

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 specific 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: Jason Soto /s/		
Approving Deputy Chief: Thomas Robinson V /s/		
General Order No: P-185-17	Issued: October 24, 2017	
General Order Title: PROTECTION ORDERS		

POLICY

It is the policy of the Reno Police Department to provide victims of all crimes, regardless of their place of residency or origin, with the fullest protection of the law and to aggressively enforce the terms of any Protections Orders within the City of Reno. Any violation of a Protection Order is an indirect threat of harm requiring immediate intervention in order to prevent an escalation of violence.

There are a variety of Protection Orders in existence including, but not limited to: Temporary Protection Orders; Harassment Protection Orders; Emergency Protection Orders; Sexual Assault Orders; Workplace Harassment Orders; No Contact Orders and; Harm to Minor Orders. This General Order establishes procedures for the verification and enforcement of all Protection Orders. Officers are responsible for serving orders when encountering individuals who have not yet been served and for enforcing the provisions of Protection Orders that have been served.

APPLICABILITY

This General Order applies to all Protection Orders, regardless of the state they are issued in, including those issued in Canada. The Violence Against Women act of 2000 (Title 18 of United States Code, 2265), requires that any protection order that is issued by a State or Indian Tribal Court which has jurisdiction over the parties, and upon which reasonable notice and opportunity to be heard has been given to the adverse party, shall be accorded full faith and credit by the court of another State or Tribal Court and enforced as if it were the order of the enforcing State or Indian Tribe.

NRS 33.090 requires officers to recognize Canadian Protection Orders so long as the officer can confirm the factors set forth in NRS Chapter 33.

PROCEDURES

Assisting Victims with Obtaining a Protection Order

Protection Orders can be an important tool in preventing violence. Officers, Community Services Officers, Police Service Specialists or any other RPD employee who encounters an individual who may benefit from a Protection Order will explain the benefits and provide them information on how to obtain them.

The Victim Services Unit has applications and information available and can assist citizens with the protection order process.

Enforcing Protection Orders

Protection Orders typically include provisions that each party to the order is required to adhere to. Officers are responsible for enforcing those provisions. Prior to enforcing any provision of a protection order, officers must verify:

1. The protection order exists and is not expired; and,
2. The adverse party has been served; and,
3. Prior to making an arrest resulting from a violation of a protection order, officers must verify the order contains a provision ordering law enforcement to make an arrest whenever probable cause exists that a violation has occurred.

I. Verifying the Existence of an Order for Protection

Many Protection Orders are not filed with the State Repository, so conducting a wants and warrants check on an individual is not an appropriate method of locating a Protection Order. To verify that an order exists and is not expired, officers may:

1. Contact the Records Section and a Police Assistant in Records will ascertain whether a copy is on file with the Department; or,
2. Review a copy provided by the parties involved. Applicants receive a certified, file-stamped copy of the order after it has been signed by the judge.

II. Verifying the Order has been Served

1. Once it has been confirmed that a Protection Order is valid, officers must verify that the adverse party has been served or notified that the order exists. This may be noted on the order itself, if the adverse party was in court when the order was granted. If it is not, officers must contact the Records Section and a Police Assistant in Records will verify service by:
 - a) Determining if a Notice of Service is on file;
 - b) Determining if WCSO advised the Records Section by telephone that the adverse party was served with the Notice of Service (but the copy of this form has not been delivered to the Records Section);
 - c) Searching the Records Section Order for Protection Log; or
 - d) Determining if the Records Section received a Return of Service in compliance with Nevada Rules of Civil Procedure.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the order, the officer must serve the order and complete the Notice of Service form, provide a copy to the adverse party and turn the original in to the Records Section.

III. Verifying the Order is Enforceable

In order to arrest a party to a Protection Order for violating the order, the Protection Order must include a provision ordering Law Enforcement to make an arrest if probable cause establishes that the order has been violated. If the Protection Order does not contain such a provision, then no arrests can be made for violating the order. This does not preclude an officer from making an arrest for other violations.

1. Arrests - Peace officers must make arrests for violations of orders for protection against domestic violence if the officer can confirm the order was served, and if the officer has probable cause that the suspect violated the order. The officer can make an arrest without the victim signing the complaint.
2. When an Arrest is not Made - If a violation of the order is witnessed by the applicant or the officer and service of the order can be verified but the adverse party cannot be arrested, a crime report will be completed. The conditions in the order that were violated will be delineated in the report and a written statement from the applicant will be attached to the report. A copy of the order will be included with the report if available. The report will be submitted to the City Attorney's office for warrant consideration by the case officer using the City Attorney's Office Case Submission/Warrant Request process.

Enforcing Municipal Court, No Contact Orders

Municipal Court No Contact Orders are different than Protection Orders in that they are issued by a judge, during the sentencing of a defendant. The defendant will have signed the order which acknowledges that a violation could result in revocation of their sentence. There is no provision for the filing of No Contact Orders in the Records Section and the victim should have a copy of any such order. If a victim alleges a violation of a "No Contact Order," they can file a police report and contact the Domestic Violence Victim Services at the Reno City Attorney's Office. Officers should not make an arrest solely for a violation of a No Contact Order, unless the order so specifies.