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5 ATTORNEY FOR WASHOE COUNTY

6
7 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN**
8 **AND FOR THE COUNTY OF WASHOE**

9
10 * * *

11 ROBERT A. CONRAD, an individual
doing business as THIS IS RENO,

Case No. CV24-00231

12 Petitioner,

Dept No. D10

13 vs.

14 WASHOE COUNTY, a political
15 subdivision of the State of Nevada,

16 Respondents.

17 _____/

18 **NOTICE OF ENTRY OF ORDER**

19 TO: ALL INTERESTED PERSONS

20 PLEASE TAKE NOTICE that on May 20, 2025, the Court in the above entitled
21 matter filed its Order Denying Petitioner's Petition For Writ Of Mandamus/Application
22 For Order Per NRS 239.011. A copy of the Order has been attached hereto.

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 20th day of May 2025.

By /s/ Lindsay L. Liddell
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LUKE BUSBY, ESQ.

/s/ S. Haldeman
S. Haldeman

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 CONRAD COMMUNICATIONS, LLC, d/b/a
10 THISISRENO,

11 Petitioner,

12 vs.

13 WASHOE COUNTY, a political subdivision
14 of the State of Nevada, and JOHN DOES I
through X, inclusive,

15 Defendant.

Case No.: CV24-00231

Dept. No 10

16 **ORDER DENYING PETITIONER'S PETITION FOR WRIT OF**
17 **MANDAMUS/APPLICATION FOR ORDER PER NRS 239.011**
18

19 **I. PROCEDURAL HISTORY**

20 On April 16, 2025, the Petitioner CONRAD COMMUNICATION, LLC, d/b/a THISISRENO
21 (“Petitioner”) filed an Amended Petition for Writ of Mandamus/ Application for Order Per NRS
22 239.011 (“Amended Petition”). On May 9, 2025, the Respondent WASHOE COUNTY
23 (“Respondent”) filed a Responsive Brief to the Amended Petitioner (“Respond”). On May 14, 2025,
24 the Petitioner filed a Reply to Washoe County’s Response to Amended Petition for Writ of
25 Mandamus (“Reply”). A Request for Submission was subsequently filed. Neither party requested a
26 hearing.
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1 **II. ALLEGED FACTS**

2 **A. THE APRIL 2023 THORNLEY INCIDENT**

3 On April 8, 2023, the Washoe County Sheriff's Office ("WSCO") deputies responded to a call
4 for service regarding a possible domestic battery at the Thornley residence located in the city of
5 Reno. *Amended Petit* pp. 1. Douglas Thornley ("Thornley") is a former City Manager for the City
6 of Reno. *Amended Petit*. The Washoe County Sheriff's Office responded to the call because the
7 Reno Police Department had a conflict. *Amended Petition* pp. 4.

9 Mr. Thornley and his wife Anna Thornley ("Mrs. Thornley") have been married for
10 seventeen years. *Amended Petit* pp. 4. The WSCO Deputy determined this qualified as a "domestic
11 relationship." *Id.* Mr. and Mrs. Thornley engaged in a "heated argument." *Id.* Mrs. Thornley stated,
12 "[Mr. Thornley] did not hit her, she had no physical injuries, and both agreed to separate for the
13 night in separate rooms of the house." *Id.*

15 The Washoe County Sheriff's Deputies interviewed and obtained statements from all
16 parties, including Mrs. Thornley and Mr. Thornley. *Id.* at pp. 4. The primary WCSO Deputy
17 handling the investigation determined the following:
18

19 She was not able to determine a primary physical aggressor.

20 [Mrs. Thornley] had no injuries and stated [Mr. Thornley] did not hit her. [Mr.

21 Thornley] and [Mrs. Thornley] had conflicting stories. There was no one else in the
22 house to witness the event.

23 [She] could not determine who the primary aggressor was; therefore, no arrest was
24 made, and this report [was] for documentation purposes only.
25

26 *Amended Petition* pp. 4-5.

27 ////
28

1 A responding WCSO law enforcement officer on the scene was also in contact with former
2 WCSO Captain Blaine Beard. Captain Beard was messaged: “Don’t have any details yet. At Reno’s
3 request. We are responding to a domestic male, half is the Reno City manager, just FYI.” *See Text*
4 *Messages*. He asked if Mr. Thornley was complying and was told “he is talking to deputies, but no
5 written statements.” *Id.* Captain Beard instructed the following:

7 He is like anyone else. If it’s there, then proceed. If not, then articulate it. There are
8 political ramifications, but the law is the law.

9 I support your decision.

10 I can respond if needed.

11 *Text Messages.*

12
13 The Officer replied, “Copy that, sir. We are good for now, Getting his side right now.” *Text*
14 *Messages*. The officer then stated, “Now [Mr. Thornley} is doing a statement.” *Id.* Captain Beard
15 replied, “Copy. Is she wanting him arrested and is there additional evidence.” *Id.* The officer
16 replied, “We are clearing.” *Id.* Captain Beard then asked, “You are 100% good with the decision? I
17 support it, either way.” *Id.* The Officer stated, “... we don’t have the arrest, I’m 100% on no arrest,
18 but we will be back.” *Id.*

20 **B. PUBLIC RECORDS REQUESTS**

21 In October 2023, six months later, WCSO began receiving requests for records regarding the
22 Thornley Incident. On October 24, 2023, WCSO staff received Conrad’s request for “Body Cam
23 footage of interview and any other footage of the incident.” *Amended Petition* pp. 3. WCSO denied
24 this request, stated “bodycam/videos have been withheld based on the nontrivial privacy interests of
25 the individuals involved, including avoidance of harassment and embarrassment. *Amended Petition*
26 pp. 2. WCSO also provided a courtesy copy of the redacted report that was provided to other
27
28

1 requesters out of an abundance of caution. *Amended Petition* para 8.

2 On November 1, 2023, Conrad's counsel contacted Washoe County's counsel regarding
3 WCSO's decision to heavily redact the report and withhold the video footage. *November 2023*
4 *Email Correspondence*. That day, Washoe County's counsel explained she would look into it, but
5 provided the following:
6

7 It is my understanding that Mrs. Thornley, Mr. Thornley, and their minor children
8 have a privacy interest against publishing photos/videos of their home, publishing
9 photos/videos of Mr. Thornley without clothing (he was wearing only a towel) and
10 in the nature and substance of their marital disputes. The call was for a domestic
11 incident where officers obtained details regarding the Thornley's' personal lives to
12 assess whether a crime occurred. If you have a written privacy waiver from them,
13 please send that so I can advise WCSO accordingly.

14 As to the significant public interest piece of the analysis, let me know the
15 information you have on that. Analyzing FOIA, the Supreme Court found that "the
16 only relevant public interest in the FOIA balancing analysis is the extent to which
17 disclosure of the information sought would shed light on an agency's performance of
18 its statutory duties of otherwise let citizens know what their government is up to."
19 *Bibles v Natural Desert Ass'n*, 519 US 355, 355-56 (1997). Government officials
20 "do not surrender all rights to personal privacy when they accept a public
21 appointment." *Quinon v. FBI*, 86 F.3d 1222, 1230 (DC Cir. 1996). Their spouses and
22 children likewise have certain privacy interests in avoiding harassment,
23 embarrassment, and exploitation.

18 *Email Correspondence*.

19 On December 1, 2023, WCSP received Conrad's request for "Dispatch audio and CAD log"
20 for the Thornley incident. *Amended Petit* pp. 2. On December 5, 2023, WCSO provided Conrad
21 with a redacted CAD log, and explained that redactions were based on nontrivial privacy interests
22 of the individuals involved, including avoidance of harassment and embarrassment. *Id.* at pp. 1.

