

Item # 5D

**City of Carson City
Agenda Report**

Date Submitted: March 1, 2007

Agenda Date Requested: 3/15/2007

Time Requested: 5 minutes

To: Board of Supervisors

From: Linda Ritter, City Manager

Subject Title: Action to approve an Agreement between the First Judicial District Court, Carson City Justice and Municipal Court, Carson City and the Department of Alternative Sentencing.

Staff Summary: Pursuant to Carson City Municipal Code Section 2.38, the Chief of the Department of Alternative Sentencing is appointed by the Board of Supervisors. Questions have been raised recently regarding who the Chief actually reports to. The Department of Alternative Sentencing works very closely with the Courts in that they supervise and monitor court ordered probationers. This agreement will provide that the Chief will report to the Court's designee. The Chief will also coordinate security coverage for the Courthouse along with other duties listed in the agreement and in City Code.

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: I move to approve an Agreement between the First Judicial District Court, Carson City Justice and Municipal Court, Carson City and the Department of Alternative Sentencing.

Explanation for Recommended Board Action: This change provides clarification as to the direct supervision of the Department of Alternative Sentencing.

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

Fiscal Impact: n/a

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: Do not approve.

Supporting Material: CCMC 2.38, Agreement between the First Judicial District Court, Carson City Justice and Municipal Court, Carson City and the Department of Alternative Sentencing.

Prepared By: Linda Ritter

Reviewed By: _____ Date: _____
(Department Head) *[Signature]*
_____ Date: 3-6-07
(City Manager)
Melanie Burkotta _____ Date: 3-6-07
(District Attorney)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

Title 2 ADMINISTRATION AND PERSONNEL***Chapter 2.38 DEPARTMENT OF ALTERNATIVE SENTENCING**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 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).

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1 **AGREEMENT**

2
3 **FIRST JUDICIAL DISTRICT**

4
5 **DISTRICT COURT**

6
7 **JUSTICE AND MUNICIPAL COURT**

8
9 **CITY OF CARSON**

10
11 **AND THE**

12
13 **DEPARTMENT OF ALTERNATIVE SENTENCING**

14
15 **March 15, 2007 through June 30, 2010**

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AGREEMENT

This Agreement is entered into this 1st day of March, 2007, by and between First Judicial District Court, Justice and Municipal Court hereinafter referred to as "Court", and The City of Carson hereinafter referred to as "City" and the Department of Alternative Sentencing hereinafter referred to as "DAS".

PREAMBLE

WHEREAS, The Court, City, and DAS provide public services essential to the health, safety and welfare of the residents of Carson City; and

WHEREAS, the parties to this agreement recognize their responsibility to provide such services; and

WHEREAS, it is the duty of the Court to administer justice in a fair and impartial manner following the Nevada Revised Statutes and Municipal Code that govern each jurisdiction and it is the duty of the City to provide public safety and it is the duty of DAS to provide supervision of probationers and monitor compliance with all court ordered terms and conditions.

WHEREAS, the parties have reached certain understandings which they desire to confirm in this agreement;

It is hereby agreed as follows:

1.1 RECOGNITIONS

The Court and DAS recognize the Chief of DAS as an appointed position by the Carson City Board of Supervisors and as an employee of the City. The Court and DAS further recognize that the employees working for DAS are employees of the City. The Court, DAS, and City recognize that this agreement does not, and is not intended to, affect the unclassified or classified employment status of DAS employees.

1.2 COOPERATION

This is a mutually cooperative agreement between the Court, City, and DAS to work together to achieve the goal of protecting residents of Carson City by the City

1 providing public safety, the Court administering justice in accordance to the law and
2 DAS supervising and monitoring court ordered probationers.

3 The Court, City, and DAS agree that the Chief of DAS will report to the Court's
4 designee.

5 The Court, City, and DAS agree that the Chief of DAS in addition to his regular
6 duties will supervise and coordinate security personnel for the Court and supervise the
7 Fines and Fees Office.

