

**MINUTES OF THE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/NATURAL
RESOURCES/TRANSPORTATION
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-fourth Session
March 29, 2007**

The Joint Subcommittee on Public Safety/Natural Resources/Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 7:40 a.m. on Thursday, March 29, 2007. Chair Dean A. Rhoads presided in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Bob Beers
Senator Dina Titus

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman David R. Parks, Chair
Assemblyman Tom Grady
Assemblyman Joseph Hogan
Assemblywoman Ellen Koivisto
Assemblywoman Kathy McClain
Assemblywoman Valerie E. Weber

STAFF MEMBERS PRESENT:

Steven J. Abba, Principal Deputy Fiscal Analyst
Rick Combs, Program Analyst
Mark Krmpotic, Senior Program Analyst
Melinda Martini, Program Analyst
Larry L. Peri, Principal Deputy Fiscal Analyst
Michael Bohling, Committee Secretary

OTHERS PRESENT:

Dorla M. Salling, Chair, State Board of Parole Commissioners, Department of Public Safety
Cynthia N. Kirkland, Brigadier General, The Adjutant General of Nevada, Office of the Military
Marco Palacios, Project ChalleNGe Graduate
Ken Gray, Chief Master Sergeant, Counterdrug Task Force, Nevada National Guard, Office of the Military
Miles Celio, Administrative Services Officer, Office of the Military
Captain P.K. O'Neill, Chief, Records and Technology Division, Department of Public Safety
John Gonska, Chief, Division of Parole and Probation, Department of Public Safety
Philip A. Galeoto, Director, Department of Public Safety

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Mark Woods, Acting Deputy Chief, Division of Parole and Probation, Department of Public Safety

Kevin L. Tice, Deputy Chief, Southern Command, Division of Parole and Probation, Department of Public Safety

Lynn Whitson, Administrative Services Officer, Division of Parole and Probation, Department of Public Safety

Kathy Comba, Application Development Manager, Records and Technology Division, Department of Public Safety

CHAIR RHOADS:

We will open the hearing with the State Board of Parole Commissioners' budget. Please tell the Subcommittee about budget amendment number 62 to budget account (B/A) 101-3800.

PUBLIC SAFETY

DPS - Parole Board – Budget Page PUBLIC SAFETY-191 (Volume III)
Budget Account 101-3800

DORLA M. SALLING (Chair, State Board of Parole Commissioners, Department of Public Safety):

The State Board of Parole Commissioners anticipates unprecedented growth which was unforeseen when we were preparing our budget. As a result, we have asked for an amendment adding three contract hearing representatives to our budget for fiscal years (FY) 2007-2008 and FY 2008-2009. The handout you have received ([Exhibit C](#)) illustrates a breakdown of the funds requested in terms of operating, information services and training. We have determined this to be the most efficient and cost-effective method to deal with our growth rather than adding new commissioners which would require statutory changes and be more expensive.

The prison has had unprecedented growth and we anticipate continued growth in the inmate population which will result in the need for more parole hearings.

CHAIR RHOADS:

Are the contract hearing representatives qualified for this work?

Ms. SALLING:

Yes. *Nevada Revised Statutes* 213.135 establishes qualifications for persons serving as a hearing representative, which include a bachelor's degree and five years of experience. The experience must be related to criminal justice.

CHAIR RHOADS:

Do you expect this growth to continue?

Ms. SALLING:

I will have to defer your question to the Department of Corrections (DOC) since our caseload reflects their caseload. The JFA Associates detailed the ten-year prison population projections and, at this point, growth is continuing.

CHAIR RHOADS:

Is the estimated cost of \$200 each day for hearing representatives realistic?

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Ms. SALLING:

Yes. In the past, we have paid \$100 each day. We increased the rate to \$200 each day to ensure attracting qualified representatives. Typically, we have hired retired Division of Parole and Probation (P&P) officers. We recently trained a retired captain from the P&P Division who is highly qualified.

CHAIR RHOADS:

How did you arrive at the \$200 figure?

Ms. SALLING:

The Board compared the rates of other contract employees throughout the State and \$200 seemed to be a fair fee to pay for the service.

CHAIR RHOADS:

What experience has the Board had in the past with using hearing representatives?

Ms. SALLING:

It has worked out well. We have not needed to use them much, in the past several years, as a result of the commissioners utilizing videoconferencing. Since the contract employees cannot vote, we have not needed them. In the past, before videoconferencing, one commissioner and one hearing representative would travel statewide to various institutions. Since acquiring videoconference capabilities, we increased our efficiency and were able to eliminate the hearing representatives. Now, with our increased caseload projections, it is more efficient to hire contract representatives than to add new commissioners.

CHAIR RHOADS:

Do you anticipate difficulty in finding part-time hearing representatives to contract with the State?

Ms. SALLING:

It has been difficult, but we have always been able to find them. The retired P&P Division captain inquired about working with us.

CHAIR RHOADS:

Does the plan, presented by the Board, allow it to meet an increased level of parole revocation hearings?

Ms. SALLING:

The representatives would not sit on revocation hearings. Having the representatives sit on release hearings enables the commissioners to sit on revocation hearings. This allows us to manage the overall caseload in a manner which accomplishes all of our duties.

CHAIR PARKS:

Can you comment on the time required to perform revocation hearings?

Ms. SALLING:

Until six years ago, the Board met in Las Vegas and Carson City once each month for revocation hearings to ensure someone who has been arrested and

brought back on a violation hearing is taken through the process as quickly as possible. If they are reinstated to supervision, we want them back into the community as soon as possible so they do not lose their housing or job. If their parole is revoked, we want the DOC to move them to less expensive quarters and get them involved in a program.

About six years ago, we began holding weekly revocation hearings in Las Vegas and biweekly hearings in Carson City. Over the last few months, due to increased need, we have been having weekly revocation hearings in both Las Vegas and Carson City.

At one time, the time lag between arrest and a revocation hearing was three months. The last time we calculated, it had decreased to about six weeks. After due process paperwork, which takes place while they are in the county facility, they are transferred to the prison and scheduled for a revocation hearing. The time lag between arriving at the prison and a revocation hearing is normally about two weeks.

CHAIR PARKS:

Rural-county sheriffs like to move them through the system as fast as possible.

CHAIR RHOADS:

Are you currently employing contract hearing representatives?

MS. SALLING:

We currently have one representative trained and contracting with us in Las Vegas and one in Carson City.

CHAIR RHOADS:

How many do you need?

MS. SALLING:

We currently have enough. If the projections from JFA Associates are accurate, we anticipate needing three more by the fall of 2007.

CHAIR RHOADS:

Do the representatives receive 40 hours of training here, and then go to the Association of Paroling Authorities International (APAI) in Chicago for additional training?

MS. SALLING:

By statute, they are required to have 40 hours of training. We train them here with the help of the P&P Division, the DOC and our staff. The state-of-the-art training is held at APAI in Chicago in conjunction with the National Institute of Corrections.

CHAIR RHOADS:

Is this how the \$14,388 will be used?

MS. SALLING:

Yes. It will be used for in-state training and to send the representatives to APAI.

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CHAIR RHOADS:

What technology services does the Board receive from the Department of Public Safety (DPS) Technology Division?

Ms. SALLING:

All of our technology is supported through the DOC and the DPS.

CHAIR RHOADS:

Do you foresee any impact from transferring the State Board of Parole Commissioners and the P&P Division from the DPS to the DOC?

Ms. SALLING:

I have never considered the possibility.

SENATOR BEERS:

It might be appropriate for you to discuss this with the DOC. They have a competent Information Technology (IT) group which can replace services from the DPS which may be lost if the P&P Division is transferred to the DOC.

Ms. SALLING:

We are currently tied closely to the DOC's IT group. We have been funded, in our Base Budget, to implement their new system and have already completed the necessary training.

MARK KRMPOTIC (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Last week, the Subcommittee directed staff to review the fiscal impact of transferring the State Board of Parole Commissioners and the P&P Division from the DPS to the DOC.

Based on staff's preliminary review, it appears indirect costs are allocated to both entities from the DPS's director's office and administrative services sections. If the State Board of Parole Commissioners and the P&P Division transfer to the DOC, the DPS will need to recover those costs from divisions which remain within the Department.

Secondarily, it appears there is some technology support in the form of an allocation made to both the P&P Division and the State Board of Parole Commissioners. Staff believes network and personal computer (PC) support is provided by the DPS for the State Board of Parole Commissioners and this would need to be provided by the DOC if these agencies are transferred. The Technology Division of the DPS, which is cost allocated throughout the Department, would need to be recalculated to allocate services to other divisions.

SENATOR BEERS:

If I understand correctly, there is \$40,000 in the State Board of Parole Commissioners' budget which is currently going to the DPS.

MR. KRMPOTIC:

Yes.

SENATOR BEERS:

Is the \$40,000 going to be allocated to the Department of Information Technology (DoIT)?

MR. KRMPOTIC:

The allocation referenced by staff would go to the DPS Technology Division and be paid to the director's office and administrative services within the DPS. Staff believes there is a minimal amount of technology support and allocation currently assessed to the State Board of Parole Commissioners from the Technology Division.

SENATOR BEERS:

It appears it will have a greater impact on the accountants than the State Board of Parole Commissioners.

CHAIR RHOADS:

We will now hear the budget of the Office of the Military.

MILITARY

Military – Budget Page MILITARY-1 (Volume III)
Budget Account 101-3650

CYNTHIA N. KIRKLAND (Brigadier General, The Adjutant General of Nevada, Office of the Military):

I am pleased to be here today to discuss the biennial budget request of the Office of the Military. I would like to thank Assemblyman Parks and Senator Beers for taking their time to accompany us on a recent visit to the Project ChalleNGe program in San Luis Obispo, California.

I would like to briefly talk about some of the changes and updates in our budget. It is important to note much of the funding for the Nevada National Guard is received from the federal government under a Master Cooperative Agreement. The terms of the agreement provide for reimbursement by the federal government in various percentages depending on the type and location of the support provided. This includes utility costs, custodial, buildings and ground maintenance, security, environmental and fire protection. These are reimbursed at rates of 100-percent federal, 75-percent federal and 25-percent State, and in some cases, 50-percent federal and 50-percent State. Certain costs are supported with 100-percent General Fund monies.

Our main operational budget account, B/A 101-3650, totals about \$14 million, approximately \$10 million of which is programmed for federal reimbursement. In each year of the biennium, the budget includes about \$9 million in personnel costs, \$750,000 in operating costs, \$1 million to support our training site and logistics operations and \$1.5 million to pay for utilities.

