STATE OF NEVADA
PUBLIC RECORDS TASK FORCE

GOVERNMENT MEMBERS'

APPENDIX F

Survey for Nevada Law Enforcement

Survey for Nevada law enforcement

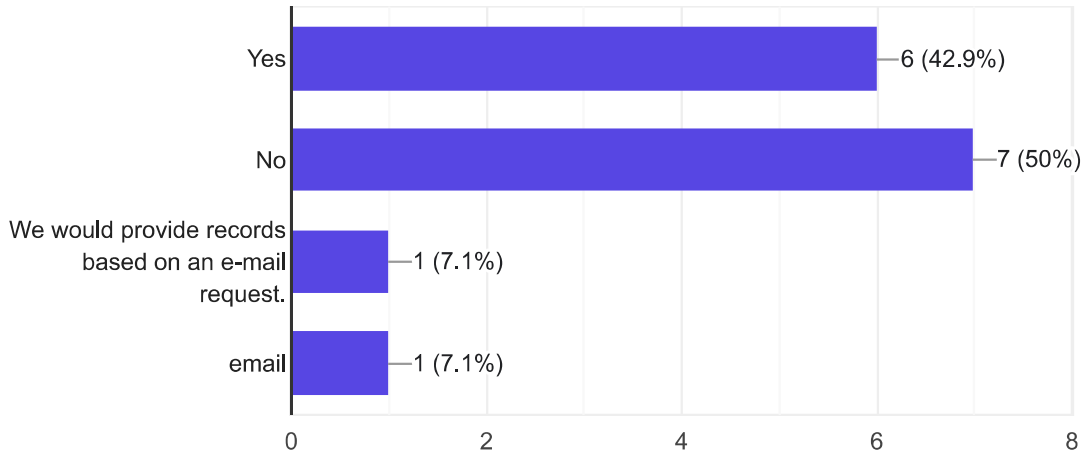
14 responses

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1. Does your agency use an on-line system to accept requests?

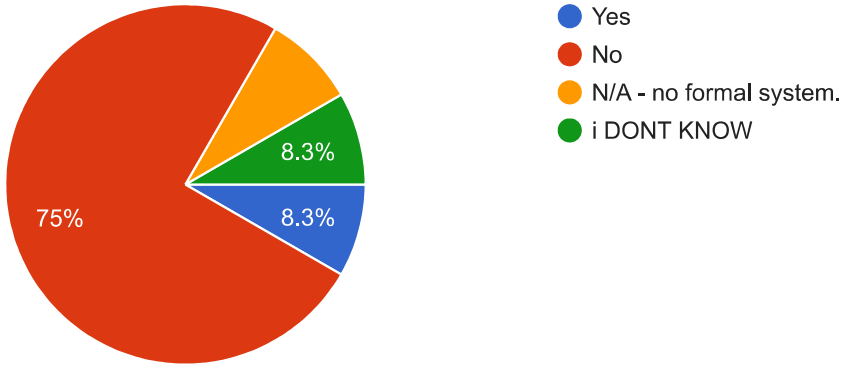
14 responses



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2. If yes, does the system allow the public to see a list of requests?

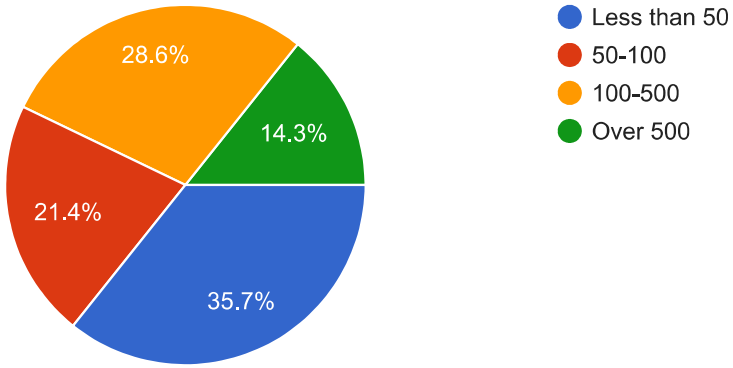
12 responses



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3. How many employees does your agency have?

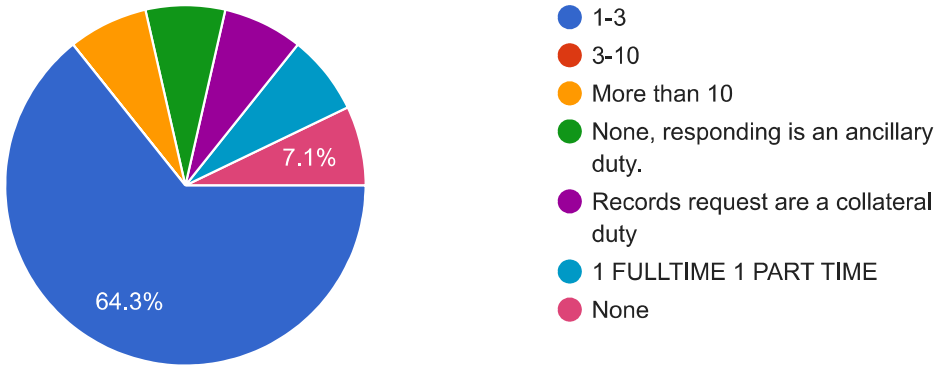
14 responses



4. How many full-time staff does your agency have responding to public records requests?

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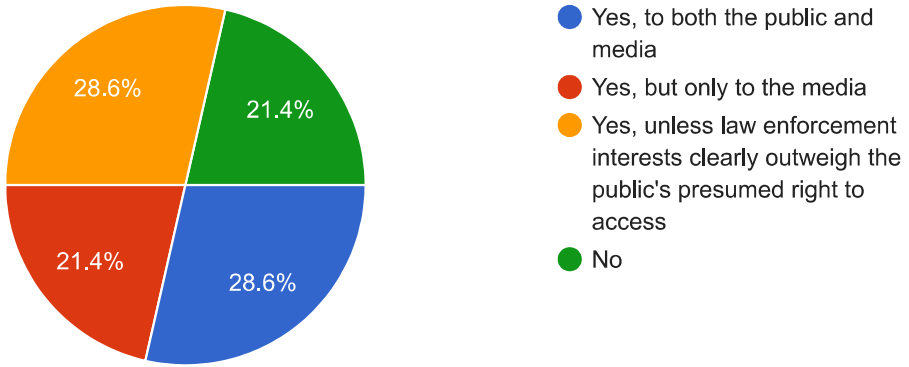
14 responses



5. In general, and without regard to redactions, does your agency provide basic arrest information (name of arrestee, date, charges) for cases currently within the system of criminal justice?

