (4) the provision of services, including counseling and sheltering, to a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program; (5) the name, home address, or home telephone number of a private donor to a family violence shelter center, victims of trafficking shelter center, or sexual assault program; or (6) the home address or home telephone number of a member of the board of directors or the board of trustees of a family violence shelter center, victims of trafficking shelter center, or sexual assault program, regardless of whether the board member complies with Section 552.024”); Tex. Gov’t Code Ann. § 552.1325(b)(1)-(2) (declaring certain

information in a victim impact statement to be confidential and exempt from disclosure, including “(1) the name, social security number, address, and telephone number of a crime victim; and (2) any other information the disclosure of which would identify or tend to identify the crime victim”); Tex. Gov’t Code Ann. § 552.101 (exempting information from disclosure “if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision”); Va. Code Ann. § 2.2-3705.2(1) (excluding “[c]onfidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses” from the mandatory disclosure provisions of the state’s freedom of information act but providing that it “may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law”); W. Va. Code Ann. § 29B-1-4(a)(2) (exempting from disclosure “[i]nformation of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance”); Va. Code Ann. § 2.2-3705.2(1), (5) (excluding “[c]onfidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses” and “[i]nformation concerning the mental health assessment of an individual subject to commitment as a sexually violent predator . . . held by the Commitment Review Committee” from the mandatory disclosure provisions of the state’s freedom of information act but providing that—with the exception of “information identifying the victims of a sexually violent predator[,] which may never be disclosed—this information “may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law”); Wyo. Stat. Ann. § 16-4-203(d)(i), (vii)-(viii) (providing that disclosure of the following pursuant to a public records request shall be denied “unless otherwise provided by law”: (1) “[m]edical, psychological and sociological data on individual persons, exclusive of coroners’ verdicts and written dockets as provided in W.S. 7-4-105(a);” (2) “[h]ospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;” and (3) “[s]chool district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him”).

¹⁷ See, e.g., 5 U.S.C. § 552(b)(7)(C), (F) (exempting “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings, . . . could reasonably be expected to constitute an unwarranted invasion of personal privacy, . . . or . . . could reasonably be expected to endanger the life or physical safety of any individual”); Alaska Stat. Ann. § 40.25.120(a)(6)(C), (G) (providing for the right of people to inspect public records “except . . . records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information . . . could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;” or “[c]ould reasonably be expected to endanger the life or physical safety of an individual”); Cal. Gov’t Code § 6254(f) (exempting from disclosure “[r]ecords of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes[;]” however, victims are entitled to receive from “state and local law enforcement agencies” information including “the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants”); Cal. Gov’t Code § 6254(f)(2)(A) (noting that even though investigative records generally are exempted from disclosure, “state and local law enforcement agencies shall make public” certain information, “except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation[.]” including “[s]ubject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and

nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved[.]” except that “[t]he name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim’s request, or at the request of the victim’s parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this subdivision may be deleted at the request of the victim, or the victim’s parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph”); Cal. Gov’t Code § 6254(f)(2)(B) (“Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim’s immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim’s request until the investigation or any subsequent prosecution is complete.”); Cal. Gov’t Code § 6254(f)(3) (providing that notwithstanding the general policy of non-disclosure of law enforcement records, and “[s]ubject to the restrictions of Section 841.5 of the Penal Code and this subdivision,” certain information may be disclosed, including “the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.”); Cal. Gov’t Code § 6254(f)(4) (providing that “[n]otwithstanding any other provision of this subdivision, commencing July 1, 2019, a video or audio recording that relates to a critical incident, as defined in subparagraph (C), may be withheld only” under certain circumstances, including “if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source[.]” or “[i]f the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording,” and where “the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described in clause (i) and that interest outweighs the public interest in disclosure”); Cal. Gov’t Code § 6254.4.5(a) (providing that state open records laws do “not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording[.]” and that “[a]n agency shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording”); Colo. Rev. Stat. Ann. § 24-72-204(2)(a)(1) (providing that “[t]he custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest: Any records of the investigations conducted by any sheriff, prosecuting attorney, or police department, any records of the intelligence information or security procedures of any sheriff, prosecuting attorney,

or police department, or any investigatory files compiled for any other law enforcement purpose”); Colo. Rev. Stat. Ann. § 24-72-305(5) (“On the ground that disclosure would be contrary to the public interest, and unless otherwise provided by law, including as required by section 24-72-303(4), the custodian may deny access to records of investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, or police department or any criminal justice investigatory files compiled for any other law enforcement purpose.”); Conn. Gen. Stat. Ann. § 1-210(b)(3), (27) (“Nothing in the Freedom of Information Act shall be construed to require disclosure of: . . . [1] [r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) the identity of minor witnesses, (C) signed statements of witnesses . . . [or] (G) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof”; or “[2] [a]ny record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting the victim of a homicide, to the extent that such record could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim’s surviving family members”); Idaho Code Ann. §§ 74-105(1), 74-106(17) (exempting from disclosure “[i]nvestigatory records of a law enforcement agency, as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code” and “[r]ecords of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks”); Idaho Code Ann. § 74-124(1) (“Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would: (a) Interfere with enforcement proceedings; (b) Deprive a person of a right to a fair trial or an impartial adjudication; [or] (c) Constitute an unwarranted invasion of personal privacy[.]”); Kan. Stat. Ann. § 45-221(a)(10) (“Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose . . . [c]riminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure: (A) Is in the public interest; (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution; (C) would not reveal the identity of any confidential source or undercover agent; (D) would not reveal confidential investigative techniques or procedures not known to the general public; (E) would not endanger the life or physical safety of any person; and (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto[.]”); Tex. Gov’t Code Ann. § 552.1085(c) (providing that “[a] sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section”); N.M. Stat. Ann. § 14-2-1(D)(2)(b) (“Every person has a right to inspect public records of this state except . . . portions of law enforcement records that reveal . . . before charges are filed, names, address, contact information, or protected personal identifier information as defined in this Act of individuals who are . . . victims of or non-law-enforcement witnesses to an alleged crime of: 1) assault with intent to commit a violent felony pursuant to Section 30-3-3 NMSA 1978 when the violent felony is criminal sexual penetration; 2) assault against a household member with intent to commit a violent felony pursuant to Section 30-3-14 NMSA 1978 when the violent felony is criminal sexual penetration; 3) stalking pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual penetration pursuant to Section 30-9-11 NMSA 1978; or 6) criminal sexual contact pursuant to Section 30-9-12 NMSA 1978.”); Or. Rev. Stat. Ann. § 192.345(40) (“The following public

records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance: . . . Audio or video recordings, whether digital or analog, resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply: (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed. (b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure. (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.”); Tex. Gov’t Code Ann. § 552.108(a)(1)-(4) (exempting from release “information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; (3) it is information relating to a threat against a peace officer or detention officer collected or disseminated under Section 411.048; or (4) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state”); Va. Code Ann. § 2.2-3706(B)(1) (excluding criminal investigative files—defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release—from the mandatory disclosure provisions of the state’s freedom of information act but providing that these records “may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law”); Va. Code Ann. § 2.2-3706(B)(10) (excluding from mandatory disclosure provisions of the state’s open records laws “[t]he identity of any victim [or] witness, or undercover officer, or investigative techniques or procedures[,] but allowing release by the custodian unless “disclosure is prohibited or restricted under § 19.2-11.2”); Va. Code Ann. § 2.2-3706(E) (providing that “[r]ecords of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to” the state’s freedom of information act); W. Va. Code Ann. § 29B-1-4(a)(4)(A) (exempting from disclosure “[r]ecords of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement”); Wyo. Stat. Ann. § 16-4-203(b)(i) (exempting from disclosure the following records if disclosure to the applicant would run contrary to the public interest: “[r]ecords of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes”); Wyo. Stat. Ann. § 16-4-203(d)(xviii) (denying access to “information obtained through a peace officer recording”—otherwise known as a body-worn or dashboard camera recording—“provided that: (A) The custodian shall allow the right of inspection to law enforcement personnel or public agencies for the purpose of conducting official business or pursuant to a court order; (B) The custodian may allow the right of inspection: (I) To the person in interest; (II) If the information involves an incident of deadly force or serious bodily injury as defined in W.S. 6-1-104(a)(x); (III) In response to a complaint against a law enforcement personnel and the custodian of the information determines inspection is not contrary to the public interest;” and “(IV) In the interest of public safety”).

¹⁸ See, e.g., 5 U.S.C. § 552(b)(3)(A)-(B) (excluding from disclosure under FOIA “matters that are . . . specifically exempted from disclosure by statute (other than section 552b of this title),” if the statute “requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or . . . establishes particular criteria for withholding or refers to particular types of matters to be withheld; and . . . if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph”); Colo. Rev. Stat. Ann. § 24-72-305(1) (providing that “[t]he custodian of criminal justice records may allow any person to inspect such records or any portion thereof” unless the “inspection would be contrary to any state statute[,]” or “is prohibited by rules

promulgated by the supreme court or by the order of any court”); Idaho Code Ann. § 74-104(1) (exempting from disclosure “[a]ny public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation”); W. Va. Code Ann. § 29B-1-4(a)(5) (exempting from disclosure “[i]nformation specifically exempted from disclosure by statute”); Wyo. Stat. Ann. § 16-4-203(a)(i)-(iii) (requiring denial of open records’ request if public inspection “would be contrary to any state statute[,] . . . federal statute or regulation[,] . . . [or] rules promulgated by the supreme court or by the order of any court of record”); *but see* Ark. Code Ann. § 25-19-110(a) (“Beginning July 1, 2009, in order to be effective, a law that enacts a new exemption to the requirements of this chapter or that substantially amends an existing exemption to the requirements of this chapter shall state that the record or meeting is exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.”).

¹⁹ *See, e.g.*, Ark. Code Ann. § 25-19-105(a)(1)(B) (“[A]ccess to inspect and copy public records shall be denied to: (i) A person who at the time of the request has pleaded guilty to or been found guilty of a felony and is incarcerated in a correctional facility; and (ii) The representative of a person under subdivision (a)(1)(B)(i) of this section unless the representative is the person’s attorney who is requesting information that is subject to disclosure under this section.”); Ind. Code Ann. §§ 5-14-3-4(Sec. 4)(b)(23), 5-14-3-2(Sec.2)(l) (exempting from disclosure “[r]ecords requested by an offender that . . . contain personal information relating to . . . the victim of a crime[,]” except when “access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery[,]” and defining “offender” to mean “a person confined in a penal institution as the result of the conviction for a crime”); La. Stat. Ann. § 44:31.1 (“For the purposes of this Chapter, person does not include an individual in custody after sentence following a felony conviction who has exhausted his appellate remedies when the request for public records is not limited to grounds upon which the individual could file for post conviction relief under Code of Criminal Procedure Article 930.3. Notwithstanding the provisions contained in R.S. 44:32, the custodian may make an inquiry of any individual who applies for a public record to determine if such individual is in custody after sentence following a felony conviction who has exhausted his appellate remedies and the custodian may make any inquiry necessary to determine if the request of any such individual in custody for a felony conviction is limited to grounds upon which such individual may file for post-conviction relief under Code of Criminal Procedure Article 930.3.”); Mich. Comp. Laws Ann. § 15.231(2) (“It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act.”); S.C. Code Ann. § 30-4-30(A)(1) (“A person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access. This right does not extend to individuals serving a sentence of imprisonment in a state or county correctional facility in this State, in another state, or in a federal correctional facility; however, this may not be construed to prevent those individuals from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution under the South Carolina Rules of Criminal Procedure.”). *See also* Conn. Gen. Stat. Ann. § 1-210(c) (“Whenever a public agency receives a request from any person confined in a correctional institution or facility or a Whiting Forensic Hospital facility, for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services in the case of a person confined in a Whiting Forensic Hospital facility of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person’s correctional institution or facility or Whiting Forensic Hospital facility.”).

²⁰ *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)) (explaining that “[t]he fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner’”).

²¹ As the United States Supreme Court has noted, at the heart of due process is the idea that “[p]arties whose rights are to be affected are entitled to be heard and, in order that they may enjoy that right, they must first be notified.” *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972) (internal citations omitted). *See also Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004) (internal citations omitted) (“For more than a century the central meaning of procedural due process has been clear: ‘Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified.’ It is equally fundamental that the right to notice and an opportunity to be heard ‘must be granted at a meaningful time and in a meaningful manner.’ These essential constitutional promises may not be eroded.”); *People v. Scott*, No. F065665, 2014 WL 130479, at *5 (Cal. Ct. App. Jan. 15, 2014) (citing *Fuentes* for the proposition that due process requires notice); *Smith v. State*, 676 S.E.2d 750, 755 (Ga. Ct. App. 2009) (same); *Conner v. Dep’t of Commerce*, 443 P.3d 1250, 1262-63 (Utah Ct. App. 2019) (quoting *McBride v. Utah State Bar*, 242 P.3d 769, 774 (Utah 2010)) (“Procedural due process requires, at a minimum, timely and adequate notice and an opportunity to be heard in a meaningful way.”).

²² Notice is critical to victim agency as it helps ensure that victims have the information necessary to make fundamental decisions affecting their lives. *See* Paul G. Cassell, *Balancing the Scales of Just.: The Case for and the Effects of Utah’s Victims’ Rights Amendment*, 1994 Utah L. Rev. 1373, 1389 (1994) (discussing the anxiety and fear experienced by victims due to a lack of notice of proceedings). *See also* Margaret Garvin & Douglas E. Beloolf, *Crime Victim Agency: Independent Law. for Sexual Assault Victims*, 13 Ohio St. J. Crim. L. 67, 68 (2015) (describing “agency” as “akin to the concept of crime victim autonomy, and at its core is the right and power of individuals to make fundamental decisions about their lives[,]” and arguing that providing independent lawyers for sexual assault victims in civilian criminal processes will improve victim agency and reduce secondary victimization). When respect for victim agency is demonstrated in the aftermath of crime, participation in the criminal justice system can be beneficial for crime victims. *See, e.g.,* Margaret E. Bell, et al., *Battered Women’s Perceptions of Civil and Crim. Ct. Helpfulness: The Role of Ct. Outcome and Process*, 17 Violence Against Women 71, 72 (2011) (noting that studies of intimate partner violence and rape victims “have in fact found that positive experiences in the justice system are associated with less physical and psychological distress and better posttraumatic adjustment”); Judith Lewis Herman, *The Mental Health of Crime Victims: Impact of Legal Intervention*, 16 J. of Traumatic Stress 159, 160-61 (2003) (discussing potential benefits of participating in the justice system); Jim Parsons & Tiffany Bergin, *The Impact of Crim. Just. Involvement on Victims’ Mental Health*, 23 J. of Traumatic Stress 182, 182 (2010) (same).

²³ For questions about the intersection of victims’ rights and open records laws in a specific jurisdiction, please submit a technical assistance request to NCVLI at www.ncvli.org.



Public Transparency with Private Dignity

Protecting Victims' Rights, Fair Trials, and Private Persons
Maintaining Transparency in *Government* Action

Lindsay Liddell, Washoe County Deputy District Attorney
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Transparency Through Public Records

Integral to Democracy

- + The public can see how government uses public power.
- + What is the government doing? Why? Is it performing public duties lawfully, fairly, and effectively?

Transparency

Transparency Should Reveal
the Government,
Not Expose the Governed

Government Transparency is Not:

- Exposure of private lives
- Exploitation of victims and witnesses

Gaps in the Nevada Public Records Act

- + Victim Protections Required Under the Nevada Constitution
- + Constitutional Protections for Private Persons' Homes
- + Constitutional Protections for Persons Involved in the Criminal Justice System

**The United States and Nevada
Constitutions *Must* Unambiguously Set
the Floor for Public-Records Policy.**

Marsy's Law

Nev. Const. Art. 1 Sec. 8A

The Constitutional Right to:

- + Be treated with fairness and respect for privacy and dignity
- + Be free from intimidation, harassment, and abuse
- + Prevent disclosure of confidential information or records that could be used to locate or harass the victim or family

Victim
Protections
Needed in
the NPRA

Victim Protections Needed in the NPRA

Marsy's Law

Nev. Const. Art. 1 Sec. 8A

The Legislature is *Required* to:

Enact law or other measures to secure victims' constitutional rights

(Nev. Const. Art. 1 Sec. 8A (6))

Current Status of the NPRA:

Lacks enumerated, specific exceptions clearly securing victims' constitutional rights under Marsy's Law.

Horrific Murders of Idaho College Students: Ethan Chapin, Maddie Mogen, Xana Kernodle, and Kaylee Goncalves

Public Records Distributed

Idaho 4: Trauma From Public Records Disclosure

Victim Impact
Extreme Distress
Sleep Loss
Shaking
Sobbing
Reignited Grief

Record Recipients

Entertainment
True-crime social
media content
Character attacks
and speculation
into witnesses and
victims

Records

Witness
statements;
reports; details of
the murder;
partially blurred
photographs of
the victims' home,
bedrooms, and
bodies;
photographs of
the crime scenes
and investigation;
bodycam footage

Idaho 4: Trauma From Public Records Disclosure

After Partial Records Release, Victims Rushed to Court to Prohibit Further Disclosure

“I am experiencing extreme emotional distress with physical manifestations because the City has released some of these images and intends to release others...” –Karen Laramie, mother of Maddie Mogen

“We are personally haunted by the photos and lose sleep nightly due to viewing them [inadvertently online]” “Every single time anything is released regarding this murder case, the uptick in news articles, media requests and comments that keep this case top of the news is just another kick in the gut that our son is no longer with us. It disrupts any peace that we may have found and sends us back to a dark place.”

