

SPARKS JUSTICE COURT POLICY ON PUBLIC ACCESS TO COURT RECORDS

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I. SCOPE

This policy governs public access to Court Records retained by the Sparks Justice Court (SJC) in accordance with the Nevada Supreme Court's Record Retention Schedule. As the SJC is an arm of the Judicial Department of the State of Nevada and subject to Supreme Court oversight, the Nevada Public Records Act (NRS 239.010 *et seq.*) is inapplicable to the provisions of public access to Court Records.

This policy does not apply to Administrative Records of SJC which are covered under a separate policy.

Nothing in this policy shall be construed to require the SJC to index, compile, recompile, reformat, program or otherwise reorganize existing information to create new records not maintained in the ordinary course of business. Redaction of information, as may be required herein, is not deemed as creating a new record. The SJC has no obligation to an individual requester to complete checklists or answer questions contained in a request for Court Records.

II. DEFINITIONS

- A. *Administrative Record*. "Administrative Record" means any document, information, data, or other item created, collected, received, stored, or maintained in the custody or exclusive control of the SJC pertaining to the administration of the SJC and that is not contained within a file or record of a court case. Court records are not administrative records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Administrative records do not include documents, information, data, or items that may otherwise be publicly available from other sources. Unless otherwise provided in this policy, this definition applies equally to administrative records maintained in paper and electronic formats.
- B. *Court Record*. "Court Record" means any document, information, exhibit, or other thing that is maintained, created, collected, or prepared by a court and is in the court's custody or control in connection with open or closed judicial proceedings such as, but not limited to, indexes, calendars, dockets, registers of actions, court files, official records of proceedings, orders, decrees, judgments, minutes, and any information in a case management system. Administrative records are not court records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless

otherwise provided in this policy, this definition applies equally to court records maintained in paper and electronic formats.

- C. *Information*. “Information” means any alpha, numeric, audio, or image reproduction data that constitutes a record of any part thereof, regardless of the form or format (i.e., electronic, hardcopy, etc.)
- D. *Personal Identifying Information (PII)*. For purposes of this policy, “Personal Identifying Information” has the meaning ascribed to in NRS 603A.040.
- E. *Public*. “Public” is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.
- F. *Public Access*. “Public Access” means that the public may inspect and obtain court records as provided by law or as set forth in this policy.
- G. *Records Official*. “Records Official” is the official charged with the responsibility of the care, keeping, and supervision of the records. All references to “Records Official” include the Records Official and/or the Records Official’s designee.
- H. *Redact, Redaction*. “Redact, Redaction” means to protect from examination by the public and unauthorized personnel a portion or portions of a specific court or administrative record. “Redaction” may be required by the terms of this policy, law, court rule, decision or order, or federal statute or regulation.

III. GENERAL ACCESS TO COURT RECORDS OF THE SPARKS JUSTICE COURT

- A. *Accessibility of Court Records*. Court Records of the SJC are open to the public to the extent provided herein. All records made available for inspection or copying are subject to the redaction of personal identifying information before any inspection or copying may take place.
- B. *Records Not Available to the Public*. Certain categories of information or documents maintained in a court record are confidential and exempt from public disclosure, including but not limited to:
 - 1. *Personal Identifying Information (PII)*. PII that is maintained in Court Records is confidential and will be redacted prior to any public disclosure of the record.
 - 2. *Sealed Court Documents*. Sealed documents are protected from examination by the public and not available to the public or unauthorized court personnel.
 - 3. *Legal Work Product*. Legal and other work product and records of any judicial or quasi-judicial officer, attorney, paralegal, law clerk, intern or extern employed by or representing the SJC produced in the regular course of business or representation of the

SJC are exempt from disclosure as well as all notes, memoranda or drafts prepared by a justice of the peace, hearing master, or other SJC personnel at the direction of any of the judicial officers listed and used in the course of deliberations on rule, policy or other administrative matters.

