

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Steven Pitts /s/		
Approving Deputy Chief:		
General Order No: E-290-05	Issued: August 2, 2005	Supersedes: 4/225.000
	Revised:	
General Order Title: SUBPOENAS/COURT NOTIFICATIONS		

POLICY

Officers of the Reno Police Department are responsible for appearance in the court system for most hearings, trials, or other court proceedings to which they were a party. A Court Liaison has been assigned to facilitate the appearance of officers at court proceedings and ensure that court appearances are never overlooked and that officers are available for court dates.

PROCEDURES

Court Liaison/Subpoenaed Employee Responsibilities

Upon receipt of subpoenas, DMV Hearing, or electronic municipal court notifications, procedures are as follows:

1. Subpoenas and court related officer notifications are entered into the computer court tracking system.
2. All subpoenas are directed to the Court Liaison for dissemination.
3. Reno Municipal Court and DMV Hearing notifications are sent to the involved officer via electronic mail.
4. Summons for civil actions are not accepted by the Court Liaison. These are sent to the department's Internal Affairs Unit, unless prior written notification has been provided to the department's Internal Affairs Unit that the employee wishes to be served personally by the process server/attorney. In this case, the process server will make arrangements to meet with the employee to serve the summons.
5. The subpoenaed employee will sign the subpoena. A signed copy is returned to the Court Liaison for tracking. The other copy is retained by the subpoenaed employee for his/her

records. As a courtesy the Court Liaison will deliver and return professional staff subpoena. It remains the employee's responsibility to contact the subpoenaing agency in all cases.

Municipal Court Electronic Mail Court Notification

1. The City Attorney's office will send all Reno Municipal Court notifications to the concerned officer(s) via electronic mail. A copy will be sent to the department Court Liaison for tracking purposes.
2. The electronic court notification is sent/received as an email. The notification includes the case number, defendant(s) name, court department number, date/time of standby.
3. Scheduling conflicts should immediately be brought to the attention of the Court Liaison. Failure to open the email or the assertion that the notice was not received will not be a defense in any subsequent internal administrative disciplinary hearings for failure to appear.
4. Receipt of the electronic court notification/scheduler is considered service. The option of printing, note-taking and/or logging the notification into the officer's calendar is the employee's responsibility. The Court Liaison will retain a copy of the e-mail for six months for administrative purposes.
5. Employees are required by this General Order to review their electronic mail for court notification(s) each workday. This includes regularly assigned workdays and overtime assignments.

Municipal Court Standby and Notifications

Personnel are required to be available for court response for a period of one hour, commencing from the time listed on the court notification slip. The employee on standby while off-duty will be available at the telephone number(s) listed in the Department roster. If the employee has a cell phone on which they will receive court notifications from the Court Liaison, then that cell number must be listed in the Department roster. The Court Liaison will not maintain a separate list for this purpose. This employee responsibility extends to overtime assignments and/or training assignments. For example, if an employee is assigned to pullout training, the employee will notify the Court Liaison of the training assignment and the phone number at the training location. When on duty, the employee will be notified of any appearances through the Emergency Communications Division (Dispatch) when they are logged on and listed as available. The ultimate responsibility for the notification lies with the employee. Upon notification to appear, the employee is allowed sixty (60) minutes to respond. It may be deemed a failure to appear in court should it take the employee longer than sixty (60) minutes to appear. If an employee knows it will take longer than the allotted time they must contact the City Attorney directly.

The Court Liaison will maintain a log concerning notification. The log will contain the following:

1. Time call was received and from which City Attorney;
2. Any specific instructions from said attorney;
3. Time notification made to employee; and

4. Action taken, i.e., talked with Dispatch personnel, the employee, a relative of the employee, etc. (including the name of the person contacted), left message on voice mail, etc.

If the employee is on standby for a particular case (on or off duty) and is instructed by the Court Liaison, at the request of the assigned prosecutor, to call and talk with the assigned prosecutor during the standby period for said case, and the employee is subsequently unable to reach said prosecutor, the employee will respond to court as if they had been notified to respond.

Justice or District Court Subpoenas

1. The DA's office will send subpoenas to the Court Liaison for tracking. The Court Liaison will enter them into the tracking system and deliver them to the officer's respective mail boxes or team bins. The Court Liaison will email the officer that a subpoena has been delivered.
2. The officer is to sign and date the subpoena and return it to the bin located in the sergeant's office. The Court Liaison will then enter them in the tracking system and send them back to the DA's office.
3. When an officer is unavailable for trial they need to sign and date the subpoena and note on the bottom that they are unavailable and why. Return the subpoena to the Court Liaison for tracking. The officer must contact the Deputy District Attorney (DDA) assigned to the case to make arrangements.