24 As required by NRS 239.0107(1)(d), WCSO provided a citation to *Las Vegas Metro Police*
25 *Dep't v. Las Vegas Review-Journal*, 136 Nev. 733 (2020) as the legal authority for its redactions.
26 *Id.*

28 On December 11, 2023, WCSO informed Conrad that it did not have the audio file, that the

1 City of Reno's dispatchers handled the call, and provided Conrad the relevant contact information.
2 *Amended Petit.*

3 On January 17, 2024, Conrad counsel contacted counsel for Washoe County to meet and
4 confer regarding Conrad's requests. *See January 2024 Email.* On January 25, 2024, Washoe
5 County counsel responded:

6
7 [We] do not believe a meeting would be productive at this point. We are in the
8 uncomfortable and difficult position of advising on whether the media should be
9 provided with records involving private citizens' marital dispute. We went back
10 through the unredacted report and Axon records and believe the level of redaction
11 and withholding was appropriate. The redactions in the report include the details of
12 Thornley's verbal marital dispute and information regarding resources provided to
13 each of them. The Axon records include bodycam footage, photos of Mrs. Thornley
14 documenting lack of physical injury, and videos Mrs. Thornley allegedly filmed and
15 provided to WCSO, the bodycam includes deputies interviewing Mr. Thornley
16 outside of the marital residence, where he describes his recollection of the dispute.
17 Bodycam also shows the inside of the Thornley residence, which deputies entered to
18 interview Mrs. Thornley. All portions of the bodycam footage appear to include
19 private content, leaving no room for redaction. The photos WCSO took of Mrs.
20 Thornley include images of her with partially removed clothing. Mrs. Thornley's
21 videos include a verbal dispute between her and Mr. Thornley, including filming Mr.
22 Thornley completely nude. One of these videos- filmed without Mr. Thornley's
23 consent- shows Mr. Thornley's bare bottom, and then part of the video is only aimed
24 at his penis and genital area.

25 The US Supreme Court, analyzing FOIA, held that its "central purpose is to ensure
26 that the Government's activities be opened to the sharp eye of public scrutiny, not that
27 information about private citizens, that happens to be in the warehouse of the
28 Government, be so disclosed." *US Dep't of Justice v. Reporters Comm. For Freedom
of the Press*, 489 US 749, 774 (1989). The requests for bodycam and unredacted report
were denied based on the privacy interests of Mrs. Thornley, Mr. Thornley, and their
four minor children. Though Mr. Thornley is the Reno City Manager, he still has
certain rights of privacy. *Quinon v. FBI*, 86 F. 3d 1222, 1230 (DC, Cir. 1996). More
importantly, Mrs. Thornley and the minor children are not public figures. They have
strong privacy interests in preventing further disclosure of the records.

The privacy interests supporting denial include: an interest preventing uninvited
persons/ the public from viewing the inside of their residence, an interest in keeping
content of marital disputes private, an interest in avoiding undue strain and stress of
the marriage caused by public disclosure of the records, avoiding embarrassment to
Mrs. Thornley regarding the nature of the marital dispute, avoiding embarrassment and
humiliation to Mr. Thornley in preventing disclosure of partially undressed

1 photographs of herself, an interest avoiding uninvited persons from viewing the front
2 porch and outside of the residence, the minor children's interest in avoiding
3 embarrassment/humiliation from having their home and their parents' marital issues
publicly displayed. I spoke with Mrs. Thornley individually, and she was strongly
opposed [to] disclosing these records to the media or other third parties.

4 There's also a broader privacy interest in not disclosing records from domestic
5 disputes like this one- an interest in avoiding a chilling effect on a person calling 911
6 regarding a domestic dispute. In the case of the Thornleys, if these records were
7 publicly displayed and there was a later dispute involving physical violence by either
8 person, they would likely be dissuaded from seeking law enforcement assistance. In
9 the case of other future potential victims of domestic violence involving a semi-public
10 or public figure, that victim would likely be chilled from reporting and seeking law
enforcement protection. A victim should not have to worry about whether bodycam
11 video of themselves, the perpetrator, or of their home will be displayed to the media
when considering whether to involve law enforcement. There is a strong interest in
nondisclosure to avoid a chilling effect on future victims of domestic violence.

12 I understand the details of the April 2023 Thornley call for service are potentially
13 gossip-worthy, but they are not subject to disclosure as public records.

14 That being said, we appreciate the opportunity to discuss and confer with you. In this
15 particular case, there just isn't much room for movement under our analysis. Should
an issue arise with a future records request from your clients, please reach out.

16 *January 24 Email.*

17
18 As a courtesy, on January 29, 2024, the county's counsel went to Conrad's counsel with the
19 following:

20 Though this wasn't part of Conrad's requests, the Sheriff's Office [received] a request
21 from Councilwoman Brekhus for text messages on the Thornley Matter. The attached
22 is the responsive record that staff obtained and redacted with legal authority in the
redactions. I'm sending this to you on behalf of Conrad as a courtesy.

23 *January 29 Email.*

24 *////*

25 *////*

26 *////*

27 *////*

28 *////*

1 **C. THE THORNLEYS' PRIVACY INTERESTS**

2 Mrs. Thornley and Mr. Thornley have been married for seventeen years and have four middle and
3 elementary-school-age children. *Declaration of Anna Thornley*. According to Mrs. Thornley, on
4 April 8, 2023, she and Mr. Thornley “argued about an extremely sensitive and embarrassing issue
5 affecting [their] marriage.” *Id.* Mr. Thornley described it as “deeply personal” and “a significant
6 challenge to [their] marriage.” *Declaration of Douglas Thornley*.

7
8 Following the incident, the Thornleys worked with a counselor to repair and improve their
9 marriage. *Declaration of Anna Thornley*. Mrs. Thornley describes the marital issues as “Deeply
10 personal,” and that she and Mr. Thornley work hard to shield those issues from others, including their
11 children. *Id.* at para 2. According to Mr. Thornley, the details are extremely personal and known only
12 to them and a “counselor who is helping [them] repair [their] bond and build a stronger foundation
13 for [their] marriage.” *Declaration of Douglas Thornley*.

14
15 Mrs. Thornley explained that “[b]ecause of the embarrassing and humiliating nature of [their]
16 argument, privacy has been one of [their] primary concerns as [they] work to repair [their] marriage.
17 *Declaration of Anna Thornley*. Importantly, releasing the records would “generate an additional,
18 unnecessarily hurtful hurdle for [their] relationship to overcome if [they] are forced to work on its
19 repair in public.” *Declaration of Douglas Thornley*.

20
21 In Mrs. Thornley’s own words, “[r]eleasing the particulars of [their] marital challenges for
22 the public to consume would be mortifying.” *Declaration of Anna Thornley*. Mr. Thornley believes
23 releasing the records “as fodder for gossip in the community will be extremely embarrassing” for
24 him, Mrs. Thornley, and the four children. *Declaration of Douglas Thornley*.