Decision unit E-325 is related to Project ChalleNGe. Nevada is ranked with one of the highest dropout rates in the nation, and, combined with the growing gang and drug problems, we have a clear need for a program which takes these young men and women and attempts to turn their lives around making them productive, contributing citizens in our communities.

E-325 Services at Level Closest to People – Page MILITARY-4

Project ChalleNGe is not a boot camp for recruiting to the U.S. Military. It is an 18-month military-style academy for high-school aged youth who have dropped out or are at risk of not completing high school.

It consists of a five-month residential phase and a one-year post-residential mentoring phase. The goal of the program is, through military-based training, to improve the life skills and employment potential of these youth. It is a preventative rather than remedial program based on eight core components which support the development of the whole person in terms of mind, body and personal values. Emphasis is on self-discipline, self-esteem, education and development of healthy lifestyles. Project ChalleNGe has proven to be successful in the 30 programs which exist today.

According to a 2005 U.S. General Accounting Office (GAO) assessment, there are over 4,700 graduates yearly, with over 70 percent of the graduates passing the General Educational Development (GED) test. These are students who would have not otherwise graduated from high school or received a GED certificate.

CHAIR RHOADS:

Is this a nationwide graduation rate?

GENERAL KIRKLAND:

Yes.

Although a percentage of the students pursue a military career, it is not the purpose of the program. The majority of students, about 80 percent, advance to college or find meaningful employment above the minimum-wage level. These young people must volunteer to enter the program although many volunteer at the urging of parents or parole officers. If they decide they want to leave, we will coordinate their return to home. The majority of students who leave do so early in the program, and many return in the following term to complete the program successfully.

Project ChalleNGe's operating costs are supported with 60-percent federal and 40-percent State funding during each year of operation. The program requires the state in which it operates to furnish the facilities in which to operate. The goal of the program is to graduate 200 students each year; 100 students in each of two classes. The total requirement in FY 2007-2008 is \$500,000 for start-up costs. The full amount for the second year of the biennium would be \$3 million, which includes \$1.2 million in State funding and \$1.8 million in federal funding.

Our plan would be to use the first year of the biennium to hire staff, put together the curriculum, arrange agreements with partners, prepare facilities and have the first class start in January 2009. We have looked at several locations including the Clear Creek facility, the Stewart facility, a facility in Hawthorne and, most recently, a closed federal prison on Nellis Air Force Base (AFB).

The Nellis location seems most likely to materialize. We have begun preliminary discussions with the U.S. Air Force for the use of the facility. They have

indicated we could probably lease the facility for no fee, and we would be responsible for providing the cost of services and utilities from Nellis AFB. This would be a cost-free operation and we could use a greater percentage of the operating budget for the students, academics and the program itself.

This amazing program has proven its success and will provide the State with a resource giving hope and a future to hundreds of our sons and daughters who have drifted off course.

Decision unit E-326 allows us to hire an additional heating, ventilation and air-conditioning (HVAC) technician for our main campus in Carson City.

E-326 Services at Level Closest to People – Page MILITARY-5

Since occupying the new State Emergency Operations Center and assuming responsibility for maintenance and control of the building, we have found the HVAC systems in the facility require more support than anticipated. The preventive maintenance of these complex systems requires full-time attention and this position would be for the primary maintenance and upkeep. Due to a shortage in projected rent revenue, this position would be funded beginning FY 2008-2009 at the cost of \$57,280.

Decision unit M-425 requests \$20,000 in the first year of the biennium, consisting of \$5,000 in General Funds and \$15,000 in federal funds, for a deferred maintenance project for inspecting the roofs on all of armories statewide. In the second year, we have requested \$6,000 in General Funds to upgrade the restrooms at our Henderson armory.

M-425 Deferred Facilities Maintenance – Page MILITARY-4

These projects complement the projects completed in the 2005-2007 biennium. We have completed ten projects from our deferred projects maintenance list totaling \$101,700, consisting of \$67,175 in General Funds and \$34,525 in federal funds. Eight projects are currently in the process of awarding contracts totaling \$210,000, consisting of \$103,750 in General Funds and \$106,250 in federal funds. There are two projects to be contracted and are currently under review: a \$400,000 paving project and a \$10,000 restroom remodel.

Decision unit E-710 is for the replacement of two computers and software for the agency. These are for the planned lifecycle replacement of two existing computers, one in each year of the biennium, for \$3,914 each year.

E-710 Replacement Equipment – Page MILITARY-5

Decision unit E-731 is for the maintenance of buildings and grounds. The majority of these projects are 100-percent federally reimbursed. These are for the miscellaneous maintenance and repair of existing facilities throughout the State. The requirement is for \$362,250 in FY 2007-2008 which includes \$2,010 in State funds and \$360,240 federal funds. The FY 2008-2009 requirement is \$196,650 which includes \$2,010 in State funds and \$194,640 in federal funds.

E-731 Maintenance of Buildings and Grounds – Page MILITARY-6

Decision unit E-750 totals \$170,000 in the first year and \$150,000 of the biennium and in the second year. All of these projects are 100-percent General Fund construction projects like carpet replacement and equipment repair in facilities which are State owned.

E-750 Building Construction Outside Cap – Page MILITARY-6

Our new Las Vegas armory is substantially completed with a projected ribbon cutting on April 3, 2007. We are projected to move into the facility in June and will host an open house in September.

Decision unit E-817 is a new expense to the Office of the Military. It is a Nevada Department of Transportation (NDOT) required radio charge for the use of the statewide 800 megahertz (MHz) bandwidth. Although the National Guard acquired about 100 hand-held radios through federal grants, these radios are used only for State emergency response. Our new Weapons of Mass Destruction Civil Support Team keeps three to five radios on hand as backup when they support State and local authorities. None of the radios are used on a daily or routine basis and \$384.55 annually is charged for each radio, totaling \$38,455.

E-817 NDOT MHZ Radio Cost Allocation – Page MILITARY-7

MARCO PALACIOS (Project ChalleNGe Graduate):

My name is Marco Palacios and I am a Project ChalleNGe graduate. I am from Mexico City, Mexico, and I came to the U.S. when I was 14 years old. I was not doing well in tenth grade due to difficulties I was having with the English language. I went to a Project ChalleNGe meeting and they explained the benefits of the program which included passing the GED test in five months.

After being accepted into the program, I discovered my teachers and my mother did not support my decision since I did not speak English and was not physically prepared for a military-based training regimen. I left my home on July 14, 2002, with an attitude of "There is no such thing as quitting."

The first day of class started with 185 people, and by the next morning, there were only 145 left. For the first few weeks, I missed my family and friends, but I made a commitment to myself to finish the program and pass my GED test. While I was there, I learned a lot about myself and what I could accomplish through confidence and commitment. I stayed for the full five months, learned English, passed the GED test, and graduated from the program on December 14, 2002.

In January 2003, I enrolled at Truckee Meadows Community College (TMCC) and began taking computer classes. The college allowed me to participate in a video for the Adult Basic Education Department which highlighted the importance of passing the GED test. In May 2005, I was awarded Latino Student of the Year by the Hispanic Chamber of Commerce. In May 2006, I graduated from the TMCC with associate's degrees in computer information technology networking and computer information technology

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webmaster. One week later, I left to accomplish my dream of becoming a U.S. Air Force Airman and began basic training, graduating on July 7, 2006. After completing technical school, I returned to continue my education and earn a bachelor's degree in computer engineering.

I have a job as a computer assistant with the Washoe County School District teaching children to use computers. I would like to enter the Air Force Reserve Officer Training Corps program or go to the Air Force Academy to earn my commission as an Air Force officer.

Project ChalleNGe is a military-structured program designed for youth, ages 16 to 18 years old, at risk for not completing high school. Applicants must be drug free and have no major convictions. Students start the day at 4:30 a.m. for physical fitness training, eat breakfast, and begin academic classes starting at 8:00 a.m. and ending at 3:00 p.m. when they go back to the dorms to study until 5:00 p.m. Lights out is at 8:30 p.m. Weekends are used to perform community service.

The benefits of this program include passing the GED test and earning college credits, learning to be a better citizen, getting physically fit and learning how to become successful in life. In addition, the State of Nevada increases the number of students graduating high school and receives extensive hours of community service.

As you can see, Project ChalleNGe has made a difference in my life. I have passed my GED test, have a good job and am going to college to pursue a higher education.

I truly recommend this program to anyone who wants a second chance in life. I think it can make a difference in people's lives and make them better citizens.

CHAIR RHOADS:
What are you doing now?

MR. PALACIOS:
I am a computer assistant for the Washoe County School District.

CHAIR RHOADS:
Did you attend Project ChalleNGe in Arizona?

MR. PALACIOS:
Yes.

CHAIR RHOADS:
How many states have programs like this?

GENERAL KIRKLAND:
I believe there are 30 programs in 26 states.

CHAIR PARKS:
With the Legislature in the process of closing budgets, what is the prospect of one of your proposed locations being finalized in the immediate future?

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GENERAL KIRKLAND:

Our commitment to the Governor and the State, if we get the program funded and use one of our National Guard training facilities as a temporary facility, is to start the first class in January 2009. The prospect of using the Nellis AFB facility is good and we should be able to start the program there.

CHAIR PARKS:

Are you planning to use Area 2 at Nellis AFB?

GENERAL KIRKLAND:

Yes.

CHAIR PARKS:

For the benefit of the Committee, Area 2 is a former federal prison camp which housed 550 inmates.

Will this be funded by a 60/40-percent split in cost with the federal government?

GENERAL KIRKLAND:

The annual operating cost for the program is 60-percent federal and 40-percent State funded.

CHAIR PARKS:

Have we filled the 24 available slots for the Project ChalleNGe program in Arizona?

GENERAL KIRKLAND:

Yes. Our allowance varies for each class depending on how many students Arizona enters into the program. Our authorization is 12 students in each class. We send from 15 to 20 students to each class with the hope of 12 graduating. In some classes, we have lost more students than we anticipated and only had nine or ten graduate.

CHAIR PARKS:

You are planning to increase from 24 to 200 graduates each year; how will you market the program? Will there be 200 eligible students available to fill it?

GENERAL KIRKLAND:

We have been able to find 15 to 20 eligible students with little effort and we have turned away hundreds who compete for those few available slots. Our people throughout the State say they are certain there will be no difficulty in filling available slots for the program.

CHAIR PARKS:

If you need a mentor, I would be happy to volunteer my services.

SENATOR TITUS:

I believe the notion is to recruit 300 students to graduate 200 due to the dropout rate. If these schools already exist, how will the start-up money be used to differentiate the curriculum of your program from the others?