– Stacy Chapin, mother of Ethan Chapin

“The thought that these images may be released, and some have already been released, causes me psychological pain and anxiety, with physical manifestations, including shaking, sobbing and serious sleep disturbances...No one should have access to these images.”

– Maizie Chapin, sister (triplet) of Ethan Chapin

Ms. Laramie and Ms. Chapin granted permission to share their experience for this presentation to the Nevada Public Records Task Force

Idaho 4: Trauma From Public Records Disclosure

Idaho Shows What Happens When Protection in
Public Records Comes Too Late

*Nevada Should Not Require
Victims to Discover Disclosure
After the Fact, Suffer Harm, Hire
Attorneys, and Seek Emergency
Relief in Court.*

Victim Protection: Enumerated NPRA Exceptions

- + Victim names and identifying information (addresses, phone numbers, location data)
- + Crime-scene images
- + Bodyworn-camera footage depicting victims, homes, bodies, or grief
- + 911 calls and witness statements containing trauma, fear, or private facts
- + Images of personal belongings, bedrooms, bodies, or final moments

The more intimate the record, the clearer the protection should be.

Victim Protection: Enumerated NPRA Procedures

- +Notice before release of sensitive victim records
- +Allow victims to object before records are released
- +Allow victims to seek court protection prohibiting release

**Protect the victim.
Disclose the government conduct.**

Private Homes: Constitutional Protection

Digital Intrusion of Private Homes with Public Release of Bodycam Footage

Individuals have the right to be free from
unreasonable searches and seizures.

Fourth Amendment, United States Constitution
Article 1, Section 18, Nevada Constitution

Law enforcement's probable cause to enter a
home does not justify *media's* entry or seizure.

Wilson v. Layne, 526 U.S. 603 (1999).

Private Homes: Constitutional Protection

A Call for Help Should not Become:

- A public tour of the home
- A publicly searchable video
- True-crime content
- Information available to case a home for future crimes
- Evidence for harassment
- Permanent digital surveillance

The NPRA Should Explicitly Protect Private Homes while Preserving the Ability to Disclose Footage or Photographs Where it Genuinely Advances Public Oversight of Questionable Government Conduct.

Prosecutions: Constitutional Protection

When Records Involve an Active Criminal Prosecution, Premature Disclosure Implicates Constitutional Rights

- Sixth Amendment Right to a Fair Trial
- Substantive Due Process Right- Punishment
- Procedural Due Process- Notice and Opportunity to Be Heard in Public Records Requests and Litigation

Prosecutions: Constitutional Protection

NPRA Litigation: A Procedural Due Process Problem

- A different judge
- Different parties
- Different legal standards
- No criminal defendant or prosecutor participation
- Limited knowledge of trial strategy or evidentiary issues in criminal case

The Criminal Judge Has Constitutional Duties to Ensure a Fair Trial that the NPRA Court is not Positioned to Protect

Prosecutions: Constitutional Protection

Transparency with Constitutional Timing

The NPRA Should Include an Enumerated
Exception for Law Enforcement Records
Involved in an Active Prosecution

**Public access should be preserved.
Constitutional rights must come first.**

Constitutional Issues in the NPRA

Leave Government Entities

Vulnerable to Section 1983 Liability

Media Access to Private Homes- Fourth Amendment. *Wilson v. Layne*, 526 U.S. 603 (1999).

Images of Dead Bodies- 14th Amendment Due Process, Right to Privacy. *Marsh v. County of San Diego*, 680 F.3d 1148, 1153 (9th Cir. 2012)

Pretrial Arrestee Mugshots-14th Amendment Due Process, Punishment. *Houston v. Maricopa, Cnty. of, Ariz.*, 116 F.4th 935 (9th Cir. 2024)

Officer Personnel Files- 14th Amendment Due Process, Right to Privacy. *Kallstrom v. City of Columbus*, 136 F.3d 1055 (6th Cir. 1998)

Liability Created
by the NPRA

Recommended Reforms to the NPRA

Reveal the Government, not Expose the Governed

Victim Privacy. Exceptions for Records Involving Victims. Procedures for Victim Notice and Opportunity to Be Heard.

Private Homes. Exceptions for Bodycam Footage and Photographs of Private Homes.

Transparency with Constitutional Timing

Prosecutions. Exception for Records Involved with Active Prosecutions.

Idaho Victims Records Case:

- Memorandum in Support of Ex Parte Application for Restraining Order
- Memorandum in Support of Preliminary and Permanent Injunction
- Order Granting Temporary Restraining Order
- Order Granting Partial Permanent Injunction

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE,

Plaintiff,

vs.

the CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

MEMORANDUM IN SUPPORT OF EX
PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER

COMES NOW Plaintiff, by and through her attorneys of record, Leander L. James of the firm James, Vernon & Weeks, P.A., and respectfully presents the following in support of Plaintiff's motion for an ex parte temporary restraining order.

I. TEMPORARY RESTRAINING ORDER

Plaintiffs request an ex parte temporary restraining order and a subsequent preliminary injunction in accordance with I.R.C.P. 65 enjoining the Defendant, the City of Moscow, from disclosing any images, video media or audio media, related to the homicide investigation of the victims of Brian Kohberger which contain the following information that is protected under the Idaho Public Records Act (IPRA) Idaho Code §74-101 et. seq., specifically I.C. §74-124 and I.C. §74-101:

MEMORANDUM IN SUPPORT OF EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER: 1

1. Images of the interior of Maddison Mogen's (hereafter "Maddie") residence;
2. Images of the murder scenes, including images of pools of blood, blood splatters and dried blood;
3. Images of the personal property and items of the victims of the homicide found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items;
4. Images of witnesses, including witnesses hugging each other and sobbing;
5. Video and audio media containing sounds of the witnesses, including sounds of them sobbing; and
6. Video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions.

II. LEGAL STANDARD

Plaintiff's Motion for a Temporary Restraining Order and lawsuit for Preliminary Injunction is governed by Rule 65 of the Idaho Rules of Civil Procedure. It may issue without written or oral notice if an affidavit/declaration or a verified complaint clearly shows that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. I.R.C.P. 65(b).

A preliminary injunction may be granted by the Court when it appears by the complaint that the plaintiff is entitled to the relief demanded and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually. It may also issue when it appears by the complaint or affidavit/declaration that the commission or continuance of some act during litigation would produce great or irreparable injury to the plaintiff.

II. BASIS FOR MOTION

The facts presented in the Verified Complaint establish that the Plaintiff is the mother of Maddison Mogen. On November 13, 2022, Maddie, Kaylee Goncalves, Xana Kernodle and Ethan Chapin (Victims) were present within the residence at 1122 King Road in Moscow Idaho. On that night, the victims were stabbed to death by Bryan Kohberger within the residence. Kohberger has admitted to stabbing the four victims.

Law Enforcement, in furtherance of the investigation of the Homicide of the Victims, took photos of the interior and residence of 1122 King Road in Moscow Idaho. These images of the crime scene included images of the death scenes, the bodies of the Victims, stab wounds, their blood, their personal items and effects, and other personal matter. Further video and audio media were recorded by law enforcement as they entered the residence, performed protective sweeps, and began their investigation of crime scene showing similar images.

Continuing their investigation, law enforcement documented their investigation by taking photos, recording video and audio of relevant witnesses to the case. Some video and audio contained witness's statements, and at times crying and emotional lability of the witnesses.

On August 12, 2025, Leander L. James Attorney for the Plaintiffs was informed by Mia Bautista, City Attorney of the City of Moscow, that in response to a request for examination of public records pursuant to Idaho Code § 74-103, the City had begun to release images related to those requests. Ms. Bautista also confirmed that the Defendant intends to begin releasing further images and video media and other media in response to those requests. The City's attorney provided Mr. James with copies of some of the images and video media. Upon reviewing them, Mr. James requested that the City not disclose the images and video media that Plaintiff moves to protect from

disclosure in this action. The City's attorney responded that the City disagrees and will be disclosing the images and video media.

III. ARGUMENT

Rule 65 allows the issuance of an ex parte temporary restraining order under two circumstances: "(1) when it appears by the complaint that the plaintiff is entitled to the relief demanded, and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually; [and] (2) when it appears by the complaint or affidavit that the commission or continuance of some act during litigation would produce waste, or great or irreparable injury to the plaintiff. I.R.C.P. Rule 65(e)(1)-(2). Both circumstances here are present.

The Defendant's release of this private information is in violation of an exemption to the release of public records where an "unwarranted invasion of personal privacy exists". Idaho Code § 74-124(1)(c). The statute further defines this invasion as when "Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or [d]isclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information." Idaho Code § 74-101(17)(a).

The determination of what matter is subject to this exemption is best demonstrated in the case of *Gaylord v. Clifford et al.*, Case No. CV01-24-17522 (Ada County Dist. Ct., March 14, 2025), Memorandum Decision Granting Petition for Order to Disclose Public Records. There, the Court recognized that a right to privacy exists to death scene images citing the legislative intent, and federal law; however, ruled that camera footage that never showed the victim or their injuries was able to be disclosed, because the victim is not visible or audible during the media.

The facts here are distinguished from those in *Gaylord*. The Plaintiff seeks to enjoin the Defendant from presenting any images related to the murder scenes, the bodies of the Victims, their blood and other gruesome matter. Despite some redaction, the Plaintiff still reports that the release of these images has and would invade her “privacy and the privacy of [her] deceased daughter.” Decl. of Karen Laramie, p. 3. Given these facts, the verified complaint meets the first criteria and shows that the Plaintiff can establish a clear violation of Idaho Code § 74-124 and therefore is entitled to the relief consisting of restraining the City from releasing the documents.

Further, the second criterion is also met. The evidence shows that materials contained in the images being released or in the process of being released would “cause great or irreparable injury to the plaintiff[s]”. I.R.C.P. Rule 65(e)(2). The Plaintiff experienced ongoing emotional damages related to the murder of their daughter, and the act of releasing the images will likely exacerbate the emotional pain of parents who have gruesomely lost their child. In the Plaintiff’s declaration she notes that she is “experiencing extreme emotional distress with physical manifestations” because of the acts of the defendant. Decl. of Karen Laramie, p. 2. The likelihood of embarrassment and emotional distress constitutes the harm that the exception seeks to protect against.

In the Court’s detailed analysis in *Gaylord, supra.*, the Court goes on at length to describe the contents of the body camera footage. In doing so, the Court makes several important factual observations: 1) Deputy Bolter’s “injuries are not visible on the camera, and he cannot be heard saying anything”; 2) “The video shows only blue sky with light clouds”; 3) “[The body camera] comes to rest a few feet away, still pointing at the sky . . . It shows mostly sky.” 4) “**Deputy Bolter is never visible, nor are any of his injuries.**” *Id.*, at 7-9 (emphasis added). By contrast, images 493, 494 and 497-560 depict injuries (blood pooled, splattered and dried is part of a stab injury)

and part of a person's body (their blood). The *Gaylord* Court further observes that the body camera footage was taken by a public officer during a "traffic stop in a parking lot open to the public." *Id.*, at 39. By contrast, there are photographs in this case depicting the private interior of the residence, including personal items of the decedents.

The *Gaylord* Court, citing *Schuyler v. Curtis* 42 N.E. 22 (N.Y. 1985), observed that in that case the "surviving relatives had a right to protect the 'character' or memory of a deceased relative" from being interfered with." *Gaylord v. Clifford*, supra, pg. 18. The *Gaylord* court observes, "Thus, according to the Court in *Shulyer*; the inquiry into the extent of a privacy right was an objective, not subjective, one." *Id.* The *Gaylord* Court goes on to adopt that standard. The *Gaylord* Court then recognized the right to privacy of "death scene images":

In *National Archives and Records Admin. v. Favish*, 541 U.S. 157 (2004), the Supreme Court decided family members of a deceased person have a personal privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other "death-scene images." *Id.* at 170. The United States Supreme Court pointed to state supreme courts which have recognized privacy interests in autopsy records, and photographs of a deceased body. *See Id.* at 169 (citing *Reid v. Pierce County*, 961 P.2d 333, 342 (Wash.1998), *McCambridge v. Little Rock*, 766 S.W.2d 909, 915 (1989), and *Bazemore v. Savannah Hospital*, 155 S.E. 194 (Ga. 1930) (per curiam)). The Supreme Court discussed the long history at common law reflecting reverence for the dead and the views held by many that the body after death is sacred. *See Id.* Thus, courts have recognized the emotional impact of images of bodies being desecrated as a privacy interest protected against unwarranted invasion under 5 U.S.C. § 552(b)(7)(C). The Court held that release of the death-scene and autopsy photos of a lawyer for President Clinton who committed suicide in a public park would be an unwarranted invasion of that privacy interest.

...

As discussed above, the Supreme Court in *Favish* held the personal privacy interest mentioned in the FOIA includes a privacy interest in avoiding public disclosure of

photographs of their deceased family member's corpse and other death-scene images. A similar interest was recognized by the federal district court in *New York Times* regarding the Challenger astronauts' voices. As discussed above, recognizing this type of privacy interest is consistent with the common law dating back to *Schuyler* and with privacy protections afforded family members at common law today in Idaho and other states. This Court concludes the Idaho Legislature intended "personal privacy interest" in I.C. § 74-124(1)(c) to include a right vested in the family members of a deceased person to avoiding public disclosure of their deceased family member's corpse and other death-scene images in such a way that impugns the character of their deceased relative or their memory of them.

Id., pg. 21 and pp. 23-24.

In *Gaylord*, the body camera footage did not objectively rise to the level of impugning the character of Deputy Bolter or his family's memory of him because "Deputy Bolter is not visible or audible during the recordings." *Id.*, pg. 24. Objectively, the images would not cause emotional harm to Deputy Bolters' family members. *Id.* By contrast, the gruesome photographs in this case depict the decedents' blood and death scene. Disclosure of these images would amount to negligent infliction of emotional distress to the family members of the children, a recognized tort in Idaho. See, *Schrivver v. Raptosh*, 557 P.3d 398, 2024 Ida. LEXIS 109, 2024 LX 80636, 2024 WL 4395178. As recognized by the *Gaylord* Court, a tort claim is a basis to withhold these images. Further, releasing images of the interior of the home, with its many containers of alcohol and other items associated with "partying," impugns the character of the murdered children. It is reasonably objective to conclude that the worldwide media will interpret these images to speculate the children were raging partiers, abused alcohol and drugs and engaged in salacious activity.

The *Gaylord Court* instructs us to analyze "unwarranted invasion of personal privacy" under Idaho's tort law. Thus, if "a family member would be able to sue, either a private person or the government, in tort to prevent widespread publication of such private information or to remedy

the harm caused by its publication [u]nder those circumstances a government agency would be justified in denying a request to access public records under I.C. section 74-124(1)(c).” If the interior images of the house are disclosed, Plaintiff would have a claim of negligent infliction of emotional distress. The images of the murder scene, including the blood, are horrific and would objectively cause her emotional distress. Similarly, the images of alcoholic beverages, and other “partying” images will objectively distress them, particularly in this highly publicized case where the media frenzy has resulted in wild, salacious and speculative allegations about the children.

The *Gaylor* court goes on to say, “Liability for a claim of invasion of privacy by intrusion ‘must be based upon an intentional interference with the plaintiff’s interest in solitude or seclusion, either as to his person or as to his private affairs or concerns.’ *Uranga*, 138 Idaho at 553, 67 P.3d at 32; *Hoskins*, 132 Idaho at 317, 971 P.2d at 1141. Because the right of privacy is measured by the reasonable person standard, ‘[t]he right of privacy is relative to the customs of the time and place, and is determined by the norm of the ordinary person.’ *Jensen v. State*, 139 Idaho 57, 62 (2003) quoting 62A Am Jur 2d, Privacy § 40 (1990).” *Id.*, at 39. The Court also identifies the torts of “false light” and “appropriation” as bases to withhold information. *Id.*, at 40.

In the *Gaylor* decision, the Court applied these standards to Deputy Bolter’s body camera during a “traffic stop in a parking lot open to the public,” which does not depict the death scene, the Court concluded “A police-citizen interaction in a public place is not the kind of subject matter either Deputy Bolter or his family would have a right to keep private.” *Id.*, pg. 39. By contrast, photographs of the interior of the residence that depict the death scenes, alcoholic beverage containers, other “party images,” and private items such as underwear and the murdered children’s private lifestyle are images Plaintiff has a right to keep private. Disclosure of these would invade Plaintiff’s solitude and seclusion for a number of reasons, including: 1) some depict images of

blood spattered, pooled and dry of either Plaintiff's child or her friends; 2) images of the interior of the house depict numerous bottles and cans of alcoholic beverages and other "party" images that objectively could cast the decedents as abusing alcohol and potentially drugs; 3) images of the children's rooms depict personal items, including underwear, which intrudes into the personal life style of these children. And, as outlined above, disclosing the images of the interior of the home and the crime scene gives rise to a negligent infliction of emotional distress claim on the part of Plaintiff and, therefore, is a basis for the City to withhold these images from disclosure to the World.