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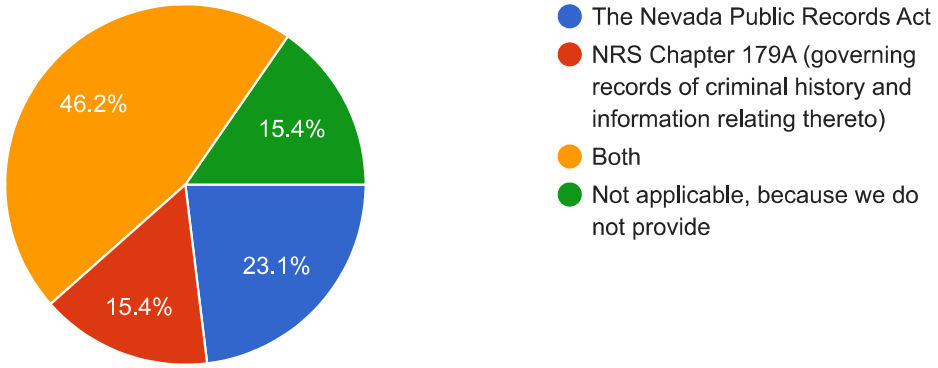
14 responses



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6. If your agency provides basic arrest information for cases currently within the system of criminal justice, what legal basis do you rely on?

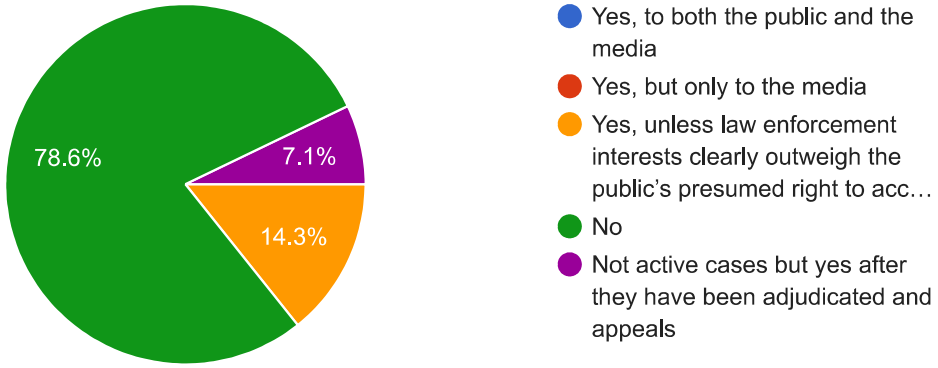
13 responses



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7. In general, and without regard to redactions, does your agency provide investigative records (like body-worn camera footage, 911 calls, witness interviews, officer's reports, lab reports, etc.) pertaining to an open criminal investigation when criminal charges have yet to be filed?

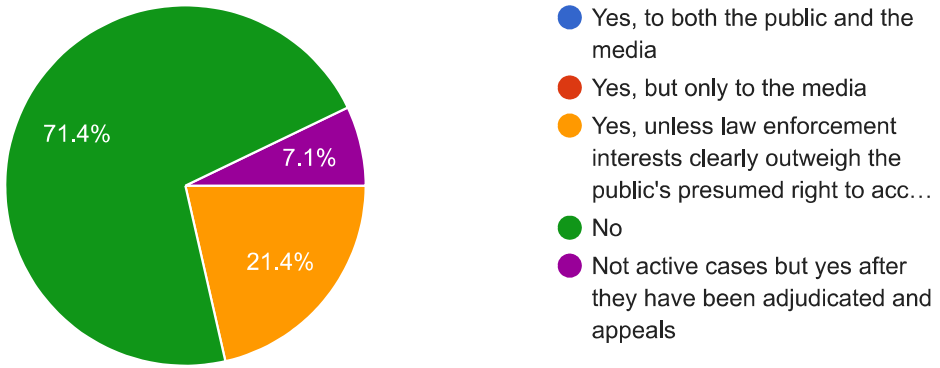
14 responses



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8. In general, and without regard to redactions, does your agency provide investigative records (like witness interviews, officer's reports, lab reports, etc.) pertaining to an open criminal prosecution (i.e., after criminal charges have been filed)?

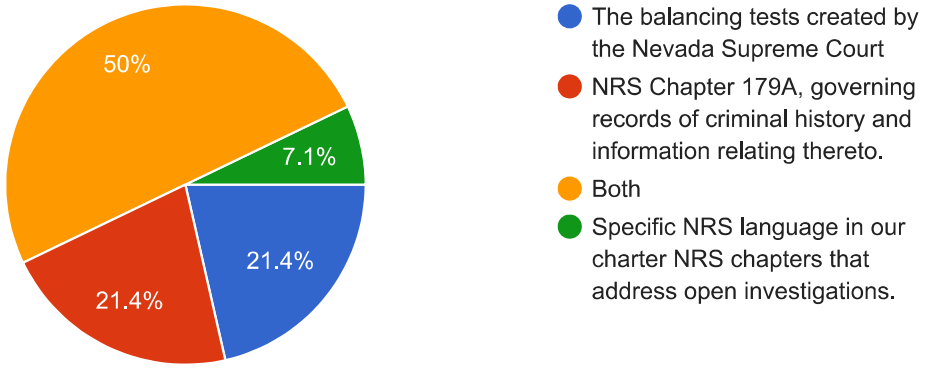
14 responses



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9. With regard to the previous two questions, if your agency ever withholds or redacts investigative information in open cases, what legal basis do you rely on?

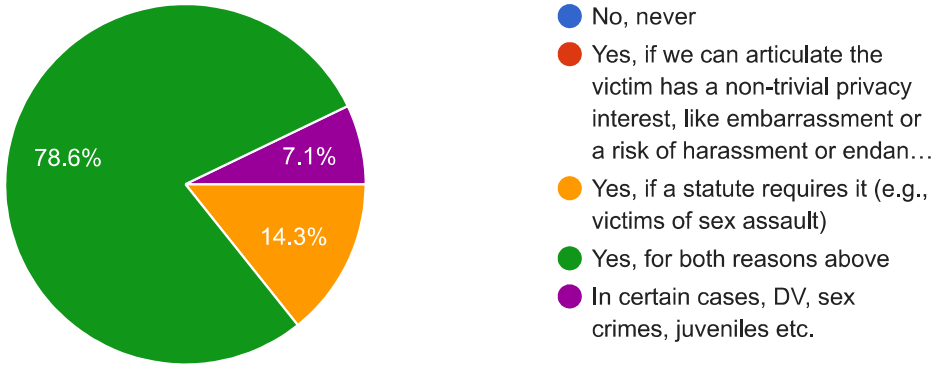
14 responses



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10. When providing arrest and investigative information, does your agency redact victim identities?