25
26 Additionally, requested records include video footage of the Thornleys’ residence. Mr.
27 Thornley is concerned that releasing the video footage is a “security risk to [their] family.”
28

1 *Declaration of Douglas Thornley.* Mr. Thornley explained, “It would not be difficult to deduce the
2 floorplan of our home, or to determine where [Mrs. Thornley] or [Mr. Thornley] sleep relative to the
3 children’s bedrooms. *Id.* In his opinion, “The relatively secluded and private nature of [their] home
4 would be significantly compromised” if the records were disclosed to the media. *Id.*

5 Requiring records release would also threaten Mrs. Thornley and Mr. Thornley’s bodily
6 autonomy. The records include photos of Mrs. Thornley in various states of undress. *Declaration of*
7 *Anna Thornley.* Mrs. Thornley describes the photos as embarrassing and emphasized her desire that
8 they not be released to the public. *Id.* at para 4. The records also include videos recorded by Mrs.
9 Thornley that show Mr. Thornley “completely naked.” *Declaration of Douglas Thornley.* It was
10 filmed without Mr. Thornley’s consent and inside their home. *Id.* Mr. Thornley believes releasing
11 that footage “for public viewing would be humiliating.” *Id.*

12 Mrs. Thornley is also concerned that releasing the records to the public, which includes the
13 media, “will cause [their] children to view their parents differently and could strain the relationships
14 with [their] families.” *Declaration of Anna Thornley.* Mr. Thornley believes the children are unaware
15 of the argument or the nature of the underlying marital issues. *Declaration of Douglas Thornley.* Mrs.
16 Thornley explained that because of Mr. Thornley’s former position, her children are “frequently
17 asked prying questions by friends, friends’ parents, and teachers.” *Declaration of Anna Thornley.* In
18 Mr. Thornley’s opinion as a father, “[p]ublishing this information will invite shame and ridicule on
19 [their] kids-particularly the older two, who are in middle school, and whose peer groups are active on
20 social media and the internet. *Declaration of Douglas Thornley.* He also explained, “Releasing the
21 intimate details of this incident will be detrimental to [their] family and the development of
22 [their]children. *Id.* at para 9. In Mrs. Thornley’s opinion as a mother, disclosing the requested records
23 “will invade [their] family’s privacy in a way that will be destabilizing for [their] children.
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1 *Declaration of Anna Thornley.*

2 **D. CHILLING EFFECT OF DISCLOSURES TO VICTIMS OF DOMESTIC**
3 **VIOLENCE**

4 A broader, nontrivial privacy interest exists in this case because it originated with a 911 call for
5 a domestic violence disturbance. *Declaration of Leslie Berg; Declaration of Krystal Copenhaver on*
6 *Behalf of Safe Embrace; Declaration of Elizabeth Abdur-Raheem; Declaration of Lisa Chapman.*

8 Releasing intimate details and footage of a domestic battery investigation would discourage
9 others from seeking law enforcement assistance with their domestic disputes. *Id.* Several Nevada-
10 based nonprofit organizations dedicated to domestic violence victims are familiar with this matter
11 and they all believe disclosure in this matter would be harmful to others. *Id.*

13 Safe Embrace is a local “non-profit organization dedicated to providing support and advocacy
14 for victims of domestic violence.” *See Declaration of Leslie Berg.* “ Safe Embrace is committed to
15 protecting the privacy and safety of domestic violence victims and survivors.” *Id.* Leslie Berg, a Safe
16 Embrace Legal Advocate with five years of experience working in domestic violence prevent and
17 victim support, opined that policies should support victims’ “bravery and ensure they are provided
18 the privacy and safety they deserve.” *Id.* At para 12.

20 Krystal Copenhaver, Safe Embrace’s Outreach and Education Specialist, with four years of
21 experience working with victim support, advocacy, and public education on the impact of domestic
22 violence, likewise supports nondisclosure in this matter. *Declaration of Krystal Copenhaver.*

24 Ms. Berg provided her professional opinion that releasing the bodycam footage to the media
25 in this matter “can have a significant negative effect on victims of domestic violence.” *Declaration*
26 *of Leslie Berg.* Ms. Berg explained that “release of bodycam footage capturing [domestic violence
27 victims] most vulnerable moments can lead to re-traumatization, revictimization, psychological harm,
28

1 endanger the effectiveness of their ‘safety plan’, fear of retaliation, and breach of confidentiality.” *Id.*
2 at para 10. Ms. Copenhaver echoed this concern. *Declaration of Krystal Copenhaver*. She further
3 explained that “[m]aking their traumatic experience public could undo all their previous efforts and
4 create a distrust with law enforcement and lead to hesitancy in reporting abuse.” *Id.*

5 In Ms. Berg’s professional opinion, “releasing bodycam footage of domestic violence
6 incidents to the media creates far-reaching harm to victims as well as to our community.” *Declaration*
7 *of Leslie Berg*.

9 In Ms. Copenhaver’s opinion on the “chilling effect of releasing bodycam footage” is as
10 follows:

11 Based on [her] professional experience and understanding of the dynamics of domestic
12 violence, releasing bodycam footage to the media can have a significant impact on
13 victims of domestic violence. Knowing that such intimate and distressing moments
14 could be exposed to the public eye would undoubtedly deter many from seeking the
15 help they need. Police and victims offer a safety plan and discuss other options, with
16 that being released could jeopardize the victim’s safety in the future. Victims of
17 domestic violence already face shame and stigma without the added concern of their
18 victimization being played out for the public. Their abuse should not be accessible to
19 the public to judge.

20 *Declaration of Krystal Copenhaver*

21 Ms. Copenhaver also opined that:

22 The confidentiality of interactions with law enforcement is paramount for the safety
23 and trust of domestic violence victims. If victims fear that their reports to law
24 enforcement could be broadcast or made public, it could severely impact their
25 willingness to call 911 or cooperate with investigations, putting their safety further at
26 risk.

27 *Declaration of Krystal Copenhaver*

28 Ms. Copenhaver explained that releasing the bodycam footage will affect victims’
“willingness to reach out for help in the future, [and] their overall recovery process.” *Id.* at para 4. It
could also result in retaliation to a victim. *Id.* Prioritizing domestic violence victims’ privacy and

1 safety should be paramount. *Id.* at para 6. In Ms. Copenhaver’s professional opinion, “allowing access
2 to sensitive bodycam footage under the guise of public interest without considering the detrimental
3 impact on victims and public safety is misguided.” *Id.*

4 Ms. Copenhaver with Safe Embrace “strongly support[s] the position that releasing bodycam
5 footage related to domestic violence incidents to the media is harmful to the victims, detrimental to
6 public safety, and contrary to the principles of privacy and protection that should guide our response
7 to domestic violence. *Id.* at para 7.

9 As the Battered Women’s Justice Project put it “... when police respond to a home on a
10 domestic violence and sexual assault call, the circumstances are- at the very least- possibly
11 embarrassing for the individuals involved and potentially chaotic and life threatening... the victim
12 will have little expectation that their current appearance and behavior will eventually be available for
13 public consumption when those officers utilize body cam cameras.” *Sandra Tibbets Murphy, Battered
14 Women’s Justice Project.*

16 Elizabeth Abdur-Raheem, the Executive Director of the Nevada Coalition to End Domestic
17 and Sexual Violence (NCEDSV), provided written testimony to “support entirely withholding the
18 bodycam camera and other video footage records” in this matter. *Declaration of Elizabeth Abdur-
19 Raheem.* In Ms. Abdur-Raheem’s opinion:

21 Releasing the footage of Anna and Douglas Thornley is in direct opposition of keeping
22 victim-survivors safe and engendering trust in the criminal justice system. Bodycam
23 cameras exist as an accountability tool for law enforcement. Bodyworn camera
24 footage should not be used to violate the expectation of privacy a victim-survivor has
25 in their own home. This expectation is not surrender when a victim-survivor requests
26 the assistance of law enforcement.

27 *Id.*

28 ////

////

1 Ms. Abdur-Raheem further explained the following:

2 Many victim-survivors already have multiple reasons to distrust the criminal justice
3 system and law enforcement. In a report conducted by the National Domestic Violence
4 Hotline, it was found that 92% of surveyed victim-survivors were ‘very’ or
5 ‘somewhat’ afraid or concerned about how the police would react. Of those surveyed
6 who called the police, 39% reported feeling less safe after making the call. In order
7 for a victim-survivor to surmount these concerns, they have to feel an immense fear
8 for their safety and build up courage and bravery. The possibility that the raw footage
9 of domestic violence incidents may become public information will only further
10 dissuade victim-survivors from calling for help. We owe it to our community to
11 support victim-survivors in developing trust and confidence with law enforcement and
12 the system.