For all the foregoing reasons, this Court should grant Plaintiff's Ex Parte Motion for a Temporary Restraining Order and permanent injunction against Defendant the City of Moscow.

DATED this 12th day of August, 2025. JAMES, VERNON & WEEKS, P.A.

BY: /s/ Leander L. James
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual; STACY
CHAPIN, an individual; JAMES CHAPIN,
an individual; and MAIZIE CHAPIN, an
individual,

Plaintiff,

vs.

the CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

MEMORANDUM IN SUPPORT OF
PRELIMINARY AND PERMANENT
INJUNCTION

COMES NOW Plaintiffs, by and through their attorney of record, Leander L. James of the firm James, Vernon & Weeks, P.A., and respectfully present the following in support of Plaintiffs' claim for a permanent injunction, enjoining the City of Moscow from releasing any images that are exempt under the Idaho Public Records Act (IPA), or the release of which would violate Plaintiffs' common law right to privacy.

I. FACTS

On November 13, 2022, Bryan Kohberger (Kohberger) stabbed to death Ethan Chapin, Madison Mogen, Kaylee Goncalves, and Xana Kernodle in the house where Madison, Kaylee, and

Xana resided and Ethan was visiting, 1122 King Road in Moscow, Idaho. Amended Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order and Injunction (S. Chapin Dec.), pars. 1 and 2. The Moscow City Police Department (MPD) investigated the murders, taking at least 186 photographs and body-worn camera footage of the crime scene. Declaration of Laurie M. Hopkins (Hopkins Dec.), pars. 11 and 13. These images were provided to the Court in camera on or about August 13, 2025. *Id.*, par. 11.

Prior to the City's disclosure of images, none of the images were placed into the public domain. None were admitted into evidence since the criminal case against Kohberger was resolved with a plea agreement, conviction and commitment. *State of Idaho v. Bryan C. Kohberger*, Ada County Case No. CR01-24-1665, Judgement of Conviction and Commitment (July 23, 2025). The Laramies and the Chapins supported the plea agreement in part to avoid the trauma of these images becoming public at trial.

The case of *State of Idaho v. Bryan C. Kohberger* "garnered worldwide interest." Order Granting Plaintiff's Motion for Temporary Restraining Order, pg. 2, on file. Prior to July 23, 2025, the City of Moscow (City) received public record requests for any and all investigatory records related to the Kohberger investigation. Hopkins Dec, par. 5. Since July 23, 2025, the City has received over 1,150 Public Records Requests for the MPD's investigative records involving the Kohberger investigation. *Id.* The 1,150 requesters ask for crime scene photographs, 911 calls, police reports, body-worn camera footage, witness statements, autopsy reports, investigatory records and all evidence collected during the investigation. *Id.*

Two Hundred Fifty (250) of the requesters make broad requests for the crime scene photographs, including those taken during the investigation. *Id.*, par. 6. A minimum of 100 requesters have made broad requests for the body camera footage of the initial responding police

officers, including a request for all video footage taken and collected during the investigation. *Id.*, par. 7. Fifty (50) of the requesters appear to be associated with national media organizations, local and regional news, crime shows and podcasts. *Id.*, par. 8. The remaining requesters do not indicate their employment affiliation. *Id.*

The City has at least 186 photographs taken by the MPD during the early stages of the investigation into the murders. *Id.*, par. 11. The City blurred certain parts of these photographs, but not others. *Id.* The City blurred depictions of the victims' bodies, but did not otherwise blur or blackout the interior of the house or the locations where the victims were found. *Id.*, pars. 11 and 13. The City purports to have "blur[red] out any depictions of the bodies of any of the victims" (*Id.* par. 11); however, in the photographs and video camera footage, images are partially visible under the blurring. See images under seal reviewed by the Court in camera.¹ On August 7, 2025, the City disclosed these photographs to one requester of the 250 parties that had requested crime scene photographs in the City's possession. Hopkins Dec, par. 12. On August 21, 2025, the City disclosed Officer Nunes's bodycam video, with some blurring, directly to a requesting party with plans to disclose this same video to additional requesters as time permits. *Id.*, par. 15. The City provided further blurred photographs to additional requesters on August 18, 2025, and it will continue to provide these directly to requesters as time permits. *Id.*

Stacy Chapin, the mother of Ethan Chapin, saw what she believes are Ethan's feet in an image she inadvertently saw online. S. Chapin Dec., par. 6. Some of these photographs and body camera video footage depict the death scenes; pools of blood; blood splattered on walls, furniture, the floor and other locations;² images of the bodies under covers surrounded by blood, including

¹ These include images 423-604 and four body camera videos, including those of Officers Nunes, Blaker and Gunderson.

² For example, see images under seal 493-494, 497-505, 545-548, 550-560 and video footage of death scenes.

images of a bedspread outline of one of the decedent's knees;³ images of the victims' personal items; an unflushed toilet;⁴ images of the interior of Maddie, Kaylee, and Xana residence, including their personal items, underwear and other clothes, beds, and ID card and other personal items; video footage of witnesses sobbing, wailing; and other personal and emotionally charged images and video footage audio. See images under seal reviewed by the Court in camera.

On August 11, 2025, the City's Attorney contacted the Attorney for Karen Laramie and informed him that images of the Moscow murder scenes had been disseminated to the media, specifically the news station KTVB, and that the City intended to disseminate additional images and body cam footage to the media. Declaration of Leander L. James in Support of Temporary Restraining Order (James Dec.), par. 2. On August 11, 2025, the City provided Ms. Laramie's Attorney with copies of images and video. *Id.*, par. 3. In the early morning of August 12, 2025, Ms. Laramie's Attorney wrote the City Attorney a detailed email with legal analysis explaining why certain images are exempt from disclosure under the IPA. *Id.*, par. 4. The City's attorney responded that the City would continue to disclose the image, video and audio media containing personal and private information in the coming days. *Id.*

The City's disclosure of the photographs and video footage, and the prospect of further disclosure of the photographs and video footage, have caused Plaintiffs and Hunter Chapin extreme emotional distress with physical manifestations. Laramie Dec., S. Chapin Dec., and Amended Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction (M. Chapin Dec.), generally. The physical manifestations include sleep disturbance, shaking and sobbing. S. Chapin Dec., par. 12, M. Chapin Dec., par. 7. Jim and Stacy inadvertently encountered a death scene photograph online on August 7, 2025, with no warning

³ For example, see images 550-558.

⁴ Image 492.

that these images had been released. S. Chapin Decl., par. 6. This resulted in trauma and horror for Jim and Stacy Chapin and continued to reopen their wound over the death of Ethan. *Id.* They live in fear that the City will release additional images to the World. *Id.*, par. 8. Jim, Stacy, Maizie and Huner live in fear of seeing more of these images online. *Id.*

The release of these photographs and video footage is an invasion into the privacy of Plaintiffs and Hunter Chapin. S. Chapin Dec., pars. 12 and 18; M. Chapin Dec., pars. 15 and 21; Laramie Dec., par. 10. Release of these photographs and video footage has and will cause Plaintiffs and Hunter Chapin irreparable and permanent harm. S. Chapin Dec., par. 19; M. Chapin Dec., pars. 8, 11, 18, 19, 20; Laramie Dec., par. 10 and 11.

II. RELEVANT PROCEDURAL HISTORY

On August 12, 2025, Karen Laramie, the mother of Maddison Mogen, filed a verified Complaint for injunctive relief, an Ex Parte Motion for Temporary Restraining Order under I.R.C.P. 65(b), the James Dec., and Karen Laramie's Declaration in Support of Motion for Temporary Restraining Order. Documents on file. Although Laramie requested an "ex parte" temporary restraining order, Laramie's counsel had been in contact with the City's attorney and provided the City with notice and a copy of the filings.

Because parties' counsel have been in communication regarding the temporary restraining order request and the representations made throughout the criminal case concerning the overwhelming volume of evidentiary materials reviewed by the attorneys for the State of Idaho and the criminal defendant, the Court found it prudent to have an "in chambers" zoom meeting with Laramie's counsel and the City's counsel on August 13, 2025, to discuss more specifically the

volume, scope, and type of investigatory materials the City intends to release as it relates to Laramie's claim.

Following the meeting and upon the parties' agreement, the City provided the Court four redacted videos and approximately 181 redacted photographs for "in-camera" review. Due to the immediacy of the restraining order request as outlined in ILR.C.P. 65 and the non-ex parte nature of Laramie's filing, the City was afforded the opportunity to provide a response to the motion for temporary restraining order and did so on August 14, 2025. On August 15, 2025, having reviewed the relevant pleadings, the Court granted Plaintiff's Temporary Restraining Order, prohibiting the City "from disclosing any images, audio, or video depicting the inside of Madison Mogen's bedroom." Order Granting Plaintiff's Motion for Temporary Restraining Order, on file.

On August 18, 2025, Plaintiff filed the Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order. On August 23, 2025, Plaintiffs filed their First Amended Complaint, adding Stacy Chapin, James Chapin and Maizie Chapin as plaintiffs. On August 23, 2025, Plaintiffs filed the Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction. On August 26, 2025, Defendant filed the Declaration of Laurie M. Hopkins. On August 26, 2025, Plaintiffs filed the Amended Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction and the Amended Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order and Injunction.

On August 25, 2025, the Parties filed a Stipulation of the Parties Submitting This Matter for a Decision on the Permanent Injunction Based on the Declarations, Pleadings and Briefing on File. On August 26, 2025, Defendant filed its Response to Motion for Preliminary Injunction or Other Relief. On August 26, 2025, the Court ordered that a hearing on the Permanent Injunction will take place on August 28, 2025 via Zoom, live streamed to the public, and per the Stipulation

of the Parties, the declarations and verified pleadings submitted are admissible evidence to be considered by the Court.

III. LEGAL STANDARD

The Court has the power to grant injunctive relief. I.R.C.P. 65.

Preliminary injunctions are designed to protect clearly established rights from imminent or continuous violation during litigation. *See Gordon v. U.S. Bank Nat'l Ass'n*, 166 Idaho 105, 455 P.3d 374, 384 (2019) (quoting *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997)) ("A district court should grant a preliminary injunction 'only in extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal.'"). A permanent injunction, on the other hand, is entered at the resolution of the case, and requires a showing of threatened or actual irreparable injury; in addition, in order to deny a permanent injunction the trial court must be persuaded that there is "no reasonable expectation that the wrong will be repeated." *O'Boskey*, 112 Idaho at 1007, 739 P.2d at 306. In other words, a trial court may appropriately deny a preliminary injunction at the outset of a case when there are complex issues of fact and law yet to resolve, but correctly grant a permanent injunction once those issues have been resolved in favor of the plaintiff. The two types of injunction serve different purposes and the distinction between the two and the different tests to be applied to them should not be conflated.

Gem State Roofing, Inc. v. United Components, Inc., 168 Idaho 820, 834-835, 488 P.3d 488, 502-503 (2021). "[I]rreparable injury is any impossible to repair injury . . ." *McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835, (2012).

IV. LAW

The IPA grants a general right to the public to examine and copy public records of the state. I.C. § 74-102(1). "Under the Act, public records are presumed 'open unless provided otherwise by statute.'" *Cover v. Idaho Bd. of Corr.*, 167 Idaho 721, 727, 476 P.3d 388, 394 (2020), citing *Wade v. Taylor*, 156 Idaho 91, 97, 320 P.3d 1250, 1256 (2014). "A public agency or independent public body corporate and politic shall either grant or deny a person's request to examine or copy public records" within specified time periods. I.C. §74-103(2).

Bases for denial include exemptions set forth in Idaho Code § 74-124(1)(c), which provides in pertinent part:

(1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:

...

(c) Constitute an unwarranted invasion of personal privacy.

...

Id.

An "unwarranted invasion of personal privacy" means:

(i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or

(ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

Independent of the IPA, Plaintiffs have a common law right of privacy. The Idaho Supreme Court has articulated four categories of invasion of privacy:

This Court has recognized four categories of invasion of privacy: (1) Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs; (2) Public disclosure of embarrassing private facts about the plaintiff; (3) Publicity which places the plaintiff in a false light in the public eye; and (4) Appropriation, for the defendant's advantage, of the plaintiff's name and likeness. *Hoskins v. Howard*, 132 Idaho 311, 971 P.2d 1135 (1999).

Uranga v. Federated Publs., Inc., 138 Idaho 550, 553, 67 P.3d 29, 32 (2003).

V. ARGUMENT

A. Defendant did not redact the images.

Defendant contends “these photographs blur out any depiction of the victims’ bodies, and remove the, [sic] names, faces of any non-sworn law enforcement officers, and any other personal identifying information.” Response to Motion for Preliminary Injunction or Other Relief (Defendant’s Response), pg. 4. Regarding the bodycam videos, Defendant similarly contends “redactions to those videos prepared at that time blurred out any images of the victims’ bodies, and other personal identifying information concerning anyone depicted in them who was not a sworn law enforcement officer. Defendant’s Response, pg. 5.

Plaintiffs respectfully contend that these statements are not accurate because: 1) the images, including the slain victims, are still present in the photographs and videos and can be partially seen through the blur; and 2) blood, which is biologically a part of the victims’ bodies, is clearly visible. Indeed, would Defendants contend that in an investigation of a murder where the hand is severed from the body that blurring the body except for the hand constitutes blurring “out *any* depiction of the victims’ bodies.” (Emphasis added). No. Defendant fails to appreciate that it did not blur out an important part of the victims’ bodies in this case: their blood.

Other images, such as the video and audio of a sobbing witness, are not sufficiently redacted to hide the identity of the person, and they tragically display the witness's emotional harm with physical manifestations (sobbing).

Blurring is not redacting. “The process of redaction is when a document is modified, edited or revised to have *all confidential and sensitive information* taken out of it.” <https://thelawdictionary.org/redaction/> (emphasis added). While the City claims it “redacted” certain images, the fact is that the images are still there, only blurred. Blurring

an image is not taking out “all confidential and sensitive information.” *Id.* The information, such as the dead bodies, is still there, merely harder to see. As Plaintiff Stacy Chapin explains, “We assure you that seeing a redacted photo is just as traumatizing because our son is still in the picture, clear or not. They are heartbreaking and continue to reopen a wound that has yet to heal.” S. Chapin Dec., par. 6. Further, these blurred images can surely be used to “identify or locate” the victim, which is violative of IC. § 74-101(17)(a)(i).

The City should be ordered to completely remove all confidential and sensitive information, not just blur it. The City should further redact all images of the death scene and the victims’ blood.

B. The City, and by extension this Court, has an affirmative duty to apply the IPA’s exemptions to all images falling within the exemption.

The City is not entirely incorrect to say it “is required by law to disclose investigatory records on request, unless it is demonstrated that a specific exception to disclose applies.” Defendants' Response, pg. 8. The IPA does not require a “demonstration” by someone that an exception applies. To the contrary, the plain language of the IPA places an affirmative duty on the City to “either grant or deny a person’s request to examine or copy public records” within specified time periods. I.C. §74-103(2). The word “shall” is mandatory, requiring the City, and by extension, this Court, to determine whether to grant a request or deny it. *Id.* The reason for denying the request is that a given record falls within an exemption under the IPA; therefore, the City has an affirmative duty to determine whether an exemption applies to any of the photographs and bodycam video in this case. The obligation is triggered when any person

makes a request. *Id.* It is not triggered by someone coming forward and “demonstrating” that an exception applies.

This point can be emphasized by a simple analogy. Imagine an officer enters a private residence to investigate a potential crime with a body camera recording and happens upon a naked girl coming out of a shower. Under I.R.C.P. §74-124(1)(c), the images of the naked girl are exempt from disclosure because they are an unwarranted invasion of personal privacy. Upon any request for them, the agency “shall deny a person's request to examine or copy” them. I.C. §74-103(2). The girl does not have to come forward and file a lawsuit, as the Plaintiffs did in this case, to trigger the agency’s duty to apply the statute. The duty to correctly apply the IPA is triggered when there is a request under the plain language of the statute.

Further, the analysis of whether disclosing the images is an unwarranted invasion is an “objective” analysis, not subjective. *Gaylord v. Clifford, supra*. Thus, even if the girl came forward and said she had no problem with the disclosure of the naked images, the agency would be bound to withhold them because any reasonable person would find the disclosure to be an unwarranted invasion of the person’s privacy.

Finally, Defendants cite *Wade v. Taylor*, 156 Idaho 91, 320 P.3d 1250 (2014) for the proposition that “the party opposing disclosure generally ‘has the burden of demonstrating that the records are exempt from disclosure.’” Response, pg. 10. That’s not what the Court in *Wade* said. The Court concluded that, “*the party withholding disclosure* has the burden to show a reasonable probability that disclosure of the investigatory records would result in one or more of the harms identified by Idaho Code section 9-335(1)(a)-(f).” *Wade v. Taylor*, 156 Idaho 91, 96, 320 P.3d 1250, 1255 (2014) (emphasis added). Plaintiffs are not the “party withholding

disclosure.” *Id.* Plaintiffs are injured parties seeking to enjoin the party disclosing the images from disclosing them.