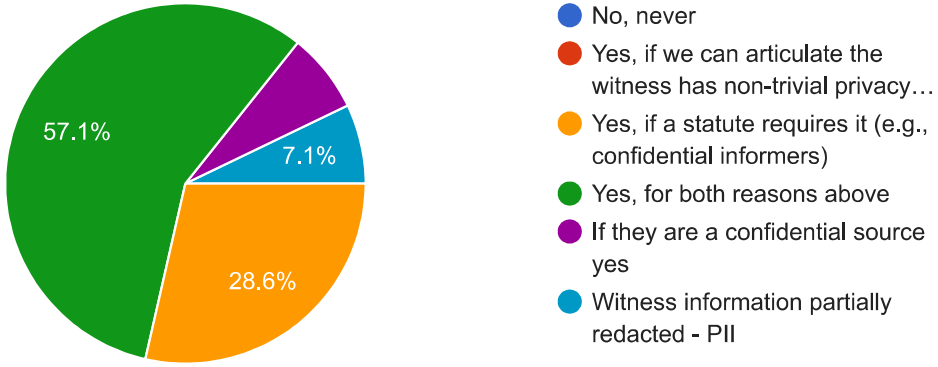
14 responses



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11. When providing arrest and investigative information, does your agency redact witness identities?

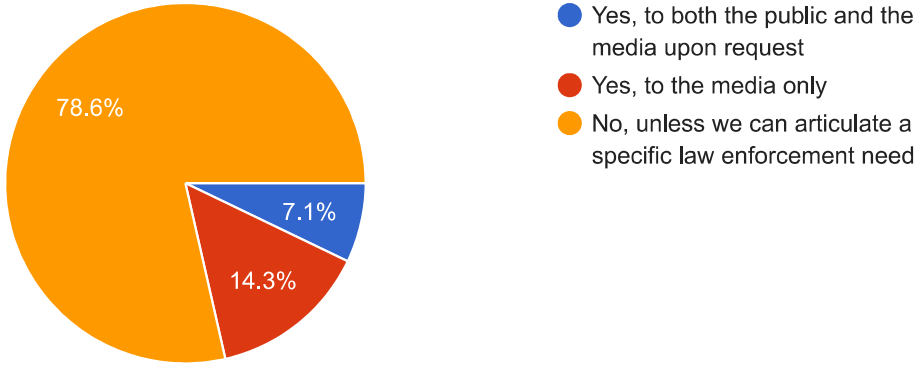
14 responses



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12. Does your agency provide booking photos of subjects not yet convicted of the crime?

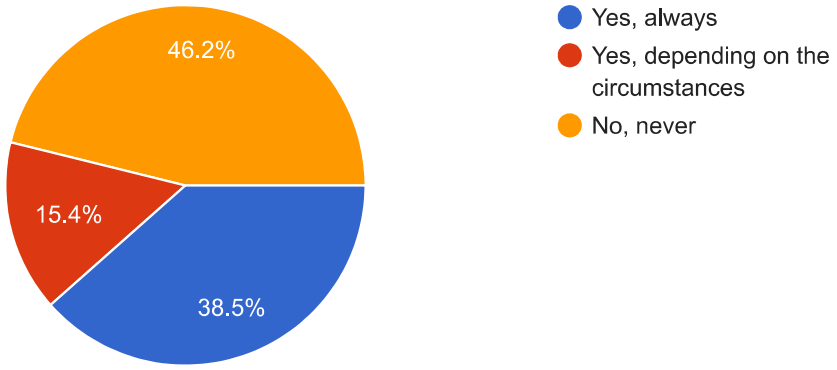
14 responses



13. Does your agency redact officer faces from body-worn camera footage when providing it to the public or the media?

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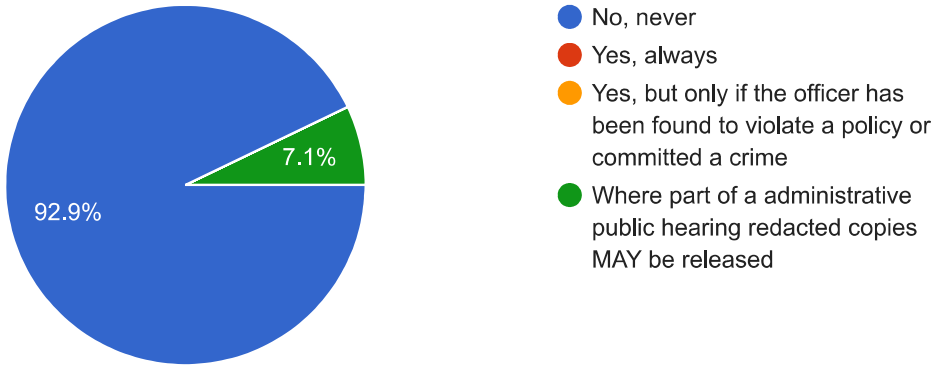
13 responses



14. Does your agency provide internal affairs records to the public?

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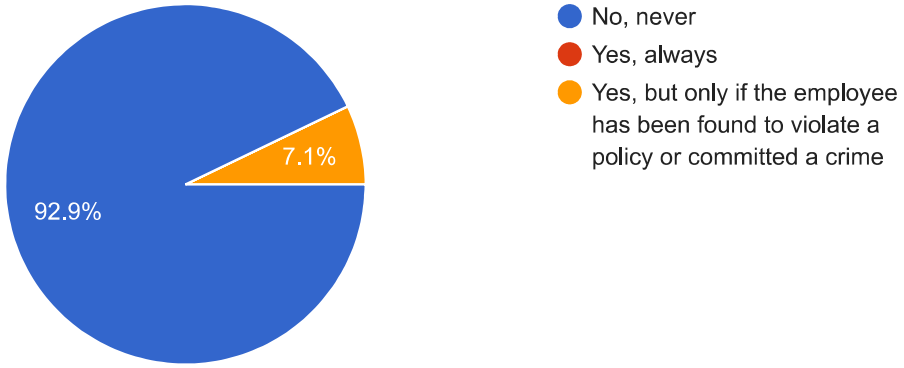
14 responses



