



IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS POLICE PROTECTIVE ASSOCIATION, A LABOR ORGANIZATION ON BEHALF OF ITS MEMBERS; JEREMY JACOBITZ, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; WILLIAM CATRICULA, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; MATTHEW GLOVER, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; JUSTIN TURNEY, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; RAYMOND KWAN, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; ARISTOTLE LEGASPI, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION; AND EDUARDO GARCIA, AN INDIVIDUAL AND MEMBER OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION, Appellants,

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, AN ADVISORY BOARD TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; CITY OF LAS VEGAS, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA; AND CLARK COUNTY, A POLITICAL

No. 89739

SUBDIVISION OF THE STATE OF
NEVADA,
Respondents.

Appeal from a district court order granting a motion for judgment on the pleadings in an action for declaratory and injunctive relief to prohibit the publishing of peace officer names and badge numbers. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Affirmed.

Sgro & Roger and Anthony P. Sgro and Alanna Bondy, Las Vegas,
for Appellants.

David Roger, Las Vegas,
for Appellant Las Vegas Police Protective Association.

Steven B. Wolfson, District Attorney, and Jeffrey S. Rogan, Deputy District Attorney, Clark County,
for Respondents Las Vegas Metropolitan Police Department Citizen Review Board and Clark County.

Jeffrey M. Dorocak, City Attorney, and Nechole M. Garcia, Deputy City Attorney, Las Vegas,
for Respondent City of Las Vegas.

BEFORE THE SUPREME COURT, STIGLICH, CADISH, and LEE, JJ.

OPINION

By the Court, CADISH, J.:

Appellant Las Vegas Police Protective Association (LVPPA) filed a complaint for injunctive and declaratory relief to prohibit respondent

Las Vegas Metropolitan Police Department Citizen Review Board (CRB) from posting peace officer names and badge numbers on meeting notices, agendas, and any findings and recommendations from the CRB proceedings. LVPPA claims that various legal authorities prevent the publication of this information and that its peace officer members' nontrivial privacy rights outweigh any public interest in disclosure. The district court granted the CRB's motion for judgment on the pleadings, and LVPPA appeals.

We hold that the CRB proceedings must comply with the Nevada Open Meeting Law (OML), NRS Chapter 241, by including the subject officers' names on meeting agendas. Further, LVPPA has not pointed to any authority that prohibits publishing those names or badge numbers. As to LVPPA's claim that officers have a nontrivial privacy interest in their names and badge numbers that outweighs the public's interest in disclosure, we conclude that it did not allege sufficient facts to support such a claim given the mandatory public disclosure of such information by all Las Vegas Metropolitan Police Department (LVMPD) officers. Therefore, the district court properly granted the CRB's motion for judgment on the pleadings, and we affirm.

FACTS AND PROCEDURAL HISTORY

The legislature established the CRB in 1999 to allow municipalities to review internal affairs investigations and public complaints against peace officers. NRS 289.380. LVPPA commenced this lawsuit on behalf of its members, including seven named LVMPD officers who are also appellants, to enjoin the CRB from publishing peace officer names and badge numbers on the CRB public notices, on meeting agendas, and in its reports documenting findings and recommendations. LVPPA alleged that the CRB should be prevented from listing names and badge

numbers because the CRB meetings are closed to the public, LVMPD's personnel files are subject to confidentiality requirements, and protections found in the police department and union's collective bargaining agreement (CBA) support shrouding this information. Additionally, LVPPA argued that operating agreements and municipal ordinances governing the CRB provide a confidentiality interest in names and badge numbers.

The CRB filed an NRCP 12(c) motion for judgment on the pleadings, arguing that officer names and badge numbers are not confidential as a matter of law. In that regard, the CRB claimed that the OML requires the CRB to disclose the names of officers whose character, alleged misconduct, or professional competence is under consideration by the CRB. LVPPA opposed the motion, arguing that such disclosure threatens officer safety. Further, LVPPA asserted that under the two-part balancing test adopted in *Clark County School District v. Las Vegas Review-Journal* (CCSD), 134 Nev. 700, 429 P.3d 313 (2018), the officers have a nontrivial privacy interest in their names and badge numbers that outweighs any public interest in disclosure of this information.