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GENERAL KIRKLAND:

Every program is unique, based on the demographics, geography and all of the factors involved in creating the curriculum. It is a partnership created with the educational systems which are all a little different. We observe the curriculum and strategies of other programs and adjust them to meet our needs in Nevada. Much of the work of creating a plan has already been done and we have preliminary plans prepared.

SENATOR TITUS:

I would like staff to compare the cost for each student participating in this program to the cost of regular classrooms.

CHAIR RHOADS:

Can you provide staff with documentation on how the \$500,000 in start-up money will be spent?

GENERAL KIRKLAND:

If the program is approved, a formal plan will be presented. At this time, we can provide our preliminary draft of what we expect the expenditures will be.

CHAIR RHOADS:

Why has the Governor recommended \$3 million for the program in FY 2008-2009 instead of the \$2.8 million based on the \$14,000 cost for each student?

GENERAL KIRKLAND:

To receive the federal matching funds, we must graduate at least one class in the fiscal year. Since we do not anticipate starting the first class until January 2009, the federal matching funds would not be available until the second year of the biennium. We have had indications from the National Guard they may be able to provide some funds to contribute for the preparation of the facilities.

CHAIR RHOADS:

Do we currently have students in Arizona?

GENERAL KIRKLAND:

Yes. We have a class in session now.

CHAIR RHOADS:

Do you know what the cost for each student is in Arizona?

GENERAL KIRKLAND:

Currently, the cost is \$14,000 for each student in every state. I have seen statistics showing the cost for each student in this program is less than the cost of having them involved in the juvenile justice system.

SENATOR BEERS:

Is \$14,000 the total cost or is it only the federal component?

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GENERAL KIRKLAND:

The \$14,000 is a total cost per student, split 60-percent federal and 40-percent State.

SENATOR BEERS:

Is this cost for six months or for each year?

GENERAL KIRKLAND:

It is the cost for each five-month residential phase; the year-long mentoring program has no cost associated with it.

SENATOR BEERS:

Is there an attached high school?

GENERAL KIRKLAND:

There can be. Some of the schools are chartered as their own school. It depends on how we proceed and find resources best suited ...

SENATOR BEERS:

Essentially, we would be adding \$14,000 for each student entering the program to the money we currently pay the school districts from the Distributive School Account (DSA).

GENERAL KIRKLAND:

I am not familiar with this issue.

SENATOR BEERS:

The California program receives its school portion of the funding from the school budgets and the residential-care portion is paid by the Project Challenge program. They have segregated the funding sources.

KEN GRAY (Chief Master Sergeant, Counterdrug Task Force, Nevada National Guard, Office of the Military):

California's program is structured differently. The youth academy is actually a high school within the school district.

SENATOR BEERS:

Do we anticipate doing the same here?

CHIEF GRAY:

There has been discussion on this issue, but I do not know if it is in the plans.

GENERAL KIRKLAND:

We intend for the entire residential phase of the program to be funded from the \$14,000 allotted for each student. The academic and residential portions will be combined.

SENATOR BEERS:

For our purposes, we should deduct DSA funding from the \$14,000 for each student who enters the program. Each student, in their home school district, is represented in the DSA count for State funding.

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GENERAL KIRKLAND:

The California program has been in place for 14 years and was a basic program, like ours will be, when they started. Their program is a model in terms of the way they integrate their students and how their program is run. They have grown well beyond what we will offer in starting our program at a basic level.

SENATOR BEERS:

Nevada's 40-percent share of \$14,000 for each student, roughly \$6,000, is less than the cost for each student in traditional school.

GENERAL KIRKLAND:

I have a document showing per capita program cost comparisons which are based on a national average. The daily average cost for each Project ChalleNGe student is \$29 and the average cost for each student in high school is \$45.

SENATOR BEERS:

Are you sure we are not anticipating having the academic portion funded by the DSA?

GENERAL KIRKLAND:

We do not have the relationships, partnerships or funding to begin the program with the academic portion funded by the DSA. Project ChalleNGe is different from the typical school. As a program develops, much of the funding is supplemented by donations and grants which we have not had an opportunity to develop. As the grants and donations grow, we can add to the program and approach the city and county school districts to provide resources.

SENATOR BEERS:

A component of the California program is the community-service portion in which the students are required to accomplish a certain amount of community-service hours. There is an additional benefit to the community through this aspect.

SENATOR TITUS:

Establishing Project ChalleNGe in Nevada will cost \$500,000 in FY 2007-2008, \$1.2 million in FY 2008-2009, and approximately \$72,000 to continue the transition. This amounts to nearly \$2 million over the biennium for 200 students.

CHAIR RHOADS:

Will we continue to send students to Arizona until the Nevada facility is established?

GENERAL KIRKLAND:

Yes. Our plan is to continue sending students to Arizona through the first fiscal year of the biennium. We will then need to take six months, until we start the first class here, to focus our resources and attention on getting our program into place.

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CHAIR PARKS:

If you get into the Nellis AFB facility, it is a turn-key facility in which you will not have extra costs. If this facility does not become available, will there be costs related to infrastructure improvements?

GENERAL KIRKLAND:

There could be additional costs if the Nellis AFB facility is not made available. Short term, we would be able to start the program at our Stead Army National Guard Training Site which has all of the facilities we need. This would displace other training programs, but we could use the facility for a short period of time.

ASSEMBLYWOMAN MCCLAIN:

If this program funding does not get approved in this year's budget, will it create a crisis? Is it something we can do when we have more money?

GENERAL KIRKLAND:

It will not be a crisis for the National Guard. Other than the national authorities choosing to fund this program through us, this is not about the military. This program brings a savings to the education and juvenile justice systems, and an opportunity to students who cannot succeed in a standard educational environment. This is the most successful program in the country for these types of students.

ASSEMBLYWOMAN MCCLAIN:

Can we get additional slots for Nevadans in the Arizona school?

GENERAL KIRKLAND:

Due to their space limitations, this is not currently possible.

CHAIR RHOADS:

Staff has informed us there are insufficient rental funds to support the new HVAC system specialist position.

GENERAL KIRKLAND:

The problem is the HVAC systems in the new building are incredibly maintenance intensive since they were built to provide a safe and secure environment in the event of a chemical, biological or nuclear type of disaster. If we do not perform regular preventative maintenance on this system, the cost to replace it is extremely high.

MILES CELIO (Administrative Services Officer, Office of the Military):

We have spoken with your staff and the Budget Division on the issue of insufficient rental funds to support this position in the first year of the biennium. We will start this position in 2009, and until then, we will support the HVAC system with our current staff.

CHAIR RHOADS:

Will there be an amendment from the Budget Division?

MR. CELIO:

Yes.

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CHAIR RHOADS:

Under decision unit E-750, you have requested \$240,000 for carpet replacement and \$40,000 for caulking and sealing; this seems expensive.

MR. CELIO:

Based on the last biennium's deferred maintenance projects, we have implemented a cyclical process of reviewing all of our buildings across the State. Many of our buildings are concrete block construction, which do not require frequent painting, and we have ignored the caulking around the windows and doors. We do not replace carpet every year, but have discovered if we wait until the carpet is beyond repair, we must find money for immediate replacement of the entire carpet. We believe replacing the high-traffic areas of the carpeting in our buildings on a cyclical basis will allow us to avoid the more expensive alternative of replacing the entire carpet more frequently.

CHAIR RHOADS:

Please provide staff with a priority list for carpet replacement.

CHAIR PARKS:

Do you know when a decision will be made on the availability of the Nellis AFB site for Project ChalleNGe?

GENERAL KIRKLAND:

Governor Gibbons visited the site last week and has received verbal commitments from the commanders and General T. Michael Moseley that they will make every attempt to secure the site for Project ChalleNGe. The letter which makes our formal request for those facilities is en route. We hope to receive a tentative approval within the next month.

CHAIR PARKS:

If the Nellis AFB site does not materialize, when would you know the availability of the Stead training site?

GENERAL KIRKLAND:

The Stead facility is available today. We control and own the facilities at Stead. It is only an issue of displacing some of the other training programs to other facilities in the State.

CHAIR RHOADS:

We will now open the budget on National Guard Benefits.

National Guard Benefits – Budget Page MILITARY-12 (Volume III)
Budget Account 101-3653

GENERAL KIRKLAND:

This budget account supports the recruitment and retention of active members of the National Guard. It is used to reimburse students for the costs of tuition and laboratory fees for summer school courses within the Nevada System of Higher Education. The Adjutant General may authorize payment up to 100 percent of credit-hour costs within the system for any guardsman attending as a full- or part-time student. Reimbursement is dependent upon being a National Guard member in good standing, working toward a degree and

receiving passing grades of C or higher. An estimated amount to cover the summer school periods is \$20,000 in each of the fiscal years.

The State granted, and made permanent, a Tuition Waiver Program for members of the Nevada National Guard. This is a great program which reinforces recruitment and retention efforts of qualified guardsmen. Part of the program restricts the payment and granting of waivers for the summer-school period. This program is in place to compensate for this restriction and retains the old tuition reimbursement program to reimburse fees for summer school.

CHAIR RHOADS:

How many National Guard members do we have in their Nevada units compared to the number of members who have been sent overseas?

GENERAL KIRKLAND:

We have 3,600 soldiers and airmen in Nevada and 300 to 350, approximately 10 percent, are deployed. Two and a half years ago, we were at a high of 60 percent of our force deployed overseas. They are home now and moving into a more routine rotational basis.

CHAIR RHOADS:

We will now open the budget on the Patriot Relief Fund.

Patriot Relief Fund – Budget Page MILITARY-14 (Volume III)
Budget Account 101-3654

GENERAL KIRKLAND:

The Patriot Relief Fund was established during the 73rd Legislative Session and was created to provide various entitlements to National Guard members. The fund provides for the reimbursement of life-insurance premiums, the cost of textbooks for National Guard members and economic relief from hardships for families of members called to service.

This program is supported 100 percent with General Funds. Since this was a new program in FY 2005-2006, and was implemented partway through the year, the actual performance indicators are minimal and do not truly reflect the expected figures. The FY 2006-2007 projected figures are more realistic. The requested budget amount of \$415,000 in each year of the biennium is based on these figures.

During the 2005-2007 biennium, the Patriot Relief Account was authorized to pay for college textbooks, Servicemen's Group Life Insurance (SGLI) and funds to provide economic hardship relief. The Office of the Military published regulations and guidance on the application and documentation necessary to implement these programs.