15. Does your agency provide personnel files to the public?

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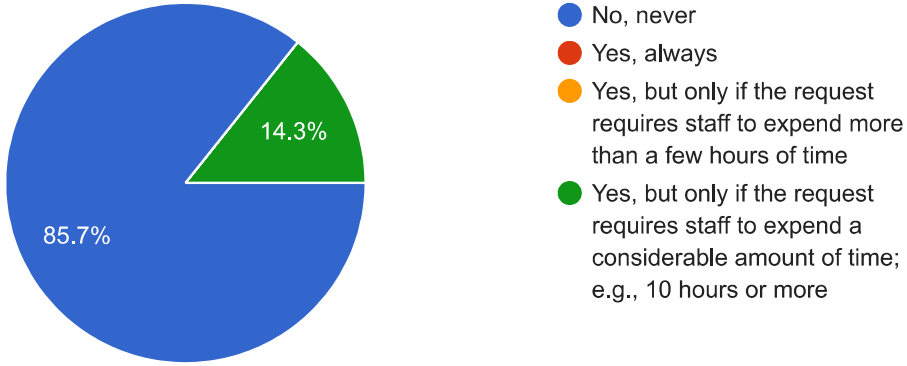
14 responses



16. Excluding body-worn camera footage, does your agency charge for the staff time required to produce records?

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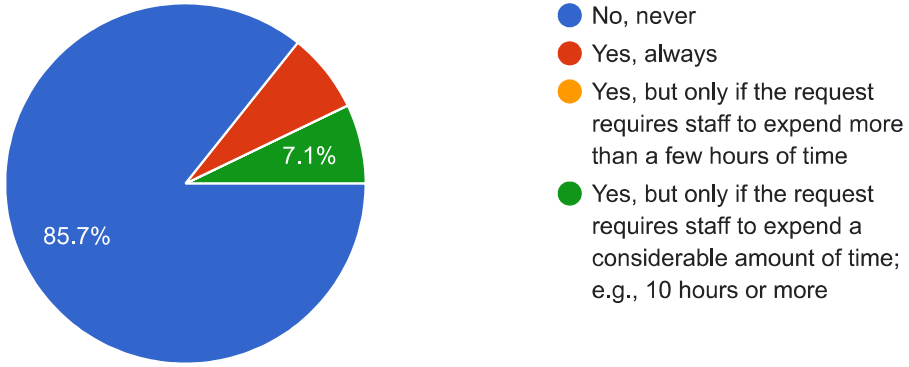
14 responses



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17. Does your agency charge for the staff time required to produce body-worn camera footage?

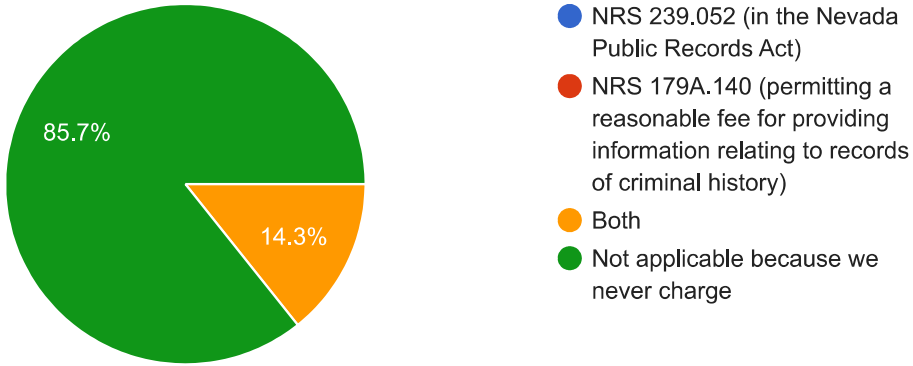
14 responses



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18. If your agency ever charges for staff time, what legal basis do you rely on?

14 responses



19. Between staff time and other expenses, what has the financial impact of providing public records been to your agency in the last two years?

12 responses

Minimal - On average, we process about 10 requests per week, so it has stayed manageable.

Our total annual expenditures for responding to public records requests have risen from about $2.5 million to almost $3 million in the last couple of years. The vast majority of this is staff salaries and benefits. This does not include attorney time or time needed from various other employees not already assigned to public records.

With only 9 personnel, complying with requests can take a lot of time.

Not tracked, but I suspect thousands

Not sure the financial cost but is very taxing on our staff and resources. Probably in the thousands annually.

approximately $300,000

Considerable time has been spent however we have not tracked it to determine costs

Unknown we don't track this because we don't charge.

Immense staff reassignment for large or repeated PRRs.

Approximately $48,000 in staff time (on average one day per week devoted to compiling or responding to records request.

Over the past two years, public records requests have had a significant financial and operational impact on our agency, primarily through staff time. Most requests from citizens, victims, and others seeking records for non-commercial purposes are manageable and fall below our 10-hour threshold for cost recovery. However, we have seen an increase in broad

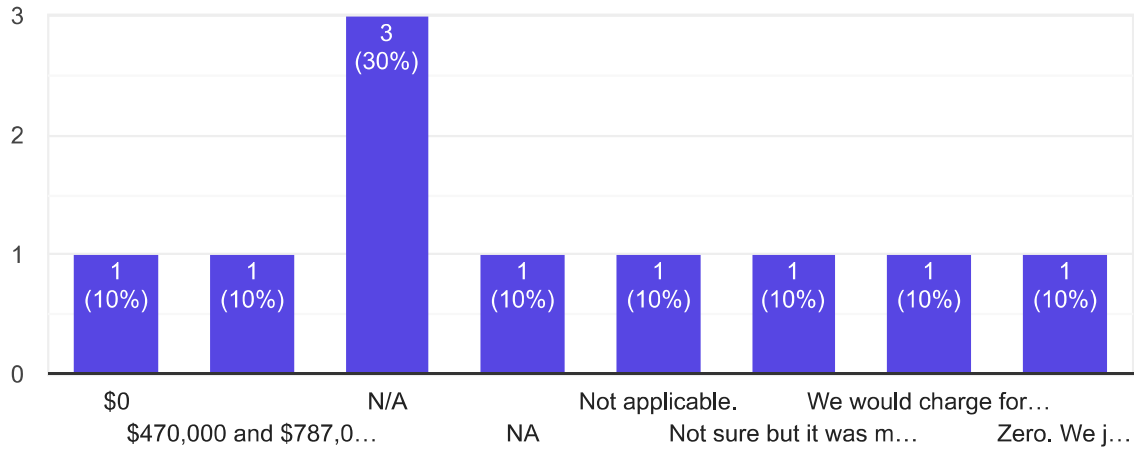
requests from internet and media companies seeking large volumes of content that may ultimately be monetized, and those requests enter the same workload queue as all other requests. Our goal is not to routinely charge for access to public records, but to have a reasonable mechanism to offset the significant staff impact created by exceptionally large or resource-intensive requests. Many of the associated costs are also difficult to quantify because the work is spread across multiple employees, supervisors, and divisions. As a result, the agency continues to absorb a substantial amount of staff time and operational cost associated with fulfilling these requests.

