

CHAPTER 11

ALTERNATIVE SENTENCING

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ALTERNATIVE SENTENCING

11.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined herein, have the meanings ascribed to them in those sections.

AAssistant@ means an assistant alternative sentencing officer employed pursuant to subsection 1 of Section 11.040.

ABoard@ means the board of county commissioners of Washoe County.

AChief@ means the chief of the Department of Alternative Sentencing.

ACourt@ means a court having jurisdiction over a person who is charged with a misdemeanor.

ADepartment@ means the department of alternative sentencing created pursuant to section 11.020.

AProbationer@ means a person who has been convicted of a misdemeanor, who:

(a) Has had his sentence suspended pursuant to NRS 4.373 or 5.055, and is serving that suspended sentence; or

(b) Has been sentenced to a term of residential confinement pursuant to NRS 4.3762, and is serving that term of residential confinement.

['2, Ord. No. 1281 eff. 12-30-05]

11.020 Creation of department. There is hereby created the department of alternative sentencing pursuant to the authority granted to the board by the provisions of NRS 211A.080.

['3, Ord. No. 1281 eff. 12-30-05]

11.030 Creation of position of chief of department;

qualifications. The position of chief of the department is hereby created. The chief:

1. Must be appointed by the action of a majority of the board pursuant to the county manager=s recommendation.
2. Must have at least 5 years of experience, with an increasing level of responsibility, in the field of law enforcement, corrections or supervision of persons on probation or parole.
3. Must possess a category II certificate from the peace officers= standards and training commission (POST).
4. Is in the unclassified service of Washoe County.

['4, Ord. No. 1281 eff. 12-30-05]

11.040 Duties of chief. The chief shall:

1. Pursuant to the provisions of chapter 5 of this code regulating county personnel, hire assistant alternative sentencing officers and other clerical and support employees as necessary to carry out the responsibilities of the department within the limitations of appropriations to the department by the board. Only persons whose job duties require the possession of a category II POST certificate may be assistant alternative sentencing officers.
2. Direct the work of all assistants and employees.
3. Be responsible for the fiscal affairs of the department.
4. Be responsible for the completion of any report regarding an investigation or the supervision of a probationer and any report requested by the court or the board.
5. After reviewing and considering recognized correctional programs and courses for training correctional staff, develop and provide to assistants and other employees training in methods and policies regarding the investigation and supervision of probationers, the record keeping of the department and the reporting on matters relating to probationers.
6. Submit a written report, on or before January 31 of each year, to the board and to each court having jurisdiction over a probationer under his supervision, setting forth in detail the activities of the department during the previous calendar year. The report must include statistical data concerning the department=s activities and operations and the probationers who were under the supervision of the department during that period.
7. Advise the court of any probationer who has violated the terms or conditions of his suspended sentence or residential confinement.

['5, Ord. No. 1281 eff. 12-30-05]

11.050 Duties and qualifications of assistant alternative sentencing officer.

1. An assistant shall:
 - (a) Maintain detailed written records of his daily work;
 - (b) Make any report as required by the court or the chief; and
 - (c) Carry out any duty of the department as assigned by the chief.
2. Each assistant alternative sentencing officer shall possess a category II POST certificate.

['6, Ord. No. 1281 eff. 12-30-05]

11.060 Duties of department. The department shall:

1. Supervise a probationer, who as a condition of a suspended sentence or a sentence to residential confinement, is released under the supervision of the department by the court.

2. At the time a probationer is released under the supervision of the department:

(a) Provide the probationer with a written statement describing the terms or conditions of the suspended sentence or residential confinement imposed by the court; and

(b) Explain the terms or conditions to the probationer.

3. Be knowledgeable about the conduct and activities of each probationer under the supervision of the department.

4. Use all reasonable methods to assist a probationer under the supervision of the department to improve his conduct and comply with the terms or conditions of his suspended sentence or residential confinement.

5. Collect and disburse any money in accordance with the orders of the court and make a written record of any money so collected or disbursed.

6. Cooperate with and assist any agency of law enforcement and any agency providing social services as requested by the court, or as necessary to fulfill the duties of the department.

['7, Ord. No. 1281 eff. 12-30-05]

11.070 Arrest of probationer.

1. The chief or an assistant may arrest a probationer without a warrant if there is probable cause to believe that the probationer has committed an act that constitutes a violation of a condition of his suspended sentence or residential confinement.

2. Any other peace officer may arrest a probationer upon receipt of a written order by a chief or an assistant stating that there is probable cause to believe that a probationer has committed an act that constitutes a violation of a condition of his suspended sentence or residential confinement.

3. After making an arrest, the chief, assistant or other peace officer shall immediately notify the sentencing court of the arrest of the probationer and shall submit a written report setting forth the act that constituted a violation of a condition of the suspended sentence or residential confinement of the probationer.

4. A chief, an assistant or other peace officer may immediately release from custody without any further proceedings any probationer arrested without a warrant pursuant to this section if he determines that there is not probable cause to believe that the person violated the condition of his suspended sentence or residential confinement.

['8, Ord. No. 1281 eff. 12-30-05]

11.080 Violation of condition of suspended sentence by probationer.

1. If a probationer has violated a condition of his suspended sentence, the court may, upon its own motion or upon the report and recommendation of the chief or an assistant, do any or all of the following:

(a) Modify the conditions of the suspended sentence.

(b) Modify and extend the suspension of the sentence, in whole or in part, for a period of not more than 1 year after the date on which

the court finds that the probationer has committed the violation, unless a longer period is authorized by specific statute.

(c) Revoke the suspension of the sentence, in whole or in part, and cause all or part of the sentence to be executed.

2. Before taking any action described in subsection 1, the court shall provide the probationer with notice of the proposed action and an opportunity to be heard.

['9, Ord. No. 1281 eff. 12-30-05]

11.090 Fees for cost of supervision: Imposition; waiver or reduction.

1. The Board hereby adopts the following fee schedule for supervision of probationers:

(a) For each alcohol test conducted on a probationer	\$5.00
(b) For each drug test conducted on a probationer	\$20.00
(c) For each month or fraction thereof in which a probationer is supervised	\$40.00

2. Except as otherwise provided in subsection 3:

(a) The department shall charge each probationer the fees set forth in the schedule adopted pursuant to subsection 1.

(b) Payment of all required fees by the probationer is a condition of his suspended sentence or residential confinement.

3. If the chief determines that payment of the fee would result in economic hardship to a probationer, the chief may waive the imposition of, or reduce the amount of, the fee. If the chief waives the imposition of the fee, payment of the fee by the probationer does not constitute a condition of his suspended sentence or residential confinement.

['10, Ord. No. 1281 eff. 12-30-05]

11.100 Disclosure of information obtained in discharge of duties prohibited; exceptions.

1. Any information regarding a probationer obtained by the chief, an assistant or other employee of the department in the discharge of his duties shall be deemed confidential. Except as otherwise provided in subsection 2, the chief, an assistant or other employee of the department shall not disclose such information.

2. The chief, an assistant or other employee of the department shall disclose information obtained in the discharge of his duties to the court or the district attorney upon request, or to any other person as ordered by the court or as provided by law.

['11, Ord. No. 1281 eff. 12-30-05]

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