Thus, the City, and by extension this Court, has the affirmative duty to examine the images in the photographs and body camera video, and the audio in the videos and determine under an objective standard which are subject to the unwarranted invasion of personal privacy exception.

C. Plaintiffs have standing, and Disclosure of death scene images constitutes an unwarranted invasion of Plaintiffs’ personal privacy under the IPA, warranting a permanent injunction prohibiting the City from disclosing any death scene images.

Defendant questions Plaintiffs’ “standing” to bring this action, citing I.C. §74-101(17)(ii). Defendant’s Response, pg. 12. First, Defendant overlooks that subsection (i) applies because, as explained further herein, disclosure of the death scene images can be used to identify or locate a victim of an alleged crime of mass violence or physical abuse. The bodies are located in the images.

Second, regarding subsections (i) and (ii), Defendant wrongfully assumes that parents and siblings of a deceased person are not “victims.” The IPA does not define the word “victim.” Immediate family members of homicide victims are treated as victims in other parts of the Idaho Code. See I.C. 19-5306(3). It is reasonable to interpret the word “victim” in the IPA as similarly including immediate family members. Under subsection (i), the disclosure of information may be used by those on the internet to “harass” the immediate family members, I.C. §74-101(17)(i), as bloggers and others have already done to them and witnesses. Under

subsection (ii), as discussed further herein, the disclosure is an unwarranted invasion of the immediate family members' privacy.

Third, subsection (ii) applies to the "person identified." Defendant seems to assume this term means only the murder victims in this case, but the statute does not use the word "victim." A reasonable statutory interpretation is that "the person identified" is the person who is identified as having their privacy interests violated. The persons identified in this case whose privacy interests are being violated are the immediate family members.

Fourth, it does not make sense to interpret the IPA to mean the Legislature did not want immediate family members in death cases to have a right to privacy under the exemption when the Legislature gave immediate family members the right to victim compensation under I.C. 19-5306.

Fifth, as set forth in the *Gaylord* analysis, and adopted by this Court, in death cases, the privacy interests are held by the family members. *Gaylord, supra*.

This Court has correctly determined that disclosure of death scene images is an unwarranted invasion into the personal privacy of the family members:

[T]he U.S. Supreme Court has held that the federal Freedom of Information Act ("FOIA") recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." *Nat'l Archives & Recs. Admin. v. Favish*, 541 U.S. 157, 170, 124 S. Ct. 1570, 1579, 158 L. Ed. 2d 319 (2004). And most recently, another Idaho District Court in Ada County found that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24- 17522 (Memorandum Decision and Order, dated March 14, 2025). Therefore, the "weighty privacy interests" family members have in "death-scene images" of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an "unwarranted" invasion of privacy. *Id.* at 171, 124 S. Ct. at 1580.

In this particular case, Laramie has a recognized privacy interest in preventing disclosure of images or videos depicting her deceased daughter and the "death scene" that would impugn the character of her daughter or her memory of her daughter.

Laramie v. City of Moscow, Order Granting Plaintiff's Motion for Temporary Restraining Order, pg. 9 (August 15, 2025).

Plaintiffs' right to privacy under the IPA is codified in Idaho Code § 74-124(1)(c), *supra.*, and I.C. § 74-101(17)(a)(i) and (ii), *supra.* These images are violative of I.C. § 74-101(17)(a)(i) because disclosure of the information may be used to "identify [or] locate a victim of an alleged crime of mass violence or . . . a victim of physical . . . abuse." The victims are in the images, even if they have been blurred, and one can use the images to identify and locate them. The images are violative of I.C. § 74-101(17)(a)(ii), because, as the Court has found, disclosure of them "is likely to violate the legitimate and substantial privacy interests" of the decedents' family members "when such interests are weighed against the general public information." *Id.*

Contrary to Defendants' contention that Plaintiffs' "have not demonstrated why their interests outweigh the public interest in disclosure" (Response, pg. 13), Plaintiffs have placed ample evidence into the record to so demonstrate. Plaintiffs are enduring severe emotional harm with physical manifestations, and this harm will only worsen as more death scene images and other images are released. Plaintiffs' privacy interests in not having their family members' death scene images circulated around the world are high, especially because the release of these images has and will cause them irreparable and permanent harm in the form of severe emotional distress with physical manifestations. By contrast, the public's interest in seeing pools of blood, dead bodies under covers and blurred images of the bodies is low, particularly considering the autopsy reports have already been released detailing their wounds and how they died. At most,

the public may have an interest in seeing the “knife sheath” that led to Koghberger’s arrest, but that image can be shown without showing any of the death scene by simply blocking out the death scene around it.

Images of the bedrooms where the murders took place are death scene images clearly showing pools of blood; blood splattered on walls, furniture, the floor and other locations; images of the victim’s bodies under covers; an image of Ethan’s feet; an image of a bedspread outline of one of the decedent’s knees; and other images. Disclosure and planned disclosure of these images have and will cause the Plaintiffs severe emotional distress with physical manifestations. The emotional damages are real, palpable, understandable and irreparable. For example, Plaintiffs now live with the knowledge that death scene images are circulating on the internet and the fear that Plaintiffs may inadvertently encounter them. They live with the fear that the City may disclose more gory images of their loved ones’ murder scenes. Plaintiffs have encountered some of these images online and likely will encounter others. Once seen, they cannot be unseen. Once this irreparable harm occurs, it cannot be undone, warranting a permanent injunction. I.R.C.P. 65, *McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835, (2012).

While the Court limited its TRO ruling to images of Karen Laramie’s daughter, the City has since applied the ruling to the death scene images of Ethan Chapin, thus indicating the City has determined that disclosing those images may be an invasion of the privacy interests of Ethan’s parents and siblings. Further, Ethan’s parents and sister have now joined this action as plaintiffs, and the Court’s analysis of Karen Laramie’s privacy interests applies equally to their

privacy interests. The Court should extend the TRO or the temporary or permanent Injunction, if granted, to Ethan's family members.

D. Disclosure of death scene images constitutes an unwarranted invasion of Plaintiffs' common law right to privacy.

In *Reid v. Pierce County*, 136 Wn.2d 195, 961 P.2d 333, (1998), Plaintiffs, relatives of deceased persons, filed an action against defendants, a county and its employees, alleging that defendants' appropriation and displaying to others photographs of corpses of plaintiffs' deceased relatives constituted negligent infliction of emotional distress, the tort of outrage, a violation of their state rights of privacy, and a common law invasion of privacy. The Washington Supreme Court reversed the superior court's grant of summary judgment against plaintiffs on the common law invasion of privacy claim because the immediate relatives of the deceased had a protectable privacy interest in the autopsy records and photographs of the decedents. The Court observed, "We fail to see how autopsy photographs of the Plaintiffs' deceased relatives do not constitute intimate details of the Plaintiffs' lives or are not facts Plaintiffs do not wish exposed "before the public gaze." *Reid v. Pierce County*, 136 Wn.2d at 210, 961 P.2d at 341 (1998).

Idaho has recognized the common law tort of invasion of privacy:

This Court has recognized four categories of invasion of privacy: (1) Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs; (2) Public disclosure of embarrassing private facts about the plaintiff; (3) Publicity which places the plaintiff in a false light in the public eye; and (4) Appropriation, for the defendant's advantage, of the plaintiff's name and likeness. *Hoskins v. Howard*, 132 Idaho 311, 971 P.2d 1135 (1999).

Uranga v. Federated Publs., Inc., 138 Idaho 550, 553, 67 P.3d 29, 32 (2003).

Plaintiffs respectfully contend that disseminating death image photographs of their children and siblings (no matter how blurred) is an intrusion into their seclusion, solitude and private affairs.

E. The Court's reliance on *Gaylord v. Clifford* is sound.

The Court's TRO analysis incorporated the well-researched and well-reasoned opinion of *Gaylord v. Clifford et al.*, Case No. CV01-24-17522 (Ada County Dist. Ct., March 14, 2025), Memorandum Decision Granting Petition for Order to Disclose Public Records. In *Gaylord*, the Hon. Judge Johnathan Medema describes the contents of the body camera footage in detail. In doing so, the Court makes several important factual observations: 1) Deputy Bolter's "injuries are not visible on the camera, and he cannot be heard saying anything"; 2) "The video shows only blue sky with light clouds"; 3) "[The body camera] comes to rest a few feet away, still pointing at the sky . . . It shows mostly sky." 4) "**Deputy Bolter is never visible, nor are any of his injuries.**" *Id.*, at 7-9 (emphasis added).

Images such as images 493, 494 and 497-560 depict injuries (blood pooled, splattered and dried is part of a stab injury) and part of a person's body (their blood). The *Gaylord* Court further observes that the body camera footage was taken by a public officer during a "traffic stop in a parking lot open to the public." *Id.*, at 39. By contrast, there are photographs in this case depicting the private interior of the residence, including personal items of the decedents.

The *Gaylord* Court, citing *Schuyler v. Curtis* 42 N.E. 22 (N.Y. 1985), observed that in that case the "surviving relatives had a right to protect the 'character' or memory of a deceased relative' from being interfered with." *Gaylord v. Clifford*, supra, pg. 18. The *Gaylord* court observes, "Thus, according to the Court in *Shulyer*; the inquiry into the extent of a privacy right was an objective, not subjective, one." *Id.* The *Gaylord* Court goes on to adopt that standard. The *Gaylord* Court then recognized the right to privacy of "death scene images":

In *National Archives and Records Admin. v. Favish*, 541 U.S. 157 (2004), the Supreme Court decided family members of a deceased person have a personal

privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other "death-scene images." *Id.* at 170. The United States Supreme Court pointed to state supreme courts which have recognized privacy interests in autopsy records, and photographs of a deceased body. *See Id.* at 169 (citing *Reid v. Pierce County*, 961 P.2d 333, 342 (Wash.1998), *McCambridge v. Little Rock*, 766 S.W.2d 909, 915 (1989), and *Bazemore v. Savannah Hospital*, 155 S.E. 194 (Ga. 1930) (per curiam)). The Supreme Court discussed the long history at common law reflecting reverence for the dead and the views held by many that the body after death is sacred. *See Id.* Thus, courts have recognized the emotional impact of images of bodies being desecrated as a privacy interest protected against unwarranted invasion under 5 U.S.C. § 552(b)(7)(C). The Court held that release of the death-scene and autopsy photos of a lawyer for President Clinton who committed suicide in a public park would be an unwarranted invasion of that privacy interest.

...

As discussed above, the Supreme Court in *Favish* held the personal privacy interest mentioned in the FOIA includes a privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other death-scene images. A similar interest was recognized by the federal district court in *New York Times* regarding the Challenger astronauts' voices. As discussed above, recognizing this type of privacy interest is consistent with the common law dating back to *Schuyler* and with privacy protections afforded family members at common law today in Idaho and other states. This Court concludes the Idaho Legislature intended "personal privacy interest" in I.C. § 74-124(1)(c) to include a right vested in the family members of a deceased person to avoiding public disclosure of their deceased family member's corpse and other death-scene images in such a way that impugns the character of their deceased relative or their memory of them.

Id., pg. 21 and pp. 23-24.

In *Gaylord*, the body camera footage did not objectively rise to the level of impugning the character of Deputy Bolter or his family's memory of him because "Deputy Bolter is not visible or audible during the recordings." *Id.*, pg. 24. Objectively, the images would not cause emotional harm to Deputy Bolters' family members. *Id.* By contrast, the gruesome photographs in this case depict the decedents' blood and death scene. Disclosure of these images would amount to negligent infliction of emotional distress to the family members of the children, a recognized tort

in Idaho. See, *Schrivver v. Raptosh*, 557 P.3d 398, 2024 Ida. LEXIS 109, 2024 LX 80636, 2024 WL 4395178. As recognized by the *Gaylord* Court, a tort claim is a basis to withhold these images. Further, releasing images of the interior of the home, with its many containers of alcohol and other items associated with “partying,” impugns the character of the murdered children. .

The *Gaylord Court* instructs us to analyze “unwarranted invasion of personal privacy” under Idaho’s tort law. Thus, if “a family member would be able to sue, either a private person or the government, in tort to prevent widespread publication of such private information or to remedy the harm caused by its publication [u]nder those circumstances a government agency would be justified in denying a request to access public records under I.C. section 74-124(1)(c).” If the interior images of the house are disclosed, Plaintiff would have a claim of negligent infliction of emotional distress. The images of the murder scene, including the blood, are horrific and would objectively cause her emotional distress. Similarly, the images of alcoholic beverages, and other “partying” images will objectively distress them, particularly in this highly publicized case where the media frenzy has resulted in wild, salacious and speculative allegations about the children.

The *Gaylord* court goes on to say, “Liability for a claim of invasion of privacy by intrusion ‘must be based upon an intentional interference with the plaintiff’s interest in solitude or seclusion, either as to his person or as to his private affairs or concerns.’ *Uranga*, 138 Idaho at 553, 67 P.3d at 32; *Hoskins*, 132 Idaho at 317, 971 P.2d at 1141. Because the right of privacy is measured by the reasonable person standard, ‘[t]he right of privacy is relative to the customs of the time and place, and is determined by the norm of the ordinary person.’ *Jensen v. State*, 139 Idaho 57, 62 (2003) quoting 62A Am Jur 2d, Privacy § 40 (1990).” *Id.*, at 39. The Court also identifies the torts of “false light” and “appropriation” as bases to withhold information. *Id.*, at 40.

In the *Gaylord* decision, the Court applied these standards to Deputy Bolter's body camera during a "traffic stop in a parking lot open to the public," which does not depict the death scene, the Court concluded "A police-citizen interaction in a public place is not the kind of subject matter either Deputy Bolter or his family would have a right to keep private." *Id.*, pg. 39. By contrast, photographs of the interior of the residence that depict the death scenes, alcoholic beverage containers, other "party images," and private items such as underwear and the murdered children's private lifestyle are images Plaintiff has a right to keep private. Disclosure of these would invade Plaintiff's solitude and seclusion for a number of reasons, including: 1) some depict images of blood spattered, pooled and dry of either Plaintiff's child or her friends; 2) images of the interior of the house depict numerous bottles and cans of alcoholic beverages and other "party" images that objectively could cast the decedents as abusing alcohol and potentially drugs; 3) images of the children's rooms depict personal items, including underwear, which intrudes into the personal life style of these children. And, as outlined above, disclosing the images of the interior of the home and the crime scene gives rise to a negligent infliction of emotional distress claim on the part of Plaintiff and, therefore, is a basis for the City to withhold these images from disclosure to the World.

VI. CONCLUSION

For all the foregoing reasons, this Court should grant Plaintiffs' request for a permanent injunction, enjoining Defendant from releasing any more images that are exempted under the IPA, including the death scene images.

DATED this 27th day of August, 2025 JAMES, VERNON & WEEKS, P.A.

BY: /s/ Leander L. James
LEANDER L. JAMES
Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE,

Plaintiff,

vs.

The CITY OF MOSCOW, a municipal
corporation,

Defendant.

)
) Case No. CV29-25-0755
)
)

) ORDER GRANTING PLAINTIFF'S
) MOTION FOR TEMPORARY
) RESTRAINING ORDER
)
)
)
)

This matter is before the Court on Plaintiff, Karen Laramie's ("Laramie") Ex Parte Motion for Temporary Restraining Order. Laramie seeks to temporarily restrain and permanently enjoin the Defendant, City of Moscow ("City"), from releasing records related to the homicide that took place in November 2022 pursuant to I.R.C.P. 65 and I.C. §74-124(1)(c).

I. BACKGROUND

On November 13, 2022, four University of Idaho students were tragically murdered in Moscow, Idaho.¹ The events took place at 1122 King Road, a private home shared by the victims, one of whom was Madison Mogen ("Mogen"). In the hours and days following the incident, multiple law enforcement agencies partnered to investigate and process the crime scene. Among the first to respond was the Moscow Police Department ("MPD"). As part of the investigation, videos,

¹ For purposes of this Ex Parte Motion for Temporary Restraining Order, the Court will not recount in detail the horrific facts of the underlying criminal matter except to the extent necessary to address Laramie's motion.

photographs, reports, and other evidentiary materials were generated, which ultimately led to the Defendant's arrest.

For a multitude of reasons, the criminal case garnered worldwide interest. Shortly after the November 13, 2022, the City of Moscow ("City") began receiving public records requests seeking to obtain any or all materials related to the case. Until July 2, 2025, the criminal case was pending trial, and until July 17, 2025, a non-dissemination order was in place, which prevented the disclosure of certain records to preserve the parties' right to a fair trial. Initially, the City denied requests to disclose records pursuant to I.C. §§74-124(1)(a) ("production would interfere with enforcement proceedings") and (1)(b) ("production would deprive a person of a right to a fair trial or an impartial adjudication"). On July 23, 2025, a Judgment of Conviction and Commitment was entered concluding the criminal proceeding.