13 Releasing body camera footage in most cases will increase the abuse a victim-survivor
14 is already experiencing. Many victim-survivors do not immediately leave an abusive
15 home, even after the involvement of law enforcement. Statistically, the average
16 victim-survivor will leave a relationship seven times before they leave the final time.
17 In the case of a victim-survivor staying in the home, the release of body-worn camera
18 footage is especially dangerous.

19 Abusers who feel embarrassed by this release are likely to retaliate against the victim-
20 survivor, increasing the abuse as punishment for the embarrassment they may feel by
21 this public release. In the future, the abuser can refer back to this release to remind the
22 victim-survivor of the negative consequences of seeking help. Isolation and
23 gaslighting are two of the key tactics of abusers. The humiliation of having one of the
24 worst moments of their personal life displayed to the public only exacerbates isolation,
25 designed to keep a victim-survivor silent and attached to their abuser. Abusers can
26 also use this footage as a means of psychological terror, showing it to the victim-
27 survivor along with the message to “look at yourself, who would never
28 want/believe/care for/ etc. someone like this.”

21 *Declaration of Elizabeth Abdur-Raheem.*

22 Releasing footage of a person’s 911 call for a domestic disturbance is traumatic for
23 the person who called. *Declaration of Elizabeth Abdur-Raheem.* “Not knowing who has seen the
24 footage or when it will show up on your television screen or news feed is a constant fear that
25 compounds all the fears victim-survivors are already living through.” *Id.* Releasing footage in this
26 case would be “not only unfair but dangerous,” to Mrs. Thornley, who merely called 911 seeking
27 safety with law enforcement. *Id.* para 7. “The silencing effect [that releasing footage in this matter]
28

1 could have on victim-survivors is not isolated to Mrs. Thornley but will echo across our entire
2 community.” *Id.*

3 Lisa Lynn Chapman is an expert in domestic violence with 22 years of experience in the field.
4 *See Declaration of Lisa Chapman.* Ms. Chapman opined that releasing bodycam footage in this matter
5 “will set a dangerous precedent that would create a chilling effect on victims coming forward to report
6 domestic violence.” *Id.* at para 2. She explained that in her experience, it is “very difficult for victims
7 to call the police and ask for assistance,” but police intervention is often the first point of
8 accountability for perpetrators and the first instance where victims receive referrals for safety and
9 assistance services. *Id.* at para 2-4. “If it becomes commonplace for bodycam videos of domestic
10 violence victims to become public, fewer victims will be willing to call the police for assistance.” *Id.*
11 at para 5.

12
13
14 Regarding this matter, Ms. Chapman opined that release would likely result in public
15 disclosure because the alleged perpetrator is a public figure and the requesting party is a media
16 organization. *Declaration of Lisa Chapman* at para 6. Mrs. Thornley’s privacy would be violated. *Id.*
17 And, “[a]s a result, fewer victims will call for assistance in the future.” *Id.* Release would create a
18 general chilling effect on victims, but a more substantial effect on victims in relationships with public
19 figures. *Id.* at para 7. “[I]t will significantly decrease the ability of victims in a relationship with public
20 figures to be willing to call for assistance, thus creating additional risk for the victim.” *Id.*

21
22 Mrs. Thornley called 911 seeking assistance during an argument with her husband. *See*
23 *Declaration of Anna Thornley.* When law enforcement responded, they wore body cameras recording
24 her in her home and recording her and Mr. Thornley discussing intimate details of their marriage and
25 argument. *See Amended Petition* para 7. Mrs. Thornley also explained that she already has the
26 difficult role of trying to balance encouraging her children to seek law enforcement assistance if
27
28

1 needed, but also explaining that “curious, uninvolved parties could gain access to the information
2 shared with police” due to Mr. Thornley’s position. *See Anna Thornley Declaration*. D

3 **III. LEGAL STANDARD**

4 **NRS 239.010(1) states:**

5 unless otherwise declared by law to be confidential, all public books and public records of a
6 governmental entity must be open at all times during office hours to inspection by any person,
7 and may be fully copied or an abstract or memorandum may be prepared from those public
8 books and public records. Any such copies, abstracts or memoranda may be used to supply the
9 general public with copies, abstracts or memoranda of the records or may be used in any other
10 way to the advantage of the governmental entity or of the general public. This section does not
11 supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or
12 affect in any other manner the rights of a person in any written book or record which is
13 copyrighted pursuant to federal law.

12 **NRS 239.001 states:**

13 The Legislature hereby finds and declares that:

- 14 1. The purpose of this chapter is to foster democratic principles by providing members of
15 the public with prompt access to inspect, copy or receive a copy of public books and records
16 to the extent permitted by law;
- 17 2. The provisions of this chapter must be construed liberally to carry out this important
18 purpose;
- 19 3. Any exemption, exception or balancing of interests which limits or restricts access to
20 public books and records by members of the public must be construed narrowly;
- 21 4. The use of private entities in the provision of public services must not deprive members
22 of the public access to inspect, copy or receive a copy of books and records relating to the
23 provision of those services; and
- 24 5. If a public book or record is declared by law to be open to the public, such a declaration
25 does not imply, and must not be construed to mean, that a public book or record is
26 confidential if it is not declared by law to be open to the public and is not otherwise declared
27 by law to be confidential.

28 The Nevada Supreme Court has held that “the public’s general right to inspect public
records is not absolute...” *Civil Rights for Seniors v AOC*, 129 Nev 752, 759 (2013). If a
governmental entity wishes to withhold a record in the entity’s legal custody or control, the NRPA
charges the entity with the “burden of proving by preponderance of the evidence that the public
book or record, or a part thereof, is confidential.” *See NRS 239.0113(2)*. The Nevada Supreme

1 Court has held that “Nevada’s common law protects personal privacy interest from unrestrained
2 disclosure under the NPRA.” *Clark Cnty Sch. Dist. vs. Las Vegas Review Journal (“CCSD”)*, 134
3 Nev 700, 707 (2018).

4 For records involving nontrivial privacy interests, Nevada adopted a burden-shifting test
5 used for federal cases involving the Freedom of Information Act (FOIA) outlined in *Cameranesi v.*
6 *US Dep’t of Defense*, 856 F.3d 626 (9th Cir. 2017); See also *CCSD*, 134 Nev at 703-04 (adopting
7 the Cameranesi Test in Nevada). The Nevada Supreme Court has further clarified that the burden-
8 shifting test is not limited to investigative reports, and that “Courts should apply the test adopted in
9 *CCSD* whenever the government asserts a nontrivial privacy interest.” *Las Vegas Metro. Police*
10 *Dep’t v. Las Vegas Review Journal (“LVMPD”)*, 136 Nev 733, 733 (2020).

11 The *Cameranesi* test is a two-part burden-shifting test. *CCSD*, 134 Nev at 707-708. First,
12 the government must “establish a personal privacy interest that is nontrivial or... more than de
13 minimis.” Second, the burden shifts to the requester to “show that the public interest sought to be
14 advanced is a significant one and that the information [sought is likely to advance that interest.” *Id.*

15 **IV. ARGUMENT PRESENTED**

16 **A. WHETHER WASHOE COUNTY MET ITS BURDEN TO SHOW NON-TRIVIAL** 17 **INTERESTS.**

18 **1. RULE**

19 A non-trivial privacy interest exists if disclosure “affects either the individual’s control of
20 information concerning his or her person, or constitutes a public intrusion long deemed
21 impermissible under common law and in our cultural traditions.” *Cameranesi*, 856 F.3d at 638.
22 Non-trivial privacy interests can include the avoidance of “embarrassment, shame, stigma, and
23 harassment...” *LVMPD*, 136 Nev at 738-39. The potential for harassment for third parties is a
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1 cognizable interest. *Cameranesi*, 856 F.3d at 638. This includes unwanted contact from the media,
2 curious neighbors, public interest groups, or any other third party. *Id.*

3 Courts in other jurisdictions have held “Personal privacy interests encompass a broad range
4 of concerns relating to an individual’s control of information concerning his or her person, and an
5 interest in keeping personal facts away from the public eye.” *Voice of San Diego v. Naval Criminal*
6 *Investigative Services*, 2023 W: 8704727 (SD. Cal. 2023).