The district court granted the CRB's motion, dismissing the case. The court held that LVPPA was not entitled to declaratory or injunctive relief and concluded that no statute, ordinance, or contract cited by LVPPA required the CRB to redact officer names and badge numbers from meeting notices or agendas or from the CRB's resulting findings and recommendations. The district court reasoned that the OML required the CRB to disclose names and badge numbers and that the CCSD balancing test applies only when the government withholds information, whereas here, the CRB disclosed name and badge number information. LVPPA appeals.

DISCUSSION

We review district court orders granting motions for judgment on the pleadings de novo. *Sadler v. PacifiCare of Nev.*, 130 Nev. 990, 993, 340 P.3d 1264, 1266 (2014). An NRCP 12(c) motion for judgment on the pleadings should not be granted “if there are allegations in the plaintiff’s pleadings that, if proved, would permit recovery.” *Duff v. Lewis*, 114 Nev. 564, 568, 958 P.2d 82, 85 (1998) (quoting *Bernard v. Rockhill Dev. Co.*, 103 Nev. 132, 136, 734 P.2d 1238, 1241 (1987)). Thus, courts must “accept the factual allegations in the complaint as true and draw all inferences in favor of the nonmoving party.” *Sadler*, 130 Nev. at 993-94, 340 P.3d at 1266. We also apply de novo review to the district court’s legal conclusions, including its interpretation of the Nevada Public Records Act (NPRa) and OML. *CCSD*, 134 Nev. at 703-04, 429 P.3d at 317; *Chanos v. Nev. Tax Comm’n*, 124 Nev. 232, 236, 181 P.3d 675, 678 (2008).

The OML requires the CRB to disclose officer names in meeting notices and agendas

LVPPA does not dispute that the OML applies to the CRB as a “public body” under NRS 241.015(5). Instead, LVPPA argues that several statutory and contractual provisions reflect legislative and institutional intent to make certain officer disciplinary information confidential, notwithstanding the general public-access requirements that apply to the CRB proceedings. In particular, LVPPA contends that OML provisions requiring disclosure of names and other information are supplanted by NRS 289.387(10), which requires CRB meetings to be closed to the public. LVPPA also relies on NRS 289.387(9), which recognizes that the CRB findings and recommendations may be confidential where required by state or federal law; NRS 289.040(3), which prohibits law enforcement agencies from retaining unsustained allegations of misconduct in an officer’s

administrative file; and the LVPPA-LVMPD CBA, which permits disciplinary records to be purged after a specified period. Finally, LVPPA argues that its CBA, the operating agreement between the CRB and LVMPD, certain CRB policies, and local ordinances prohibit the CRB from releasing officer names and badge numbers.

We are not persuaded by LVPPA's arguments. First, the OML—specifically NRS 241.020(3)(d)(4)—requires a public body to include on its meeting agenda “the name of the person whose character, alleged misconduct, or professional competence will be considered” when “any portion of the meeting will be closed” for that purpose. Contrary to LVPPA's contention, this OML provision does not conflict with NRS 289.387(10). While NRS 289.387(10) requires the CRB meetings concerning peace officer misconduct to be closed to the public, that provision governs only public access to the proceedings themselves and does not require the CRB to keep confidential the identities of officers whose conduct is under review. Indeed, it is that very closure that triggers the OML requirement to list the officer's name on the agenda. Accordingly, these two provisions are complementary, not conflicting.¹

¹Contrary to the district court's conclusion, the OML does not affirmatively require the CRB to include officer badge numbers on meeting notices and agendas. *See* NRS 241.020 (requiring disclosure of names but not additional identifying information). However, the statute likewise does not prohibit the inclusion of badge numbers, and we perceive no error in the district court's rejection of LVPPA's contention that the use of badge numbers is barred, as LVPPA also has not identified any authority prohibiting such disclosure. Moreover, section 3.14 of the CRB's policy and procedure manual treats badge numbers as nonconfidential and expressly states that they “*may*” be included in a hearing panel's findings.