No financial Impact.

20. If your agency ever charges for providing public records, how much was collected in the prior two years?

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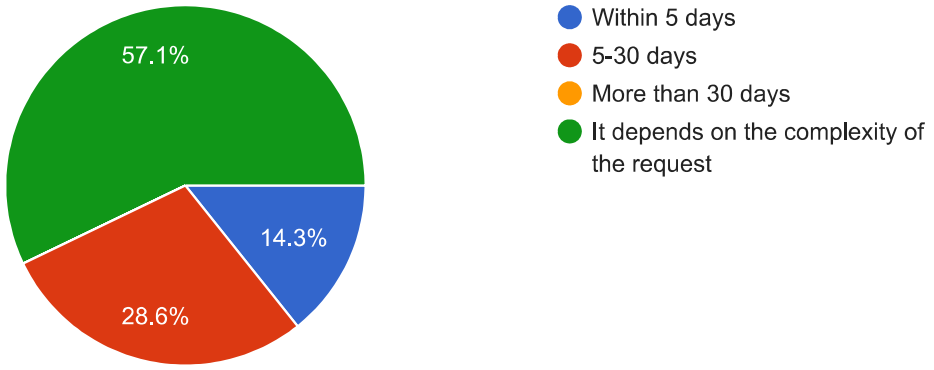
10 responses



21. Excluding body-worn camera footage, how quickly does your agency complete public records requests on average?

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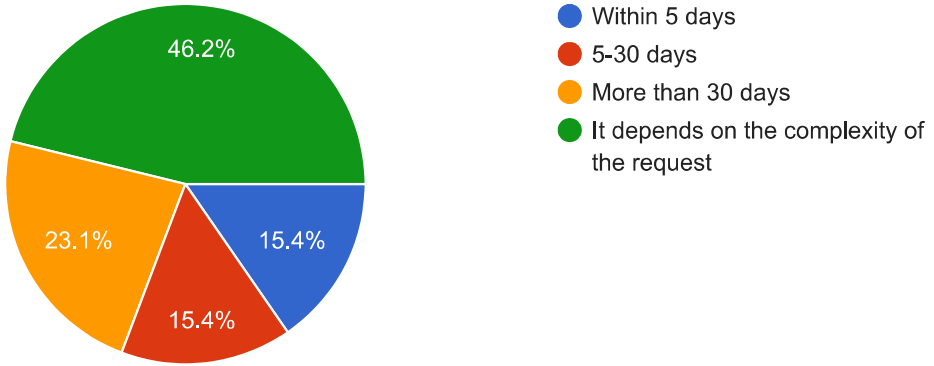
14 responses



22. How quickly does your agency complete requests for body-worn camera on average?

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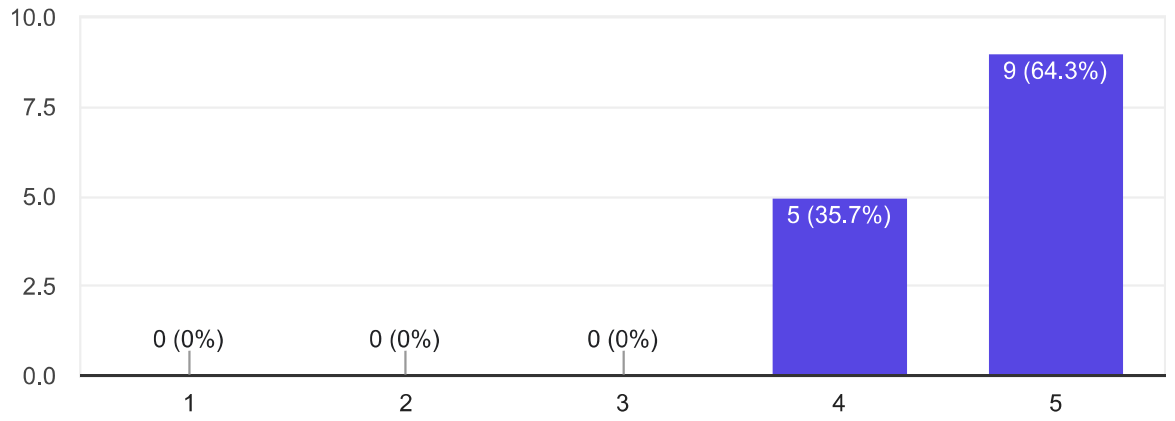
13 responses



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23. For the remaining questions, please rank the importance of the issue to your agency, with 1 being not important to 5 being very important. **Clarify Nevada law that information pertaining to open criminal investigations is presumptively confidential.**

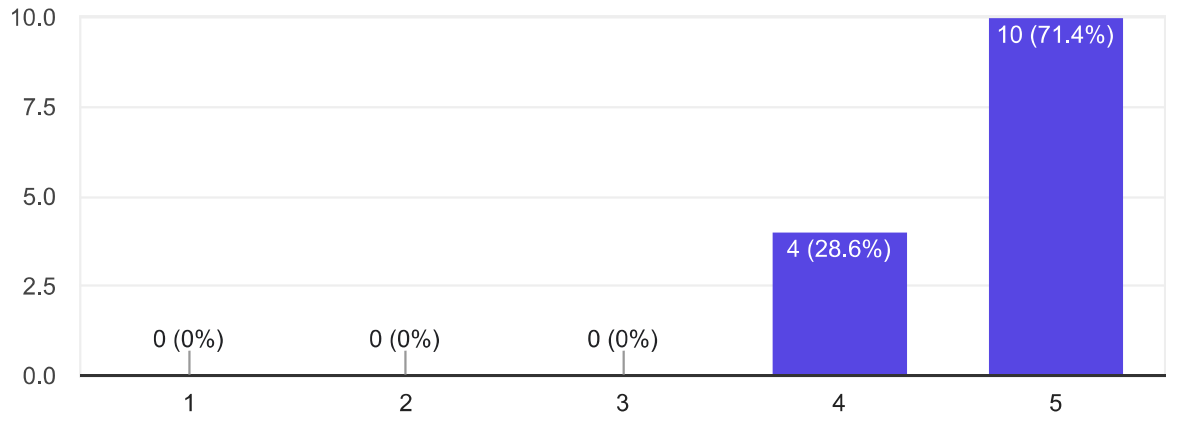
14 responses



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24. Clarify Nevada law that information pertaining to open criminal prosecutions is presumptively confidential.