To date, the City has received nearly 1,000 public records requests for any or all information related to the criminal investigation. Because the criminal matter has concluded, the City is working to respond to these voluminous requests, and so far, has provided redacted police officer reports made available via a weblink and on August 11, 2025, disclosed approximately 181 redacted photographs from the crime scene taken by MPD to a particular requestor. On August 11 or 12, 2025, the City provided copies of these redacted photographs and certain redacted video to Laramie's counsel and informed counsel that the City would be disclosing the redacted videos, including redacted body camera ("bodycam") videos from MPD officers that depict the crime scene, as well as other materials within the coming days. Upon reviewing the photographs and video provided, Laramie's counsel emailed a response to the City objecting to the release of any additional materials in the case.

On August 12, 2025, Laramie, Mogen's mother, filed a Complaint for "an injunction restraining the City of Moscow from releasing further images related to the homicide investigation of

Plaintiff's daughter." Specifically, Laramie seeks an injunction preventing the City from releasing: "(1) images of the interior of Madison Mogen's residence; (2) images of the murder scenes, including images of pools of blood, blood splatters and dried blood; (3) images of the personal property and items of the victims of the homicides found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items; (4) images of witnesses, including hugging each other and sobbing; (5) video and audio media containing sounds of the witnesses, including sounds of them sobbing; and (6) video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions." Laramie argues the City's release of such photographs, videos, and audio constitutes an "unwarranted invasion of personal privacy," which has caused or will cause her "extreme emotional distress with physical manifestations" and which "may cause the public to disparage or blame the victims of this tragic crime."

Along with her Complaint, Laramie filed an Ex Parte Motion for Temporary Restraining Order under I.R.C.P. 65(b). Although Laramie requests an "ex parte" temporary restraining order, Laramie's counsel has been in contact with the City and its attorney(s) and provided the City with notice and a copy of the filing. Because parties' counsel have been in communication regarding the temporary restraining order request and the representations made throughout the criminal case concerning the overwhelming volume of evidentiary materials reviewed by the attorneys for the State of Idaho and the criminal defendant, the Court found it prudent to have an "in chambers" zoom meeting with Laramie's counsel and the City's counsel on August 13, 2025 to discuss more specifically the volume, scope, and type of investigatory materials the City intends to release as it relates to Laramie's claim. Following the meeting and upon the parties' agreement, the City provided the Court four redacted videos and approximately 181 redacted photographs for "in-camera" review.

As noted previously, the City has already disclosed the redacted photographs prior to Laramie's complaint being filed, but is waiting to release the videos and other materials pending the Court's ruling. Additionally, due to the immediacy of the restraining order request as outlined in I.R.C.P. 65 and the non ex-parte nature of Laramie's filing, the City was afforded the opportunity to provide a response to the motion for temporary restraining order and did so on August 14, 2025. Now, having reviewed the relevant pleadings, the Court issues the following order granting Laramie's Ex Parte Motion for Temporary Restraining Order.

II. LAW

Pursuant to Rule 65 of the Idaho Rules of Civil Procedure, a party may petition the court for an injunction and/or restraining order in a civil proceeding. Rule 65(b) allows a court to issue a temporary restraining order pending a hearing for injunctive relief without notice to the adverse party if: "(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damages will result to the movant before the adverse party can be heard in opposition; and (B) the movant or the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." I.R.C.P. 65(b). If a temporary restraining order is issued without notice, or "ex-parte," the adverse party may appear and move to dissolve or modify the temporary order. I.R.C.P. 65(b)(4).

A court may grant a preliminary injunction after the adverse party has received notice if the moving party establishes one of the grounds for issuing injunctive relief set forth in I.R.C.P. 65(e)(1)-(5). One ground for issuing a preliminary injunction is "when it appears by the complaint that the plaintiff is entitled to the relief demanded, and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually." I.R.C.P. 65(e)(1). Alternatively, a preliminary injunction may be granted where the party seeking the

injunction demonstrates it will suffer great or irreparable injury during the litigation if the injunction is not granted, or where the party seeking the injunction will have his or her rights violated by the defendant's actions during the litigation rendering the requested judgment ineffectual. I.R.C.P. 65(c)(2) and (c)(3).

"A preliminary injunction 'is granted only in extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal.'" *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997) (quoting *Harris v. Cassia County*, 106 Idaho 513, 518, 681 P.2d 988, 993 (1984)). Irreparable injury is any injury that is impossible to remedy or repair. See *McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835 (2012). This standard requires the moving party to show a "substantial likelihood of success" on its underlying claims, thereby illustrating that the moving party is entitled to the relief sought. *Planned Parenthood Great Nw. v. State*, 172 Idaho 321, 326, 532 P.3d 801, 806 (2022).

"Whether to grant or deny a preliminary injunction is a matter for the discretion of the trial court." *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997). However, "a preliminary injunction is the 'strong arm of equity' which, as an extraordinary remedy, must be exercised with great restraint." *Planned Parenthood Great Nw.*, 172 Idaho at 325, 532 P.3d at 805. If a preliminary injunction or restraining order is issued, the movant must "give security in an amount that the court considers proper to pay the costs and damages, including reasonable attorney's fees, sustained by any party found to have been wrongfully enjoined or restrained." I.R.C.P. 65(c).

III. ANALYSIS

In accordance with the Idaho Public Records Act, there is a presumption that all public records in this state are open for inspection except as otherwise provided by statute. I.C. § 74-102(1). "Public record" is defined as "any writing containing information related to the conduct or administration of

the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics." I.C. § 74-101(13). Every person has a right to examine and take a copy of such public records. I.C. § 74-102(1). "[T]he motivation of the person requesting the public record is irrelevant. The public's right, and consequently, any individual person's right, to inspect a public record is conditioned solely on whether the document is a public record that is not expressly exempted by statute." *Wade v. Taylor*, 156 Idaho 91, 101, 320 P.3d 1250, 1260 (2014) (internal quotation marks and citation omitted).

Specific to this case, law enforcement investigatory records are public records. "'Investigatory record' means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority." I.C. § 74-101(6). Generally, investigatory records as defined by I.C. § 74-101(6) are subject to disclosure under the Idaho Public Records Act. However, there are certain exceptions to disclosure as enumerated in I.C. § 74-124(1)(a) – (g). One exception is where production of records would constitute an unwarranted invasion of personal privacy. I.C. § 74-124(1)(c). An "unwarranted invasion of personal privacy" means:

- (i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or
- (ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

In this case, Laramie argues that disclosure of the public records, specifically photographs and bodycam videos created by law enforcement at the scene of her daughter's murder, would constitute an "unwarranted invasion of personal privacy," and therefore, the City's disclosure would violate I.C.

§ 74-124(1)(c). The parties agree that the records to be disclosed are public records and more specifically, law enforcement investigatory records. The records reviewed in-camera by the Court, which, amongst others, are the subject of Laramie's motion, contain the following:

- 1) 181 photographs of the crime scene depicting the exterior and interior of the residence in the hours following the incident. The exterior photographs include the parking area and area surrounding the home, and the interior and exterior of multiple vehicles. The photographs have been redacted to blur out any identifying information such as license plate or VIN numbers. The interior photographs depict the house as it existed when law enforcement arrived on scene showing various alcohol and food containers/garbage, interior decorations, individual rooms, stairways, bathrooms, and general living rooms as well as the two rooms where the four deceased victims were located. The photographs have been redacted to blur out the decedents' bodies but do show blood spatter and other blood stains consistent with a crime scene.
- 2) Four redacted MPD bodycam videos from initial responding officers. The videos similarly depict the exterior and interior of the residence and have been redacted to blur out any personal identifying information on items depicted such as license plate or VIN numbers, ID cards, photographs, or other miscellaneous items within the home. Further, the videos have been redacted to blur out the decedents' bodies but do show blood spatter and other blood stains consistent with a crime scene. The videos also depict law enforcement conducting on-scene interviews, including video and audio of witnesses and other individuals at the scene, as well as interactions between law enforcement as the investigation begins to unfold. The videos have been redacted to blur out the faces of

witnesses and other non-law enforcement present and the audio is redacted as to any personal identifying information.

The inquiry for the Court is whether the City's production of the investigatory records, even in their redacted form, would constitute an unwarranted invasion of personal privacy. More narrowly, however, the inquiry for the purposes of Laramie's motion for temporary restraining order is limited to whether immediate and irreparable injury, loss, or damages will result to her before the City may be heard and Laramie's complaint for injunctive relief may be fully adjudicated.

First, the Court must determine what privacy interest, if any, Laramie has in the law enforcement records she seeks to keep from public disclosure. As cited above, an unwarranted invasion of personal privacy is defined as either "disclosure of information used to identify . . . a victim of an alleged crime of mass violence" or "disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information." I.C. § 74-101(17)(a). Aside from this definition, there is little Idaho law concerning what constitutes an unwarranted invasion and the Idaho Supreme Court has not yet addressed what constitutes an "unwarranted invasion of personal privacy." However, the U.S. Supreme Court has held that the federal Freedom of Information Act ("FOIA") recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." *Nat'l Archives & Recs. Admin. v. Favish*, 541 U.S. 157, 170, 124 S. Ct. 1570, 1579, 158 L. Ed. 2d 319 (2004). And most recently, another Idaho District Court in Ada County found that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24-17522 (Memorandum Decision and Order, dated March 14, 2025). Therefore, the "weighty privacy

interests” family members have in “death-scene images” of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an “unwarranted” invasion of privacy. *Id.* at 171, 124 S. Ct. at 1580.

In this particular case, Laramie has a recognized privacy interest in preventing disclosure of images or videos depicting her deceased daughter and the “death scene” that would impugn the character of her daughter or her memory of her daughter. It must be specifically noted that Laramie’s privacy interest does not extend to the other victims in this case. On balance, the public has an interest in the investigatory records concerning this horrific tragedy and how the investigation was conducted. For purposes of a temporary restraining order, Laramie has asserted that the City’s release of the redacted photographs has caused her irreparable harm in the form of severe emotional distress with physical manifestations and the City’s impending release of the videos will further exacerbate this irreparable harm.

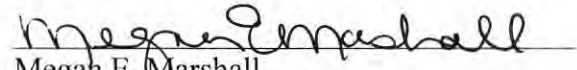
There can be no doubt that the images, videos and other investigatory records in this case are incredibly disturbing and elicit an emotional response. The records are very difficult to digest and do provide a raw view into the horrific tragedy on November 13, 2022. Upon review of the limited items provided to the Court (4 bodycam videos and 181 photographs), the Court generally finds the disclosure of major portions of the videos and photographs would not constitute an unwarranted invasion of Laramie’s personal privacy. However, there are portions of the videos and photographs, even in their current redacted state, more particularly, Officer Warner’s bodycam video, that could constitute an unwarranted invasion of Laramie’s privacy at this time. Therefore, the Court finds that a temporary restraining order that restrains the City from further releasing any images, audio, or video depicting the inside of Mogen’s bedroom is warranted until a hearing on the preliminary injunction may be held.

IV. ORDER

For the reasons stated herein,

IT IS HEREBY ORDERED that Laramie's Ex Parte Motion for Temporary Restraining Order is GRANTED.

Dated: 8/15/2025


Megah E. Marshall
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the Order Granting Plaintiff's Motion for Temporary Restraining Order were delivered to the following:

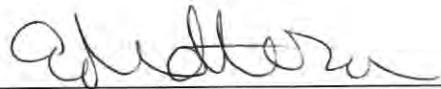
Leander James
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on this 15 day of August 2025.

JULIE FRY
CLERK OF THE COURT

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual, STACY
CHAPIN, an individual, JAMES CHAPIN, an
individual, and MAIZIE CHAPIN, an
individual,

Plaintiffs,

vs.

The CITY OF MOSCOW, a municipal
corporation,

Defendant.

Case No. CV29-25-0755

MEMORANDUM DECISION
GRANTING IN PART PLAINTIFFS'
COMPLAINT FOR PERMANENT
INJUNCTION

This matter is before the Court on Plaintiffs' Complaint for injunctive relief seeking to restrain and permanently enjoin the Defendant, City of Moscow ("the City"), from releasing certain records related to the homicide of their family members pursuant to I.R.C.P. 65 and I.C. §74-124(1)(c).

I. BACKGROUND

On November 13, 2022, four University of Idaho students, Madison Mogen ("Mogen"), Kaylee Goncalves ("Goncalves"), Xana Kernodle ("Kernodle"), and Ethan Chapin ("Chapin") (collectively "decedents") were tragically murdered in Moscow, Idaho. The events took place at 1122 King Road, a private home shared by Mogen, Goncalves, and Kernodle. At the time of the murders, Chapin was staying at the residence with Kernodle. In the hours and days following the incident,

multiple law enforcement agencies partnered to investigate and process the crime scene. Among the first to respond was the Moscow Police Department (“MPD”). As part of the investigation, videos, photographs, reports, and other evidentiary materials were generated, which ultimately led to Bryan Kohberger’s arrest.

For a multitude of reasons, the criminal case garnered worldwide interest. Until July 2, 2025, the criminal case was pending trial, and until July 17, 2025, a non-dissemination order was in place, which prevented the disclosure of certain records to preserve the parties’ right to a fair trial. On July 23, 2025, a Judgment of Conviction and Commitment was entered concluding the criminal proceeding.

Since July 23, 2025, the City has received over 1,150 public records requests for information related to the criminal investigation, including but not limited to: crime scene photographs, 911 calls, police reports, body camera footage, witness statements, autopsy reports, and MPD investigatory records. In response to the requests, the City made redacted police reports available to the public via a weblink and disclosed 186 photographs taken at the crime scene, some with blurring over the decedents’ bodies. On August 11, 2025, the City provided copies of these photographs and certain redacted video to Plaintiffs’ counsel and informed counsel that the City would be disclosing the redacted videos, including redacted body camera (“bodycam”) videos from MPD officers that depict the crime scene, as well as other materials within the coming days. Upon reviewing the photographs and video provided, Plaintiffs’ counsel emailed a response to the City objecting to the release of any additional materials in the case because it would constitute a violation of Plaintiffs’ personal privacy.

On August 12, 2025, Karen Laramie (“Laramie”), Mogen’s mother, filed this Complaint for “an injunction restraining the City of Moscow from releasing further images related to the homicide investigation of Plaintiff’s daughter.” Along with her Complaint, Laramie filed an Ex-Parte Motion

for Temporary Restraining Order under I.R.C.P. 65(b). Following an in-camera review of four redacted bodycam videos and approximately 181 photographs, an Order Granting Plaintiff's Motion for Temporary Restraining Order and a Temporary Restraining Order were issued on August 15, 2025, that temporarily restrained the City from disclosing any images, audio, or video depicting the inside of Mogen's bedroom until a hearing on the preliminary or permanent injunction. On August 21, 2025, the City released additional bodycam videos and crime scene photographs that blacked out the bedrooms entirely in lieu of blurring the decedents' bodies.

On August 23, 2025, Plaintiffs filed their First Amended Complaint adding Stacy and James Chapin, Chapin's parents, and Maizie Chapin, Chapin's sister, as plaintiffs. Plaintiffs seek a permanent injunction restraining the City from releasing: "(1) images of the interior of Victims' residence; (2) images of the Victims, whether blurred or not, (3) images of the bedrooms where the victims were murdered; (4) images of the death scenes/murder scenes, including images of pools of blood, blood splatters and dried blood; (5) images of the personal property and items of the Victims of the homicides found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items; (6) images of witnesses, including witnesses hugging each other and sobbing; (7) video and audio media containing sounds of the witnesses, including sounds of them sobbing; and (8) video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions."

On August 25, 2025, the parties submitted a Stipulation of the Parties Submitting this Matter for a Decision on the Permanent Injunction Based on the Declarations, Pleadings and Briefing on File. On August 28, 2025, a hearing was held on Plaintiffs' complaint via Zoom. Attorney Leander James appeared on behalf of Plaintiffs. City of Moscow Attorney Mia Batista, attorney Andrew

Pluskal, and attorney Bentley Stromberg appeared on behalf of Defendant City of Moscow. Following the hearing, the Court took the matter under advisement and issued an Amended Temporary Restraining Order which prohibited the City from disclosing any images, audio, or video depicting the inside of the bedrooms of Mogan, Goncalves, and Kernodle.

Now, having considered the evidence, pleadings, and argument, the Court issues the following memorandum decision granting in part Plaintiffs' complaint for permanent injunction.

II. LEGAL STANDARD

Pursuant to Rule 65 of the Idaho Rules of Civil Procedure, a party may petition the court for an injunction and/or a restraining order in a civil proceeding. While Rule 65 addresses temporary restraining orders and preliminary injunctions, it only briefly addresses permanent injunctions by stating that "[b]efore or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing." Here, the parties stipulated to essentially forgo a hearing on a preliminary injunction and instead submit the matter for a decision on the permanent injunction at the August 28, 2025, hearing. Unlike a temporary injunction, "[a] permanent injunction . . . is entered at the resolution of the case, and requires a showing of threatened or actual irreparable injury." *Gem State Roofing, Inc. v. United Components, Inc.*, 168 Idaho 820, 834, 488 P.3d 488, 502 (2021). Further, "in order to deny a permanent injunction the trial court must be persuaded that there is 'no reasonable expectation that the wrong will be repeated.'" *Id.* (quoting *O'Boskey v. First Fed. Sav. & Loan Ass'n of Boise*, 112 Idaho 1002, 1007, 739 P.2d 301, 306 (1987)).