The funds provided were used to reimburse 142 students \$36,029 for the cost of textbooks. In addition, 11 guardsmen were reimbursed \$3,041 for their SGLI premiums. At this point, we have received no applications for financial hardship relief. This lack of response may be a result of other federal and private programs providing aid and support to these families.

We are making a concerted effort to identify our deployed guardsmen and make them aware of these benefits. The SGLI premium is the most significant since many of the servicemen who are deployed have not taken into consideration how important it is to keep their life insurance active. This program was established to encourage them to enroll in the SGLI knowing their premiums would be reimbursed.

CHAIR RHOADS:

Can you provide staff with revised projections for FY 2006-2007 and the amount of your unused funds for this program which do not revert to the General Fund?

MR. CELIO:

The way this account was established, our fund is interest bearing, accumulates, and we are allowed to move the unspent portion forward from year to year.

SENATOR BEERS:

Is the amount of funding for this benefit equivalent to spending in the previous biennium?

MR. CELIO:

Since this was enacted at the end of the previous Legislative Session, and we implemented partway through the fiscal year, the figures for FY 2005-2006 are dismal. We believe the projections for FY 2006-2007 are more accurate and we used them to project for FY 2007-2008 and FY 2008-2009.

The SGLI premium is a great benefit, approximately \$350 for each person, and we expected more people to take advantage of it. They have not. The General has since directed a specific campaign to educate all National Guard members, who have been deployed any time from July 2005 to the present, to apply and get paid the premiums to which they are entitled. Some have simply not taken advantage of the application process to get reimbursed, and we are trying to make them aware of the reimbursement program.

GENERAL KIRKLAND:

We have estimated the projections for these amounts based upon our estimate of the number of individuals who will be mobilized and deployed during this biennium. Many of the younger people are taking advantage of the insurance who previously would not have and are applying for reimbursements. Some do not see this as an issue, for whatever reason, and are not choosing to apply for the reimbursement.

SENATOR BEERS:

Is there a way to automatically insure these servicemen rather than rely on them to apply for reimbursement?

MR. CELIO:

We discussed automatically insuring these servicemen when Assemblyman Richard D. Perkins sponsored this bill during the 73rd Legislative Session. The SGLI premiums are an automatic deduction from their military paycheck and the federal government's system cannot accommodate the State

of Nevada automatically paying the premiums. We have a pre-deployment briefing and process in which we announce to service members and their families they can apply for this reimbursement after deployment. We make it clear they can apply now and be reimbursed after the fact for their premiums. When they return and are being out-processed, we provide them the forms to apply for this benefit. Our effort is to generate interest before they deploy and when they return from deployment.

GENERAL KIRKLAND:

As it is passed, the legislation indicates this is an after-the-fact reimbursement program, so we cannot legally pay the premium ahead of time. We have the mechanism to modify our regulations to automatically reimburse those who have paid their premiums.

SENATOR BEERS:

Have we approached U.S. Senators Harry Reid and John Ensign to find a way for Nevada to write one big check to the federal government to ensure Nevada National Guard members are covered by the SGLI?

GENERAL KIRKLAND:

The problem is, this is an individual benefit and every individual National Guard member must sign the paperwork either applying for or declining these benefits. There is no way to manage this at a national level. Every unit manages its own accounts and benefits.

We can, at the end of deployment, examine the pay records of every individual and adjust our process to create an automatic reimbursement. The problem is, since most of our National Guard members are not employees of the State, the only way to reimburse them is as a vendor which requires them to sign the paperwork.

MR. CELIO:

When we were in the process of drafting this bill during the 73rd Legislative Session, we reviewed the processes the other states were using. None of the other states could find a way to automatically pay the SGLI premiums through the federal system.

Between September and October of 2005, the cost of the premium increased. It was \$16.85 each month for \$250,000 worth of life insurance. The federal government increased the amount available to \$450,000 and increased the premium to \$27 a month. Then, in December 2005, the federal government realized the new premiums were insufficient and increased the premium to \$29 a month.

We reimburse the amount paid for premiums no matter what the premium rate is or was at the time. This is one reason the reimbursement system is a better way to manage this benefit.

At first, Assemblyman Perkins attempted to buy an additional insurance policy, which would only cover Nevada National Guard members through the Public Employees' Benefits Program (PEBP), but they are not technically State

employees. A lot of research went into this bill and reimbursement was the best way to manage the benefit.

GENERAL KIRKLAND:

We place the responsibility on our command structure to enroll members of their units. The reason they are not enrolling is when our service members return from deployment, they settle in and do not think about the benefit or go back to it. I have asked all of our commanders to place an emphasis on this program as soon as our service members return.

ASSEMBLYMAN HOGAN:

You pointed to the fact this account is interest bearing, yet there is no record of interest being credited to this account. Have you contacted the Office of the State Treasurer to determine why?

MR. CELIO:

I have discussed this with my budget analyst and it is on our agenda to query the Office of the State Treasurer. Apparently, the transfer of interest is not automatic at their level.

CHAIR RHOADS:

We will now open the hearing on the Department of Public Safety Technology Division.

DPS - Technology Division – Budget Page PUBLIC SAFETY-22 (Volume III)
Budget Account 201-4733

CAPTAIN P.K. O'NEILL (Chief, Records and Technology Division, Department of Public Safety):

I will be presenting two budgets to you this morning for the Technology and Records Bureaus. Together, these two bureaus make up the Records and Technology Division. With your approval, I will give a brief introduction and then go straight into our enhancement requests for each budget account.

DPS - Criminal History Repository – Budget Page PUBLIC SAFETY-55
(Volume III)

Budget Account 101-4709

The Records and Technology Division was created administratively by the DPS director in FY 2005-2006 and was spurred by S.B. No. 452 of the 73rd Session which took the Criminal History Repository from under the Nevada Highway Patrol jurisdiction and placed it under the DPS. The director recognized the interrelated operations of the Criminal History Repository and the Records and Technology Division, whose missions are in service to the Department of Public Safety, the statewide criminal justice community and the citizens, visitors and businesses of Nevada. He felt greater efficiencies in operations could be achieved by combining these two entities.

I have recently provided testimony on Senate Bill (S.B.) 38 which would formally establish the Records and Technology Division within the DPS and the Records Bureau which houses the Criminal History Repository within the Division.

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SENATE BILL 38: Creates the Records and Technology Division of the Department of Public Safety to maintain the Central Repository for Nevada Records of Criminal History. (BDR 43-559)

I would like to turn your attention to the Technology Bureau budget. The mission of the Technology Bureau is twofold: to provide technical support and computer resources to the 172 agencies and 11,000 users in criminal justice agencies throughout the State and to serve as the primary IT resource for the Department's approximately 1,600 users.

Pages 4 through 10 in your handout, titled "Records and Technology Division Technology Bureau 2007-2009 Biennial Budget Request" (**Exhibit D**), show the Technology Bureau's statutory mandates, current personnel, performance indicators and accomplishments since the 2005 Legislative Session. I would particularly like to call to your attention to page 10 which shows the Bureau's major accomplishments of the past biennium. These are significant achievements and I would like to publicly acknowledge the staff of the Technology Bureau for their hard work and dedication.

I would now like to go to our budget request on page 11. I would be happy to answer any questions you may have about pages 4 through 10 after my presentation.

Our Base Budget recommends continued funding for the 45 full-time employees we currently have plus associated operating expenditures. We have 17 enhancement requests in this budget account which are listed in order by decision unit number.

I would like to specifically call your attention to the three decision units highlighted in yellow. Additional information can also be found on page 12 of your handout.

Decision Unit E-586 recommends approximately \$1.9 million in FY 2007-2008 and \$150,000 in FY 2008-2009 for a disaster recovery system consisting of servers, routers, software and upgrades to the associated infrastructure.

E-586 Technology Invest: Maximize Internet & Technology
Page PUBLIC SAFETY-29

On February 6, 2005, Governor Guinn signed an executive order requiring all State agencies to complete a plan to recover their critical business systems and minimize the downtime to the people of the State of Nevada in the event of a disaster or other unplanned service outage.

Furthermore, a 2001 Legislative Audit of the Criminal History Repository stated:
"The disaster recovery plan for the criminal history database did not address all key components that are designed to ensure protection of the assets. In addition, the location used to store a backup copy of the criminal history database is not off-site. In the event of a disaster the data could not be recovered."

The proposed solution in decision unit E-586 fully complies with the Governor's executive order and rectifies the deficiencies identified in the 2001 Legislative Audit. We have also addressed the critical business needs of the Records and Technology Division to implement a fully-functional Disaster Recovery Center in Las Vegas. Our solution not only addresses the requirements for data recovery in the event of a major disaster, but also provides an environment which allows for business continuity in the event of emergencies, system maintenance and disaster drills.

Decision Unit E-587 recommends the purchase of servers and software to accommodate the Department's document imaging project at a cost of approximately \$111,000 in FY 2007-2008 and \$16,000 in FY 2008-2009.

E-587 Technology Invest: Maximize Internet & Technology
Page PUBLIC SAFETY-29

This project is the first step in the Department's larger goal of developing an integrated records management system for all of the DPS records. The document imaging project would start relatively small in scope and would first seek to image the Department's fiscal records with the eventual goal of integrating personnel documents and case files such as the Parole and Probation Division's presentence investigation reports. The expected benefits are a reduced need for physical storage space, increased efficiency and faster service. This is due to time saved in searching for and retrieving documents such as invoices, payments, journal vouchers, contracts and work programs.

Decision Unit E-254 recommends funding of approximately \$262,000 in FY 2007-2008 and \$97,000 in FY 2008-2009 to move the Technology Bureau from its current location in the west wing of the Department of Motor Vehicles building in Carson City to share a location with the Records Bureau at a central location in Carson City.

E-254 Working Environment and Wage – Page PUBLIC SAFETY-24

There is a companion decision unit in the Records Bureau's budget. The Technology Bureau needs to move since its lease is expiring in November 2007, and the DMV has requested the space to accommodate its staffing needs. Additionally, it will lead to increased efficiency as staff will no longer have to travel back and forth between the two bureaus for document exchanges, meetings and training.

Other decision units of interest, E-278, E-282, E-285 and E-288, are recommended as a result of the growth in the volume of transactions and in the number of projects which continue to be requested from our various departmental and outside users and the increased system security requirements as mandated by the Federal Bureau of Investigation and our own security policies.

E-278 Maximize Internet and Technology – Page PUBLIC SAFETY-25

E-282 Maximize Internet and Technology – Page PUBLIC SAFETY-26

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E-285 Maximize Internet and Technology – Page PUBLIC SAFETY-27

E-288 Maximize Internet and Technology – Page PUBLIC SAFETY-28

Currently, there are 19 projects for various agencies within the Division which are unassigned due to limited programming staff resources. Therefore, we are requesting a total of 6 new positions and approximately \$353,000 in FY 2007-2008 and \$457,000 in FY 2008-2009 to address these needs.

