



# **RESOLUTION No. 10-108**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**RESOLUTION AUTHORIZING THE SHERIFF TO ADMINISTER THE HOME DETENTION PROGRAM APPROVE THE CONDITIONS OF CUSTODY AND PRESCRIBE ADMINISTRATIVE FEES TO BE PAID BY HOME DETENTION PARTICIPANTS AS DETERMINED ACCORDING TO THEIR ABILITY TO PAY AND REVIEW THE PROGRAM ON AN ANNUAL BASIS**

WHEREAS, the Sheriff's Office assumed administrative responsibility of the Home Detention Program from the Probation Department in 1995; and

WHEREAS, Penal Code 1203.016 establishes guidelines for the Home Detention Program and provides that the Board of Supervisors may authorize the program including its conditions and fees; and

WHEREAS, the Home Detention Program emphasizes public safety while relieving jail overcrowding and costs associated with inmate housing and medical needs; and

WHEREAS, in keeping with the goal of maintaining the highest public confidence and public safety, the use of alcohol, marijuana and certain prescription narcotics is prohibited. The prohibition of alcohol, prescription narcotics, and medicinal marijuana use by Home Detention Participants is rationally related to these goals based on the need for consistent application of the drug and marijuana use policies between jail inmates and Home Detention Participants, the potential for unregulated abuse of alcohol, prescription narcotics and marijuana by Home Detention Participants, inadequate resources to monitor prescription narcotic and marijuana use to verify compliance with prescriptions and medical marijuana recommendations, and the potential risk to the public posed by participants who use alcohol, prescription narcotics, or marijuana to the point of intoxication; and

WHEREAS, the Sheriff, as the Correctional Administrator has the sole responsibility and authority regarding the acceptance of sentenced offenders admitted to the program. and,

WHEREAS, the Sheriff and the Board of Supervisors shall review the rules, regulations and administrative policy of the Home Detention Program on an annual basis, and

WHEREAS, the Board of Supervisors may prescribe a program administrative fee to be paid by each home detention participant that shall be determined according to his or her ability to pay.

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors hereby authorizes the Sheriff to administer the Home Detention Program, approves the conditions of custody, and prescribe the administrative fees as follows:

- 1) Non-refundable application fee of \$35.00
- 2) Supervision fee of \$10.00 to \$20.00 per day, based on a person's ability to pay
- 3) A drug testing fee of \$25.00 for each 30 days of actual custody time, when applicable

And direct the Auditor-Controller to deposit these fees into account 0101 20301 153 1000 452196

BE IT FURTHER RESOLVED, that the Sheriff and the Board of Supervisors shall review the rules, regulations and administrative policy of the Home Detention Program on an annual basis.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of March, 2010, by the following vote of said Board:

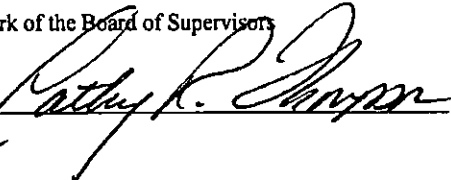
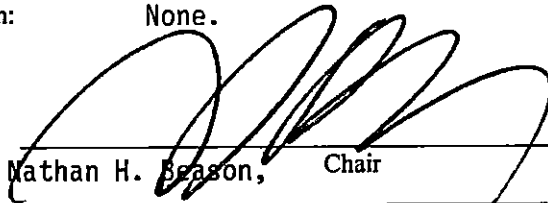
Ayes: Supervisors Nate Beason, Ed Scofield,  
 John Spencer, Hank Weston & Ted S. Owens.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

ATTEST:

CATHY R. THOMPSON

Clerk of the Board of Supervisors

By:

Nathan H. Beason, Chair

DATE	COPIES SENT TO
3/24/10	Sheriff
	A-C*