III. ANALYSIS

A. Idaho Public Records Act

In accordance with the Idaho Public Records Act ("IPRA"), there is a presumption that all public records in this state are open for inspection except as otherwise provided by statute. I.C. § 74-

102(1). “The IPRA provides a statutory mechanism by which members of the public may review public records so that they may be knowledgeable of the operations of their government, the performance of public officials, and the formulation of public policy.” *Wade v. Taylor*, 156 Idaho 91, 91, 320 P.3d 1250, 1256 (2014). A “public record” is defined as “any writing containing information related to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.” I.C. § 74-101(13). Every person has a right to examine and take a copy of such public records. I.C. § 74-102(1). But “the motivation of the person requesting the public record is irrelevant. The public’s right, and consequently, any individual person’s right, to inspect a public record is conditioned solely on whether the document is a public record that is not expressly exempted by statute.” *Wade*, 156 Idaho at 101, 320 P.3d at 1260 (internal quotation marks and citation omitted).

Specific to this case, law enforcement investigatory records are public records. “‘Investigatory record’ means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.” I.C. § 74-101(6). Generally, investigatory records as defined by I.C. § 74-101(6) are subject to disclosure under the Idaho Public Records Act. When a request to examine is made, the public agency or custodian has a specific time in which to review the record and grant or deny the request. I.C. § 73-103. There are certain exceptions to disclosure as enumerated in I.C. § 74-124(1)(a) – (g) that justify a public agency denying a request. One exception is where production of records would constitute an unwarranted invasion of personal privacy. I.C. § 74-124(1)(c). An “unwarranted invasion of personal privacy” means:

- (i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or
- (ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

The parties agree that the records to be disclosed in this matter are public records and more specifically, law enforcement investigatory records. The inquiry for the Court is whether the specific records are exempt from disclosure under I.C. § 74-124(1)(c) such that the City should be restrained from releasing them to the public or any specific requestor. Plaintiffs argue disclosure of the public records, specifically photographs, audio, and video created by law enforcement at the crime scene or decedents' residence, would constitute an "unwarranted invasion of personal privacy," and therefore, the City's disclosure would violate I.C. § 74-124(1)(c). On the contrary, the City argues the records are not exempt from disclosure because Plaintiffs do not have standing or authority to assert a privacy interest either on behalf of themselves or on behalf of the decedents, and if Plaintiffs can establish a privacy interest, that interest is not outweighed by the public's interest in disclosure.

1. Plaintiffs have standing to assert a privacy interest in the records to be disclosed.

First, the Court must determine what privacy interest, if any, Plaintiffs have in the law enforcement records they seek to keep from public disclosure. To determine this, the Court must look to the language of the statute and the cases which interpret what constitutes an "unwarranted invasion" of personal privacy.

To begin, IPRA defines "an unwarranted invasion of personal privacy" as either: i) "disclosure of information used to identify, locate, or harass . . . a victim of an alleged crime of mass violence" or ii) "disclosure where release of information is likely to violate legitimate and substantial privacy

interests of the person identified when such interests are weighed against general public information.”
I.C. § 74-101(17)(a).

Plaintiffs argue the plain language of the statute confers standing for them to bring this action because the information being disclosed depicts the victim’s bodies which identifies the victims and may be used to harass the family members who are considered victims as set forth in I.C. § 19-5306. This victim’s rights statute specifically defines victim as “an individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime . . .” I.C. § 19-5306(5)(a). Further, Plaintiffs argue the language, “privacy interest of the person identified” is the person who identifies as having their privacy interest violated. Contrarily, the City argues that because the privacy interest of family members is not specifically mentioned in the statute, the legislature did not intend for such to exist under I.C. § 74-124(1)(c). Moreover, the legislature specifically defined the privacy interests of “any deceased person” in I.C. § 74-101(17)(b) when disclosure of certain information is permitted after notification to next-of-kin but opted not to include the same definition in (17)(a). The City acknowledges in drafting this provision that the legislature recognized privacy interests do not evaporate on death, yet argues because it did not include the same language in (17)(a) such provision does not grant Plaintiffs standing to assert a privacy interest on behalf of the decedents (unless a probate is opened and they are serving in a personal representative capacity).

Interestingly, in arguing that Plaintiffs have no privacy interest to establish standing, the City “believes that it struck the appropriate balance” in “balancing the [Plaintiffs’] privacy and the interest in ‘an informed citizenry.’” The City’s actions in blurring certain portions of the investigatory records prior to disclosure and balancing Plaintiffs’ and the public’s interest cut against its standing argument. Well knowing that the presumption under IPRA is full disclosure, when asked why it took affirmative

action to blur or redact the initial disclosures prior to any court intervention, the City responded that it did so in reliance upon the exemption under I.C. § 74-124(1)(c). Thus, agreeing that if Plaintiffs had no privacy interest to assert on their own behalf or on behalf of the decedents, it would have been unnecessary to blur or redact the records. Instead, under its statutory obligation, “it was required by law to disclose investigatory records on request” with such redactions.

While Plaintiffs are considered “victims” and afforded certain rights as set forth in I.C. § 19-5306(5)(a), the Court finds I.C. § 74-101(17)(a)(i) does not have application in this particular case. The information to be disclosed is not being used to identify, locate, or harass a victim of an alleged crime of mass violence. There is no alleged (suspected or unproven) crime. The victims are known, located, and the murderer has been convicted and sentenced to life imprisonment. Likewise, disclosure is not being used to harass the victim, even if the term victim encompasses family members. However, I.C. § 74-101(17)(a)(ii) does apply here and provides standing for Plaintiffs to assert their claim.

The Idaho Supreme Court has yet to address the issue of whose privacy interest is protected under I.C. § 74-124(1)(c) or I.C. § 74-101(17)(a), but cases from the U.S. Supreme Court that have interpreted a similar provision under the federal Freedom of Information Act (FOIA) provide guidance. Under FOIA a public agency shall make records available except records or information compiled for law enforcement purposes that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C.A. § 552(b)(7)(C). However, unlike IPRA, there is no definition of “unwarranted invasion of personal privacy” within FOIA’s statutory scheme, instead, leaving the issue of whose privacy interest may be asserted or protected to federal courts to interpret.

Of interest, in *Nat'l Archives & Recs. Admin. v. Favish*, the U.S. Supreme Court held that FOIA recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." 541 U.S. 157, 170, 124 S. Ct. 1570, 1579 (2004). In that case, the decedent's family members sought "to be shielded by the exemption to secure their own refuge from a sensation-seeking culture for their own peace of mind and tranquility, not for the sake of the deceased['s]" reputation or an interest personal to the decedent. *Id.* at 166, *Id.* at 1577. Even so, the Court held,

[W]e think it proper to conclude from Congress' use of the term "personal privacy" that it intended to permit family members to assert their own privacy rights against public intrusions long deemed impermissible under the common law and in our cultural traditions. This does not mean that the family is in the same position as the individual who is the subject of the disclosure. We have little difficulty, however, in finding in our case law and traditions the right of family members to direct and control disposition of the body of the deceased and to limit attempts to exploit pictures of the deceased family member's remains for public purposes. . . . Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own . . . [T]his well-established cultural tradition acknowledging a family's control over the body and death images of the deceased has long been recognized at common law.

Id. at 167 - 168, *Id.* at 1578.

Further, while not controlling, a District Court in Ada County also concluded that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24-17522 (Memorandum Decision and Order, dated March 14, 2025).

Here, Plaintiffs seek relief both for their own privacy and on behalf of the decedents. Whether the "privacy interests of the person identified" is the decedent or the family members of the decedent, Plaintiffs have established a recognized privacy interest in preventing disclosure of images or videos

depicting their deceased family members and the “death scene” that would impugn the character of the decedents or their memory of them. Therefore, Plaintiff’s have standing under I.C. § 74-124(1)(c) to bring this claim.

2. Plaintiffs have proven their privacy interest in preventing disclosure of certain investigatory records, without additional redactions, outweighs the public’s interest in disclosure.

Having established Plaintiffs have standing to bring this claim, the next inquiry is whether their interest outweighs the public’s interest in disclosure. As stated in *Favish*,

Our ruling that the personal privacy protected by Exemption 7(C) extends to family members who object to the disclosure of graphic details surrounding their relative’s death does not end the case. Although this privacy interest is within the terms of the exemption, the statute directs nondisclosure *only* where the information “could reasonably be expected to constitute an unwarranted invasion” of the family’s personal privacy. The term “unwarranted” requires us to balance the family’s privacy interest against the public interest in disclosure.

541 U.S. 157 at 171, 124 S.Ct. at 1580. Therefore, the “weighty privacy interests” family members have in “death-scene images” of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an “unwarranted” invasion of privacy. *Id.*

There can be no doubt that the photographs, video, audio, and other investigatory records in this case are incredibly disturbing. The records are difficult to digest and provide a raw view into the horrific tragedy that occurred on November 13, 2022, that impacted Plaintiffs, a college community, and the world at large. Prior to releasing these records, the City took measures to blur the decedents’ bodies to prevent an unwarranted invasion of personal privacy while balancing the public’s interest, to comply with its statutory obligation. Plaintiffs have a recognized privacy interest, but on balance, the public has an interest in the investigatory records concerning this horrific tragedy and how the investigation was conducted. Regarding each set of investigatory records identified by Plaintiffs in

their complaint, their interests must be weighed against the public's to determine whether release would constitute an unwarranted invasion of personal privacy not just a warranted one.

Plaintiffs' privacy interest in preventing disclosure of the death-scene images that would impugn the character of the deceased or Plaintiffs' memory of them or continue to retraumatize them causing extreme emotional distress outweighs the public's interest in how the investigation was conducted or the scrutiny upon government action. Even the City's action in performing certain redactions supports this conclusion. There is little to be gained by the public in seeing the decedents' bodies, the blood soaked sheets, blood spatter or other death-scene depictions, whereas the dissemination of these images across the internet and in public spheres where Plaintiffs may come upon them by happenstance, as has already occurred, causing them extreme emotional distress is an unwarranted invasion of personal privacy.

The City has blurred certain portions of the investigatory records, but additional redactions are necessary to ensure there is no unwarranted invasion. The blurring is simply insufficient as it still allows the viewer to see the outline and contours of the decedents' bodies and invites, rather than dispels, any speculation about how, where, or why they were positioned. The fact remains; the murder investigation and the criminal case are closed. Releasing these records will have minor effect upon those who continue to be perplexed by the facts or fixated on unfounded conspiracies whereas it has and will continue to have profound effect upon the decedents' loved ones. The City may disclose the investigatory records in this matter, but must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them.

Contrarily, the Court cannot find Plaintiffs' privacy interest outweighs the public's interest concerning the dissemination of audio, video, or photographs depicting: 1) the interior of the

bedrooms, except as provided above, 2) the exterior or interior, including rooms other than the bedrooms, of the residence, 3) the personal property and items of the decedents found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items, 4) witnesses, including audio of crying, or 5) statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions. Despite the horrendous nature of this tragic event and its distressing dissemination across the world, the fact remains that it was a quadruple homicide with investigatory records. These records, much like many law enforcement investigatory records, invade the privacy province of individuals including suspects, witnesses, victims, and the like, and here, Plaintiffs and others, unnamed in this lawsuit. However, these records are precisely what the law affords the public to obtain under IPRA. Under the law and facts presented, the Court cannot find that Plaintiffs' privacy interest outweighs the public's interest regarding these items such that their release would constitute an unwarranted invasion of personal privacy. Further, releasing images that include alcohol containers, underwear, ID cards, or other personal items of the decedents may appear embarrassing or reveal speculation as to what may or may not have occurred within the residence, but it does not impugn the character of the decedents in a way that constitutes an unwarranted invasion of personal privacy. Therefore, the City shall, upon request and in accordance with its statutory obligation, disclose the investigatory records except as to the death-scene records noted above or those subject to any other statutory exemption or redaction rule.

- B. Release of certain images, video and audio have caused Plaintiffs to suffer irreparable injury and there is a reasonable expectation that continued release will cause further irreparable injury such that a permanent injunction is warranted.

As a final remedy, Plaintiffs' complaint seeks to permanently restrain the City from releasing the investigatory records described above pursuant to I.R.C.P. 65. To do so, Plaintiffs must show

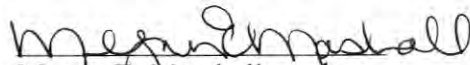
threatened or actual irreparable harm and that there is a reasonable expectation that the wrong will be repeated. From the pleadings, the City does not dispute Plaintiffs' claim that they have suffered irreparable injury due to the initial disclosures, even in their redacted form. Instead, the City contends "it has made the only decision available to it under Idaho law" by blurring the bodies and requests the court find the initial redacted versions of the investigatory records be publicly disclosed.

Irreparable injury is any injury that is impossible to remedy or repair. Plaintiffs have set forth undisputed evidence that they have suffered and will continue to suffer irreparable injury including extreme emotional distress because of the City's release of certain records. More specifically, the injury sustained has physically manifested itself through sleep disturbance, shaking, and sobbing. While it is likely Plaintiffs have suffered these same or similar injuries prior to the City's disclosure due to the trauma they've endured from underlying circumstances over the last several years, the City has not disputed that its initial disclosure of video, audio, and photographs in their redacted form caused Plaintiffs the irreparable injury claimed. As such, Plaintiffs are entitled to relief.

IV. CONCLUSION

For the reasons set forth above, the City's disclosure of certain investigatory records would constitute an unwarranted invasion of personal privacy. Plaintiffs have established the disclosure of such records has caused irreparable injury and further disclosure will result in the wrong being repeated. Therefore, Plaintiffs' complaint for a permanent injunction is granted in part.

Dated: 10/1/2025


Megan E. Marshall
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the Memorandum Decision Granting Plaintiffs' Complaint for Permanent Injunction were delivered to the following:

Leander James
Attorney for Plaintiff
ljames@jvwlaw.net

Mia Bautista
Moscow City Attorney
moscowlegal@ci.moscow.id.us

Bentley Stromberg
Attorney for Defendant
bstromberg@clbrmc.com

on this 1 day of October 2025.

JULIE FRY
CLERK OF THE COURT

By: 
Deputy Clerk

FINAL REPORT TEMPLATE

Public Records Task Force
State of Nevada

Submitted to: Director, Legislative Counsel Bureau
For Transmittal to:

- Joint Interim Standing Committee on Government Affairs
- Senate Standing Committee on Government Affairs
- Assembly Standing Committee on Government Affairs

Submission Deadline: October 31, 2026

Executive Summary

Include:

- Background and legislative authority
- Summary of evaluation areas
- Highlights of key issues identified
- Summary of major recommendations

1. Introduction

1.1 Legislative Mandate

The Public Records Task Force was created by [Assembly Bill 128](#) (NRS 239.010). The purpose of this Task Force is to evaluate certain topics relating to requests for public records and make certain recommendations. The bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

1.2 Objectives

The Task Force was charged with evaluating:

- Current exemptions to Chapter 239 of NRS
- Policies relating to public records of review boards established under NRS 289.380 and 289.383
- The impact of broad public records requests on governmental entities
- The cost, burden, and time constraints associated with redaction
- The financial burden on persons requesting public records
- Mechanisms for resolving disputes, including mediation and alternative dispute resolution
- Methods for collecting and sharing data related to public records requests

The Task Force was further directed to make recommendations addressing these areas and the following enumerated recommendations:

- To clarify the custodianship and control of public records
- To protect sensitive information while promoting government transparency
- To identify situations in which access to public records should be granted or denied
- For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records
- For protocols to protect personal information and criminal investigations
- For a standardized fee schedule
- For mechanisms to protect governmental entities from retaliatory litigation

1.3 Methodology

Explain how the Task Force conducted its work:

- Public meetings and stakeholder engagement
- Received presentations from the following
 - o Nevada Municipal Clerks Association
 - o Urban Consortium
 - o Add
 - o Add
- Review of existing statutes, regulations, and policies
- Research activities
- Consideration of best practices from other jurisdictions

2. Overview of Nevada Public Records Law

Provide overview.

3. Findings and Evaluation

3.1 Current Exemptions to Chapter 239 of NRS

- Provide overview
- Identify gaps, ambiguity, and/or redundancies

3.2 Policies Relating to Review Boards (NRS 289.380 & 289.383)

- Provide overview
- Identify challenges and inconsistencies

3.3 Impact of Broad Public Records Requests

- Identify effects on governmental operations
- Provide case examples or data
- Identify resource implications

3.4 Cost, Burden, and Time Constraints for Redaction

- List staffing and technological limitations
- Provide time required for compliance
- Identify legal and operational challenges

3.5 Financial Burden on Requestors

- Provide fee structures
- List accessibility concerns
- Identify equity considerations

3.6 Dispute Resolution Mechanisms

- Identify existing processes
- List effectiveness and current gaps

3.7 Data Collection and Sharing Methods

- Identify current practices

- Provide data limitations

4. Recommendations

4.1 Clarification of Custodianship and Control

- Provide proposed statutory or administrative changes.

4.2 Protection of Sensitive Information and Transparency

- Provide proposed changes to balance privacy with public access.

4.3 Criteria for Granting or Denying Access

- Define clearer standards and guidelines.

4.4 Penalties for Delayed or Incomplete Responses

- Recommend enforcement mechanisms and accountability measures.