Second, LVPPA's attempt to draw a parallel between restrictions on employer personnel files under the CBA and various statutes and open meeting requirements is unpersuasive. No provision in LVPPA's CBA with the LVMPD bars the CRB from disclosing officer names and badge numbers or has any application to its notices and meeting agendas. Although NRS 289.385(2) provides that the CRB must not "abridge the rights of a peace officer . . . pursuant to a collective bargaining agreement, a contract or any federal or state statute or regulation," LVPPA fails to identify any CBA provision that grants officers a right of anonymity in the CRB proceedings or otherwise limits the CRB's statutory disclosure obligations under the OML. The CBA provisions LVPPA relies on concerning the purging of personnel files by the LVMPD have no bearing on the CRB's meeting procedures, agenda requirements, or compliance with Nevada's OML, instead governing the LVMPD's internal handling of its personnel files. LVPPA's argument based on NRS 289.040(3) also fails. That statute limits what may be placed in an officer's personnel file by the employing law enforcement agency when a misconduct allegation is resolved. Such personnel records are not controlled by the CRB, and NRS 289.040(3) does not implicate the CRB's disclosure of officers' names and badge numbers. Additionally, while NRS 289.057(3)(b) requires the removal of investigative records from LVMPD administrative files pursuant to a CBA (unless required to be maintained by federal or state law), it does not create confidentiality protections as to the CRB proceedings or records. Moreover, the CBA cannot override the disclosure obligations independently imposed by the OML on the CRB, a separate entity that is not a party to the CBA. *See* NRS 241.020(3)(d)(4).

Third, although personnel records and other material provided by LVMPD for the CRB to conduct its review are confidential under the operating agreement between the CRB and LVMPD, the operating agreement does not require the CRB to withhold officer names from meeting notices, agendas, or findings of fact and recommendations. Likewise, the CRB's policy and procedure manual requires the complaint and records of proceedings to be confidentially maintained but does not require the CRB to withhold officer names. In this context, the records of proceedings encompass transcripts, meeting minutes, and other records of the proceedings themselves, rather than the final decision by the CRB. In any event, neither an internal policy manual nor an operating agreement could override the CRB's statutory obligation to list the names of officers subject to the CRB review on meeting notices and agendas when the meeting pertains to "character, alleged misconduct, or professional competence." NRS 241.020(3)(d)(4).

Finally, the Clark County and City of Las Vegas governing codes distinguish between confidential materials submitted to or generated during the CRB proceedings and the CRB's public findings and recommendations. *See* Clark County Code 2.62.100(l) (providing that records submitted to the panel containing information declared confidential by law, as well as records of panel proceedings, are confidential, "except public notices and the panel's findings and recommendations"); LVMC 2.64.010 (stating that one purpose of the CRB is to inform the public of its recommendations to the extent permitted by law). These provisions indicate that the CRB findings and recommendations are intended to be public, while separately recognizing that certain underlying records may be

confidential if protected by other law. Nothing in these provisions provides that officers' names and badge numbers are themselves confidential.

LVPPA and the officers fail to state a claim that they have a cognizable privacy interest in names and badge numbers

Alternatively, LVPPA argues that the district court should have prevented the CRB from publicly disclosing officers' names and badge numbers because officers possess a protectable privacy interest in that information. LVPPA claims that the district court erred by determining that the two-part balancing test from *CCSD*, 134 Nev. 700, 429 P.3d 313, does not apply to the current case. According to LVPPA, application of the *CCSD* balancing test would demonstrate that officers' desire to avoid exposure to retaliation and harassment outweighs any public interest in that information. The CRB maintains that the district court correctly determined that the officers cannot assert a claim under *CCSD* and lack a nontrivial privacy interest in their names and badge numbers because there is no reasonable expectation of privacy in such identifiers that are already public.

