

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: S-250-04	Issued: September 16, 2004 Revised: March 1, 2012	Supersedes: 3/205.000, 3/631.000
General Order Title: VICE INVESTIGATIONS		

POLICY

The Reno Police Department is committed to providing the citizens of Reno with an environment free of the influence of vice-related crimes. The Department will design and implement aggressive strategic enforcement of vice-related laws by utilizing innovative investigative techniques targeting specific problems.

STREET ENFORCEMENT TEAM (SET)

Combined resources of the Patrol and Detective Divisions, the Intelligence Unit, the Downtown Enforcement Team (DET) and the SET Team, which consists of officers from multiple local agencies, will be responsible for targeting identified vice crime patterns and trends. The SET Team's members are assigned the collateral duty of vice enforcement, including administrative responsibilities, in conjunction with their normally assigned duties. A lieutenant oversees the multi-agency Set Team as part of his/her assigned duties.

Identification of vice-related activity will be a product of patrol programs, reports from citizens and Neighborhood Advisory Boards (NAB), crime report compilation, etc. The information is forwarded to the SET Unit for follow-up. The SET supervisor determines which complaints are actually pursued by the SET Team, based on judgment, existing case management standards, community priorities and crime trends using input from field officers and citizens.

Vice investigative information and/or operations often involve cooperation with other law enforcement agencies. This includes the exchange of information in the form of reports, documents, records and communications.

Health information, specifically HIV positive test results or information, is confidential and is not released when report copies are requested or when the information is relayed via officers' radios. Communications' personnel may send the information to officers in the field over the Mobil Data Terminals (MDT) in patrol vehicles in accordance with the Electronic Data Transmission general order (E-160-04). Communications' personnel may ask officers to call Records personnel via telephone to obtain specifics concerning any health status. The specialized nature of vice-related enforcement requires specific training designed to accomplish these goals with a high degree of successful prosecution.

SET TEAM PROCEDURES

- SET personnel will schedule enforcement periods, establish specific problem-solving enforcement tactics, maintain intelligence files and documents relative to the enforcement program and coordinate information and tactics with other agencies.
- SET personnel follow standard investigative procedures and complete undercover operations or stings as directed by the SET supervisor, whose responsibilities include enforcement tactics and procedures.

PROSTITUTION ARREST PROCEDURES

Juvenile Arrestee Procedures:

When arresting a juvenile for engaging in, or solicitation for prostitution, or for loitering for the purposes of prostitution, the officer will request a phlebotomist who will take the mandated blood sample. The officer will be present to ensure the proper chain of custody and to witness the procedure. (Blood draws are generally performed at the Washoe County Detention Center's Breath/Blood Test Room, however may be performed by a phlebotomist in other locations as enforcement programs deem necessary.)

The arresting officer will complete the Nevada State Health Laboratory requisition form for the blood draw and review all associated documentation for accuracy.

1. Complete the lab requisition form as follows:

Enter the person's name, sex, date of birth and social security number on the lab requisition form;

Check the "HIV w/confirmation" box; and

Enter the collection date and time and the case number under the social security number.

2. Place the requisition form in a plastic envelope with the blood sample (one red-top blood vial is used);
3. Place the plastic envelope containing the blood sample and blood draw form in Washoe County Detention Center's locked refrigerator in the breath room, in the red plastic bucket;
4. The blood sample is to be processed following standards for evidentiary blood samples;
5. The phlebotomist will complete the Affidavit for Withdrawal of Whole Blood Sample (phlebotomist's affidavit for evidentiary blood draw). The officer will review it and attach it to the Probable Cause arrest form;
6. The arresting officer will complete a Tiburon report and list the blood sample as evidence.

Juveniles will not be accepted at Jan Evans unless blood testing has been completed prior to admittance.

Adult arrestee procedures:

When arresting an adult for engaging in, or solicitation for prostitution, or for loitering for the purposes of prostitution, the officer does not need to ensure a blood sample is collected at the time of arrest. This process is now court ordered, however the officer should educate the arrestee of the expectation to provide the court with HIV testing results. Blood tests can be conducted by recognized local laboratories at a cost to the arrestee, or they can obtain free testing through Northern Nevada Hopes.