4. Any other information or documents deemed confidential by law.

IV. PROCEDURES FOR REQUESTING ACCESS TO COURT RECORDS

A. Requests to Inspect or Copy Court Records

1. A request to inspect or obtain copies of court records must be made to the SJC in writing utilizing the Public Records Request form approved by the Court Administrator. That form is available on the SJC's website at <https://washoecounty.gov/sjc> or may be retrieved in person at Sparks Justice Court, 1675 E. Prater Way, Suite 107, Sparks, Nevada 89434.
2. All requests must include sufficient detail to reasonably identify what court record is being sought including the name, case caption, case number, or type of information contained in a specific identifiable document. If the request does not provide sufficient information to identify or locate the record, the request will be returned.
3. Research requests to locate specific court records may be submitted and will be accomplished as time permits without interruption of court operations.
4. Requests submitted by mail must be addressed as follows:

Sparks Justice Court
Attn: Administrative Records Official
1675 E. Prater Way, Suite 107
Sparks, Nevada 89434

5. Requests may be submitted electronically as follows:

Criminal/Citation Case Requests: SJCCriminal@washoecounty.gov
Civil Case Requests: SJCCivil@washoecounty.gov

B. Response.

1. The Records Official shall respond to a request for court records in accordance with the procedures set forth below as promptly as possible under the circumstances existing at the time of the request. SJC response time may be influenced by several factors such as the availability of court staff, the number of pending records requests, the quantity of records requested, and the extent to which the requested records must be redacted pursuant to this policy.

2. Upon receipt of the records request, the Records Official shall, within five (5) business days of the receipt of the request, notify the requester, in writing:
 - a. The earliest date and time after which the records will be made available for the inspection or copying without unreasonable disruption to the operations of the SJC, and an estimate of any costs to be charged in accordance with Section IV(D) of this policy; or
 - b. That the requested records are confidential and the case, statute, rule, order, or policy that is the basis of the denial of the request; or
 - c. That the records do not exist.
3. If the Records Official determines that there will be a delay of more than five (5) business days from the date of receipt of the request before the Records Official can provide a response to the requester, the Records Official will notify the requester of the reasons for the delay and when a response will be provided.
4. If the Records Official determines that compliance with the request would create an undue burden on the SJC or court operations, or if the number of records requested is so great that inspection or reproduction would create an unreasonable disruption to the work of the court, the Records Official may require that the request be limited by the requester or the Records Official may limit the request.

C. Provision of Court Records.

1. Upon approval of a request to inspect court records by the Records Official, the requester will be allowed to inspect the court records at the location where such records are kept at a date and time prescribed by the Records Official. If the requested record is solely maintained in an electronic format, the Records Official will make an electronic version available for inspection. If access to original court records would result in disclosure of information which is confidential, jeopardizes the security of the records, or is otherwise impractical, copies, redacted copies, or other appropriate formats may be produced for inspection. Unless expressly authorized by the Records Official or judicial order, records must not be removed from the location where they are normally kept.
2. Upon approval by the Records Official of a request for copies of court records, the Records Official will make such copies available at the location where such records are kept during business hours. If the court record is solely maintained in an electronic format, the Records Official may, at his or her discretion, provide electronic copies of the record by electronic mail.
3. Nothing in this policy requires the SJC to provide for inspection or copying of a public record in an electronic format by means of an electronic medium if the record was not created or prepared in an electronic format and is not already available in an electronic format. Even if available in an electronic format, the Records Official may restrict access

if providing the public record would require the production of information that is confidential and that cannot be reasonably redacted, deleted, concealed or separated from information that is not otherwise confidential.

4. If the requester does not inspect or retrieve copies of the requested record during the period prescribed by the Records Official, the request will be deemed withdrawn but may be renewed by resubmission of the request.

D. Fees.

The requester must pay the fee for preparing any copy, whether paper or electronic, as set forth in NRS 4.060.

1. The Records Official will provide the requester with an estimate of necessary fees and shall require prepayment. The Records Official may also waive any charge if the requester can demonstrate that they are indigent and unable to pay such costs.
2. Court Records will only be provided after the requester has paid all fees related to the request.

E. Reconsideration of Denial of Access to Records.

A request for reconsideration of a decision denying or limiting access to information must be made to the Chief Judge of Sparks Justice Court in the form of a detailed letter within 30 calendar days from the date of the decision.