8 The Nevada Supreme Court concluded, “That the government should not be forced to wait
9 for a serious harm from an unwanted intrusion of personal privacy to occur to justify nondisclosure.
10 *LVMPD*, 136 Nev at 738. The government may carry its burden under the *Cameranesi*, test by
11 merely showing that the information has the potential to result in harassment, embarrassment, or
12 invasion of privacy. *Cameranesi*, 856 F.3d at 638.

14 The Nevada Supreme Court has further held that an individual in public office does not
15 waive all personal privacy interests. *LVMPD*, 136 Nev at 738. Government officials “do not
16 surrender all rights to personal privacy when they accept a public appointment.” *Quinon v. F.B.I*, 86
17 F.3d 1222, 1230 (DC Cir. 1996). With government officials, whether an intrusion is unwarranted
18 depends on the character of the information. *Archibald v. US Dep’t of Justice*, 950 F. Supp. 2d 80,
19 88 (DC Cir. 2013).

21 Courts in other jurisdictions have held that in a public records case, the court should
22 consider the chilling effect of releasing someone’s private information of future witnesses for law
23 enforcement. *Exoneration Initiative v. New York City Police Dept.*, 980 NYS 2d 73, 76-77 (NY
24 App. Div. 2014). “Disclosure of information regarding victims and witnesses to crimes may, under
25 certain circumstances, be considered an unwarranted invasion of privacy because of, among other
26 things, the chilling effect disclosure could have on witnesses cooperating with law enforcement and
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1 the prosecution in criminal matters.” *Time Warner Cable News NYI v New York Police Dep’t* , 53
2 Misc. 3d 657, 668 (NY Sup. Ct. 2016).

3 The Ninth Circuit Court of Appeals held that the threshold for meeting the first prong of the
4 *Cameranesi test* is low,” the government need only show a nontrivial or more than de minimis
5 privacy interest. *Civil Beat law Ctr. For Pub Interest Inc., v. Centers for Disease Control &*
6 *Prevention*, 929 F. 3d 1079, 1092 (9th.Cir. 2019). Nontrivial privacy interest must be more than de
7 minimis, but need not be substantial. *LVMPD*, 136 Nev at 738.

9 **2. ANALYSIS**

10 In this matter, this court finds Washoe County has met its burden by demonstrating the
11 redacted and withheld records concerning a nontrivial privacy interest. This court finds the records
12 at issue are extremely personal in nature. This court finds the subject of the Thornleys’ marital
13 dispute is an extremely personal issue affecting their marriage. This court finds that their marital
14 dispute is so personal that they have not discussed their marital issues with their friends, family, and
15 children, and they are privately working on their marital issues with a counselor. This court finds
16 the Thornley’s friends, family, and children are not aware that they were getting help from a
17 counselor in addressing their marital issues.
18

19 This court finds Ms. Thornley’s declaration convincing that their children have no idea that
20 the altercation in question occurred. This court finds that the public disclosure of their marital
21 dispute will be extremely traumatic for the Thornleys’ children, especially their oldest children.
22 This court finds that their oldest children are constantly on social media and have friends who are
23 on social media. If their marital dispute becomes public, the Thornleys’ oldest children will be
24 constantly talking about it, as well as their friends and families. This court finds that this will
25 dramatically affect the work that the Thornley’s have done in trying to resolve their marital issues
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1 privately.

2 This court also finds Mrs. Thornley has a nontrivial privacy interest in keeping the photos
3 taken during the incident private, as they include photos of her being undressed. This court finds
4 that if these photos are released, they will be extremely embarrassing for Mrs. Thornley. This court
5 also finds Mr. Thornley has a non-trivial privacy interest in keeping the video taken at the scene
6 where he is naked private. This court finds that if this video is released, this will be extremely
7 embarrassing for Mr. Thornley.
8

9 This court further finds that, from a public policy perspective, releasing these videos and
10 photos will have a chilling effect on future victims of domestic violence. These future victims will
11 be reluctant to come forward and report their abuse if they know their pictures or videos could be
12 released to the public. This court finds that these victims already have a difficult time reporting
13 their abuse, and this court finds that if they know their reports, pictures, and videos will be released
14 to the public, they will be even more reluctant to report their abuse.
15

16 In this matter, this court finds that the Petitioner cites to *Las Vegas Review-Journal, Inc., vs.*
17 *Las Vegas Metro. Police Dep't ("LVMPD 2023")*, 139 Nev. Adv. Op 8 (2023) to support the
18 argument that a nontrivial privacy interest is claimed in this matter, which does not permit record
19 withholding. *Petition* pp. 6, para 17. This court finds the facts in *LVMPD-2023* are different from
20 the facts in this case. For example, in *LVMPD-2023*, the government entity made “unsupported
21 claims that law enforcement would face harm and third parties would see their non-trivial privacy
22 interests violated if the records are disclosed.” *LVMPD-2023*, 139 Nev. Adv. Op 8 (2023). The
23 Nevada Supreme Court there found the district court abused its discretion by shifting the burden
24 when LVMPD failed to make a plausible showing and provided only unsupported face value
25 assertions of privacy interests. *Id.*
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1 However, in this matter, this court finds Washoe County does provide substantial support
2 for its nontrivial privacy interest claims. Washoe County’s evidentiary support includes written
3 testimony from individuals asserting that the records would implicate a nontrivial privacy interest.
4 *See Declaration of Anna Thornley and Douglas Thornley.* Washoe County also provides
5 declarations from local experts regarding the real possibility of a chilling effect to potential victims
6 of domestic violence if these records are released to the public. *See Declaration of Lisa Chapman,*
7 *Declaration of Abdur-Raheem, Declaration of Copenhaver.* As such, this court finds, based on the
8 above facts, that Washoe County did provide substantial support to support a claim for its nontrivial
9 privacy interests.
10

11 **B. WHETHER THE PETITIONER IDENTIFIED A PUBLIC INTEREST THAT**
12 **COUNTERBALANCES THE NONTRIVIAL PRIVACY INTEREST IN THE**
13 **WITHHELD INFORMATION.**
14

15 **1. RULE**
16

17 The second prong of the *Cameranesi Test*, “does not give weight to the [records] requester’s
18 personal interest in obtaining the information.” *Cameranesi*, 856 F.3d at 640. Instead, the requester
19 has the burden of establishing two factors: (1) the public interest “is a significant one- one more
20 specific than having the information for its own sake,” and (2) the information sought is “likely to
21 advance that interest.” *Id.* at 639.
22

23 The only relevant public interest is “the extent to which the information sought would shed
24 light on an agency’s performance of its statutory duties or otherwise let citizens know what their
25 government is up to.” *Forest Serv. Emps.* 524 F. 3d at 1027. Analyzing FOIA, the US Supreme
26 Court found that its central purpose “is to ensure that the Government’s activities be open to the
27 sharp eye of public scrutiny, not that information about private citizens that happens to be in the
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1 warehouse of the Government be so disclosed.” *United States DOJ v. Reporters Comm. For*
2 *Freedom of Press*, 489 US 749, 777 (1989). The purposes of public records “are not fostered by
3 disclosure of information about private individuals that reveals little or nothing about an agency’s
4 own conduct. *Cameranesi*, 856 F. 3d at 645.