8 1.3 Duties of Chief

9 The Chief of Alternative Sentencing agrees to perform the following duties:

- 10 1. Hire assistant alternative sentencing officers and other employees as necessary
11 to carry out the responsibilities of the department within the limitations of
12 appropriations to the department by the board.
- 13 2. Direct the work of all assistants and employees.
- 14 3. Be responsible for the fiscal affairs of the department.
- 15 4. Be responsible for the completion of any report regarding an investigation or the
16 supervision of a probationer and any report requested by the court or the board.
- 17 5. After reviewing and considering recognized correctional programs and courses
18 for training correctional staff, develop and provide to assistants and other
19 employees training in methods and policies regarding the investigation and
20 supervision of probationers, the recordkeeping of the department and the reporting
21 on matters relating to probationers.
- 22 6. Submit a written report, on or before January 31 of each year, to the board and
23 to each court having jurisdiction over a probationer under his supervision, setting
24 forth in detail the activities of the department during the previous calendar year.
25 The report must include statistical data concerning the department's activities and
26 operations and the probationers who were under the supervision of the department
27 during that period.

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1 7. Advise the court of any probationer who has violated the terms or conditions of
2 his or her suspended sentence or residential confinement.

3 8. Supervise and train Court Security personnel to ensure that procedures and
4 protocol are established for the safety of the public, employees, and judicial officers.

5 9. Coordinate security coverage for the Carson City Courthouse.

6 10. Supervise, hire and train employees assigned to the Fines and Fees Office.

7 11. Implement standard accounting practices to ensure that procedures and
8 protocol are established for any and all revenue collected.

9 1.4 Duties of Department

10 DAS agrees to perform the following duties:

- 11 1. Supervise a probationer, who as a condition of a suspended sentence or a
12 sentence to residential confinement, is released under the supervision of the
13 *department by the court.*
- 14 2. At the time a probationer is released under the supervision of the
15 department: a) Provide the probationer with a written statement describing
16 the terms or conditions of the *suspended sentence or residential confinement*
17 imposed by the court; and b) Explain the terms and conditions to the
18 probationer.
- 19 3. Be knowledgeable about the conduct and activities of each probationer under
20 the supervision of the department.
- 21 4. Use all reasonable methods to assist a probationer under the supervision of
22 the department to improve his or her conduct and comply with the terms or
23 conditions of his or her suspended sentence or residential confinement.
- 24 5. Collect and disburse any money in accordance with the orders of the court
25 and make a written record of any money so collected or disbursed.
- 26 6. Cooperate with and assist any agency of law enforcement and any agency
27 providing social services as requested by the court, or as necessary to fulfill
28 the duties of the department.

- 1 7. Collect urine samples and utilize other methods to determine if a probationer
- 2 is under the influence of a controlled substance and/or alcohol. Provide the
- 3 results to the court in a timely manner.
- 4 8. Provide Pre-trial Arraignment Screening.
- 5 9. Conduct intake, bail, own recognizance and exit interviews.

6 This agreement shall be effective from March 15, 2007 through June 30, 2010. A
7 second renewal period shall be from July 1, 2010 though June 30, 2013. The second
8 renewal period shall occur with no further action from the Court, City or DAS. In the
9 event that the Court, City or DAS wish to dissolve this agreement, a (90) day notice to
10 all parties in this agreement shall be made.

11 We, the undersigned, as authorized representatives of Court, City, and DAS, do
12 hereby approve this agreement.

13 CITY OF CARSON FIRST JUDICIAL DISTRICT COURT
14
15 By: _____ By: William A. Maddox
16 Marv Teixeira, Mayor Honorable Bill Maddox

17 JUSTICE AND MUNICIPAL COURT FIRST JUDICIAL DISTRICT COURT
18
19 By: Ruby B. Willis By: James T. Russell
20 Honorable Ruby B. Willis Honorable James T. Russell

21
22 JUSTICE AND MUNICIPAL COURT DEPARTMENT OF ALTERNATIVE
23 SENTENCING
24 By: John Tatro By: Rory Planeta
25 Honorable John Tatro Rory Planeta, Chief
Department of Alternative Sentencing

26 APPROVED AS TO LEGAL FORM:
27 Neil Rombardo, District Attorney
28 By: Neil A. Rombardo