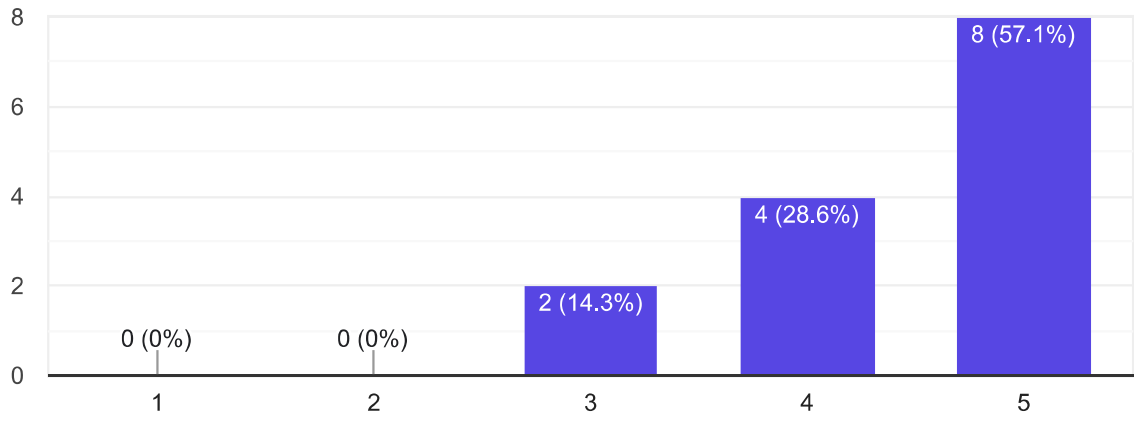
14 responses



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25. Clarify Nevada law that agencies may charge for staff time, at least in certain circumstances.

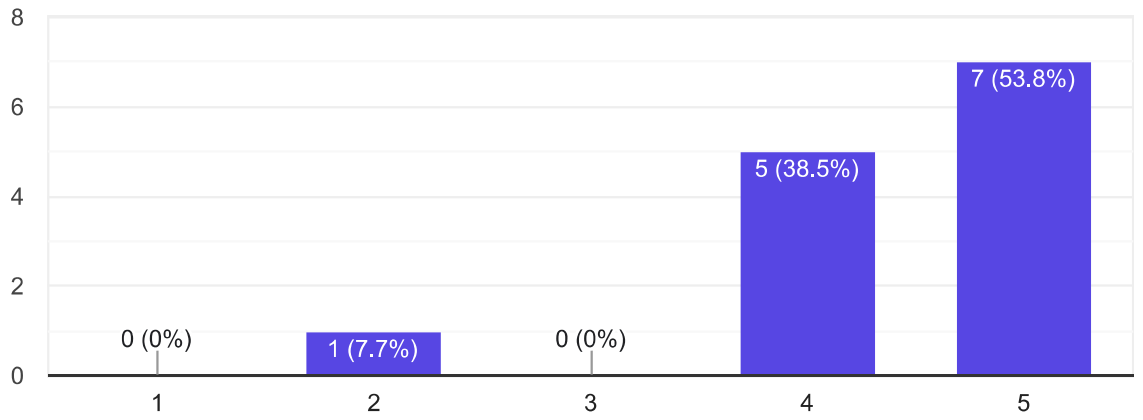
14 responses



26. Clarify Nevada law that victim identities are presumptively confidential.

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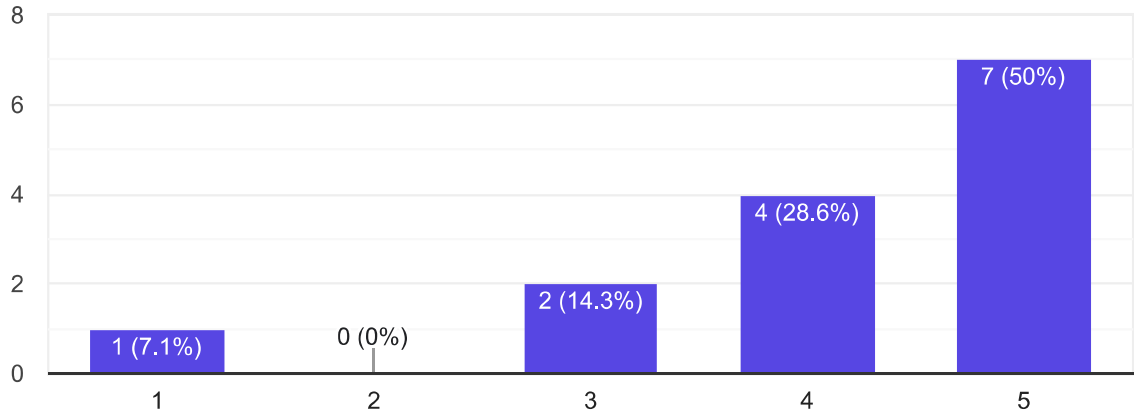
13 responses



27. Clarify Nevada law that witness identities are presumptively confidential.

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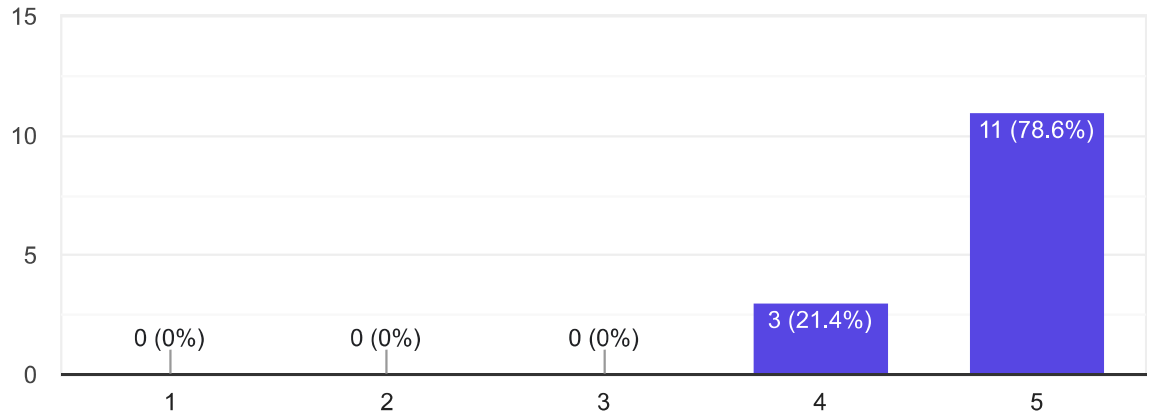
14 responses



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28. Clarify Nevada law that internal affairs files and personnel records are presumptively confidential.