5 The fact that a record “would provide details to include a news story... is not the kind of
6 public interest” involved in this legal analysis. *Reporters Comm.*, 489 US at 774. On the contrary,
7 the fact that an issue is “public news... only increases the potential for harassment, embarrassment,
8 or unwanted solicitation from the media or other members of the public.” *Sea Shepherd Legal v.*
9 *Nat’l Oceanic & Atmospheric Admin*, 516 F. Supp. 3d 1217 (WD Wash. 2021). The requester must
10 show as a public interest “the extent to which disclosure... would she[d] light on an agency’s
11 performance of its statutory duties.” *Id.*

12 To show a significant public interest regarding negligent or improper performance of the
13 agency’s duties, “the requester must establish more than a bare suspicion...” *Cameranesi*, 856 F.3d
14 at 6401. “[T]he requester must produce evidence that would warrant a belief by a reasonable person
15 that the alleged Government impropriety might have occurred.” *Id.*

16 The public interest should be given less weight when the information sought “does not add
17 significantly to the already available information concerning how [the agency] has performed its
18 statutory duties. *Cameranesi*, 856 F.3d at 640. “[T]he evidence must show some nexus between the
19 specific requested information and the unveiling agency misconduct. *Lahr v. National Trans. Safety*
20 *Bd.*, 569 F.3d 964, 978 (9th Cir. 2009). For example, requesting records of employee identities for
21 the public to conduct its own investigation of an incident already investigated by the government
22 was not sufficient to overcome privacy interests at stake. *Cameransi*, 856 F.3d at 640 (citing *Forest*
23 *Serv. Emps.*, 524 F.3d at 1027).

1 Privacy interests are particularly difficult to overcome when law enforcement information
2 regarding third parties is implicated. *Reporters Comm.*, 489 US at 780.

3 **NRS 248.090 states:**

4 Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and
5 quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service
6 of process in civil or criminal cases, and in apprehending or securing any person for felony,
7 or breach of the peace, they may call upon the power of their county to aid in such arrest or
in preserving the peace.

8 **2. ANALYSIS**

9 In this matter, the petitioner argues that the public interest here is the Sheriff's Office's conduct
10 in carrying out its duties when responding to a call for domestic disturbance. *Amended Petit.* This
11 court finds that even with the redactions, the WCSO Report shows that WCSO handled the call due
12 to a conflict of interest with the Reno Police Department. *See Amended Petit.* The WCSO report
13 shows that Mr. Thornley and Mrs. Thornley have been married for 17 years, which WCSO
14 determined was a "domestic relationship." *Id.* The report further shows that Mr. Thornley and Mrs.
15 Thornley each provided statements. *Id.* The report also explains that no arrests were made because
16 the responding Deputy could not determine who the primary aggressor was, and Mrs. Thornley did
17 not have any injuries. The report also states that it did not appear that Mr. Thornley hit her. *Id.* at
18 pp. 4-5.

21 In this matter, this court finds under the *Cameranesi* test, the Petitioner failed to show there
22 is any public interest that would outweigh the strong privacy interest. This court finds that the
23 Petitioner alleges the only public interest here is that this matter is newsworthy. The Petitioner also
24 alleges that the public interest here is that the public has a need for the government to be
25 transparent, and transparency is essential for public trust. *Amended Petitio* pp. 5, para 20. This court
26 finds that the fact that the records would be included in news media and potentially interesting to
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1 the media's readers is not sufficient to show there is a public interest that would outweigh the
2 strong privacy interest. In fact, this court finds this shows the opposite. This court finds that this
3 shows that the release of this information would subject the Thornleys and their children to
4 harassment and embarrassment.

5 In this matter, the petitioner also argues that Mr. Thornley's former status as the City
6 Manager gives the public a right to view Mr. Thornley's home, the inner workings of his marriage,
7 and his wife's prior conversations with law enforcement. *See Amended Petit* para 20. This court
8 finds Mr. Thornley's former position as Reno City Manager does not create a public interest here.
9 This court finds that the April 2023 marital dispute had nothing to do with Mr. Thornley's role as
10 the City Manager. This court finds the 9-1-1 call has no relation to Mr. Thornley's role as City
11 Manager, and the 9-1-1 call was related to a private incident that occurred at their home.

12 This court further finds that the petitioner failed to show any public interest regarding any
13 alleged government misconduct. This court finds there is nothing in the record that would suggest
14 law enforcement handled this matter differently due to Mr. Thornley's status. This court finds the
15 opposite is true here. This court finds the text messages between the Sheriff Deputy and Captain
16 WCSO Captain Blaine Beard show this court that the WCSO deputy handled this matter as if Mr.
17 Thornley were a regular civilian and did not give Mr. Thornley any special treatment. *See Text*
18 *Messages*. Moreover, this court finds the handoff between the Reno Police Department and WCSO
19 further shows that there was no alleged government misconduct in this matter. The Reno Police
20 Department handed this matter to the WCSO to avoid any conflict of interest.

21 The Petitioner in this matter also argues that there is a strong public interest here because
22 "the public has a right to know whether those charged with the city are adhering to legal and moral
23 standards that enforce against the public at large." *See Original Petit*, para 20. However, this court
24

1 finds the Petitioner’s argument here unpersuasive. This court finds the April 2023 incident was
2 private and had nothing to do with the official duties of Mr. Thornley as City Manager. This was a
3 private incident between two private individuals. As such, this court finds the public does not have
4 a right to know about what occurred in the homes of the Thornleys, as this incident was not related
5 to Mr. Thornley’s job as City manager.
6

7 **3. CONCLUSION**

8 Therefore, this court finds the above facts demonstrate that this court finds the Petitioner failed
9 to show any public interest in this matter that would outweigh the strong privacy interest.

10 **C. CONCLUSION**

11 In conclusion, this court finds the above facts demonstrate that the Thornleys have a strong
12 privacy interest here, and the Petitioner failed to show any public interest in this matter that would
13 outweigh the strong privacy interest. Moreover, this court finds the Petitioner has not met his
14 burden in this matter to show that (1) the public interest in this matter “is a significant one- one
15 more specific than having the information for its own sake” and (2) the information sought “is
16 likely to advance that interest.” *Cameranesi*, 856 F.3d at 639. As such, this court will deny the
17 Petitioner’s Amended Petition.
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19

20 **V. OTHER ARGUMENTS**

21 **A. WHETHER MR. THORNLEY’S CONSTITUTIONAL RIGHTS WILL BE** 22 **VIOLATED.**

23 **1. RULE**

24 The Ninth Circuit has held that where there is an arrest, a government’s policy of posting
25 arrestee’s photos, and personal information is not constitutionally permissible where there was no
26 conviction, and that an individual may state a claim against a government entity for violation of
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1 their substantive due process rights based on humiliation-based punishment of publicly disclosing
2 those records. *Houston v Maricopa, Cnty of Ariz*, 116 F.4th 935 (9th Cir. 2024). In *Houston*, law
3 enforcement published the plaintiff’s mugshot, photograph, sex, height, weight, hair color, eye
4 color, and specific charges for which he was arrested. 116 F. 4th. At 939. The Plaintiff stated a
5 claim for violation of his substantive due process rights, which protects individuals from
6 punishment before adjudication of guilt. *Id.* Publishing this information was humiliation-based
7 harm, and that punitive intent could be inferred by the lack of rational relation to a legitimate
8 nonpunitive government interest. *Id.* at 941-943.

10 The Ninth Circuit rejected the county’s argument that publishing the plaintiff’s information
11 was warranted based on its interest in “transparency.” *Houston*, 116 4th. At 942-943. The Ninth
12 Circuit held, “The government’s assertion of transparency suggests that public disclosure to any
13 audience, however broad, of any information about what a government is doing is justified for its
14 own sake. Not so.” *Id.* Absent connection to public safety, transparency alone is not a legitimate
15 nonpunitive interest for purposes of due process analysis. *Id.* at 942-944.

