

## ADVISORY REVIEW BOARDS

### **NRS 289.380 Creation by governing body of city or county; number, appointment and qualifications of members.**

1. Except as otherwise provided in [NRS 289.383](#), the governing body of a city or county may create a review board by ordinance to advise the governing body on issues concerning peace officers, school police officers, constables and deputies of constables within the city or county.

2. A review board created pursuant to subsection 1 must consist of:

(a) In a city whose population is 150,000 or more or a county whose population is 100,000 or more, 25 members; and

(b) In a city whose population is less than 150,000 or a county whose population is less than 100,000, 12 members.

3. Such a review board must be appointed by the governing body from a list of names submitted by interested persons. If an insufficient number of names of interested persons is submitted, the governing body shall appoint the remaining members in the manner it deems appropriate.

4. A person appointed to the review board must:

(a) Be a resident of the city or county for which the review board was created, except no member of the review board may be currently employed as a peace officer, school police officer, constable or deputy of a constable.

(b) Complete training relating to law enforcement before serving as a member of the review board, including, without limitation, training in the policies and procedures of law enforcement agencies, police of school districts and offices of constables, the provisions of [NRS 289.010](#) to [289.120](#), inclusive, and the employment contracts of the peace officers, school police officers, constables or deputies of constables.

(Added to NRS by 1997, 2515; A [2001, 1974](#); [2005, 624](#))

### **NRS 289.383 Creation by political subdivisions upon request from metropolitan police department; number, appointment and qualifications of members.**

1. If a metropolitan police department has been formed pursuant to [NRS 280.110](#), the metropolitan police committee on fiscal affairs may request the participating political subdivisions to create a review board to advise the committee on issues concerning peace officers employed by the metropolitan police department. The participating subdivisions may jointly create such a review board by mutual ordinances.

2. A review board created pursuant to subsection 1 must consist of 25 members, appointed from a list of names submitted by interested persons. The members of the metropolitan police committee on fiscal affairs who are representatives of the county shall appoint 13 members of the review board, and the members of the metropolitan police committee on fiscal affairs who are representatives of each participating city within the county shall appoint an equal number of the remaining 12 members. If an insufficient number of names of interested persons are submitted, the members of the metropolitan police committee on fiscal affairs shall appoint the remaining members in the manner they deem appropriate.

3. A person appointed to the review board must:

(a) Be a resident within the jurisdiction of the participating subdivisions for which the review board was created, except no member of the review board may be currently employed as a peace officer.

(b) Complete training relating to law enforcement before serving as a member of the review board, including, without limitation, training in the policies and procedures of law enforcement agencies, the provisions of [NRS 289.010](#) to [289.120](#), inclusive, and the employment contracts of the peace officers.

(Added to NRS by 1997, 2516; A [2005, 624](#))

### **NRS 289.385 Limitation on jurisdiction; abridgement of contractual or statutory rights of peace officer prohibited.** A review board created pursuant to [NRS 289.380](#) or [289.383](#):

1. Does not have jurisdiction over any matter in which it is alleged that a crime has been committed.

2. Shall not abridge the rights of a peace officer, school police officer, constable or deputy of a constable that are granted pursuant to a collective bargaining agreement, a contract or any federal or state statute or regulation.

(Added to NRS by 1997, 2516)

### **NRS 289.387 Panel of board: Selection of members; powers and duties; proceedings; rights of officer investigated.**

1. A review board that is created pursuant to paragraph (a) of subsection 2 of [NRS 289.380](#) or pursuant to [NRS 289.383](#) must meet in panels of five members to carry out its duties.

2. A review board that is created pursuant to paragraph (b) of subsection 2 of [NRS 289.380](#) must meet in panels of three members to carry out its duties.

3. Members must be selected randomly to serve on a panel, and the panel shall select one of its members to serve as chairman of the panel.

4. A panel of a review board created pursuant to [NRS 289.380](#) or [289.383](#) may:

(a) Refer a complaint against a peace officer, school police officer, constable or deputy of a constable to the employer of the peace officer, school police officer, constable or deputy of a constable.

(b) Review an internal investigation of a peace officer, school police officer, constable or deputy of a constable within the jurisdiction of the governing body that created the review board and make recommendations regarding any disciplinary action against the peace officer, school police officer, constable or deputy of a constable that is recommended by his employer, including, without limitation:

(1) Increasing or decreasing the recommended level of discipline; and

(2) Exonerating the peace officer, school police officer, constable or deputy of a constable who has been the subject of the internal investigation.

5. The employer of a peace officer, school police officer, constable or deputy of a constable shall make available to a panel of the review board any personnel file or other material necessary for the panel to conduct a review.

6. When reviewing an internal investigation of a peace officer, school police officer, constable or deputy of a constable pursuant to subsection 4, the panel shall provide the peace officer, school police officer, constable or deputy of a constable with notice and an opportunity to be heard. The peace officer, school police officer, constable or deputy of a constable may represent himself at the hearing before the panel or be represented by an attorney or other person of his own choosing. The review board, governing body and employer of the peace officer, school police officer, constable or deputy of a constable are not responsible for providing such representation.

7. The chairman of a panel of a review board shall report the findings and recommendation of the panel regarding disciplinary action to the employer of the peace officer, school police officer, constable or deputy of a constable.

8. A police officer, school police officer, constable or deputy of a constable may appeal a recommendation made by a panel of the review board. The ordinance pursuant to which the review board is created must specify the manner for conducting appeals, and may provide for, if both parties agree, without limitation, mediation, conciliation or review by another panel of randomly selected members of the review board. If the appeal is heard by another panel of the review board, the determination made by the panel hearing the appeal is final and binding and is not subject to judicial review.

9. The findings and recommendation of a panel of the review board are public records unless otherwise declared confidential by state or federal law.

10. A proceeding of a panel of such a review board is closed to the public.

(Added to NRS by 1997, 2516)

**NRS 289.390 Panel of board: Oaths; subpoenas.**

1. A panel of a review board that is created pursuant to [NRS 289.380](#) or [289.383](#) may:

(a) Administer oaths;

(b) Take testimony;

(c) Within the scope of its jurisdiction, issue subpoenas to compel the attendance of witnesses to testify before the panel;

(d) Require the production of books, papers and documents; and

(e) Issue commissions to take testimony.

2. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena, the panel may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

(Added to NRS by 1997, 2517)