4.5 Protocols to Protect Personal Information and Criminal Investigations

- Outline safeguards and best practices.

4.6 Standardized Fee Schedule

- Propose a consistent and equitable framework.

4.7 Mechanisms to Protect Government Entities From Retaliatory Litigation

- Recommend measures to protect against abusive or retaliatory legal action.

5. Implementation Considerations

Discuss how recommendations can be enacted.

Include:

- Legislative changes required
- Administrative actions
- Investments in technology, staffing, training, etc.
- Ongoing oversight

6. Summary of Task Force Work

Provide a summary of:

- Activities conducted
- Stakeholder input
- Key discussions and deliberations

7. Conclusion

Summarize the Task Force recommendations and potential impact.

8. Appendix

Include supporting materials such as:

- Meeting agendas and minutes
- Presentations, legal references, etc.
- Comparative analysis with other states

June 8, 2026

Intransigence & the NPRA

What's said versus what's done

BOB CONRAD, PHD*

NEVADA PRESS ASSOCIATION, PRESIDENT

NEVADA OPEN GOVERNMENT COALITION, BOARD MEMBER

THIS IS RENO, PUBLISHER AND EDITOR

*Former public records officer at state agencies

EDUCATION

School board trustee sues district after being denied access to public records

DECEMBER 6, 2023



COURTS & CRIME

Court orders school district to pay \$40,000 in fees after losing public records battle

MAY 5, 2025



School district denied a document labeled a public record was actually public, forcing its own trustee to sue

School district argued the trustee had no standing to sue over public records

Fees increased after school district hired a law firm to engage in "judge shopping" after losing the case

COURTS & CRIME

Gerlach GID to pay \$96,000 in attorney fees after losing public records battle

APRIL 22, 2025



Gerlach General Improvement District denied one of its customers access to ratepayer contact information so he could protest a fee hike

"GGID has no public records responsive to your request pursuant to NRS 239B.040. Thus, we consider this matter responded to and this request closed."

Law firm battling the losing case was paid up to \$450/hour. It got \$71k. Plaintiff got \$25k.

Residents to pay \$600 each.

"Client is responsible for paying any attorney's fees and expense owed to Attorney, even if there is a judgment outstanding for such fees."

Washoe County budget enhancement requests



RECORDS ORDER

Budget enhancement requests for all Washoe County agencies

RESPONSE

Records **denied**

REASON

"This record falls under deliberative process. This record was part of pre-decisional and deliberative process that led to a specific decision for budget. Departments provided this information for the County to make decisions regarding budget. This information was not discussed at an open meeting. Therefore, this record will not be provided as per the request."

ISSUE

No legal authority cited

NRS 239.0107 1(d)(2): If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing: **A citation to the specific statute or other legal authority** that makes the public book or record, or a part thereof, confidential.

9th Circuit court victory



RECORDS ORDER

Oct. 20: Settlement agreement with a professor who sued NSHE and prevailed after several years

RESPONSE

NSHE: *"NSHE System Administration responds that it is not the legal custodian of records within the legal custody and control of the institutions, including TMCC."*

TMCC: *"Subject to any required withholding for confidentiality and personnel record issues before we can disclose, and as these things take time, we will respond as soon as we can. **It may take as many as 30 business days.**"*

RECORDS **DENIED**

The records order was denied **32 days after the request was received**

ISSUE

No legal authority cited for excessive delay. TMCC/NSHE repeatedly assert they can respond to records requests whenever they want to within a 30 day period.

NRS 239.0107: Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request...a governmental entity shall...:
(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person...

Endless delays and missed deadlines



RECORDS ORDER

March 12: PowerPoint copy and emails for 3 Nevada Department of Administration employees over 1 month

RESPONSES

March 24: Need more time, until April 3

April 3: **No records received.** More time needed. Extended response to April 10

April 10: **No records received**

April 28: Responded that more time is still needed, until May 15

May 15: **No records received**

May 22: Responded that more time is still needed, until June 12

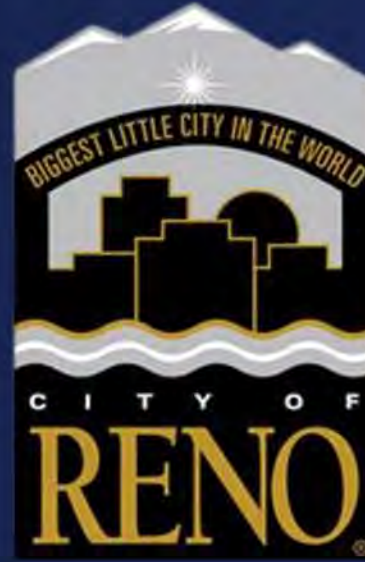
NO RECORDS

More than 80 days of repeated requests for updates, repeated deadlines set and repeated missed deadlines

ISSUE

No legal authority for excessive delays and missed deadlines, despite citing NPRA

Flock Safety data



RECORDS ORDER

Organizational and network audits of Flock Safety cameras (per Flock's documentation)

RESPONSE

WCSO: Provided thousands of pages of "worthless" data

City of Sparks: Provided records as requested

RENO RECORDS

DENIED

The City of Reno's response:

"The City utilizes this specialized equipment to respond to emergencies, for tactical operations, and to investigate ongoing criminal activity. As such, any information relating to the use of the specialized equipment is confidential and not subject to disclosure. See Governor's Executive Order 2020-01, dated February 4, 2020; Donrey of Nevada Inc. v. Bradshaw, 106 Nev. 630 (1990)."

ISSUE

Gratuitous legal authority cited by city of Reno with no clear nexus to NPRA



NPRA issues & solutions

ISSUE

Public records litigation occurs ***because records are frequently denied and mishandled***, not because of lack of NPRA clarity

Examples are omnipresent

SIMPLE SOLUTIONS

MOSTLY ALREADY EXIST IN LAW

- If there is ambiguity, favor should tilt in favor of requestor (as NPRA mandates)
- Records denials should be the exception, not the rule
- Agencies should abide by 5-day rule, no exceptions
- Delays should be the exception, not the rule, and they should be finite
- Voluminous requests can be addressed with NRS 239.0101 1(c)2: *"Make a reasonable effort to assist the requester to focus the request"*
- Fees charged only for materials, not time
- Legislative changes should sharpen NPRA

Protecting and Reinforcing the Public's Right to Know

**Glenn Cook, Executive Editor, Las Vegas Review-Journal
Nevada Public Records Task Force Meeting
June 8, 2026**



The Nevada Public Records Act is a strong, clear law

- Its intent is clear: Ensure the public can see what government is doing
- Yet governments routinely deny requests for information that is public
- Requestors shouldn't face such frequent hardships to gain access to information, yet time and time again, they do

Transparency is an essential function of government

- It is not discretionary
- No Nevada agency is exempt
- Local/agency rules and exemptions cannot supersede state law
- Public records belong to the public, not the government
- Public access to records ensures government accountability

The Nevada Public Records Act favors the rights of requestors

- "The provisions of this chapter must be construed liberally to carry out this important purpose."
- "Any exemption, exception or balancing which limits or restricts access ... must be construed narrowly."
- Changes to the law should strengthen the right of the public to access the public's records

Cost of providing public records should not be in dispute

- Records belong to the public, and the public funds the workforce that generates records and provides access to them
- Governments can't charge the public for staff time to redact, review and fulfill records requests
- Can't charge for records produced electronically
- Excessive fees discourage openness and are not within the spirit of the law
- Government staff responses to records requests are imperative tasks
- Given the frequency with which governmental entities demand such payments for access to public records, the law should be clarified so there is no dispute

Timely response and fulfillment a requirement of the law

- "The purpose of this chapter is to foster democratic principles by providing members of the public with **prompt access**."
- Not unusual for agencies to promise delivery of public records several months after a request is made, then delay or never fulfill that request without consequence

How does NPRA work today?

- Requestors face increasing number of hurdles to access records
- Government delays hinder accountability and prevent inquiry to timely matters
- Denials incorrectly apply court precedent
- Fees don't comply with law, discourage requestors
- Excessive redactions hide public information
- Governments face no penalties for violating the law
- Clarity of law is turned on its head, law is routinely violated across Nevada
- All of these current problems will become worse if NPRA is changed to favor government secrecy or exacerbate the costs or effort needed to access records

Keeping public records secret hurts public interest

- Can't access data that shows whether policies work
- Hinders changes in law and policy that might improve Nevadans' lives
- No accountability for institutions or individuals failing their responsibilities
- Invitation to nonfeasance and malfeasance
- Diminished public trust, less understanding of how government works

Failing to provide public records is expensive to the public and leads to wasteful spending

- When requestors sue to obtain records, governments incur costly outside legal fees
- When government ultimately loses in court, government often has to pay requestors' legal fees, as well
- Because the law so clearly favors requestors, government is unlikely to prevail
- These legal fees can cost the public hundreds of thousands of dollars in a single case
- Government complaints about costs ring hollow when courtroom losses pile up

What does this look like for Nevada's largest news organization?

- Arrest report access wildly inconsistent across state, routinely denied
- DMV records for individual drivers, once public, now considered confidential
- Massive redactions of public information
- Government claims of exemptions where they don't exist
- Difficulty obtaining data that addresses community problems and public policy
- Journalism that is timely and routine in many other states can be exceptionally difficult, if not impossible, to complete in Nevada because so many governments block access to public information. The public interest suffers

Investigative journalism stymied by public records denials

- New DMV refusal to release individual driving records has hurt our ability to identify dangerous motorists who remain on the road and whether Nevada's point system is working
- Untold numbers of local government employees sheltered from accountability because of "personnel records" exemption that doesn't actually exist. Clark County fought for the privacy rights of convicted murderer Robert Telles
- Police cite "ongoing investigations" to withhold records in cases of high public interest for months and beyond, have asked Nevada Supreme Court to declare such an exemption exists

Investigative stories completed thanks to access to public records

- Deadly force: In-depth examination of Las Vegas police shootings led to reforms that made policing better and more accountable
- Expense records uncovered LVCVA spending policy violations, led to criminal prosecution of executives for misuse of taxpayer-funded airline gift cards
- Discovered elected Henderson constable had used tens of thousands of dollars in county funds on personal expenses
- Uncovered problems with police radios during Oct. 1 mass shooting that hindered response
- Alpine Motel, site of deadly downtown fire in 2019, hadn't had a fire inspection in more than two years despite a history of failed inspections going back a decade

Review-Journal public records lawsuit wins

- Prevailed over Clark County coroner when agency refused to release child autopsy reports. County paid more than \$330,000 in Review-Journal legal fees
- Prevailed over Las Vegas police in cases related to Alpine Motel records and a police investigation of a Nevada Highway Patrol trooper that were wrongly withheld. Metro paid \$620,000 in Review-Journal legal fees
- Prevailed over Clark County School District when it wrongly withheld investigative records related to Trustee Kevin Child. CCSD paid more than \$125,000 in Review-Journal legal fees
- Prevailed this year over Clark County in lawsuit over wrongly withheld investigative records related to Public Works department. Review-Journal will be awarded legal fees.

Government concerns about compliance with the Nevada Public Records Act

- Governments are not being sued over the release of potentially confidential information; governments are being sued for not following the NPRA
- Fulfilling public records requests is not a burden, it is an obligation. Governments must ensure staff are trained to search for and produce different types of public records, and that agencies have the technological capability to do so.
- Requestors have little leverage because governments face no penalties for breaking the law. The language of the law favors requestors, but government has complete control of access and can limit access arbitrarily
- The language of the NPRA is broad by design. Any record not specifically declared confidential under state law is a public record. The law is supposed to be “construed liberally.”
- The NPRA’s application to electronic records is clear, and the Nevada Supreme Court has ruled in multiple electronic records cases going back decades.

Reforming the NPRA

- Any changes to the NPRA must improve access to records, not further limit access to records. Agencies already have control over timing, format, and response. Changes proposed by governments would shift more power to government discretion at the expense of public oversight.
- Law should more clearly limit which records are confidential, not limit which records are public.
- The law should clearly declare which government actions are violations of the law
- Restrictions that address “vexatious” requestors would give governments a new avenue for abuse and noncompliance and should be avoided
- Imposing new costs on public records will only limit access and will not “foster democratic principles.” Most taxpayers and small news organizations cannot afford high fees for public information.
- Government noncompliance is the biggest current problem with the NPRA. Financial penalties should be broadened and increased against government agencies that break the law

View From The Trenches



Public Records Task Force - June 8, 2026 - Luke Busby, Esq.

Background and Experience

- I've been on both sides.....
 - Started my career at the Public Utilities Commission in 2006, where I assisted the PUCN in complying with numerous records requests.
 - In private practice since 2010, and litigated public records request issues extensively.
 - The views I express here are my own.

My opinions based on my experience

- The NPRA is designed "to foster democratic principles by providing members of the public with prompt access" to public records. NRS 239.001(1). This is not happening.
- The core problem is not the text of the NPRA, but intransigence and routine failure to follow the letter or spirit of the law.
- Agencies routinely use unfounded confidentiality claims, non-responsiveness, stall tactics, or litigation itself to delay disclosure of records that reflect poorly on government.
- Records that make government look good are easy to get.

The Bell, California Scandal

- Los Angeles Times reporters used public records requests to obtain compensation data for officials of Bell, California, a working-class city of approximately 36,000.
- The records revealed the City Manager earning approximately \$800,000, the Police Chief approximately \$457,000, and part-time Council members approximately \$100,000.
- The disclosures led to criminal prosecutions and removal of multiple Bell officials for misappropriation of public funds.
- Bell illustrates why agencies cannot be allowed to define the scope of their own disclosure obligations.

Problem No. 1 - Time Required to Respond

- NRS 239.0107 requires a response within five business days.
- *Conrad v. Washoe County*, No. 87468, 2024 Nev. Unpub. LEXIS 974 (Dec. 16, 2024), held that an automated email providing a thirty-day timeline satisfies the five-day requirement.
- Some agencies may now defer substantive review for thirty days or more as a matter of routine via automatic email responses.
- Even after the deferral, agencies often deny the request outright and then “close the request,” and cut off contact in an automated system.

Solution 1 - Adopt a clear rule for response timelines

- Require the five-business-day response under NRS 239.0107 to contain a substantive determination of what records are generally available, require disclosure of readily available records within that time frame, not an automated placeholder.
- Work with requesters to narrow requests.
- Impose a firm outer deadline to either produce the records or assert ***and justify*** a specific claim of confidentiality.

Problem 2 - Substance of Responses

- Wholesale denial in place of redaction, contrary to NRS 239.010(3).
- Generalized justifications
- Misuse of victims rights laws
- Misapplied privacy balancing under *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. 700, 429 P.3d 313 (2018), and the *Cameranesi* test.

Solutions to the Wholesale-Denial-Over-Redaction Problem

- Require any denial to be accompanied by a written explanation specifically identifying why redaction is not feasible.
- Amend NRS 239.010(3) to provide that failure to produce redacted records, where redaction is feasible, is a denial triggering judicial review under NRS 239.011 and civil penalties under NRS 239.340.

Solutions to the Generalized-Justification Problem

- Provide that wholesale denials relying on generalized, hypothetical, or boilerplate justifications (canned word salad responses), or checkbox forms are unlawful and constitute a constructive denial triggering a right to judicial review under NRS 239.011.

Solutions to the Misuse of Victims Rights Laws Problem

- Amend NRS Chapter 239 to clarify that Marsy's Law does not authorize withholding records from the victim who is the subject of those records.
- Codify that victims' rights cannot be construed to deny or disparage the victim's separate right of access under the NPRA.
- Recognize a victim's right to waive confidentiality with respect to records concerning their own victimization.

Solutions to the Misapplied-Privacy-Balancing Problem

- Amend NRS Chapter 239 to modify *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. 700, 429 P.3d 313 (2018), insofar as could be interpreted to transfer the burden of proof to the petitioner, contrary to NRS 239.0113.
- Clarify that any privacy interest claimed as a basis for must be substantial, not just “non-trivial.”
- Clarify that if any public interests exists in disclosure of the records, and if so, the agency bears the burden to show that the privacy interest clearly outweighs the public’s interest in disclosure.

Problem No. 3 - Lack of clear procedures

- NRS Chapter 239, establishes a substantive right of access to government records but does not itself create its own procedural framework.
- NRS 239.011 expressly directs that a person whose records request has been denied may apply to the district court for an order compelling production.
- The Nevada Supreme Court filled this gap, holding that a party may challenge the denial of a records request by petitioning for a writ of mandamus in district court.
- But.....

Problem No. 3 - Lack of clear procedures

- NRS Chapter 34, enacted in 1913 and not substantially amended since, supplies the procedural vehicle for enforcing the NPRA through NRS 34.160.
- Writ proceedings are a mix of statute and a catch all applying the rules of civil procedure.
- *City of Reno v. Conrad*, 142 Nev., Advance Opinion 13 (2026), held that ex parte alternative writs are disfavored where no emergency existed.