17 The United States Supreme Court has held that under the Fourth Amendment, law
18 enforcement’s probable cause to enter a home just not justify the media’s entry or seizure. *Wilson v*
19 *Layne*, 526 US 603 (1999). The “[Forth] Amendment guarantees the privacy, dignity, and security
20 of persons against certain arbitrary and invasive acts by officers of the Government.” *City of*
21 *Ontario v. Quon*, 560 US 746, 755-56 (2010).

23 Although Nevada has not adopted the broader non-trivial privacy interest protections in
24 *Cameranesi*, the Fourth Amendment protects photographs and video footage of private locations
25 from being released entirely and without redaction. *Wilson v Layne*, 526 US 603 (1999).

26 ///

1 **2. ANALYSIS**

2 In this matter, this court finds that requiring WCSO to produce law enforcement records
3 where there is no conviction and without redactions to information regarding a suspect opens the
4 WCSO to federal liability for constitutional violations under 42 USC 1983. This court finds that
5 since *Houston* was published, government entities within the Ninth Circuit, including the State of
6 Nevada, must exercise extra due care in processing records requests concerning law enforcement
7 investigations where there is no criminal conviction. Thus, this court finds that interpreting NRS
8 Chapter 239 with the US Constitution and *Houston*, this court finds that records concerning an
9 investigation of a person, but not the adjudication of that person, should not be disclosed.
10

11 This court also finds that releasing the bodycam footage inside a person's home and intimate
12 videos of a person collected as evidence would open the State of Nevada and WCSO to Fourth
13 Amendment claims under 42 USC 1983. As such, this court finds the individuals' US Constitution
14 right to privacy under the Fourth Amendment trumps any state public records law.
15

16 **3. CONCLUSION**

17 In conclusion, this court finds that the release of law enforcement records in this matter
18 where there has been no conviction of Mr. Thornley would open the WCSO and the State of
19 Nevada to federal liability under 42 USC 1983, this court will deny the Petitioner's Amended
20 Petition. This court also finds that the release of bodycam footage inside a person's home and
21 intimate videos of a person collected as evidence would open the State of Nevada and WCSO to
22 Fourth Amendment claims under 42 USC 1983, this court will deny the Petitioner's Amended
23 Petition.
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1 **B. WHETHER THE WASHOE COUNTY SHERIFF'S OFFICE HAS**
2 **CONTROL OR CUSTODY OVER THE 911 RECORDS.**

3 **1. RULE**

4 **NRS 239.0107(1) states:**

5 The NRPA requires production of non-confidential records in the government entity's "legal
6 custody or control

7 Legal control under NRPA has not been defined. *See NRS Chapter 239.* The Nevada Supreme
8 Court has not yet addressed whether legal control can arise solely from records sharing between
9 government entities. However, legal control has been addressed in two contexts: (1) a government
10 contractor's records that could be generated and obtained by the government, and (2) messages
11 created by county commissioners on private cellphones and emails. *LVMPD v Blackjack Bonding*,
12 131 Nev. 80 (2015); *See Comstock Residents Ass'n v. Lyon Cnty Board of Commr's* 134 Nev. 142
13 (2018).
14

15 **2. ANALYSIS**

16 In this matter, this court finds that both *Blackjack Bonding* and *Constock Residents*, address
17 records were created for the entity of a private party. Those cases do not address the issue in this
18 matter, which is sharing records between two government entities.
19

20 This court also finds in this matter, the City of Reno recorded the 9-1-1 call. The WCSO does
21 not have possession of the 9-1-1 calls, as it was never given to the WCSO. The WCSO only
22 responded to the 9-1-1 call after the Reno Police Department had a conflict. Therefore, this court
23 finds the WCSO cannot turn over the 9-1-1 calls as the WCSO does not have possession or control
24 over the 9-1-1 call, as it was recorded by the City of Reno. The City of Reno recorded the 9-1-1
25 call. The recording was never given to the WCSO.
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1 **3. CONCLUSION**

2 In conclusion, this court finds the WCSO does not have possession of the 9-1-1 calls, as it was
3 never in the possession of the WCSO. This court finds that the City of Reno recorded the 9-1-1
4 calls, and the WCSO only responded after the Reno Police Department had a conflict. This court
5 finds that the 9-1-1 call recording was never provided to the WCSO. As such, this court finds the
6 Petitioner’s petition for the WCSO to provide the Petitioner with the 9-1-1 call is denied.
7

8 **C. WHETHER THE LEVEL OF REDACTIONS AND RECORDS**
9 **WITHHOLDING IS APPROPRIATE**

10 **1. RULE**

11 A government entity shall not deny a records request if it can “redact, delete, conceal, or
12 separate... the confidential information....” *NRS 239.010(3)*. However, “a governmental entity has
13 no duty ‘to create new documents or customized reports by searching for and compiling
14 information from individuals’ files or other records. *Republican Attorneys General Ass’n v. Las*
15 *Vegas Review-Journal (“RAGA”),* 136 Nev 28, 36 (2020) (quoting *PERS*, 129 Nev. at 840).
16
17

18 The Nevada Supreme Court upheld entirely withholding bodycam footage where “all
19 portions” of the footage contained confidential information. *RAGA*, 136 Nev at 36. The
20 information in *RAGA* bodycam footage directly related to the information that was confidential. *Id.*
21 at 35. The Nevada Supreme Court held that a third party’s presence in the footage and discussions
22 of the confidential topic was “inextricably commingled” with the confidential information. *Id.* at
23 36.
24

25 Federal case law analyzing FOIA sets a similar and persuasive standard. Under FOIA,
26 “non-exempt portions of a document must be disclosed unless they are inextricably intertwined
27 with exempt portions.” *Our Children’s Earth Fund v. Nat’; Marine Fisheries Serv.*, 85 F. Supp. 3d
28

1 1074, 1087 (ND Cal. 2015). Non-confidential information is inextricably intertwined if “excision
2 of exempt information would impose significant costs on the agency and produce an edited
3 document with little informational value.” *Wilkinson v. FBI*, 633 F. Supp. 336, 350 (CD. Cal.
4 1986).

5 In *Conrad v Reno Police Dep’t*, 139 Nev. Adv. Op 14 (2023), the Nevada Supreme Court
6 held that the district court abused its discretion by failing to make individualized findings
7 regarding claimed confidentiality. To adjudicate an NRPA dispute, the Court must “conduct an
8 individualized determination [of each record’s confidentiality]... either through in camera review
9 or by other means deemed appropriate by the district court judge.” *Id.*

10 2. ANALYSIS

11 1. REPORT

12 This court finds Washoe County has met the low threshold of asserting a nontrivial privacy
13 interest in this matter regarding the report. As to the report, this court finds Mr. Thornley, Mrs.
14 Thornley, and their children have an interest in avoiding harassment, embarrassment, and unwanted
15 intrusion into their personal lives. This court also finds there is a bigger nontrivial privacy interest
16 here, which is protecting victims of domestic violence who may be reluctant to report their abuse if
17 they know that their report might be accessed by the media. This court finds that victims of
18 domestic violence are already very reluctant to report their abuse, as they are scared, and if they
19 realize their report might be released to the media, they will be even more reluctant. This court also
20 finds the Petitioner has not met his burden to show that (1) the public interest here is a “significant
21 one-one more specific than having the information for its own sake,” and (2) and the information
22 sought “is likely to advance that interest.” *Cameranesi*, 856 F. 3d 639.

