



Administrative Regulation 4116.2 Criminal Defense Costs of Employees

Responsible Office: Office of the General Counsel

PURPOSE

It is the policy of the Washoe County School District Board of Trustees to maintain a peaceful and safe environment throughout the system. The Trustees expect all employees of the school district to act appropriately in maintaining that environment.

REGULATION

1. If a school district employee is charged by criminal complaint with assault or battery-related crimes as the result of acts while such employee was enforcing district policy to maintain a peaceful and safe school environment, such employee may petition the Board of Trustees, while the criminal prosecution is pending, to pay such employee's reasonable defense costs, including reasonable attorney's fees. In determining whether the school district will pay those costs and fees, the Trustees shall consider the following factors:
 - a. Whether the acts of the employee were reasonable under the circumstances, i.e., whether the employee attempted to minimize conflict and use the minimum force necessary under the circumstances;
 - b. Whether the employee reported the incident immediately to the school district's School Police Department and the employee's supervisor;
 - c. Whether the employee cooperated with the school district's School Police Department and administrative personnel in the investigation of the incident;
 - d. Such other factors that the employee, Trustees, administration or school police believe to be relevant for consideration under the particular circumstances.
2. If the Board of Trustees believes the case is one in which the above factors have been substantially satisfied, the school district will pay the reasonable defense costs and reasonable attorney's fees of the employee. If the employee chooses not to petition the Trustees to pay defense costs and attorney's fees for trial, or if such a pre-trial petition is denied by the Trustees, the employee may petition the Trustees for payment of reasonable costs and fees within sixty (60) days after acquittal or final dismissal of the charges. Failure of the employee to make such petition to the Trustees within sixty (60) days of acquittal or final dismissal will be deemed a waiver by the employee of any right to payment.

3. If an employee is formally charged with other crimes which the employee believes are a result of acts complying with district policy, the employee may petition the Trustees for reasonable defense costs and reasonable attorney's fees within the time frames set forth above, and the Trustees will consider those factors relevant in the circumstances in determining if such costs and fees will be paid by the district.
4. Any employee of the school district for whose benefit the Trustees determine to pay defense costs and fees as set forth in this policy, must agree in writing as a condition of the school district's payment of the same, to fully reimburse the school district for the full amount of all such payments in the event of the employee's conviction, by plea or verdict, on criminal charges for which payments by the school district were made.
5. The Trustees may appoint a panel to make recommendations to the Board regarding disposition of any petition for defense costs and fees.
6. The School Police Department and administration will distribute and promulgate general guidelines for recognizing and dealing with situations that pose a threat to the peace and safety of the school environment. The guidelines will be posted on employee bulletin boards through-out the school district.

IMPLEMENTATION GUIDELINES

1. This policy reflects the goals of the District's Strategic Plan, Envision WCSD 2015 – Investing in Our Future:
 - a. Goal 2, Recruit and Support Highly Effective Personnel
2. This Administrative Regulation complies with Board Policy 4116.2, Criminal Defense Costs of Employees.
3. This Administrative Regulation complies with Nevada Revised Statutes (NRS) Chapter 391, Personnel, and specifically:
 - a. NRS 391.271, School district to provide for legal defense of employee charged with certain crimes committed within scope of employment; exceptions

REVISION HISTORY

Date	Revision	Modification
5/23/1989	1.0	Adopted
10/27/1992		
7/14/1998		