The rest of our enhancement requests deal with replacement and new equipment and classified position upgrades which are critical to achieving our mission and to recognizing the work our staff is currently performing.

In conclusion, our budget request presents the minimum requirements necessary for us to be successful in achieving our mission over the next two years.

CHAIR RHOADS:

Regarding decision unit E-586, have you considered alternative locations for storing the backup tapes offsite?

CAPTAIN O'NEILL:

We have started moving our tapes to our Records Bureau site as a temporary solution to this issue, and they will be accessible 24-hours-a-day if it is required they be utilized.

CHAIR PARKS:

What is the distance between the two sites?

CAPTAIN O'NEILL:

The distance is approximately three or four miles.

CHAIR RHOADS:

Why has it taken the Department so long to address its ability to recover such a critical system in the event of a disaster?

CAPTAIN O'NEILL:

There have been a multitude of issues. We had a disaster recovery plan at the old Nevada Highway Patrol (NHP) site in the Sahara building in Las Vegas. When they moved, there was a lack of communication between the agencies. We were moving from a mainframe environment to a server environment and it has fallen through the cracks. We have aggressively worked to solve the issue.

CHAIR RHOADS:

Can you elaborate on the flooding problem with the primary data center in Carson City?

CAPTAIN O'NEILL:

When the building was built, the State Public Works Board (SPWB) and the Buildings and Grounds Division filled an area which was prone to flooding. When the area receives heavy rainfall, an electrical connection box allows floodwaters to travel through the conduit and into the server area of the building. It has been necessary to vacuum and mop the incoming water. I have spoken with the

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DoIT and the SPWB and have been assured they will address and solve the problem.

CHAIR RHOADS:

Why are two new positions needed for the Justice Link System?

CAPTAIN O'NEILL:

We currently have one Justice Link programmer who is knowledgeable about the system. Since she is the only programmer familiar with this complicated system, we need an additional backup programmer to cover when the primary programmer is ill or on vacation. Our current programmer is essentially on call 24 hours a day, 365 days a year.

CHAIR RHOADS:

What are the duties of the Justice Link administrator?

CAPTAIN O'NEILL:

The core business of the Technology Bureau is to provide access to information of the State and federal criminal justice systems to all criminal justice agencies in the State of Nevada. This is accomplished through the Justice Link system which interacts between agencies. We began converting all of our criminal justice users to this system during the last biennium. Today, we have 314 agencies using the link through 7,300 connected devices.

Yesterday, there was a small glitch in the system which caused system instability for three hours, and we had personnel working to find the error. The critical issue is we only have one person who can address these problems and we need an additional person who understands the system. It is an excessive workload for one person.

CHAIR RHOADS:

How would the Nevada Criminal Justice Information Service (NCJIS) audits performed by the Criminal History Repository, differ from the NCJIS audits proposed for the security officer position?

CAPTAIN O'NEILL:

They address two different areas: usage of the material and how the material is attained. The Records Bureau, from our programs development and compliance unit, examines the technical aspects of users adhering to guidelines for usage of the information received and administered by the NCJIS. The security officer examines and addresses the security issues of computer use including firewalls, servers, infrastructure and networking protection.

CHAIR RHOADS:

The Governor has recommended two new positions for the records and identification projects; to what extent will you rely on outside contractors to accomplish the projects identified by the Department?

CAPTAIN O'NEILL:

It is my intention to mix and utilize the Master Service Agreements through DoIT to increase our usage of technology, but I still need programmers to perform maintenance and design documents. Within the Records Bureau and the

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Records and Technology Division, we can solve our issues more efficiently through technology. This is why I am requesting these programmers be assigned to the records and identification projects to address growth and provide technology solutions.

It would be difficult to say that 30 percent of the programs will be developed in house and 70 percent will be outsourced. I believe development is performed more expediently through outsourcing, but you still need oversight and maintenance once the program is delivered and deployed.

CHAIR RHOADS:

How has the transition from the mainframe environment to a server-based system affected the workload and duties of the database administrators?

CAPTAIN O'NEILL:

They began the project in 2002, and there have been several distractions during this timeframe. Within the past year, the programmers have been dedicated to the conversion, and we are meeting the deadline to remove ourselves from the mainframe in July 2007. We are planning to decommission the mainframe in October when the service agreement expires.

CHAIR RHOADS:

Will the accountant technician position, which is to be reclassified, be available to perform general office functions?

CAPTAIN O'NEILL:

No. I would like the upgraded position to work on the development and administration of the budget for the Technology Bureau. They have a complicated cost-allocated system which, depending on where an expense is incurred, varies the cost allocation. I have asked for an administrative assistant II to handle the day-to-day operations. I currently have programmers, security officers and various other staff taken away from their assigned tasks to perform administrative tasks of completing forms.

CHAIR RHOADS:

What are the current duties of your security officer?

CAPTAIN O'NEILL:

He does security studies of the DPS buildings, performs security audits of all users of the Criminal Justice System network, supervises the network and server units and travels throughout the State to provide security environments for the NCJIS systems. He reviews methods and procedures which support the IT infrastructure and protects us from unauthorized access and the manipulation or destruction of NCJIS information. He ensures the IT infrastructure maintains data integrity and remains available to provide services to the public. He also does risk assessments, intrusion detection, security evaluations, security awareness training, consulting and assistance to statewide law enforcement.

ASSEMBLYWOMAN WEBER:

One of your performance indicators is services request response; is the Division able to respond to requests 24 hours a day?

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CAPTAIN O'NEILL:

Yes. Our help desk operates 24 hours, 7 days a week, 365 days a year.

ASSEMBLYWOMAN WEBER:

Your performance indicator of response within 48 hours is 80 to 85 percent; is this for an actual response or a simple acknowledgment of the request?

CAPTAIN O'NEILL:

This performance indicator refers to any help desk activities which we have responded to and corrected, including issues with computer problems, new computer or printer installation, cabling and estimates. We are attempting to determine the demand on the Technology Bureau. The majority of our computer issues are handled over the telephone. Our help desk can access the computer through the system or we go through a simple checklist with the requestor.

We also evaluate requests on a critical-need basis depending on how serious the problem is or what the impact might be. We try to address all requests within our 48-hour guideline.

ASSEMBLYWOMAN WEBER:

Are the individual requests prioritized by the Division?

CAPTAIN O'NEILL:

Yes.

ASSEMBLYWOMAN WEBER:

Would you explain the 3-second system response time performance indicator? Is this an automatic function?

CAPTAIN O'NEILL:

This refers to the response time of any type of inquiry to our network from users across the State. The response time can fluctuate depending on the demand on the servers.

CHAIR RHOADS:

When will the disaster recovery servers in Las Vegas be operational?

CAPTAIN O'NEILL:

Our goal is to have the servers operational within the first fiscal year. As soon as the funding is approved and in the budget, we will begin moving forward.

CHAIR RHOADS:

How long will it take?

CAPTAIN O'NEILL:

It will take approximately one year to achieve full implementation; six months to get the servers built, configured and deployed, and six months for programming and infrastructure.

CHAIR RHOADS:

We will now open the budget for the Criminal History Repository.

DPS - Criminal History Repository – Budget Page PUBLIC SAFETY-55
(Volume III)
Budget Account 101-4709

CAPTAIN O'NEILL:

With your permission, I would like to give a quick overview of the Bureau's mission and then go straight into our enhancement requests. As before, I am happy to answer any questions you may have after my presentation.

The core mandate of the Records Bureau is to be the State's official filing cabinet for criminal history record information. We do this through a variety of programs based on fingerprint identification as the central element of the criminal history record.

Our programs include criminal and civil fingerprinting, the Brady Bill background check for firearms purchases, the sex offender registry, uniform crime reporting and the program development and compliance units.

Pages 3 through 15 of your handout, titled "Records and Technology Division Records Bureau 2007-2009 Biennial Budget Request" ([Exhibit E](#), original is on file in the Research Library), show our previous and new performance indicators, our current organization, funding structure, major accomplishments, goals and brief descriptions of each program area including past and projected workload statistics.

I would like to call your attention to page 8 which shows our major accomplishments of the past biennium. These are significant achievements which could not have been accomplished without the persistence and dedication of staff. We have reduced the time to process civil fingerprinting requests from four months to three weeks. These requests come from licensing, real estate and medical boards which need this service performed for people to go to work with a proper background check.

Moving on to our enhancement requests, page 16 shows the Governor's recommended enhancements in decision unit order. The Base Budget recommends the continuation of the 67 full-time employees and associated operating expenses to maintain the Bureau at its current service levels.

With respect to our enhancements, the justification for each is well documented in our recently completed business plan which was presented to the Interim Finance Committee in June 2006. The plan recommends several changes for the Bureau, the results of which are the decision units.

Decision unit E-251 recommends approximately \$99,000 in FY 2007-2008 and \$98,000 in FY 2008-2009 for a full-time Records Bureau manager. I recently provided testimony on Senate Bill (S.B.) 38 which, as mentioned previously, which would formally create the Records and Technology Division within the Department of Public Safety and would establish the Criminal History Repository within the Records Bureau. The fiscal note attached to S.B. 38 is for the Records Bureau manager position.

E-251 Working Environment and Wage – Page PUBLIC SAFETY-59

This position is critical for overseeing the day-to-day operations of the Records Bureau and to provide consistency in the chain-of-command structure of the Records and Technology Bureaus. As it stands currently, I am both the Division chief and the Records Bureau manager.

The expected benefit of approving this position is the Records Bureau will have a full-time manager devoted to the Bureau's operating and fiscal issues rather than having to compete for time with the other issues facing me at the Division and Department levels. Making these into two separate functions will introduce more impartiality into the decision-making process, help me assign tasks more equitably and assist in improving communication within our Division and between the other divisions within the Department.

Decision unit E-256 recommends eight additional full-time employees for the Bureau's fingerprinting units and would cost approximately \$490,000 in each year of the new biennium. Three of those positions would be assigned to the fingerprint technician unit; the other five would be assigned to the fingerprint support unit. All of the positions are needed due to the tremendous growth which has been experienced in the civil applicant fingerprinting process over the past four fiscal years.

E-256 Working Environment and Wage – Page PUBLIC SAFETY-60

From FY 2002-2003 through FY 2005-2006, the Bureau experienced a 66-percent increase in the number of civil applicant fingerprint cards received for background checks for employment and licensing purposes. Yet staffing in these units has remained constant at 25 full-time employees during this same time period.

