

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
523**

**RESIDENTIAL CONFINEMENT PROGRAMS
AND RE-ENTRY COURT**

Supersedes: AR 523 (01/05/12, Temporary 12/03/12)
Effective date: 12/17/12

AUTHORITY: NRS 209.131, NRS 209.392, NRS 209.3925, NRS 209.425, NRS 209.427, NRS 209.429, NRS 209.481, NRS 209.4886

RESPONSIBILITY

The Director/Deputy Director have overall responsibility for this Administrative Regulation.

The Offender Management Administrator (OMA) is responsible for implementation of this Administrative Regulation.

523.01 DUI PROGRAM (305 Program)

1. Inmates incarcerated for the crimes of Driving Under the Influence (DUI) pursuant to NRS 484C.110 and NRS 484C.120, Vehicular Homicide pursuant to NRS 484C.130, and DUI Resulting in Death or Substantial Bodily Harm pursuant to NRS 484C.430 may be assigned to serve a term of residential confinement under the custody of the Division of Parole and Probation (P&P) as part of the Department's DUI Program (305 Program).

A. Inmates do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 305 Program, or to remain in that custody after any such an assignment.

2. Candidates for residential confinement under the 305 Program must meet the following criteria:

A. Must have a residence in an area approved by P&P.

B. Must be within one (1) year of a probable parole or discharge on their last sentence.

C. Demonstrated a willingness and ability to establish a position of employment in the community.

D. Demonstrated a willingness and ability to enroll in a program for education or rehabilitation.

E. Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

F. Must sign an agreement with P&P to comply with all terms and conditions of residential confinement and waive extradition if he/she fails to comply and is taken into custody out of state.

G. Must not be convicted of a crime of violence as the instant offense.

H. Must have no felony conviction involving the use or threat of force within the preceding three (3) years.

I. The Director/Designee must approve, in a case note, candidates serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 as not likely to pose a threat to the victim of the battery.

3. Completion of a substance abuse treatment program is not a requirement for residential confinement under the 305 Program.

4. All disputes between the Department and P&P regarding the eligibility of an offender for the 305 Program will be resolved by consensus between the Director of the Department of Corrections and the Chief of P&P.

5. If an inmate is approved for the program, the victim's services officer will notify the victims of the Department's intent to place the inmate in the 305 Program.

523.02 RESIDENTIAL CONFINEMENT (317 Program)

1. Non-violent inmates, who are not DUI offenders, may be assigned to serve a term of residential confinement under the custody of P&P as part of the Department's Residential Confinement (317 Program).

A. Inmates do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 317 Program, or to remain in that custody after any such an assignment.

2. Candidates for residential confinement under the 317 Program must meet the following criteria:

A. No felony conviction involving the use or threatened use of violence within the preceding three (3) years.

B. No violence in instant offense.

C. No current or prior conviction for a category "A" or violent "B" felony.

D. Must not have more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, NRS 484C.120, NRS 484C.130 or NRS 484C.430.

1. Concurrent sentences are considered to be separate felonies if they arise out of separate criminal incidents.

E. No conviction for a sexual offense that is punishable as a felony.

F. Must be on last sentence.

G. Demonstrated a willingness and ability to establish a position of employment in the community.

H. Demonstrated a willingness and ability to enroll in a program for education or rehabilitation.

I. Demonstrated an ability to pay for all or part of the costs of the inmate's confinement and to meet any existing obligation for restitution to any victim of his or her crime.

J. Must be otherwise eligible for Community Trustee per Administrative Regulation 521 Custody Categories and Criteria and NRS 209.481.

K. Must be within two (2) years of probable release on parole or discharge.

L. The Director/Designee must approve, in a case note, non-violent Category B candidates as not likely to pose a threat to the safety of the public.

3. Candidates for residential confinement under the 317 Program will be approved by P&P.

A. Disagreements regarding the suitability of a candidate will be settled by consensus between the Director and the Chief of P&P.

4. If an inmate is approved for the program, the victim's services officer will notify the victims of the Department's intent to place the inmate in the 317 Program.

523.03 RE-ENTRY COURT (184 Program)

1. Re-Entry Court (184 Program) is a judicial program operated by District Courts in the state to address the substance abuse treatment needs of the inmate.

A. Inmates do not have a right to be assigned to the custody of P&P to participate in Re-Entry Court, or to remain in that custody after any such an assignment

2. Candidates for Re-Entry Court must meet the following criteria:

A. Must have demonstrated a willingness to engage in employment or participate in vocational rehabilitation or job skills training.