Pre-Trial Conference

Upon receipt of a subpoena, the employee will review the subpoena for their scheduled pretrial conference date. If one is not listed the officer must contact the DDA to ascertain if they are needed for a pre-trial conference.

DMV Subpoenas

1. The DMV Hearings office will send all subpoenas to appear to the Court Liaison via electronic mail. The Court Liaison will forward this email to the correlating officers via email.
2. The electronic court notification is sent/received as an email. The notification includes the case number, petitioner(s) name, date/time and location of appearance.
3. Receipt of the electronic court notification is considered service. The option of printing or note-taking is the employee's responsibility. The Court Liaison will retain the e-mail for 6 months for administrative purposes.
4. It is the responsibility of the subpoenaed employee to contact the DMV and advise them of a request for continuance or release. Only the DMV has the authority to dismiss the employee from the appearance. Failure to get the approval of DMV can result in a Failure to Appear (FTA). Failure to open the email or the assertion that the notice was not received will not be a defense in any subsequent internal administrative disciplinary hearings for failure to appear.

5. Employees are required by this General Order to review their electronic mail for court notification(s) each workday. This includes regularly assigned workdays and overtime assignments.

Continuance or Release

Municipal Court

An employee unavailable for Municipal Court appearances, i.e., a vacation period, will notify the Court Liaison via email. It is the employee's responsibility to include in the email any notifications already received which fall within the absence. The reason for the absence must be explained (i.e. vacation, training, out of town etc.). The courts will not accept a Motion to Continue without a specific reason.

The Municipal Court Judges have held that in order to obtain a continuance, a motion must be filed no less than fourteen (14) days before the court date. It is ultimately the employee's responsibility to notify the Court Liaison of any absence no less than 14 days before the court date. If the request for a continuance falls short of the 14-day requirement, it is the employee's responsibility to contact the City Attorney handling the case to obtain a continuance or release for that appearance. Under all circumstances, it is the employee's responsibility to contact the City Attorney to ensure that their request for continuance or release from the appearance has been granted.

District and Justice Court

It is the responsibility of the employee to contact the assigned District Attorney (DA) and advise him/her of a request for continuance or release. Only the assigned DA has the authority to dismiss the employee from the case. Failure to get approval of the DA can result in a Failure to Appear (FTA).

DMV

It is the responsibility of the employee to contact the DMV hearing office and advise them of a request for a continuance or release. Only the assigned DMV hearing administration has the authority to dismiss the employee from the case appearing. Failure to get approval of the DMV can result in a Failure to Appear (FTA).

Failure to Appear in Court or DMV

If an employee fails to appear in court without obtaining a continuance or a dismissal, the employee can be found in contempt of court. Failure to appear for a DMV hearing may result in the revocation being dismissed. Notice of failure to appear for court or DMV hearings will be forwarded to the Internal Affairs Unit for review and subsequent dissemination to the employee's supervisor for possible disciplinary action.

Court Call Offs

If an employee is no longer required to appear for a case that they have been subpoenaed on, they will receive an email stating the case, date and reason for the call off. The Court Liaison will contact the employees telephonically and/or by email in all events within 48 hours of the court date. If the call off is delivered at least 48 hours in advance, the employee will not receive compensation for that court date. It is ultimately the employee's responsibility to confirm their upcoming court appearances with the subpoenaing agency.

Court Appearance Conflicts

If an employee has a conflicting court appearance among Reno Municipal, Justice, District, DMV, or another court, it is the employee's responsibility to contact the prosecuting attorney for each case to advise them of the conflict and attempt to resolve it. This notification will assist the prosecuting attorney in obtaining a continuance, whereas failure to notify often results in dismissal of the court case. The officer will not assume that a higher court's subpoena automatically takes precedence over another court subpoena.

Professional Appearance and Dress

All employees are responsible for representing the department in a professional manner. Testimony is crucial to litigation within the court system, so employees must present themselves in a manner that reflects the department's professionalism.

Municipal Court and DMV Hearings – Employees appearing in Municipal Court must be neatly groomed. Semi-casual attire is the minimum appearance standard. A uniform is always acceptable, as are a suit, a sport coat and tie, or conservative business attire. T-shirts, shorts, and thongs are not acceptable.

Justice, District, or Federal Court – Business attire is the minimum appearance standard for Justice, District, or Federal Court appearances. A uniform is always acceptable, as are a suit or a sport coat and tie. T-shirts, shorts, and thongs are not acceptable.