Our projections show the civil applicant program will continue to experience growth over the next biennium and beyond. We are projecting a growth rate of approximately 7 percent each fiscal year through FY 2010-2011. These positions are critical to our success in keeping pace with current demand and projected growth. Without them, we cannot keep up our current processing pace and continue to turn around our work product in the face of growing demand.

Decision unit E-259 recommends approximately \$282,000 in FY 2007-2008 and \$22,000 in FY 2008-2009 to move the Records Bureau to a centralized location in Carson City, colocated with the Technology Bureau. Our current location does not have enough room to house us if all of the positions we have requested are approved. We waste valuable time having one division located in two locations and we are constantly traveling across town to meet with the Technology Bureau. We are currently exploring locations within Carson City and feel confident, should this decision unit be approved, we can find a location which can house both Bureaus and accommodate future growth for the next several fiscal years.

E-259 Working Environment and Wage – Page PUBLIC SAFETY-61

Decision units E-253 and E-255 recommend approximately \$264,000 in FY 2007-2008 and \$257,000 in FY 2008-2009 for additional staff for the sex

offender registry and Brady Bill units. Both are the result of current and projected growth and represent the minimum staff necessary to keep these programs functioning at their current levels of service. Several bills have been introduced this session dealing with the sex offender registry and these additional positions will be critical to meeting those mandates.

E-253 Working Environment and Wage – Page PUBLIC SAFETY-59

E-255 Working Environment and Wage – Page PUBLIC SAFETY-60

The remainder of the decision units deal with replacement and new equipment, position upgrades, building maintenance and department cost allocations.

Page 17 shows some of the projects we have planned for the 2008-2009 biennium. Additional details about each of these projects can be found within our business plan which is available upon request.

In conclusion, the additional staff we have requested in our budget and further automation of our business processes by implementing the projects listed previously will ensure we can process an ever-increasing volume of work while continuing to meet our mandate as the repository for the State's criminal history records.

ASSEMBLYWOMAN KOIVISTO:

Are people who obtain concealed weapons permits exempt from the Brady Bill requirements?

CAPTAIN O'NEILL:

Currently, concealed carry weapon (CCW) permit holders within the State of Nevada are exempt from a Brady Bill firearm check when they purchase weapons. All other citizens of the State, including law enforcement officers, must undergo a Brady Bill firearm check every time they purchase a firearm. The county sheriff's offices perform an investigation and send fingerprints to the Records Bureau for a criminal-based background check to be performed for all CCW permit applicants. Additionally, the Records Bureau performs an immigration and customs enforcement check to confirm the citizenship of the applicant and we perform a Brady Bill firearm check at this time.

The information is returned to the sheriff's office and if the applicant is approved for the CCW permit, they are issued a permit which is valid for five years. During this five-year period, the permit holder may purchase firearms without obtaining a Brady Bill firearm check.

ASSEMBLYWOMAN KOIVISTO:

Is there anything which must be done by the State to maintain this exemption?

CAPTAIN O'NEILL:

The State lost its CCW exemption in October 2005. The Bureau of Alcohol, Tobacco and Firearms (ATF) removed our exemption after performing an audit to determine our compliance and finding the State was in compliance. Mr. Frank Adams of the Nevada Sheriffs' and Chiefs' Association and I worked out an agreement with the ATF in January 2006, in which the ATF reinstated

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our exemption. Part of the agreement required a bill to be introduced during this Legislative Session to codify the procedures required to obtain a CCW permit. Assembly Bill (A.B.) 21 is currently being heard in the Assembly Judiciary Committee for codification according to our agreement.

ASSEMBLY BILL 21: Revises certain provisions governing weapons.
(BDR 15-326)

CHAIR RHOADS:

What is the benefit of combining the records function with the technology function? Is this something you have already done in house?

CAPTAIN O'NEILL:

In some terms, the director has combined them administratively. Senate Bill (S.B.) 38 is requesting codification to have it included within the statute.

CHAIR RHOADS:

How will the addition of the Records Bureau manager solve this issue if you would continue to direct both functions?

CAPTAIN O'NEILL:

It would remove me from the day-to-day tactical issues and place me in a strategic position to address long-term goals. It removes my dual role when the Technology Division has an issue to resolve and they are in conflict with the Records Bureau.

CHAIR RHOADS:

What mission critical activities are not being performed as a result of your serving as both the Division chief and Records Bureau manager?

CAPTAIN O'NEILL:

I cannot give full attention to personnel issues and assignments within the Records Bureau. I am constantly having to deal with day-to-day tactical issues and looking at the strategic issues of the Division while keeping us focused on long-term goals. At times, it puts me in conflicting situations. Having a Records Bureau manager will ensure they remain focused on their daily activities. When I come to the next Legislative Session, I would like to tell you our fingerprint identification request turnaround time is five business days or less.

CHAIR RHOADS:

How long is it now?

CAPTAIN O'NEILL:

We have reduced it to three weeks through prioritization, a vast amount of overtime and the dedication of staff. I am requesting additional personnel and a Records Bureau manager to regularly work with the managers and supervisors throughout the bureau to accomplish our goals.

CHAIR PARKS:

Are you requesting the Records Bureau manager to be a sworn position? In March 2005, a request was submitted to reclassify the non-sworn manager to a sworn captain position.

CAPTAIN O'NEILL:

In March 2005, the Records Bureau was under the supervision of the NHP which, at the time, was administered by a major. They reclassified the civilian position to a sworn captain position. My intent, under the new division, is to have the Records Bureau manager equivalent to the Technology Bureau manager and these would both be civilian positions. This position would be filled by someone from within the records bureau field of criminal justice.

CHAIR RHOADS:

Why is the supervisory review of Tier 2 sex offenders necessary?

CAPTAIN O'NEILL:

I want to ensure uniformity in the evaluation of all tier levels. Due to the size and numbers within the sex offender unit, the supervisor is only able to review the reports of the Tier 3 sex offenders. I want to ensure there is no misclassification of a Tier 2 offender who possibly should have been Tier 3 and everyone is working from a standardized reporting and evaluation system.

CHAIR RHOADS:

Do you currently review Tier 2 offenders?

CAPTAIN O'NEILL:

With one supervisor assigned to the ten case investigators within the unit, there is little time to review Tier 2 offenders.

CHAIR RHOADS:

I imagine Tier 2 is the largest population. Does the supervisor review all of the Tier 3 offenders?

CAPTAIN O'NEILL:

All Tier 3 offenders are reviewed at the time of their classification.

CHAIR RHOADS:

There are approximately 2,000 Tier 2 sex offenders. In the future, with increased staffing, will you review more Tier 3 and Tier 2 sex offenders?

CAPTAIN O'NEILL:

The registry is tier assessed based upon the guidelines from the Office of the Attorney General. Everybody in the registry, at every tier level, is assessed. The three additional positions will address the increased caseload and I would like to split supervision so all Tier 3 and Tier 2 reports are reviewed to maintain uniformity. The other position is an administrative aid III who will perform record keeping, filing and posting information to meet the reconsideration hearings' Open Meeting Law requirements.

CHAIR RHOADS:

Are you expecting 1,000 new sex offender cases annually?

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CAPTAIN O'NEILL:

Those are our projections based on the growth we have seen over the past several years. Page 13 of your handout ([Exhibit E](#)) shows the growth within the unit over the last several years. With the new bills being introduced to the Legislature and the Governor's recommended increase of our staffing, we will be able to address any changes in statute should these bills become law without further increasing our staff.

ASSEMBLYWOMAN MCCLAIN:

By looking at the chart on page 13, it appears, by December 2006, you had already nearly met the projected number of sex offenders in the registry for FY 2006-2007.

What is the percentage of out-of-state sex offenders in Nevada's registry?

CAPTAIN O'NEILL:

We have the statistics, but I do not have them with me. We currently have 6,000 active sex offender files.

ASSEMBLYWOMAN MCCLAIN:

Do you know how many sex offenders are in prison in Nevada who may be coming up for parole?

CAPTAIN O'NEILL:

We do not know how many sex offenders may be coming up for parole. We ask the DOC for notification when a sex offender is being released. There is a bill in the Legislature which will require offenders to be entered into the sex offender registry before they are released. We have a total of approximately 12,000 sex offenders within our file system. Approximately 6,000 are active, approximately 130 are Tier 3 offenders and approximately 2,000 are Tier 2 offenders. Tier 3 sex offenders are considered to be the most serious offender with the highest chance for recidivism and are the largest concern for community safety.

ASSEMBLYWOMAN MCCLAIN:

I am curious if Nevada, due to our population growth, has experienced an inordinate influx of sex offenders. Is the graph on page 13 of your handout accurate?

CAPTAIN O'NEILL:

The graph on page 13 is cumulative. We add about 100 new sex offenders to the registry each month. We are projecting we will have 1,200 to 1,500 more sex offenders added each year. The graph depicts the overall registry with the projected growth added. I will forward the number of out-of-state offenders in our registry to you this week.

CHAIR RHOADS:

Are there any Tier 1 offenders?

CAPTAIN O'NEILL:

Yes, there are. The lower the tier level number, the lower the risk of recidivism.

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CHAIR RHOADS:

Is the agency currently meeting the 90-day requirement for completing tier level risk assessments?

CAPTAIN O'NEILL:

Currently, through the dedication of staff, we are meeting the 90-day requirement.

CHAIR RHOADS:

How many reconsideration hearings are currently conducted by the Chairman of the Board of Parole Commissioners and the administrator of the Division of Mental Health and Developmental Services (MHDS)?

CAPTAIN O'NEILL:

All of our reconsideration hearings are held by the State Board of Parole Commissioners.

CHAIR RHOADS:

How are the reconsideration hearings currently staffed?

CAPTAIN O'NEILL:

We have been coordinating our staff, with the assistance of Ms. Salling and the Office of the Attorney General, to properly staff and maintain the Open Meeting Law requirements. The volunteerism from the State Board of Parole Commissioners and the Office of the Attorney General will be lost, and since they are our reassessment hearings, the responsibility will fall on our Division to staff these hearings.

CHAIR RHOADS:

Are the minutes from the hearings later transcribed?

CAPTAIN O'NEILL:

Yes. Other staff is currently performing this task which is why I am requesting the administrative assistant III position.

CHAIR RHOADS:

How many reconsiderations do you have each month?

CAPTAIN O'NEILL:

The number varies. I have attended several hearings and there are usually 10 to 12 at each monthly hearing. We held the hearings up while waiting for the decision of whether or not the hearings fell under Open Meeting Law requirements.