B. Must have demonstrated a willingness to meet any existing obligation for restitution to any victim of his or her crime.

C. Must be within two (2) years of probable release on parole or discharge.

D. No felony conviction involving the use or threatened use of violence within the immediately preceding year.

E. No violence in instant offense.

F. Must be otherwise eligible for Community Trustee per Administrative Regulation 521 Custody Categories and Criteria and NRS 209.481.

3. The inmate may be released to P&P for the Re-Entry Court when that agency has approved the work and residence plan for the inmate.

4. If an inmate is approved for the program, the victim's services officer will notify the victims of the Department's intent to place the inmate in the Re-Entry Court Program.

523.04 COMPASSIONATE RELEASE (298 Program)

1. Inmates who have become physically incapacitated or in ill health to such a degree that he or she does not pose a threat to the safety of the public, or who are in ill health and are expected to die within twelve (12) months may be assigned to serve a term of residential confinement under the custody of P&P as part of the Department's Compassionate Release (298 Program). *See* NRS 209.3925.

A. Inmates do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 298 Program, or to remain in that custody after any such an assignment.

2. The criteria for consideration for the 298 Program is as follows:

- A. The inmate is physically incapacitated or in ill health to such a degree that he or she does not presently, and likely will not in the future, pose a threat to public safety, and written verification that the inmate is physically incapacitated or in ill health has been provided by at least two (2) licensed physicians as required under NRS 209.3925(1)(b)(1).
 - B. The inmate is in such ill health that he or she is expected to die within twelve (12) months, and does not presently, and likely will not in the future, pose a threat to public safety, and written verification that the inmate is in ill health and expected to die within twelve (12) months has been provided by at least two (2) licensed physicians as required under NRS 209.3925(1)(b)(2).
 - C. The inmate is not serving a sentence of life without the possibility of parole.
 - D. The inmate is not sentenced to death or has not previously served a sentence of death.
2. The medical staff should identify candidates for the 298 Program per the requirements of NRS 209.3925.
3. The OMA will review the medical recommendation and certified letters and prepare a recommendation for the Director.
4. If approved by the Director:
- A. The inmate must authorize the release of his medical information to the victims of his crime.
 - B. The victim's services officer will notify the victims of the Department's intent to place the inmate on the 298 Program.
 - C. The OMA will notify the county commissioners per the requirements of NRS 209.3925.
 - D. The OMA will notify P&P of the decision and the release plan of the inmate.
5. The OMA may coordinate the release of the inmate to P&P effective 45 days after notice has been provided to the county commissioners. Delivery to the commission is assumed to have occurred three (3) days after mailing.
- A. If approved for participation by the advisory board, the inmate will be released to P&P when that agency has completed residential reviews and approvals.
6. The Department is not responsible for the medical care or costs of inmates placed on the 298 Program.

523.05 GENERAL PROVISIONS FOR RESIDENTIAL CONFINEMENT

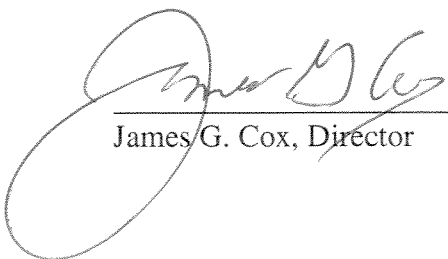
1. Any inmate who escapes from a program of residential confinement or Re-Entry Court is deemed an escapee from the Department.
2. P&P shall supervise inmates on programs of residential confinement and Re-Entry Court.
3. P&P shall notify the Department and make a referral to the Attorney General for the prosecution of escaped inmates from programs of residential confinement and Re-Entry Court.
4. P&P shall use electronic monitoring to assist in supervising inmates in the 305 Program and 317 Program, and may use electronic monitoring for inmates in the 298 Program.
5. Inmates who violate any law, or any rule or regulation of the Department or P&P, may be returned to the Department for disciplinary action and classification review.
6. Residences for the purposes of all residential confinement programs and Re-Entry Court must be within the state, in areas approved by P&P for the appropriate supervision.

APPLICABILITY

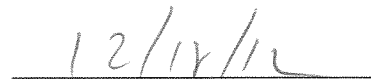
1. This regulation requires an operational procedure within the Offender Management Division and Victims Services Unit.
2. This regulation requires an audit.

REFERENCES:

ACA standard 4-4390



James G. Cox, Director



Date