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**Nevada Specifics:
An Introduction to the Laws and Operations of the
Nevada Criminal Justice System**

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 Introduction to Course:

- Who are these guys and how did they get here?
- Who are you and what you hope to gain from this course?

 Step 1: Understanding the Justice System

Overview of the American System of Criminal Justice:

Levels of Law Enforcement and Jurisdictional Issues.

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Overview of the American System of Criminal Justice:

Types of Law:
Legislated Law
Administrative Law
Case Law

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Federal laws:
Task Forces and Federal law enforcement.

State Laws:
Examples of Local and State level law enforcement in Nevada

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Overview of the American System of Criminal Justice:

Levels of Courts and Relative Legal Powers.

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Overview of the American System of Criminal Justice:

Adversarial vs. Inquisitorial Courts.
Limited Jurisdiction Courts.
General Jurisdiction Courts.

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Overview of the American System of Criminal Justice:

Record and non-record courts.
Case law and lower court authority.

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Overview of the American System of Criminal Justice:

Levels of Corrections.
Prison, Jail, Probation, and Parole
Typical Institutional Time Limits.
Prison, Jail, Probation, and Parole

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Sentence Structures: Determinate, Indeterminate, and Presumptive.
Can we tell what we believe by looking at what we do?

Nevada Sentencing Structure:
History and what the current model implies.

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Overview of the Justice System in Nevada:

Some Specific Differences...

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Parole and Probation functions joined at the adult level.

Parole and Probation functions split at the juvenile level.

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Jails-
location and role in the system.

Prisons-
location and role in the system.

Hydraulic Model- Crowding and changes in sentence structure.

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Special Corrections Topics in Nevada

Split Sentences
What are they?
Do we use them in Nevada?

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Special Corrections Topics in Nevada

Diversion?
What is it? Who decides who gets it? What is the decision based on?

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Special Corrections Topics in Nevada

What types of Diversion Programs exist in Nevada?
Front-door programs.
Back-door programs.

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Juvenile Issues

- Parole and Probation functions split at the juvenile level.
- What do we do with our serious juvenile offenders?
- What happens next?

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Another Nevada Specific:

- Relatively odd response to addictive behaviors.
- Legal acknowledgment of narcotics and some drugs, but little help for gambling.

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First Step: Evaluation of the offender.

- Judge can order evaluation, including AOD assessment, for virtually any person brought into court.

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•Possible side-door out 1: Civil Commitment in lieu of sentence.

NRS 458.290
Limitations to option are listed in
NRS 458.300

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•Possible side-door out 2: Person ordered to a program.

NRS 4.373 (justice court)
5.055 (municipal court)

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But...

- Suspension of a sentence can be forbidden by law.
- Serious cases not suspendable.
- Suspension can be limited in terms of time, no more than 1 year

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Suspension can carry conditions.

- Restitution
- Drugs and alcohol
- Programs
- Community Service
- Behavioral limitations (internet, car keys)
- No criminal activity
- Conduct limitations (location)
- Submit to search and seizure.
- Testing.

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Suspension is an option which can be refused.

- Intensive programs are OFTEN refused.
- Potential for suspension varies with violation, i.e. domestic violence.

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What happens if violations occur?

- Warrant for arrest. Similar to Contempt of Court.
- Case reconsidered by the court
- Suspended sentence enforced

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What happens if diversion is not an option?

- Case sent to P&P for a PSI
- What is the PSI
- Why does P&P do it
- Who uses it?

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Facts regarding the Nevada PSI:

- Like in most jurisdictions, P&P officers prepare the PSI.
- The PSI will be used in sentencing by the court.
- PSIs can be prepared privately, as well as by the court.
- Timing of the PSI is up to the judge.

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Goals of the PSI:

- Assist judge in sentencing decision.
- Help in the creating of a probation plan or treatment options.
- Assist corrections in programming decisions.
- Assist parole board in the release decision.
- Create a database so research can determine what programming works for which type of offender.

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Prison Powers related to Addictions.

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Responses to these crimes: Nevada's Legislative Purpose (453.600)

Protect and promote health, welfare, and safety of people of state by combating the effects of narcotic addiction and by assisting the rehabilitation of certain narcotic addicts through a comprehensive program of treatment.

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Under these powers Nevada can:

- Include experimental programs.
- Include maintenance programs.
- Utilize funds from local agencies, other states, and the federal government (FDA/DEA).
- Person, family, or estate can be used to help pay for program.

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Other Program Information:

- Programs must provide info if requested by the state (453.690-700).
- Persons can apply to program W/O court order.
- Information held by state is confidential unless client requests opposite.
- Emergency treatment does not require L.E. notification and approval.

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Prison has the right to establish a Therapeutic Community within a correctional setting (209.4231)

The T.C. must meet the definition of a T.C. as per state regulations (built on Federal guidelines).

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The Program...

- Must provide 1 year of T.C. programming, followed by 1 year aftercare on the outside.
- T.C. must be segregated from the other offenders.
- Treatment must be intensive, have a clear authority structure, and clear goals.

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The person in the T.C.

- Must be evaluated and certified as an abuser, not a casual or recreational user.
- Must "fit" with the program in terms of motivation, goals, and offense.
- Must sign a contract for participation in the program

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The T.C.

- Will select the most appropriate persons for the program.
- Is not required to offer the program to all who qualify.
- Is expected to select those with the most serious problems AND the best chances of success.

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Problems with T.C.s in a state with Presumptive sentencing?

- When to place in the program?
- What to do with them once they have completed the program?
- How to deal with program beliefs if returned to the general population?

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- The prison is also able to offer other programming to inmates, but access to these and other programs require assessment. (453.154)
- Reports need to define the substance as a drug, describe the drug's patterns of use, distribution, and abuse.
- Some of these reports can be contracted.

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- These programs must be general, and address more than substance abuse.
- Programs are expected to be more open.
- Programs are expected to provide extra credit toward release for those who complete them.

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***Nevada Specifics:
Defining Possession:***

- Control or Dominion over substance, not ownership!
- Person must KNOW that drugs are there.
- More than one person can be charged with possession of the same drugs..

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Nevada's DUI Laws: NRS 484.3792

Driving under the influence of intoxicating liquor or controlled substance. Penalties: Segregation of offender, probation, suspension of sentence and plea bargaining restricted; intermittent confinement, or consecutive sentences.

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DUI, Continued:

- Evaluation of offender required (474.37943) if:
 - Person is under 21
 - Person has over .18 BAC
 - It is a second (or more) offense in 7 years.

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What does this mean?

- First offense- misdemeanor UNLESS treatment as described is successfully completed.
- Treatment: Tuition for educational course.
- Jail time served (2 days-6mo)
- 96 hours community service.
- Fine (\$200-\$1000)

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Second offense within 7 years-

- Misdemeanor UNLESS reduced pursuant to 484.3794-and/or treatment as described is successfully completed.
- Jail or Residential Treatment Center time served (10 days-6mo)
- 100 hours community service.
- Fine (\$500-\$1000).
- Possible treatment program.

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Failure to complete constitutes a misdemeanor.

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Third offense within 7 years.

- Category B felony.
- Imprisonment 1-6 years at STATE level.
- Fine of \$2000-\$5000

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BUT... Substantial Assistance Clause may apply...

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That's All!