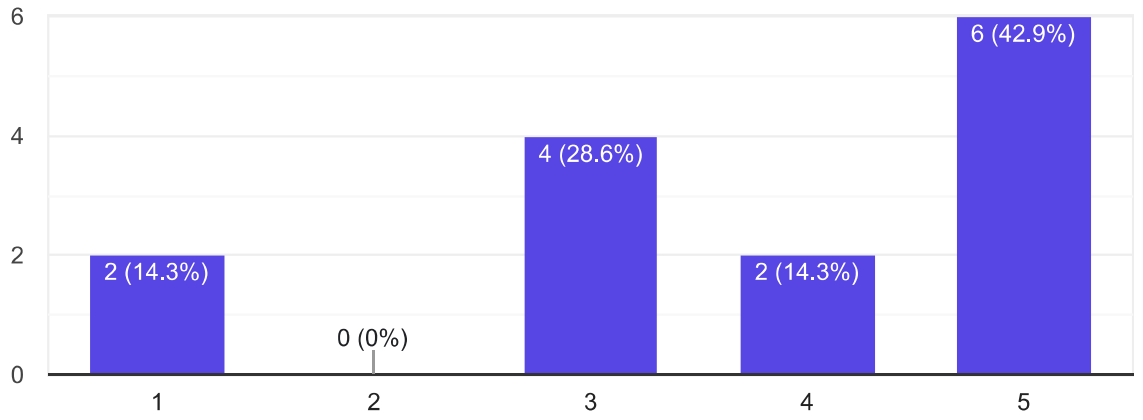
14 responses



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29. Create a statewide ombudsman to train agencies in public records law and to hear disputes prior to litigation.

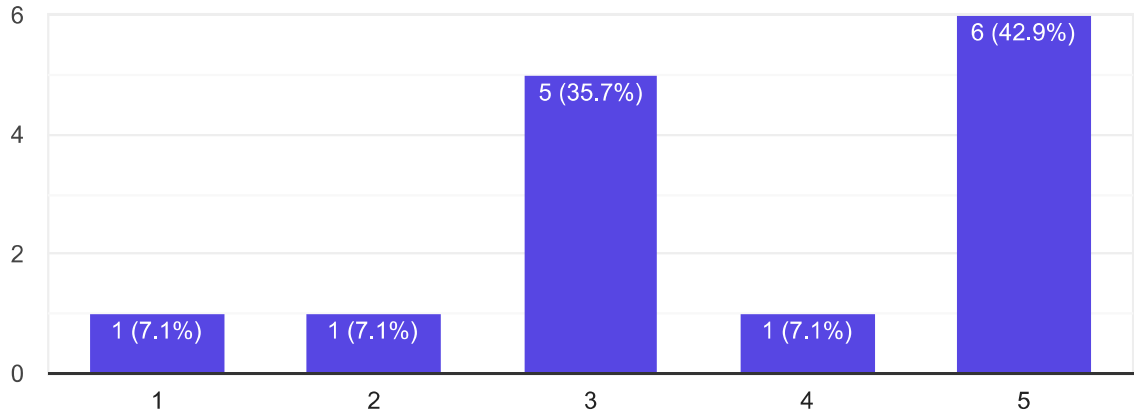
14 responses



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30. Enact law to require mediation or an internal appeal procedure prior to permitting requesters to sue.

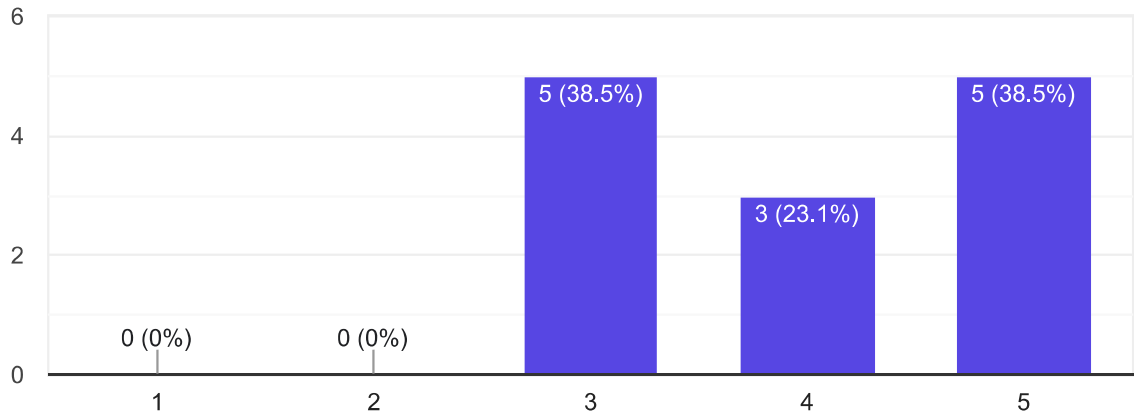
14 responses



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31. Change Nevada law to prevent prevailing requesters from recovering attorneys' fees unless the agency has acted unreasonably or in bad faith.

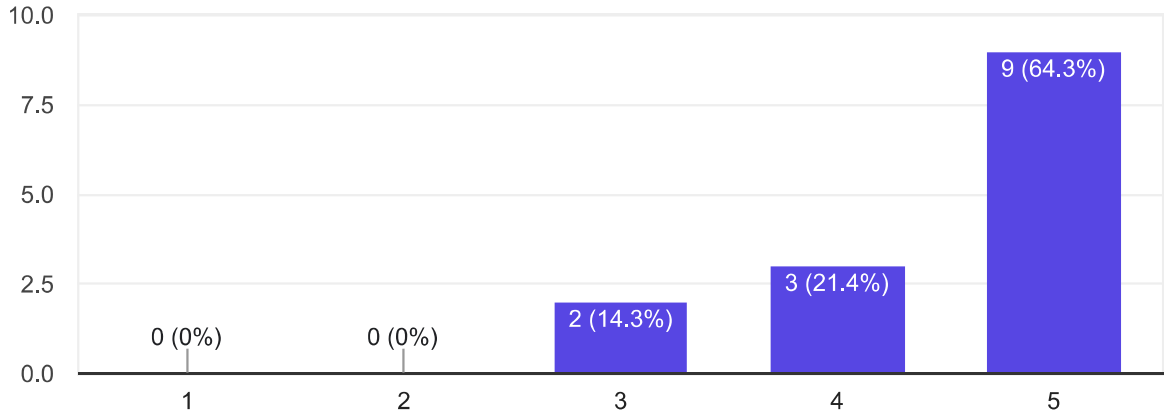
13 responses



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32. Increase the statutory response time from 5 days.