HIV/AIDS TESTING

Testing for human immunodeficiency (AIDS/HIV) of persons arrested for engaging in prostitution or solicitation for prostitution will identify those infected with the virus who will subsequently be charged with a felony should they continue to engage in illegal prostitution activities. NRS 201.356 requires mandatory testing.

Persons arrested for offenses defined in NRS 201.354, Engaging in or Solicitation for Prostitution, must submit to a blood test by a qualified professional in accordance with NRS 201.356 to detect exposure to the HIV virus.

HIV POSITIVE TEST RESULTS

The following procedures apply to arrested males and females, regardless of who solicited for prostitution and/or who agreed to engage in prostitution.

1. The SET officers, who receive the HIV results from the health department, will attempt to notify the arrestee of a positive test in accordance with NRS 201.356 and document the results as follows:
 - Complete the notification forms:
 - Reno Police Department, NRS 201.354, Positive Subject
 - Reno Police Department, Health Notification (with the arrestee's signature)
 - Complete a Tiburon supplemental report documenting the positive results and notification.
2. The SET officer will forward the original lab results and health notification forms (including the document of receipt signed by the subject), any related Administrative Subpoenas and/or copies of Search Warrant documents (including copies of Search Warrant Returns with related medical information regarding the HIV status) to the Records Division Supervisor for placement in the confidential locked files (see Item 8 on Page 4).
3. SET officers will not retain any original blood/health notification documents in SET files. When needed for court purposes, certified copies of the originals in the locked file are requested from a Records Division Supervisor.
4. SET officers will investigate each arrest for engaging in or solicitation for prostitution or loitering for the purposes of prostitution to ensure the subject has not had prior notification for an arrest with a positive HIV test result. SET officers will review the documentation and will make notification when applicable.

5. When a person has previously tested positive, has been notified of the results (original notification documents and positive lab results are in the Records Division files) and is again arrested for solicitation of or engaging in prostitution, a felony will be charged per NRS 201.358 ("Engaging in prostitution after testing positive for exposure to human immunodeficiency virus."). A SET officer will notify the Reno City Attorney's Office immediately and advise them to stop the misdemeanor prosecution in order to proceed with the felony charge.

6. The SET supervisor, or designee, with appropriate Tiburon clearance, will enter a special hazard flag with a notation in the MNI hazard block without mention of the positive HIV status. The notation will display on the arrestee's master name record in the HAZARD section. The remarks to be entered are, "SUBJ NOTIFIED PER NRS 201.358/ADD'L ARREST FOR SOLICIT PROSTITUTION, CHARGE W/FELONY."

7. The SET officer will notify the Reno PD Records Supervisor whose assignment includes the locked file process and deliver the test results and notification documents to the Supervisor.

8. The Records Supervisor will complete the following:
 - Mark the officer's Tiburon supplemental report(s) concerning the HIV positive results confidential (viewable by SET members only);
 - Enter the following in Tiburon RMS, Case Incident Entry, Remarks Section and add the following locked file notation in the SET officer's Special Flag, MNI Hazard: DOCUMENTATION IN LOCKED FILE.
 - Place the two health notifications* and HIV lab results* (include any related Administrative Subpoenas and/or Search Warrant documents, including Search Warrant Returns with related medical information regarding the HIV status) in the locked file per the Records Division's existing locked file procedures:

*FORM TITLES:
 --RENO POLICE DEPARTMENT, NRS 201.354, POSITIVE SUBJECT
 --RENO POLICE DEPARTMENT, HEALTH NOTIFICATION
 --Health Laboratory's STATUS REPORT (HIV positive blood result)
 - Attach Locked File Target to the original paper report; (Target: DOCUMENT RESULTS FOR VIOLATIONS NRS 201.356 and/or RMC 8.14.035 in LOCKED FILE).
 - Certify necessary documents from the originals in the locked file when requested for Court documentation.

SUPERVISORY PROCEDURES

A supervisor will attend and remain in direct proximity of vice operations. The attending supervisor will assume responsibility for the operations and the conduct of those officers conducting the operation.