

**Carson City
Agenda Report**

Date Submitted: May 14, 2013

Agenda Date Requested: May 20, 2013

Time Requested: 10 min

To: Board of Supervisors

From: Larry Werner, City Manager

Subject Title: For Possible Action: Discussion and possible action to define the process to appoint the position of Department of Alternative Sentencing Chief.

Staff Summary: Department of Alternative Sentencing Chief Rory Planeta has submitted his letter of resignation and plans to retire in August 2013. The Department of Alternative Sentencing Chief is one of the four direct employees of the Board of Supervisors.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: Action depends on discussion.

Explanation for Recommended Board Action: See Staff Summary.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 2.38

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

Supporting Material: CCMC 2.38

Prepared By: Larry Werner, City Manager

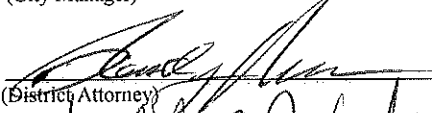
Reviewed By:



(City Manager)

Date:

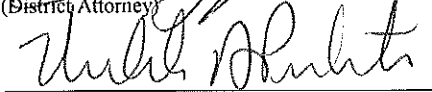
5/14/13



(District Attorney)

Date:

5/14/13



(Finance Director)

Date:

5/14/13

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Chapter 2.38 - DEPARTMENT OF ALTERNATIVE SENTENCING

Sections:

- 2.38.010 - Definitions.
- 2.38.020 - Creation of department.
- 2.38.030 - Duties of department.
- 2.38.040 - Qualifications of chief.
- 2.38.050 - Duties of chief.
- 2.38.060 - Duties of assistant.
- 2.38.070 - Fees for cost of supervision—Imposition—Waiver or reduction.
- 2.38.080 - Disclosure of information obtained in discharge of duties prohibited—Exceptions.

2.38.010 - Definitions.

The following definitions shall apply throughout this chapter unless a different meaning is clearly indicated by the context or is stated in any of the several sections:

1. "Assistant" means an assistant alternative sentencing officer.
2. "Board" means the board of supervisors.
3. "Chief" means the chief of the department of alternative sentencing.
4. "Court" means a court having jurisdiction over a person who is charged with a misdemeanor.
5. "Department" means the Carson City department of alternative sentencing created pursuant to NRS 211A.080.
6. "Probationer" means a person who has been convicted of a misdemeanor, who:
 - a. Has had his or her 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 or 5.076, and is serving that term of residential confinement.

(Ord. 1996-40 §§ 2 (part), 3, 1996).

2.38.020 - Creation of department.

The board creates a department of alternative sentencing to provide a program of supervision for probationers.

(Ord. 1996-40 §§ 2 (part), 4, 1996).

2.38.030 - Duties of department.

The department shall:

1. Supervise a probationer, who as a condition of a suspended sentence or a sentence of 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 and the sheriff's office 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 records 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.

(Ord. 1996-40 §§ 2 (part), 5, 1996).

2.38.040 - Qualifications of chief.

The chief:

1. Must be appointed by the action of a majority of the board based upon the recommendations from a screening panel comprised of the municipal court judges, senior judge of the district court, sheriff and district attorney or their designees;
2. Must have at least five (5) years' experience, with an increasing level of responsibility, in the field of law enforcement, corrections or supervision of persons on probation or parole;
3. Is in the unclassified service of the county.

(Ord. 1996-40 §§ 2 (part), 6, 1996).

2.38.050 - Duties of chief.

The chief shall:

1. Hire assistant alternative sentencing officers and other employees as necessary to carry out the responsibilities of the department within the limitations of appropriations to the department by the board;
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 recordkeeping of the department and the reporting on matters relating to probationers;
6. Submit a written report, on or before January 31st 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.

(Ord. 1996-40 §§ 2 (part), 7, 1996).

2.38.060 - Duties of assistant.

An assistant shall:

1. Maintain detailed written records of his daily work;
2. Make any report as required by the court or the chief; and
3. Carry out any duty of the department as assigned by the chief.

(Ord. 1996-40 §§ 2 (part), 8, 1996).

2.38.070 - Fees for cost of supervision—Imposition—Waiver or reduction.

1. Each probationer shall pay fees established by resolution of the board to defray the cost of the supervision of a probationer. The schedule adopted must provide for a monthly fee of not less than twenty dollars (\$20.00) for the supervision of a probationer.
2. Except as otherwise provided in subsection 3:
 - a. The department shall charge each probationer the fee set forth in the schedule adopted pursuant to subsection 1.
 - b. Payment of the required fee 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.

(Ord. 1996-40 §§ 2 (part), 9, 1996).

2.38.080 - 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.

(Ord. 1996-40 §§ 2 (part), 10, 1996).