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Anonymous
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MINIMUM RECORDS RETENTION SCHEDULES

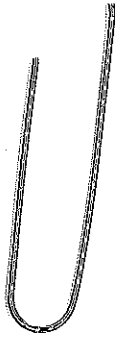
ADOPTED
BY THE
SUPREME COURT OF NEVADA

Effective August 22, 1988
and Including
Amendments Through September 1, 2013

MINIMUM RECORDS RETENTION SCHEDULES

MINIMUM RECORDS RETENTION SCHEDULE FOR MUNICIPAL COURTS

No.	Record Series Title	Record Series Description	Retention Period	Disposition: Remarks
1.	Criminal Case Files.	Case file on criminal matters before the court. May contain: complaint, arrest warrant, bail bond information, motions, settings, judgments, etc.	6 years after the case is closed.	If this records series contains DUI files, the DUI files <u>must</u> be kept 7 years.



- 1 (d) Attend all meetings of the Council and its committees,
- 2 except when the Council is considering his or her removal,
- 3 with the right to take part in discussions, but without power to
- 4 vote.
- 5 (e) Recommend to the Council the adoption of such
- 6 measures and bills as he or she considers necessary or
- 7 expedient.
- 8 (f) Make investigations into:
- 9 (1) The affairs of the City;
- 10 (2) ~~{Any}~~ *Except as otherwise provided in subsection*
- 11 *3, any* department or division of the City;
- 12 (3) Any contract; or
- 13 (4) The proper performance of any obligation owed to
- 14 the City.
- 15 (g) Prepare and submit to the Council the annual
- 16 budget.
- 17 (h) Keep the Council fully informed as to the financial
- 18 condition and needs of the City.
- 19 (i) Submit to the Council, at least once each month, a
- 20 summary of all claims and bills approved for payment by him
- 21 or her.
- 22 (j) Not engage in any other business or occupation
- 23 without the approval of the City Council.
- 24 (k) Perform such other duties as prescribed by this
- 25 Charter or be required by ordinance or resolution of the
- 26 Council.
- 27 2. The City Manager must establish his or her residence
- 28 within the City within 90 days after his or her appointment,
- 29 unless the period is extended by the Council. He or she must
- 30 reside in the City during his or her term of office.
- 31 3. *This section does not authorize the City Manager to*
- 32 *make investigations into the Municipal Court, except*
- 33 *pursuant to an agreement with the Municipal Court.*
- 34 **Sec. 4.** Section 3.120 of the Charter of the City of Sparks,
- 35 being chapter 470, Statutes of Nevada 1975, as amended by chapter
- 36 450, Statutes of Nevada 1985, at page 1318, is hereby amended to
- 37 read as follows:
- 38 Sec. 3.120 Salaries. Employees in appointive positions
- 39 *who are appointed by the City Manager pursuant to section*
- 40 *1.080* are entitled to receive the salary designated by the City
- 41 Manager within the range established for each position by the
- 42 City Council.



Yes. In addition to the information provided in item 3 above, the EJDC would like to see all documents filed in an application for a protection order be maintained as confidential. The fact that a case has been filed should be public record: meaning the case caption and protection order subtype should be revealed upon request.² The treatment of all protection order subtypes should be similar to NRS 125.110. It has been established that there are only certain portions of domestic cases which need to be open to public examination: those portions which the public may have a legitimate interest in knowing. Due to the fact that a protection order application is equivalent to a complaint and motion all in one (initiation of an action and request for immediate relief) and contains factual allegations from a subjective viewpoint, it should be blocked from public view absent a court order. Protection order cases do not statutorily require the adverse party to file a responsive pleading or document before relief can be granted. In fact, the entire matter may be heard on its merits without an adverse party ever filing a document. Therefore, the written record is often skewed. An untrained legal eye would not necessarily realize this fact and jump to conclusions.

As discussed throughout this position letter, the application and most, if not all, of the documents, with the exception of a court order, contain inflammatory information. Often, documents filed in a protection order case contain venting statements, subjective statements, and exaggerated statements. The court does not, even at an extension hearing or an evidentiary hearing, go through each and every allegation made in an application or supporting exhibit to make findings or strike the allegations (a person's cause of action). It is noteworthy to know that some applications have narratives which exceed filing limits on Supreme Court briefs. Therefore, even if the court decides to extend a protection order, each and every alleged act of domestic violence has not been proven.

Additionally, the burden of proof that must be found to grant and extend a protection order is very low. In fact, in EDCR 5.22(b), the burden has been defined as "to the satisfaction of the court." This has been determined to be akin to, or arguably lesser than, a probable cause standard. Therefore, extra protections on what is open for public view might be warranted.

Domestic violence should not be swept aside or hidden; however, it must be remembered that it is a very private crime, and arrests are not readily made in a majority of those cases where a protection order is sought. The shame and humiliation attached to being a victim, or the child in a hostile home, are hard to shed. Neither the public, the media, nor data collectors need to know what happened at the next-door neighbor's house last night. Only if that neighbor's

² Protection orders filed pursuant to NRS 200.378 may have even less disclosure of an applicant's identity due to statutory identity safeguards.