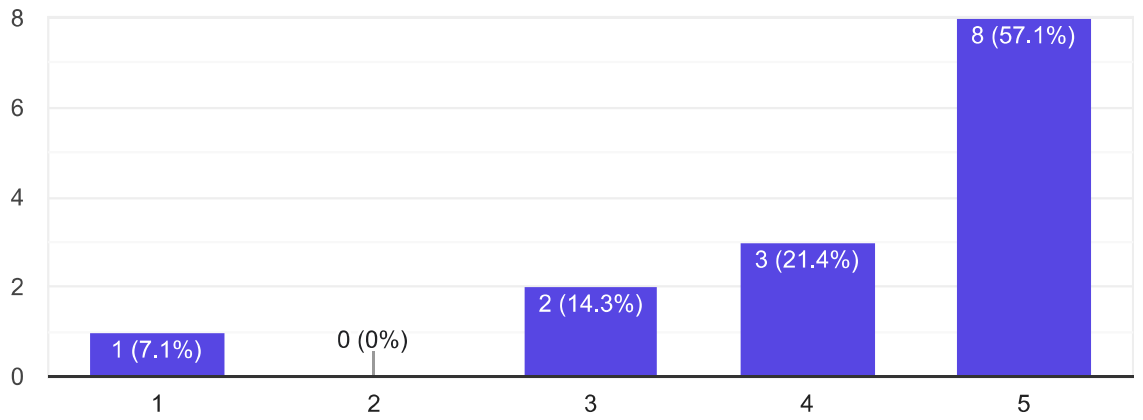
14 responses



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33. Enact law to require requesters to identify the reason they are seeking records.

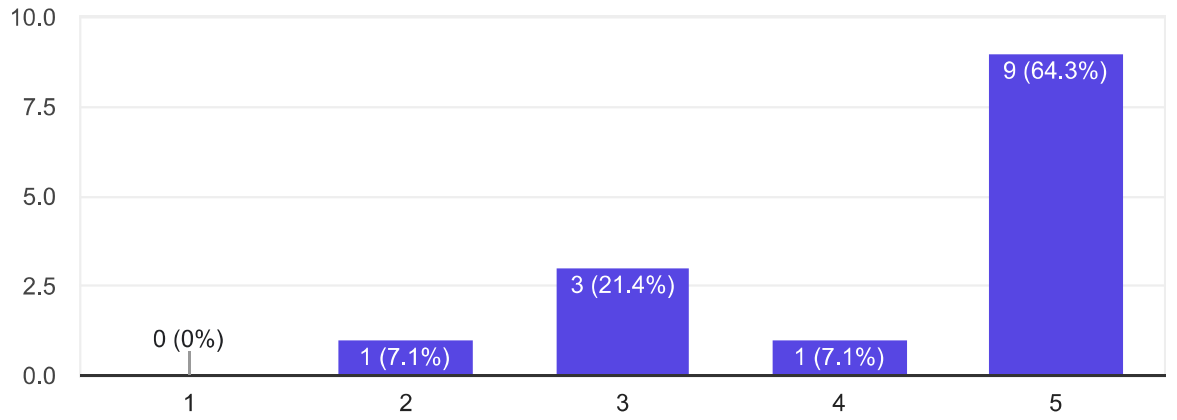
14 responses



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34. Enact law to prevent anonymous requesters.

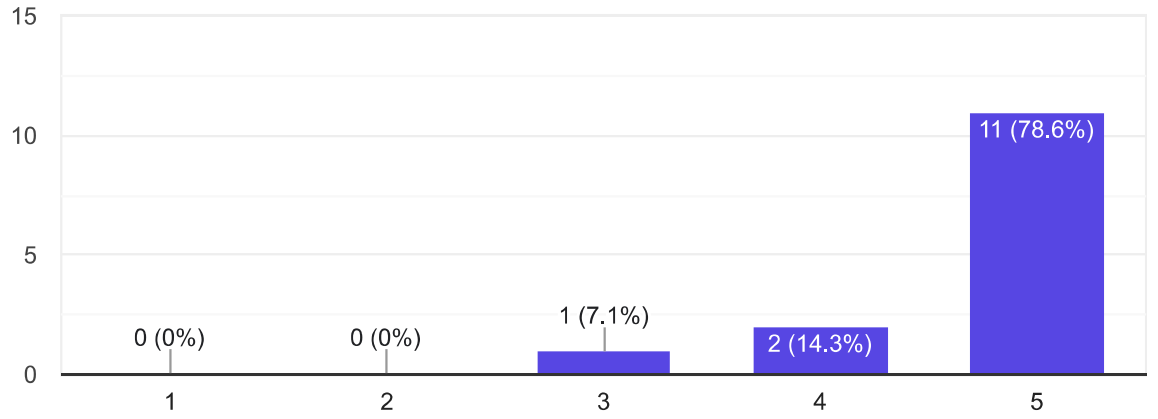
14 responses



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35. Enact law to make it difficult for requesters to demand an unreasonably large volume of records.

14 responses



36. If you have any other thoughts, ideas, or concerns, please feel free to share them.

7 responses

I would advocate for greater discretion to redact law enforcement records when disclosure serves little public interest. Police reports often contain highly personal and sensitive information about victims, witnesses, and other citizens. While government transparency is important, it should be balanced with individual privacy. Consideration should be given to privacy protections similar in principle to HIPAA and FERPA, recognizing that sensitive personal information should not become broadly accessible simply because an individual had contact with law enforcement.

We are a small agency, with high turnover, hard to meet deadlines with small staff with minimal training and other workload.

Reenact fees for extraordinary requests.

The whole statute on this process in Nevada needs to be addressed. It is insane.

We need to charge enough to process the requests and generate revenue for the agency.

As a regulatory agency, we are often asked to provide records that we may or may not have, related to the employment of an officer in a county or city department. We are not the employing agency but may have records related to their employment for certification purposes. Media in particular but others will often be denied by the actual agency and then use us as a back door way of getting records the employing agency denied. We need legislation that prohibits requiring outside agencies to supply information the actual employing agency denied. Where the most accurate record and where the true custodian of that employment record or file, require the requester to go through the employing agency and prohibit using the certifying agency as a backdoor.

Clearer statewide guidance on what must be redacted would be extremely helpful, particularly for body-worn camera video. Redaction can be exceptionally time-consuming because staff must review video frame by frame for PII, including information visible in reflections, inside private residences, and sensitive information recorded in medical settings. The amount of time

required is often difficult to predict or quantify before the work begins. Public records work has become a specialized and increasingly resource-intensive responsibility, yet agencies are generally absorbing that workload with existing staffing. State grant funding or other resources specifically intended to support public records staffing, technology, and redaction costs could help agencies meet transparency requirements without pulling resources from other essential functions.

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