CHAIR RHOADS:

How do offenders qualify for reconsideration?

CAPTAIN O'NEILL:

The offender files a petition grieving their placement among our tier levels. I will forward the statistics regarding how many reassessment hearings we have completed in the past fiscal year to the Committee.

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CHAIR RHOADS:

What is the current status of the court disposition for the Brady Bill unit?

CAPTAIN O'NEILL:

The Brady Bill unit does not do court dispositions; they are performed by our fingerprint support unit. We have recently been awarded a National Criminal History Improvement Program grant and hired four temporary staff to work on the backlog. In June 2006, we had a backlog of over 100,000 dispositions. The staff has entered about 2,600 and we are currently working on the approximately 113,000 dispositions we have remaining today.

We have been working with the courts to begin receiving electronic dispositions from current court activities. We are working with the Administrative Office of the Courts in Las Vegas and Carson City in our pilot projects and we hope, within the next fiscal year, to include the additional courts throughout the State and expand the project.

SENATOR BEERS:

Is the pilot project successful, and are you able to receive electronic dispositions for current cases from participating jurisdictions?

CAPTAIN O'NEILL:

It is not 100-percent successful, though we are striving to get there. We have had errors due to the rewriting of the offense codes and it is causing some confusion, but overall, I would say we have been successful. With the size of Las Vegas, it will test the robustness and ability of the unit and with Carson City's location, we can work with them quickly and easily to address issues as they arise.

CHAIR RHOADS:

What is the current status of the temporary Brady Bill exemption?

CAPTAIN O'NEILL:

Currently, CCW permit holders are exempt from the Brady Bill required background checks. We perform this background check as a part of our service to the sheriffs' offices when a CCW permit is applied for and issued.

ASSEMBLYWOMAN McCLAIN:

I understand there is much opposition to A.B. 21 and there are fees included in the bill.

CAPTAIN O'NEILL:

I do not want to speak for the Nevada Sheriffs' and Chiefs' Association, so please allow me to qualify my response. Several of the sheriffs feel they need the additional fees to manage the expense of processing the CCW permit. I do not wish to comment about their fees.

ASSEMBLYWOMAN McCLAIN:

I am not concerned with the fees. My concern is the bill will not pass.

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CAPTAIN O'NEILL:

We charge \$45 for our processing. The Records Bureau collects \$21 to process the fingerprints and \$24 is passed through to the Federal Bureau of Investigation (FBI) for their processing of the fingerprints. We do not currently charge for the Brady Bill background check or the U.S. Immigration and Customs Enforcement check.

ASSEMBLYWOMAN MCCLAIN:

My concern is if we need this language to codify your FBI agreement, we may need to find another avenue if A.B. 21 does not pass.

MR. KRMPOTIC:

Staff noted there was a substantial increase in fingerprint fee revenues built into the budget with an 18.4-percent increase from FY 2005-2006 to FY 2007-2008 and another 6.9-percent increase in FY 2008-2009 over the FY 2007-2008 rate. What is the growth in fingerprint fee revenues based on? Are you consistently applying those growth assumptions to your need for staff?

CAPTAIN O'NEILL:

Our projections are based on the history of our volume. In some of those projections, we have contacted various agencies which influence our volume such as the Gaming Control Board and the Clark County school district.

CHAIR RHOADS:

What is the turnaround time for fingerprint processing?

CAPTAIN O'NEILL:

A year ago, turnaround time was nearly four months. It is currently three weeks and my goal is to reduce it to five business days. We hope to accomplish this by having the entities submit more fingerprints electronically. Only 25 percent of our civil fingerprints are currently being received electronically and 75 percent are received as hard copies through the mail. This is one of the areas we have identified for improving turnaround time.

Some agencies were holding the hard copies until they felt there were enough to justify the shipping costs, and then using fourth class postal mail to send them. This is why we would like to go to a fully-electronic interface.

CHAIR RHOADS:

Is the technology available to use a fully-electronic interface?

CAPTAIN O'NEILL:

Yes. We are working aggressively with the Department of Business and Industry. They are currently issuing grants for entities to purchase Live-Scan equipment and we are close to completing a request for proposal to enhance our servers to receive this data. By the next Legislative Session, I hope to be receiving a minimum of 75 percent of our fingerprints electronically and having a 5-day turnaround.

ASSEMBLYWOMAN WEBER:

Could you provide the Committee a list of all entities who submit fingerprints and whether they send them electronically or hard copy?

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CAPTAIN O'NEILL:

I can list all entities who submit fingerprints, but, since some entities use both methods, I cannot supply hard figures of who submits electronically or by hard copy. It also depends on which agency actually takes the fingerprints. I will identify them as closely as possible and forward them to the Committee.

ASSEMBLYWOMAN WEBER:

It can delay the ability of some people in the real estate industry to start their businesses while they wait. If it is due to hard copy versus electronic, maybe we can help speed the process.

CAPTAIN O'NEILL:

Last year, we reviewed the issues of delays in processing fingerprints related to the real estate industry and changed some aspects of the process. We have improved our turnaround time significantly since then. There are no problems on the Records Bureau end of the process. We have asked all of the agencies to apprise us if they experience delays.

SENATOR BEERS:

Is the result from a digitally-submitted fingerprint determined faster?

CAPTAIN O'NEILL:

Yes, probably two-and-a-half to three-times faster than hard a copy. In a perfect world in which we were fully electronic, we would begin processing the fingerprint the moment the technician hits the send button and have it back to the agency in three business days.

SENATOR BEERS:

If I have my print submitted digitally, do you still have manual processes once it has been received?

CAPTAIN O'NEILL:

Yes. Once it is in our system, it is reviewed for clarity and sent to the Western Identification Network (WIN). The WIN will send back ten comparisons, generated by an algorithm, which the technician compares to the original in searching for a match. We have improved our services by adding staff and enhancing our equipment. It takes two years to bring new staff up to a journeyman level. As they improve their efficiency, we can increase our work stations.

SENATOR BEERS:

Do you send the fingerprints to other networks in addition to the WIN?

CAPTAIN O'NEILL:

No, the WIN maintains the fingerprint database for criminal background checks. We send a second set of fingerprints to the FBI for processing. Except for CCW permits and school employees, civil fingerprints are destroyed once they are processed.

SENATOR BEERS:

How long does the FBI portion take?

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CAPTAIN O'NEILL:

The FBI turnaround time varies. Their statistics say three days for civil activities and within hours for criminal. They have an excellent turnaround time for criminal investigations.

SENATOR BEERS:

Do you publish a list of locations where fingerprints can be taken digitally and processed faster?

CAPTAIN O'NEILL:

Yes, we have a list of agencies which provide fingerprinting services on our Website.

SENATOR BEERS:

Does the list designate which are digitally processed and which are not?

CAPTAIN O'NEILL:

No. Would you like us to include the information?

SENATOR BEERS:

Yes. I suspect it would motivate the private entities who are not offering digital processing to become digital quickly.

CAPTAIN O'NEILL:

We are currently working with the private companies to interface with us and receive their cards electronically. When I took office, I discovered we were probably allowing some private entities to electronically submit their fingerprints which we would then print as hard copies. We were not performing this service for other vendors. I have since curtailed this practice and we now perform services for all private entities identically.

Since we do not have the server availability to handle a multitude of connections, we are attempting to get the private entities to interface with the vendor who supplied them with their Live-Scan equipment rather than us. This way, our server will only have to manage four or five connections instead of a multitude of connections. The majority of our electronic submissions are coming from governmental agencies.

SENATOR BEERS:

If I want a real estate license, am I required to have my civil fingerprints taken in the county in which I live?

CAPTAIN O'NEILL:

We process fingerprints from out-of-state real estate agents. You can have your fingerprints taken in any county you like.

CHAIR RHOADS:

We will now open the budget on parole and probation.

DPS - Parole and Probation – Budget Page PUBLIC SAFETY-120 (Volume III)
Budget Account 101-3740

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JOHN GONSKA (Chief, Division of Parole and Probation, Department of Public Safety):

We have already made a presentation and supplied the Committee with answers to the additional questions regarding two items for special consideration which request three additional P&P Division specialist III positions and two DPS officers to monitor Tier 3 sex offenders and a global positioning system (GPS).

CHAIR RHOADS:

Is there an amendment to the budget reducing the number of new positions from ten to three?

MR. GONSKA:

Yes, we have already supplied the Committee with an amendment.

CHAIR RHOADS:

Have you received new caseload projections from the contractor?

MR. GONSKA:

Yes, we received them yesterday. We are critically analyzing them and we should have our projections completed tomorrow.

CHAIR RHOADS:

Have you determined whether you have sufficient staff in the Governor's recommended budget decision units M-200 and M-201 to supervise the numbers of projected offenders?

M-200 Demographics/Caseload Changes – Page PUBLIC SAFETY-122

M-201 Demographics/Caseload Changes – Page PUBLIC SAFETY-123

MR. GONSKA:

If we receive everything we have requested through maintenance, we will maintain the condition which currently exists. This will not allow us to properly supervise 3,400 offenders who receive little or no supervision and does not give us the manpower to locate the 3,000 fugitives wandering through Nevada.

CHAIR RHOADS:

When will JFA Associates make their next projections?

MR. GONSKA:

The JFA Associates are scheduled to make their next projections in April 2008.

CHAIR RHOADS:

Will the 40 new positions in the maintenance enhancements be sufficient?

MR. GONSKA:

Yes, though it leaves me with many unsupervised offenders.

CHAIR RHOADS:

What is the total prison population at this time?

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MR. GONSKA:

I do not have that information with me.

CHAIR RHOADS:

How did you determine three positions for pre-sentence investigation (PSI) were needed?

MR. GONSKA:

We initially requested ten PSI positions. This was a compromise based on discussions within our Division verifying and confirming if the study calling for eight hours for each PSI was adequate for our needs. We will perform a study to accurately determine the number of hours needed to conduct and complete a PSI report.

CHAIR PARKS:

Members of the Eighth Judicial District feel the reduced number of PSI positions you are requesting is a disservice to them. How will you address this?

MR. GONSKA:

We have explained the reasons we arrived at the reduced number of PSI positions to them and they understand. We have a critical problem in Clark County and the judges are concerned. They have helped us by pulling the gross misdemeanor pre-sentencing reports in advance which is how we keep up with the workload. They are frustrated and if they reintroduce these gross misdemeanor pre-sentencing reports without proper staffing, we will be in trouble.

