

ACLU of Nevada



CHALLENGES TO OBTAINING PUBLIC RECORDS

PRESENTERS:

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EXAMPLES OF WITHHELD RECORDS AND ARGUMENTS MADE

(non-exhaustive)

ACLUNV v. LVMPD

Records withheld related to LVMPD 287(g) Agreement :

- Procedures associated with Policy 4.166
- Communications between ICE & LVMPD

ARGUMENTS ON CONFIDENTIALITY (LVMPD)

- Immigration Records
- Law Enforcement Privilege
 - “A law enforcement agency may withhold records under the Nevada Public Records Act when its interest in nondisclosure clearly outweighs the public’s presumed right to access. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 880, 266 P.3d 623, 628 (2011). There is a presumption that records are not confidential, that exceptions must be narrowly construed, that redactions are preferred over withholding, and that the purpose of the Nevada Public Records Act is to facilitate government transparency. However, Nevada law and public policy recognize the importance of maintaining the integrity of certain information possessed by law enforcement agencies...In this case, after a careful examination of all factors, there are law enforcement interests in nondisclosure that clearly outweigh the public’s presumed interest in access. Therefore, the records and/or the information in the records you seek are confidential, at least at this time, and must be redacted.”

ACLUNV v. Clark County School Dist.

- Audio Recorded Interviews
- Body Worn Camera
- Computer Aided Dispatch (CAD) Notes
- CAD Voicemail Complaints
- Email Correspondence
- Garrity Warning
- Incident Crime Report
- Transcripts
- Student Summary Report
- Witness Notifications
- Personal Interviews
- Citations

ARGUMENTS ON CONFIDENTIALITY (CCSD)

In the 2023 Lawsuit against CCSD, CCSD cited to following NRS statutes for withholding requested public records:

- NRS 62H.025: Confidentiality of juvenile justice information; release in certain circumstances; penalty for unlawful use.
 - CCSD stated- **“The ACLU’s Representation of the Juveniles is Not Relevant for Purposes of the NPRA.”**
- NRS 289.080(9): Right to presence and assistance of representatives at interview; interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to notice of intent to recommend punitive action, to submit response to such recommendation and to review and copy in investigation file upon appeal.
- NRS 613.075: Inspection by person who is subject of records; provision of copies upon request; cost of copies; person permitted to submit written explanation in response to information in records and to challenge accuracy; limitations.

ACLUNV v. Department of Motor Vehicles

Records withheld related to Department of Motor Vehicles (DMV)'s Cooperation with DHS:

- Signal Communications between ICE & LVMPD
- 110 documents were unlawfully withheld - only 7 were produced to ACLU of Nevada.

ARGUMENTS ON CONFIDENTIALITY (DMV)

In a 2025 lawsuit against the Department of Motor Vehicles (DMV), DMV cited the following reasons for withholding the requested public records:

- “It is a duplicative request”;
- “The information that you are requesting was reviewed for ICE communications is not something that is not [sic] considered public information and cannot be released, any communication we have to ICE is only for investigation purposes”;
- “According to NRS 481.063: ‘The Director shall not release any personal information from a file or record relating to a license, identification card or title or registration of a vehicle to any person or to any federal, state, or local government entity for any purpose relating to the enforcement of immigration laws unless the requester submits a written release from the person about whom the information is requested or the Director releases the personal information pursuant to a lawful order, subpoena or warrant issued by a court of competent jurisdiction’”;
- “We have also taken legal advice where we’ve asked if we can share any communication regarding immigration, and we were advised that we cannot proceed in doing so. Please consider this case denied.”

ADDITIONAL BARRIERS

(non-exhaustive)

COSTS AND FEES

The varying costs and fees imposed by different agencies create a significant barrier to accessing public records. Inconsistent or excessive charges for searching, reviewing, redacting, or producing records can price the public or nonprofits out of information it is legally entitled to obtain.

Las Vegas Metropolitan Police Department			
Service Charges			
Effective July 1, 2026			
A service charge is a set fee based upon the actual cost of providing the service.			
		Charge	Was
5000112 Office of General Counsel			
BODY WORN CAMERA SECTION:			
Video/Audio Case Preparation/Research/Redaction*	Per Hour	\$ 89.00	\$ 87.00
Copy CD/DVD/Flash Drive	Per Each	\$ 32.00	\$ 32.00
PUBLIC RECORDS SECTION:			
Case Preparation/Research/Redaction*	Per hour	\$ 53.00	\$ 47.00
Incident Crime Report Reproduction*	Per Each (up to 20 pages)**	\$ 14.00	\$ 12.00
*As permitted by NRS 239.052(1) and NRS 179A.140. Expedited requests will be charged 1.5 times the hourly rate.			
** Printed reproduction requests over 20 pages will be charged the \$0.40 per page Copy Charge.			

LVMPD charges these types of fees for copies of public records by billing requestors thousands of dollars to covers the salaries of agency staff, an expense that LVMPD would incur whether or not the request was made.

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Thank you