

## 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: Jason Soto /s/		
Approving Deputy Chief: Thomas Robinson /s/		
General Order No: E-290-05	Issued: August 2 <sup>nd</sup> , 2005	Revised: October 1 <sup>st</sup> , 2018
General Order Title: <b>SUBPOENAS and COURT NOTIFICATIONS</b>		

### I. POLICY

Employees of the Reno Police Department are required to appear in court, hearings, trials, or other court proceedings whenever they are appropriately noticed or subpoenaed.

### II. APPLICABILITY

The procedures outlined in this general order do not apply to summons for civil actions. Summons for civil actions may be served to Internal Affairs, unless the employee opts-out in writing. Those employees must be served directly with a summons.

### III. PROCEDURES

The Reno Police Department recognizes noticing employees through traditional use of subpoenas, detailed under subsection A. Additionally, through agreements with other courts or hearing officers, the department also recognizes noticing employees electronically through e-mail, detailed under subsection B.

**A. Subpoenas** – Subpoenas may be served directly to the employee or to the department on behalf of the employee. Subpoenas sent to the department will be accepted by the Court Liaison.

- 1. Court Liaison Responsibilities** – Upon receipt of a subpoena for an employee, the Court Liaison will notify the employee by email and will deliver the subpoena to the noticed employee's mail box.
- 2. Employee Responsibilities** – Upon receiving a subpoena, the employee will:
  - a) Sign and date the subpoena
  - b) Return the subpoena to the designated bin.
  - c) Review the subpoena for pretrial conference date and appear as required.
  - d) If the employee has a scheduling conflict, has other subpoenas or notification at the same time or are unable to attend on the date required they are responsible for contacting the issuing authority to request a continuance and/or make other arrangements.

- e) The employee must appear at the place, date and time so ordered by the subpoena unless they receive appropriate “call-off” notification from the issuing authority or they may face disciplinary or criminal sanctions.

**B. Municipal Court, DMV and other Hearing Notifications** – Municipal Court, DMV Hearings and other hearing notifications may be emailed directly to a noticed employee, or to the Court Liaison, who will forward the notification to the noticed employee. Failing to open the email or asserting that the notice was not received is not a defense in any subsequent internal administrative disciplinary hearings for failure to appear.

**1. Court Liaison Responsibilities** – Upon receipt of an email notification for an employee, the Court Liaison will:

- a) Ensure the noticed employee is sent the notification.
- b) Keep track of original notifications, actions by issuing authority such as requests for phone calls, calls to have an employee appear, call-offs, and actions taken by the Court Liaison, etc.
- c) Assist employees with requesting continuances for cases that they have a scheduling conflict with either by giving the employee the appropriate request forms or, for Reno Municipal Court cases, petitioning the court directly.

**2. Employee Responsibilities** – Upon receipt of an email notification the employee will:

- a) Review their electronic mail for court notification(s) each work day, including overtime assignments, whenever a departmental computer is accessible.
- b) Notify the Court Liaison whenever they have scheduled time off.
- c) Notify the Court Liaison if they have a scheduling conflict, have other subpoenas or notification at the same time. Only the court can grant a continuance, but the Court Liaison will assist the employee with requesting one. If the continuance is not granted the noticed employee is obligated to be available and/or appear as ordered by the notification.
- d) For DMV Hearings and other hearings, the employee shall appear as ordered by the notification unless called off by the issuing authority.
- e) For Reno Municipal Court notifications, the employee shall be on standby and available on the date of the proceedings as follows:
  - 1) On duty employees, regardless of assignment and/or duty status shall be available to appear. If not available through Dispatch, the employee shall notify the court liaison how they may be reached.
  - 2) Off-duty employees will be available at the telephone number(s) listed in the department roster.
- f) If, while on standby the employee is instructed to call and talk with the prosecutor during the standby period for said case, and the employee is subsequently unable to reach the prosecutor, the employee will respond to court as if they had been notified to respond.
- g) On the date of the proceeding, the employee is required to respond to court, if so ordered by the issuing authority.
- h) Upon notification to appear, employees must appear with sixty (60) minutes. 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 immediately contact the issuing authority directly.