

## DISCLAIMER

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289.040 1. No law enforcement agency may place any unfavorable comment or document in [the] *any file in the control or possession of the law enforcement agency* unless:

(a) The *peace officer* has read and initialed the comment or document or

(b) If the officer refuses to initial the comment or document, a notation to that effect is noted on or attached to the comment or document.

2. If the peace officer submits to the law enforcement agency a written response within 30 days after he is asked to initial the comment or document, his response must be attached to and accompany the comment or document.

3. A peace officer *may review and, upon request*, must be given a copy of any comment or document that is placed in [his]:

(a) *His personnel file; or*

(b) *Any other file concerning [an] a sustained internal investigation in which the peace officer is the subject of the investigation.*

(c) *Any other file concerning an internal investigation in which the peace officer provided information as part of such investigation, limited in such instances, to any documents or statements, written or oral, given by such peace officer.*

4. *A law enforcement agency may deny access to any portion of the internal affairs investigation in those limited instances where the agency asserts that a public policy exists. Public policy exceptions shall exist where there is pending or anticipated criminal proceedings based on the conclusions of the investigation; there are confidential sources or investigative techniques to protect; or there is potential jeopardy to law enforcement personnel. If such public policy exception is alleged, the agency shall not be allowed to proceed with any punitive action based on the investigation prior to obtaining a ruling from a court of competent jurisdiction based on the court's in camera review and balancing of the interests of the peace officer and the law enforcement agency in regard to such disclosure.*

**Sec. 8.** NRS 289.060 is hereby amended to read as follows:

289.060 1. [The agency shall, within a reasonable time] [B]efore any interrogation or hearing is held relating to an internal investigation of the activities of *any peace officer* which may result in punitive action, *the agency shall* provide reasonable written notice to *any peace officer interviewed during the investigation and his collective bargaining agent or representative, if no collective bargaining agent exists*, if practical under the circumstances, *which notice shall not be less than 48 hours unless otherwise mutually agreed upon by the agency and the peace officer.*

2. The notice must include:

(a) A description of the nature of the investigation;

(b) A summary of alleged misconduct of the peace officer;

(c) The date, time and place of the interrogation or hearing;

ASSEMBLY GOVERNMENT AFFAIRS

DATE: 4/3/03 ROOM: 3143 EXHIBIT L. 1051

SUBMITTED BY: Ron Disher