The district court held that the LVPPA could not rely on *CCSD* because that test applies when a government agency responds to a request for records under the NPRA by asserting a privacy interest to prevent disclosure, and here the CRB does not object to disclosure. We have since held in *Matter of Public Records Requests to Las Vegas Metropolitan Police Department*, 141 Nev., Adv. Op. 26, 569 P.3d 624, 633-34 (2025), that a party who is the subject of requested records may seek declaratory relief preventing disclosure of requested public records. However, even if we were

to apply the two-part *CCSD* balancing test² in this case, the officers would fail under the first prong of the test. Under the *CCSD* test, a court must determine whether a nontrivial privacy interest exists and, if so, whether it outweighs the public's interest in disclosure. *CCSD*, 134 Nev. at 707-08, 429 P.3d at 320. This balancing test requires the party resisting disclosure to show a "personal privacy interest that is nontrivial or more than *de minimis*." *Id.* (alterations omitted) (quoting *Cameranesi v. U.S. Dep't of Def.*, 856 F.3d 626, 637 (9th Cir. 2017)). Upon this showing, the requester of information "must show that the public interest sought to be advanced is a significant one and that the information sought is likely to advance that interest." *Id.* (quoting *Cameranesi*, 856 F.3d at 637). Nontrivial privacy interests arise, for instance, "where disclosure poses a risk of harassment, endangerment, or similar harm." *L.V. Metro. Police Dep't v. L.V. Rev.-J.*, 136 Nev. 733, 739, 478 P.3d 383, 389 (2020).

We conclude that the officers failed to state a claim upon which relief can be granted because they do not have a protectable privacy interest in their names and badge numbers. Neither Nevada law, nor LVMPD policy, nor historical NPRA practice renders officers' names or badge numbers confidential. To the contrary, undisputed official LVMPD policy requires officers to identify themselves by name and badge number when interacting with the public, and the department has previously disclosed

²The CRB also asserts that LVPPA and the individual officers do not have standing to seek relief under *CCSD*. However, even if LVPPA lacks associational standing, the individual officers have standing to sue under *CCSD* because their allegations meet the injury-in-fact, redressability, and causation elements necessary to assert a privacy-right claim on their own behalf. See *Nat'l Ass'n of Mut. Ins. Cos. v. State, Dep't of Bus. & Indus.*, 139 Nev. 18, 22, 524 P.3d 470, 476 (2023) (setting forth the general requirements for a party to establish standing).

officers' names and badge numbers in response to public records requests. *Cf. L.V. Metro. Police Dep't*, 136 Nev. at 740, 478 P.3d at 389 (recognizing a nontrivial privacy interest only in officers' unit assignments after names and badge numbers had already been disclosed). Further, when the legislature intends to protect specific officer-identifying information from disclosure, it does so expressly. *See* NRS 289.025 (protecting officers' home addresses and photographs from disclosure). Yet there is no such statute protecting officer names or badge numbers from being made public.

Moreover, the CRB findings and recommendations are "public records unless otherwise declared confidential by state or federal law." NRS 289.387(9). LVPPA alleges that disclosure of officers' names and badge numbers on those reports could expose officers to threats, harassment, or embarrassment where allegations of wrongdoing are unfounded or unsubstantiated, especially in high-profile cases. LVPPA further alleges that "[p]ublished information about an officer's alleged misconduct is memorialized, in perpetuity, on the internet," which can irreparably damage an officer's reputation. But the officers fail to articulate how these alleged harms could materialize due to disclosure by the CRB when their names and badge numbers are already public and identified by the individuals who file complaints of officer misconduct. The CRB acts as a review board of internal affairs investigations and was created to provide important oversight functions. The existence of the CRB proceedings as well as its conclusions are public by the very nature of the governing statutes and board's establishment. Although some information is held confidential by the board, officer names and badge numbers are not. There is no factual dispute here that the officer names and badge numbers are

mandatorily public, and therefore, officers cannot have a nontrivial privacy interest in these identifiers per *CCSD*.

CONCLUSION

The district court properly granted the CRB's motion for judgment on the pleadings because the CRB proceedings must comply with the OML, including the CRB posting the names of officers who are under investigation on public notices and meeting agendas. This requirement applies to the CRB's closed meetings, and no authority exempts the CRB from complying with its OML obligations to post officer names. Though the OML does not require officer badge numbers to be included on meeting notices or agendas, nothing prohibits the CRB from including badge numbers on these documents or on the CRB's findings and recommendations. Lastly, LVPPA and the officers failed to state a claim upon which relief can be granted as to their assertion that the *CCSD* two-part balancing test provides peace officers with a nontrivial privacy interest in their names and badge numbers, requiring nondisclosure. Accordingly, we affirm.



Cadish, J.

We concur:



Stiglich, J.



Lee, J.