Solution 3 - Adopt a clear procedural rule for judicial review of PRR denials

- Amend NRS Chapter 239 to create a self-contained judicial review procedure modeled on NRS 278.0235, which applies to local land use decision appeals.
- Establish that an ex parte petition for an order to show cause may be filed, and if issued on good cause, an order directing the agency to either produce the requested records or appear and show cause within 30 days why they should not be compelled to do so.
- Require the district court to rule expeditiously.
- This procedure would **DRASTICALLY** reduce the time and expense associated with PRR litigation.

Problem No. 4 - The Body-Camera Redaction-Fee Problem

- NRS 289.830 requires uniformed peace officers to wear portable event recording devices, and subsection 2 declares that any record made by such a device is a public record.
- *Conrad v. Reno Police Department*, 139 Nev. 126, 530 P.3d 851 (2023), held that an officer's face in body-worn camera footage is confidential under NRS 289.025(1) as a "photograph" of a peace officer.
- Agencies leverage *Conrad* to impose substantial fees under NRS 239.055.

Solutions to the Body-Camera Redaction-Fee Problem

- Amend NRS 289.025 to abrogate *Conrad v. Reno Police Department*, 139 Nev. 126, 530 P.3d 851 (2023), insofar as it held that "photograph" encompasses an officer's face in body-worn camera footage.
- Clarify that NRS 289.025(1) confidentiality is limited to discrete photographic images and does not extend to video recordings made under NRS 289.830, which subsection 2 declares public records.
- Alternatively, amend NRS 239.055 to prohibit fees for redactions the agency itself is required to perform to comply with statutory confidentiality provisions and limit any fee for body-worn camera footage to the actual, incremental cost of the medium on which the video is provided, e.g. a thumb drive.

Critiques of the Urban Consortium's Proposed Approach to the NPRA

- The claim that the framework works well ignores the systemic problems detailed herein.
- Authorizing "structured responses" to allegedly harassing requests invites denial based on the requestor's identity or motive, contrary to the requestor-neutral structure of NRS 239.010(1).
- Expanded redaction-cost recovery prices ordinary citizens out of records which they already own.
- The framing of proposals restricting access as a search for "clarity" obscures that the core problem is, IMHO, agency intransigence and routine failure to follow existing law.

Critiques of the Nevada Municipal Clerks' Association Approach

- Framing the law as outpaced by "digital reality" treats the right of access as the problem rather than agency noncompliance.
- Expanded redaction-cost recovery shifts the agency's obligations under NRS 239.010(3) and NRS 239.0113 onto requestors.
- Defining "vexatious requestors" invites denial based on the requestor's identity or motive, contrary to NRS 239.010(1).
- Restricting "litigants bypassing discovery" assumes that PRR requests are an invalid way to obtain evidence in a case; the NPRA grants access regardless of whether litigation is contemplated or ongoing.
- Redefining the five-business-day requirement as a flexible "expectation" would codify the deferral practices illustrated by *Conrad v. Washoe County*, No. 87468, 2024 Nev. Unpub. LEXIS 974 (Dec. 16, 2024) - i.e. an auto generated email response within the 5 day window was held not to be a violation.

The NPRA as a Pre-Litigation Tool Reduces, Rather Than Increases, Litigation

- Pre-suit access allows potential plaintiffs and attorneys to investigate the facts before deciding whether to file suit, consistent with Rule 11.
- Access sometimes reveals that no viable claim exists, allowing potential plaintiffs to abandon meritless claims and sparing the courts and the agency unnecessary litigation.
- Denying pre-suit access forces plaintiffs to file suit to obtain in discovery what should have been available under the NPRA.

Questions?



Whose Docs? Students' Docs!

"Public Records for Government Accountability Reporting," a course at University of Nevada, Reno's Reynolds School of Journalism

Dave Maass

Reynolds Scholar in Residence, Reynolds School of Journalism
Director of Investigations at the Electronic Frontier Foundation

Jesse Cabrera

UNR RSJ Alum



About EFF

Since 1990, the Electronic Frontier Foundation has worked to ensure that rights and freedoms are enhanced and protected as our use of technology grows.



We champion user privacy, free expression, and transparency through impact litigation, policy analysis, grassroots activism, research and technology development.

EFF

A Brief Overview of the Program



Course Leads:

Patrick File, UNR
Dave Maass, EFF
Beryl Lipton, EFF

Additional instruction by Caesar Answers and
Ben Birkinbine

Spring 2019: EFF and RSJ initiated collaboration.

Fall 2019. EFF and RSJ launched 1-credit practical course on public records requests.

Spring 2026. Completed our 13th class of students.

85+ students

More than 800 requests.



Philosophy of the Course

Filing public records request is a journalism skill on par with interviewing, writing or video editing.

There are lots of wrong ways to write a public records request. But there is no "right" way.

The best way to learn how to get public records is to "always be filing" public records requests.

Course Breakdown

4-12 students each semester

12 90-minute sessions

Guest speakers:

- First Amendment Lawyer (Reporters Committee for Freedom of the Press)
- Prominent Journalist (ex. Jason Leopold, Jason Koebler)
- Public Records Officers (ex. Washoe County Communications Manager, Reno City Clerk)



Public Records Quota

Students file appx 15 requests.:

1. Nevada Public Records Act Requests

Assignment: Health Inspections (Restaurant, Tattoo Shop, Hotels, Pools)

2. U.S. Freedom of Information Act Requests

Assignment: FCC Complaints, National Parks Complaints

3. Interstate Public Records Requests/"FOIA Campaign"

Assignment: Typically surveillance-related (drone logs, real-time center contracts)

4. Topical Public Records Requests

Assignment: Requests formulated from news events or shared interest areas (Trump rallies, drones, sports)

5. Self-assigned requests

Ex: Student projects in other classes.



MuckRock

MUCKROCK Requests News Newsletter About Us ... Search [File Request](#) Dave Maass University of Nevada, Re... 832

Requests

[File a Request](#) [Export Search Results as CSV](#)

Select requests below in order to apply a bulk action.

Go

Showing 1 to 19 of 19 Page 1 of 1 25 items per page

First PagePrevious PageNext PageLast Page

☐	Title	User	Agency	Jurisdiction	Updated	Submitted
☐	FCC Complaints - KQED Completed	Dave Maass	Federal Communications Commission	United States of America	04/28/2026	09/22/2025
☐	Drone as First Responder program contract and details Completed	Vivien Fleck	Sparks Police Department	Sparks, NV	03/19/2026	09/22/2025
☐	Drone as First Responder program contract and details (Campbell Police Department) Completed	Riley Overstreet	Campbell Police Department	Campbell, CA	02/03/2026	09/22/2025
☐	Applications and information regarding Vidler Water Company etc.	Vivien Fleck	State Engineers Office - Nevada Division Of Water Resources	Carson City, NV	01/27/2026	10/13/2025

Search

Status
Completed

User

Agency

Jurisdiction

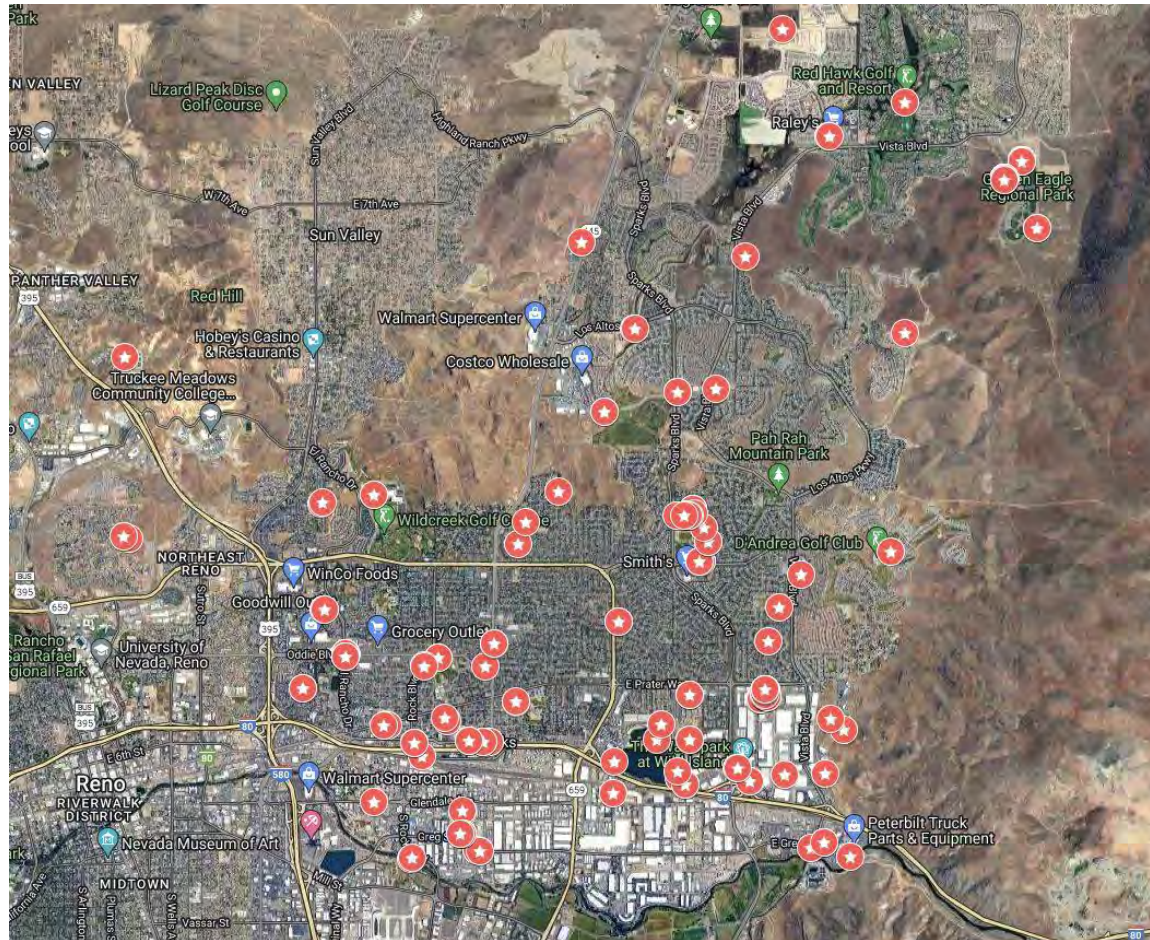
Projects

Tags

Police Drone Flight Data

Sparks Police
Department

Records
obtained by
Skylar Ferguson



EFF

Clark County Unhoused Deaths

Requests filed by
Kelsea Frobes and
John L'Etoile

Homeless Case Nums 2015 - 2018	Name	Date of Death	Age in Years	Race	Gender	Cause Of Death	Other Significant Conditions	Manner Of Death
15-00471	Charles Andrew Hayden	01/14/2015	27	Caucasian	Male	Multiple blunt force motor vehicle versus pedestrian trauma	Unknown	Accident
15-00612	William Neal Holyoke	01/17/2015	51	Caucasian	Male	Multiple blunt force motor vehicle versus pedestrian trauma	Unknown	Accident
15-00634	Steven Lamar Lanier	01/18/2015	43	Black American	Male	Gabapentin and Fentanyl Intoxication due to Arteriosclerotic and Hypertensive Cardiovascular Disease	Arteriosclerotic and Hypertensive Cardiovascular Disease	Suicide
15-01247	Derek Melvin Owens	02/03/2015	57	Black American	Male	Chronic Obstructive Pulmonary Disease	Unknown	Natural
15-01707	Larry Bouchey	02/15/2015	53	Caucasian	Male	Coronary Atherosclerosis due to Opiate Intoxication	Opiate Intoxication	Accident
15-01791	Stephen Michael Margraf	02/17/2015	42	Caucasian	Male	Hanging	Unknown	Suicide
15-03337	David	03/30/2015	55	Caucasian	Male	Undetermined	Unknown	Undetermined

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Echo Summit/Highway 50 Landslide March 2022

CHP images of explosives used to destroy a boulder.

[Request](#) by
Katherine
Fulwider



EFF

The Good



Northern Nevada Public Health (Washoe Co.)

EFF

Northern Nevada Public Health (Washoe Co.)

Fastest agency we've encountered.

Requests for health inspections filed at the beginning of class are sometimes fulfilled before class is over.

Item #	Violation
13b.	Observed raw shell eggs stored under raw beef in facilities locked meat cage. Inspector instructed operator to reorganize meats to be in proper order of final cook temperature as follows: 1) Ready to eat foods, 2) Raw shell eggs, pork and seafood (Final cook temperature of 145F), 3) Raw beef (Final cook temperature of 155F), 4) Raw chicken and poultry (Final cook temperature of 165F). Please ensure all raw animal products are in the proper order of final cook temperature from top to bottom to prevent cross contamination and foodborne illness.
18.	Observed 4 plastic covered tubs of pasta cooked and cooled the previous night between 49-51F. Inspector instructed operator to discard all 4 tubs of pasta. Please ensure facility is cooling all TCS (time/temperature controlled for safety) foods from 135F to 70F in 2 hours then from 70F to 41F in the next 4 hours to prevent bacterial growth and foodborne illness.
20.	Observed several TCS (time/temperature controlled for safety) food items (cut tomatoes, cut lettuce, cheese, ahi tuna, Poke, and more) between 45-52F throughout facility. Inspector instructed operator to discard TCS food items that were kept had been out of temperature for longer than 4 hours and place TCS food items that had not reached 4 hour time limit in walk in refrigeration unit to cool to 41F and below. Inspector spoke with person in charge about keeping tomatoes chilled on ice while being cut as this TCS food item was out of temperature in several areas of facility. Please ensure facility is keeping all TCS foods being held cold at 41F and below at all times to prevent bacterial growth and foodborne illness.
32.	Observed facility storing cooling pasta in small plastic tubs with lids on. Facility uses thin sheet pans on speed racks to cool foods but must ensure they have properly cooled from 135F to 70F in first two hours then from 70F to 41F in next 4 hours and not put in plastic tubs with lid on until TCS food has reached 41F and below to prevent bacterial growth and foodborne illness.
34.	Observed facility thawing ROP (reduced oxygen packaged) ahi tuna under cold running water without package of tuna cut to allow for air flow to fish while thawing. Please ensure facility cuts packaging of all ROP'd fish while thawing to prevent bacterial growth and foodborne illness.

EFF

The Bad



Nevada Secretary of State's Office

EFF

Corrected: Nevada Secretary of State

Requests for sports agent filings went unfulfilled for more than a year.

After we complained, Sec. Francisco Aguilar fast-tracked the release, apologized to the student requester, and then offered himself up to be grilled by the class.

What we learned: other than collecting the filings, the SoS takes no other action to hold sports agents accountable.



The Ugly



University of Nevada, Reno

EFF

Mountain West Conference Realignment

UNR president Brian Sandoval releases statement on Mountain West conference realignment

The silence ended Tuesday when UNR president Brian Sandoval released a **42-word two-sentence statement** to Nevada Sports Net through the university's communications office. That came one day after the Wolf Pack was reportedly among seven MW schools to sign a **memorandum of understanding** to remain in the conference before Utah State failed to sign the agreement and accepted an invitation into the Pac-12, further destabilizing the MW.

<https://nevadasportsnet.com/news/reporters/unr-president-brian-sandoval-releases-statement-on-mountain-west-conference-realignment>

EFF

Mountain West Conference Realignment

WOLF PACKHIGH SCHOOLPROSFEATURESYOUTUBEWATCH

UNR president Brian Sandoval releases statement on Mountain West conference realignment

by Chris Murray | Tue, September 24, 2024 at 4:28 PM



UNR president Brian Sandoval, left, Nevada football coach Jeff Choate, center, and Wolf Pack athletic director Stephanie Rempe pose for a photo after Choate's hiring last December. (NSN file)

“Our leadership is monitoring the current situation and **is in frequent contact with Mountain West commissioner Gloria Nevarez** about the future of the conference,” Sandoval said in the statement. “We will continue to work towards the best solutions for the University of Nevada and our student-athletes.”

<https://nevadasportsnet.com/news/reporters/unr-president-brian-sandoval-releases-statement-on-mountain-west-conference-realignment>

EFF

University of Nevada, Reno

1. All supporting documents containing any emails, financial reports, contracts, meeting minutes (audio/video/written), or agendas from January 1, 2022 to present covering conference realignment discussions involving the University of Nevada, Reno, including communications with the Mountain West Conference, Pac-12 Conference, or other athletic conferences.

Maia Ancho

EFF

University of Nevada, Reno Emails

To proceed with processing this portion of your request, we require clarification to ensure we conduct a sufficient search for responsive records. Please provide the following information to assist us in identifying the records you are seeking:

Your request does not include search terms. Please provide focused and specific search terms to help us locate the records you are seeking.

Your request does not identify any specific individuals associated with the records sought. Given that the University employs over 8,000 individuals, narrowing the scope of your request would assist us in locating responsive records. Please identify the individual(s) whose emails you are seeking.

The University is unable to proceed with processing this portion of your request until the requested clarification has been received.

The logo for the Electronic Frontier Foundation (EFF), consisting of the letters "EFF" in a bold, red, sans-serif font.

University of Nevada, Reno

With respect to your request for financial reports, contracts, meeting minutes (audio/video/written), or agendas:

The University has completed its review and determined that it has no records responsive to this portion of your request.

EFF

What This Means to Students

This is often their first real interaction with government.

This interaction will color their view of government.

When an agency fails a public records request, it is failing the public.