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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 IN THE MATTER OF:

9  
10 THE WASHOE COUNTY SHERIFF'S  
11 APPLICATION FOR EARLY RELEASE  
AUTHORITY PURSUANT TO NRS 211.240.

12 \_\_\_\_\_ /  
13 **ADMINISTRATIVE ORDER 2022-11 GRANTING THE**  
14 **WASHOE COUNTY SHERIFF EARLY RELEASE AUTHORITY**

15 WHEREAS pursuant to NRS 211.240, the Washoe County Sheriff submitted his  
16 application to the Chief Judge of the Second Judicial District Court requesting authority  
17 to release certain inmates who meet the requirements of NRS 211.240 ("Application");

18 WHEREAS Section 211.240 of the Nevada Revised Statutes provides, in  
19 pertinent part:

20 **Early release of prisoners to relieve overcrowding.**

21 \* \* \*

22 2. In a county in which there is not a city jail, the sheriff may  
23 apply to the chief judge of the judicial district for authority to release  
24 prisoners . . . . Upon receipt of such an application, the chief judge shall  
25 consult with a justice of the peace designated by the justices of the peace  
for the county and a judge designated by the municipal courts for the  
county. After the consultation, the chief judge may enter an order

1 consistent with the provisions of this section granting authority to release  
2 prisoners in the manner set forth in the order. The duration of this  
authority, if granted, must not exceed 30 days.

3 3. At any time within the duration of an authority granted when  
4 the number of prisoners exceeds the operational capacity of the jail, the  
sheriff or other officer in charge may release the lesser of:

5 (a) The number of prisoners eligible under this section; or  
6 (b) The difference between the number of prisoners and the  
operational capacity of the jail.

7 4. A prisoner is eligible for release only if the prisoner:  
8 (a) Has served at least 75 percent of his or her sentence;  
9 (b) Is not serving a sentence for a crime for which a mandatory  
sentence is required by statute;  
10 (c) Is not serving a sentence for a crime which involved an act  
of violence; and  
11 (d) Does not pose a danger to the community.

12 5. Among prisoners eligible, priority must be given to those  
whose expiration of sentence or other release is closest.

13 6. A prisoner released pursuant to this section may be  
required to remain on residential confinement for the remainder of his or  
her sentence or may be required to participate in another alternative  
program of supervision.

14 7. As used in this section, "operational capacity" means the  
number of prisoners that may be safely housed in a jail in compliance with  
15 the regulations governing the sanitation, healthfulness, cleanliness and  
safety of the jail that are adopted by the State Board of Health pursuant  
16 to NRS 444.335.

17 NRS 211.240;

18 WHEREAS the Application states the Washoe County Detention Facility has  
19 exceeded its operational capacity as defined by NRS 211.240(7); and,

20 WHEREAS pursuant to NRS 211.240(2), the undersigned Chief Judge of the  
21 Second Judicial District Court ("SJDC") consulted with Judge Timothy Graham, Gerlach  
22 Justice Court, Chief Judge Kevin Higgins, Sparks Justice Court, Chief Judge Shelly  
23 O'Neill, Reno Municipal Court, Chief Judge Scott Pearson, Reno Justice Court, Chief  
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1 Judge James Spoo, Sparks Municipal Court, and Judge Alan Tiras, Incline Justice  
2 Court, regarding the Application via electronic mail. The Application was not opposed.

3 WHEREAS the Chief Judge also placed the Washoe County Sheriff's Application  
4 on the agenda for the next SJDC Judges' meeting. The SJDC bench declined to  
5 approve the Application for persons serving sentences for gross misdemeanors.  
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7 WHEREAS the Chief Judge received notification as of July 19, 2022, the  
8 Washoe County Detention Facility has exceeded its operational capacity as defined by  
9 NRS 211.240(7); and,

10 Good cause appearing therefor,

11 **IT IS HEREBY ORDERED:**

12 1. To relieve overcrowding, the Washoe County Sheriff is granted authority  
13 to release the lesser of (a) the number of inmates who qualify for early release under  
14 NRS 211.240(4)-(5), or (b) the difference between the number of inmates and the  
15 operational capacity of the Washoe County Detention Facility, for persons serving  
16 sentences for misdemeanors.  
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18 2. The Washoe County Sheriff shall not release, by early release authority,  
19 inmates held on Division of Parole and Probation holds.

20 3. The Washoe County Sheriff shall not release, by early release authority,  
21 inmates held on or serving sentences on charges related to homicide, sexual offenses,  
22 violation of protective orders, domestic violence offenses, weapons offenses, and felony  
23 DUI offenses. And,  
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1           4.     The early release authority granted to the Washoe County Sheriff expires  
2 thirty (30) days from the date of this Administrative Order.

3           DATED this 22nd day of July, 2022.

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6 LYNNE K. SIMONS  
7 CHIEF JUDGE