PHILIP A. GALEOTO (Director, Department of Public Safety):

I made the decision to reduce the number of PSI positions based upon the empirical support I received while reviewing the need for additional personnel performing PSI reports. I want to ensure we know what is needed statewide in the way of PSI reports. There is inconsistency in what we are doing based on staffing and what is needed throughout the State. We are asking for three interim positions until we can complete a study indicating PSI needs throughout the court system.

I am requesting permission to complete this study so the P&P Division can provide the best possible PSI reports to all of the courts. I am certain we will need to fill more positions as a result of the study.

CHAIR PARKS:

Will the three new positions only be performing gross misdemeanor pre-sentencing reports?

MR. GONSKA:

No, they will work strictly on felony cases.

ASSEMBLYWOMAN WEBER:

Pre-sentence investigation is an area which is often discussed and should be benchmarked and added to your performance indicators.

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MR. GONSKA:

We should also add to our performance indicators the rate of high-risk offenders who successfully comply with the terms of parole and complete their probationary periods without committing any new crimes. When we remove them from the parole and probation supervision, we have been a success.

Our goal is to get an offender through supervision with no new violations or arrests by utilizing many strategies and practices while maintaining our obligation to protect Nevada. We may be suffering in other areas by concentrating our efforts on high-risk offenders.

ASSEMBLYWOMAN WEBER:

Adding PSI reports to your performance indicators may provide data indicating the true number of positions and efficiencies needed to carry out this function.

ASSEMBLYWOMAN MCCLAIN:

I do not believe the Division has fully utilized technology. With improvements in the Criminal History Repository and the DOC's offender tracking system working together and being reported in a timely fashion, it seems technology would contribute to your ability to perform PSI reports.

MR. GONSKA:

If we had the funding, we would pursue technology improvements. One of our goals is to electronically transfer the PSI report directly to the judges.

ASSEMBLYWOMAN MCCLAIN:

You should be using better technology to put together the report itself. If the Criminal History Repository would work correctly and the courts provided the information, all of the information would be available.

MARK WOODS (Acting Deputy Chief, Division of Parole and Probation, Department of Public Safety):

At this point, we have access to an offender's criminal history, but the PSI report relies greatly on the district attorney's (DA) file. With simple cases, this file can be one inch thick or it can be up to three or four boxes of files for a murder investigation. Another component of the PSI report is the social history, which can only be gathered from the offenders, which is also not stored electronically. We gather as much information as possible electronically.

ASSEMBLYWOMAN MCCLAIN:

If you have to gather information which has already been collected by others, you may want to consider if the P&P Division is the right agency to perform pre-sentence investigations.

MR. GONSKA:

With the proper funding and staffing, we are the right agency to perform pre-sentence investigations. We have a tremendous amount of internal information for people who have previously been on probation or parole and have good relationships with the courts, the DA's offices, local law enforcement agencies and the Records Bureau. We are in the right position to do the job; it is a simple matter of having the proper technology and staffing.

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Our biggest clients are the district courts, which constitute 75 to 80 percent of our business, and only 20 to 25 percent is with the DOC or the State Board of Parole Commissioners.

ASSEMBLYWOMAN MCCLAIN:

In my view, anyone dealing with an offender after sentencing or during the parole process has an inherent bias. I believe PSI reports should be a function of the courts.

What are your thoughts on the P&P Division moving to the DOC?

MR. GONSKA:

I understand the prospect of moving the P&P Division to the DOC has been discussed in several Legislative Sessions. It has an extremely negative effect on morale within the Division. With the way the P&P Division personnel have been treated, they view themselves as a refugee group in a third world country. We have gained respect and stability since coming to the DPS. Before coming to the DPS, we had over a 20-percent vacancy rate and could fill positions. As a result of becoming a division of the DPS, our vacancy rate is now under 5 percent.

Only 20 to 25 percent of our business is with the prisons; our primary business is with the District Courts. Many of the P&P Division personnel would never have joined the Division if they knew this could happen, and many others have left for other divisions under the assumption we would be moved from the DPS to the DOC.

We communicate well with the DOC, the State Board of Parole Commissioners and especially with the Casa Grande Transitional Center in Las Vegas. I have a good relationship with Mr. Howard Skolnik, the Director of the DOC, and I have had many productive conversations with him.

CHAIR RHOADS:

Why have the expenditures and revenue collections for the residential-confinement program been so much less than the amounts approved by the 2005 Legislature?

MR. WOODS:

The idea behind the residential-confinement program is to get people started on house arrest, and after 30 days, it would be funded by the program participants. As we discovered more eligible participants, we decided to use house arrest as an intermediate sanction and, in the last six months, increased our caseload by almost 200 percent. Most of the participants we have enrolled are not yet paying into the program. This is why we have not met our projections.

CHAIR RHOADS:

Has there been a final determination on the issue of releasing illegal immigrants from the prisons? How many will be released?

MR. GONSKA:

To our knowledge, it has not yet been determined.

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CHAIR RHOADS:

Why are two new positions required for the GPS monitoring of Tier 3 sex offenders?

MR. GONSKA:

We need the two positions to properly supervise the Tier 3 sex offenders; it is a labor- and time-intensive undertaking.

CHAIR RHOADS:

Why is a 17:1 caseload ratio necessary?

MR. GONSKA:

We reviewed statistics in many other states and adopted our program based on the program in Florida which is the state with the most success and experience in monitoring sexual offenders.

CHAIR RHOADS:

Is our current ratio 45:1?

MR. GONSKA:

Yes.

CHAIR RHOADS:

And Florida is a 17:1 ratio?

MR. GONSKA:

Yes, it is a 17:1 ratio with GPS monitoring. Our house arrest ratio is 30:1.

CHAIR RHOADS:

How will you assign the 35 new vehicles which you are requesting in decision unit E-727?

E-727 New Equipment – Page PUBLIC SAFETY-126

MR. WOODS:

We currently assign our existing vehicles to the line officers and sergeants and we are not at a 1:1 ratio. The extra 35 vehicles will bring us to a 1:1 ratio of vehicles to officers and sergeants. We have never been budgeted for a 1:1 ratio.

CHAIR RHOADS:

How do you currently assign the vehicles?

MR. WOODS:

We currently assign the vehicles by seniority.

CHAIR RHOADS:

Will you tell the Committee about the office relocation shown in capital improvement project (CIP) 07-C22?

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KEVIN L. TICE (Deputy Chief, Southern Command, Division of Parole and Probation, Department of Public Safety):

The project's design and development phase is almost complete. We are arranging to move our employees from the Campos Office Building to temporary quarters at the Belrose Street location. We anticipate, if funded, the bidding process will begin in August or September and we will move into the new building by 2009.

CHAIR RHOADS:

Will the temporary office arrangements be suitable for staff?

MR. TICE:

It will be cramped but adequate. We are retrofitting a garage bay which has exterior roll-up doors. We have carpeted the concrete and assembled cubicles for the staff. Our employees are excited at the potential of moving into a new building. I believe the Campos Office Building is the oldest State building in Las Vegas.

CHAIR PARKS:

How will you address the HVAC issue in the temporary facility?

MR. TICE:

We met with the SPWB yesterday, and they are working on the HVAC problem. It may delay our move, but not to the degree in which it will affect the project.

CHAIR PARKS:

Are you dependent on any of the land which Fire Station Number 1 occupies at the Campos location? I understand they were given a time extension to remove themselves from the site for the expansion of U.S. Highway 95.

MR. TICE:

No.

CHAIR PARKS:

Do you have a parking structure planned for the new building?

MR. TICE:

Yes.

CHAIR RHOADS:

The GPS monitoring of sex offenders includes funding for the lease of two State Motor Pool vehicles, but the Motor Pool budget does not include funds to purchase the cars.

LYNN WHITSON (Administrative Services Officer, Division of Parole and Probation, Department of Public Safety):

The addition of leasing cars was recently made and there was not time to include it in the Motor Pool budget.

CHAIR RHOADS:

What fiscal impacts will there be if the P&P Division is transferred to the DOC?

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MR. GONSKA:

Among other issues, there will be a significant fiscal impact if the Division is transferred.

RICK COMBS (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Can you elaborate on those other issues? We see you have a significant amount of indirect costs being paid to the DPS director's office. Can you identify anything beyond those indirect costs?

KATHY COMBA (Application Development Manager, Records and Technology Division, Department of Public Safety):

My concern, from the technology perspective, is the computer system currently being used by the P&P Division to track offenders is integrated into our Criminal Justice System. The two systems are intertwined. When an offender is sent to the P&P Division, his criminal history records are shared with the information already in the Criminal Justice System. We have not done a detailed study, but it could be cost prohibitive to move the P&P Division and the Criminal Justice System together since we must provide available information to Criminal Justice personnel.

SENATOR TITUS:

Halfway houses for offenders are increasingly becoming a problem. During the last Legislative Session, we passed legislation to require more licensing and regulation by placing them under the jurisdiction of the Bureau of Licensure and Certification (BLC). To date, the BLC has not licensed one single halfway house. I believe the entire halfway house operation should be placed under the jurisdiction of the P&P Division. It fits into your responsibilities better than the BLC's who do not have the resources to manage it.

MR. GONSKA:

It is a problem. The Division would require funding for a unit to control halfway houses. We are trying to determine which transitional homes are eligible to become licensed. Technically, the existing transitional homes are not in violation of State law since they are in the application process. Everyone is in agreement on the need to resolve this issue as soon as possible. If a determination is made in which a transitional home is unlicensed and illegal, we will remove our participants.

SENATOR TITUS:

Chair Rhoads, can we review the staff and resources going to the BLC for monitoring transitional homes and determine if it would be more appropriate to transfer the responsibility to the P&P Division?

CHAIR RHOADS:

Yes, we can have staff look into it.

CHAIR PARKS:

Is the difficulty in getting payment from participants of the residential-confinement program due to these individuals being unemployed?

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MR. WOODS:
Many of the participants are in the program as an intermediate sanction before they return for a possible revocation hearing and many of them are unemployed. The percentage of those who can pay is small.

MR. GONSKA:
As a result of entering these participants into the residential-confinement program, we prevent them from going to prison and save a large amount of money.

SENATOR TITUS:
Do you have any reservations about the sex offenders being able to pay for their participation in the GPS tracking program?

MR. GONSKA:
We have a participant-default rate of about 50 percent built into the budget. It is always a problem trying to collect money from an offender.

CHAIR RHOADS:
There being no further business before the Committee, the meeting is adjourned at 11:02 a.m.

RESPECTFULLY SUBMITTED:

Michael Bohling,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____

Assemblyman David R. Parks, Chair

DATE: _____