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1 **2. BODYCAM FOOTAGE**

2 As to the bodycam footage, this court finds that Washoe County has a nontrivial privacy
3 interest associated with the content of the bodyworn camera footage. This court finds the
4 bodyworn camera footage displays private areas of Thornley's residence such that a third party
5 could figure out where they live. This court also finds the bodyworn camera shows Mrs. Thornley
6 discussing, in her home and in an extreme emotional state, her marital issues. This court finds as
7 this was a private incident between two private individuals, Mrs. Thornley has a strong privacy
8 interest in keeping what she said to the law enforcement private. This court further finds
9 redactions to the bodyworn footage would be substantial and, as such, the resulting record will be
10 unintelligible. Therefore, this court finds the bodycam footage will be withheld in its entirety.
11

12 **3. AXON PHOTOS**

13 This court further finds Mr. Thornley has a non-trivial privacy interest in keeping the Axon
14 photos of herself, being undressed, and lacking physical injuries, private. This court finds these
15 photos will be extremely embarrassing and will result in her being harassed. This court further finds
16 that the petitioner failed to identify any significant public interest that would allow these photos to
17 be released. This court further finds that at the time of the April 2023 incident. Mrs. Thornley was a
18 private citizen, and these records only show that the WCSO Deputies were thoroughly documenting
19 their findings when investigating this incident.
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1 **4. THORNLEY VIDEOS**

2 This court further finds as to Thornley videos, where Mrs. Thornley filmed Mr. Thornley
3 nude during their argument, nude, this video should be properly withheld. This court finds Mr.
4 Thornley has a non-trivial privacy interest in keeping this video private, as this video will be
5 extremely embarrassing and will result in him being harassed.
6

7 This court further finds Mr. Thornley has a non-trivial privacy interest in keeping these
8 videos private because these videos were only provided to law enforcement to assist in their
9 investigation. The Thornleys never intended for this video to be made public. This court finds the
10 Petition failed to satisfy its burden to show a significant public interest or that the videos will
11 advance that interest. This court finds the Petitioner's argument that these videos are newsworthy
12 and will show transparency is not sufficient to overcome the high non-trivial privacy interest that
13 Mr. Thornley has.
14

15 **5. TEXT MESSAGES**

16 As to the text messages, this court finds the petitioner did not request copies of these text
17 messages from the WCSO. However, a redacted copy of these text messages was provided to the
18 Petitioner as a courtesy. This court finds the reductions made in these text messages are sufficient
19 because this court finds Mrs. Thornley has a non-trivial privacy interest in releasing these text
20 messages. This court finds that if a non-redacted copy of these text messages is released, it will
21 subject Mr. Thornley to harassment and be very embarrassing for her. Moreover, this court finds the
22 Petitioner has failed to identify a significant public interest that would counterbalance Mrs.
23 Thornley's private interest. As such, this court finds the text messages were properly redacted.
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2 **3. CONCLUSION**

3 In conclusion, this court finds, based on the above, that the level of redactions as to the Report,
4 Bodyworn Camera, the Axon photos, Thornley's videos, and the text messages was appropriate.

5 **VI. OVERALL CONCLUSION**

6
7 In Conclusion, this court finds Washoe County has met the low threshold of asserting a
8 nontrivial privacy interest in this matter as to the report. As to the report, this court finds Mr.
9 Thornley, Mrs. Thornley, and their children have an interest in avoiding harassment,
10 embarrassment, and unwanted intrusion into their personal lives. This court also finds there is a
11 bigger nontrivial privacy interest here, which is protecting victims of domestic violence who may
12 be reluctant to report their abuse if they know that their report might be accessed to the media.
13 This court finds victims of domestic violence are already very reluctant to report their abuse as
14 they are scared and if they realize their report might be released to the media, they will be even
15 more reluctant.
16

17
18 This court also finds the Petitioner has not met his burden to show that (1) the public
19 interest here is a "significant one-one more specific than having the information for its own sake,"
20 and (2) and the information sought "is likely to advance that interest." *Cameranesi*, 856 F. 3d 639.

21 As to the bodycam footage, this court finds that Washoe County has a nontrivial privacy
22 interest associated with the content of the bodyworn camera footage. This court finds the
23 bodyworn camera footage displays private areas of the Thornley's residence such that a third party
24 could figure out where they live. This court also finds the bodyworn camera shows Mrs. Thornley
25 discussing, in her home and in an extreme emotional state, her marital issues. This court finds as
26 this was a private incident between two private individuals, Mrs. Thornley has a strong privacy
27
28

1 interest in keeping what she said to the law enforcement private. This court further finds
2 redactions to the bodyworn footage would be substantial and, as such, the resulting record will be
3 unintelligible. Therefore, this court finds the bodycam footage will be withheld in its entirety.

4 This court further finds Mr. Thornley has a non-trivial privacy interest in keeping the Axon
5 photos of herself, being undressed, and lacking physical injuries, private. This court finds these
6 photos will be extremely embarrassing and will result in her being harassed. This court further
7 finds that the petitioner failed to identify any significant public interest that would allow these
8 photos to be released. This court further finds that at the time of the April 2023 incident. Mrs.
9 Thornley was a private citizen, and these records only show that the WCSO Deputies were
10 thoroughly documenting their findings when investigating this incident.
11

12 This court further finds as to Thornley videos, where Mrs. Thornley filmed Mr. Thornley
13 nude during their argument, nude, this video should be properly withheld. This court finds Mr.
14 Thornley has a non-trivial privacy interest in keeping this video private, as this video will be
15 extremely embarrassing and will result in him being harassed.
16

17 This court further finds Mr. Thornley has a non-trivial privacy interest in keeping these
18 videos private because these videos were only provided to law enforcement to assist in their
19 investigation. The Thornleys never intended for this video to be made public. This court finds the
20 Petition failed to satisfy its burden to show a significant public interest or that the videos will
21 advance that interest. This court finds the Petitioner's argument that these videos are newsworthy
22 and will show transparency is not sufficient to overcome the high non-trivial privacy interest that
23 Mr. Thornley has.
24

25 As to the text messages, this court finds the petitioner did not request copies of these text
26 messages from the WCSO. However, a redacted copy of these text messages was provided to the
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28

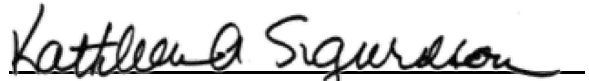
1 Petitioner as a courtesy. This court finds the reductions made in these text messages are sufficient
2 because this court finds Mrs. Thornley has a non-trivial privacy interest in releasing these text
3 messages. This court finds that if a non-redacted copy of these text messages is released, it will
4 subject Mr. Thornley to harassment and be very embarrassing for her. Moreover, this court finds
5 the Petitioner has failed to identify a significant public interest that would counterbalance Mrs.
6 Thornley's private interest. As such, this court finds the text messages were properly redacted.
7

8 This court further finds that the WCSO never had possession or legal control over the 9-1-1
9 call. This court finds that the City of Reno 9-1-1 dispatch recorded the call. This court finds that
10 the WCSO only responded to the call after the Reno Police Department had a conflict. This court
11 further finds that the WCSO never had access to the 9-1-1 call. Therefore, this court finds the
12 Petitioner's request to be given the 9-1-1 call is denied as the WCSO never had custody, nor
13 control over the 9-1-1 call.
14

15 Good cause appearing,

16 IT IS HEREBY ORDERED that the Petitioner's Amended Petition for Writ of Mandamus
17 is **DENIED.**
18

19
20 DATED: this 20th day of May 2025.
21

22
23 
24 HON. KATHLEEN A. SIGURDSON
25 DISTRICT JUDGE
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 20th day of May 2025, I electronically filed the foregoing ORDER DENYING PETITIONER'S PETITION FOR WRIT OF MANDAMUS with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

LUKE BUSBY, ESQ. for ROBERT A. CONRAD

LINDSAY LIDDELL, ESQ. for WASHOE COUNTY

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada: [None]


Michael Decker
Judicial Assistant