

**MINUTES OF THE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/MILITARY/VETERANS' SERVICES
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-sixth Session
March 3, 2011**

The Joint Subcommittee on Public Safety/Military/Veterans' Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair David R. Parks at 8:05 a.m. on Thursday, March 3, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, 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 David R. Parks, Chair
Senator Sheila Leslie
Senator Dean A. Rhoads

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Kelvin D. Atkinson
Assemblyman David P. Bobzien
Assemblyman Pete Goicoechea
Assemblyman John Hambrick

STAFF MEMBERS PRESENT:

Michael J. Chapman, Principal Deputy Fiscal Analyst
Catherine Crocket, Program Analyst
Rex Goodman, Principal Deputy Fiscal Analyst
Madison Piazza, Committee Secretary

OTHERS PRESENT:

Chris Perry, Acting Director, Department of Public Safety

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 2

Mark Teska, Administrator, Administrative Services, Department of Public Safety

Mark Anthony (Tony) Almaraz, Chief, Nevada Highway Patrol, Department of Public Safety

Johnean J. Morrison, Administrative Services Officer, Nevada Highway Patrol, Department of Public Safety

Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety

Rick Gimlin, Administrative Services Officer, Division of Parole and Probation, Department of Public Safety

Stephanie Day, Deputy Director, Budget Division, Department of Administration

Brent T. Adams, District Judge, Department 6, Second Judicial District

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

Elizabeth Conboy, Chief, Investigation Division, Department of Public Safety

Tina Sanchez, Administrative Services Officer, Investigation Division, Department of Public Safety

Michelle Hamilton, Administrator, Office of Criminal Justice Assistance, Department of Public Safety

Connie S. Bisbee, Chairman, State Board of Parole Commissioners

Edgar McDonald

Myra Carpenter

Larry D. Struve, RAIN

Laura Pappas

Nancy Tiffany

Wesley Goetz

CHAIR PARKS:

We will open the budget hearing on budget account (B/A) 101-4703.

CHRIS PERRY (Acting Director, Department of Public Safety):

We are going to present B/A 101-4703.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 3

PUBLIC SAFETY

PUBLIC SAFETY

DPS – Forfeitures – Law Enforcement — Budget Page PUBLIC SAFETY-43
(Volume III)
Budget Account 101-4703

MARK TESKA (Administrator, Administrative Services, Department of Public Safety):

I have prepared a presentation, Nevada Department of Public Safety, Forfeitures BA 4703, 2011-2013 Budget Request ([Exhibit C](#)). Page 2 indicates that forfeitures are governed by both federal and State law. Given that a vast majority of forfeitures are federally related, we receive additional guidance from the U.S. Department of Justice's publication *A Guide to Equitable Sharing for State and Local Law Enforcement Agencies*. Page 3 indicates the account purpose. The forfeiture account is a holding and expenditure account for all State forfeitures. Frequently, forfeitures result from multiagency cooperation. As such, the forfeiture assets are distributed among the participating law enforcement partners upon adjudication of the case. These revenues are deposited to this account and maintained independently from the other funding sources.

Page 4 illustrates the different paths of forfeiture funds depending on whether they are seized through State or federal law. If seized through State law, they are deposited into a holding account when the case is adjudicated. Assuming those funds are forfeited to the agencies, those funds are then immediately placed into this budget account and distributed to any partners based upon their share of the agreement. If seized through federal law, the federal government holds the assets; upon adjudication we receive our share and it is deposited directly into the forfeiture account.

Page 5 outlines the program description. Forfeitures result from regular police operations. The majority of the forfeitures from the Department of Public Safety (DPS) agencies are from the Highway Patrol (NHP), Investigation and Parole and Probation Divisions. The forfeiture account is used for specialized law enforcement activities, such as equipment, capital outlay and training. The fiscal

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 4

year (FY) 2012-2013 budget contains some routine projects that forfeitures have been used for, including the ongoing support of the K-9 program, training for sworn staff at the Northwest School of Police Staff and Command, as well as standard cadet clothing for new cadets entering the academy.

Finally, specific federal guidance indicates that the funds must be used to supplement a law enforcement agency's budget and not supplement other funds. The practice that the Department has used for the past several years has been to evaluate various purchases in programs and determine if we believe that is an eligible use of forfeiture funds. We also confer with our federal contact at the U.S. Department of Justice to ensure that those expenditures are allowable.

ASSEMBLYWOMAN CARLTON:

How long have we been utilizing the Northwestern Command School?

MR. PERRY:

We have been using the School since the mid-1990s. We have been putting our lieutenants and captains through since 2003 or 2004.

ASSEMBLYWOMAN CARLTON:

Do you know how many people have gone in total?

MR. PERRY:

We can get that number. With few exceptions, all of our lieutenants have attended, as well as all of our captains and majors.

ASSEMBLYWOMAN CARLTON:

I personally know one sergeant who has attended. If you did not spend the monies on this training what other things could you spend it on?

MR. PERRY:

There is a myriad of things that are allowable under forfeiture and seizure laws.

MR. TESKA:

It would have to be used for a law enforcement purpose. We have used it for enhanced security in various facilities, training for command staff, support of

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 5

the K-9 program for narcotics detection and we have purchased specific equipment for various agencies.

ASSEMBLYWOMAN CARLTON:

I know that you will not have another academy because we are not hiring, but we have money in here for uniforms for cadets. Why is that?

MR. PERRY:

We do have an academy in right now, and we are planning one for the fall. They will be specific to the Highway Patrol, as no one else will be hiring. These are vacancies that we can afford to fill because of retirements.

CHAIR PARKS:

How would the additional training benefit the Highway Patrol overall?

MR. PERRY:

It actually benefits the entire Department. We provide people with basic training in our academy. It does not prepare them to be a supervisor, as we have a supervisor school that is sponsored by Peace Officers' Standards and Training. Currently, there is nothing in the State that provides the kind of training that they receive from the Northwestern University or the FBI Academy. It provides cadets with a number of different aspects of upper division management skills that they do not get anywhere else. Obviously, we have some employees who come from a collegiate background and they have a better understanding of how businesses are run. This training tells them how to integrate business procedure into law enforcement.

CHAIR PARKS:

Please explain the use of \$16,000 from forfeiture funds for clothing 32 cadets for a total of 128 uniforms.

MR. TESKA:

The use of these funds for clothing are so that all of the cadets are in standard issued uniforms for the entire academy. It is important that each cadet is treated equally regardless of the agency they will be assigned to.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 6

CHAIR PARKS:

Is this a departure from previous academies, where cadets paid for these items?

MR. PERRY:

Yes, the cadets have borne the cost of the uniforms for their physical training in the past. It is something that is currently required of them, but we believe we should furnish it.

We are currently purchasing Dickies uniforms which are much less expensive. We have found in the past that by issuing uniforms early they are worn out more quickly because of the running and jumping in training. We have found that this is a great alternative and they are much less expensive to buy.

CHAIR PARKS:

It appears you have the funding for all four academies to be held during the 2011-2013 biennium. At this time, do the agencies anticipate holding all four academies?

MR. TESKA:

We anticipate at least two academies per fiscal year. That is subject to change depending on the needs of the Department. Should we need to hold two academies in each fiscal year, we have sufficient funds.

CHAIR PARKS:

The only remaining item is funding the K-9 unit with approximately \$133,000 from the forfeiture funds. Fiscal Division Staff will be able to work with you on that.

MARK ANTHONY (TONY) ALMARAZ (Chief, Highway Patrol Division, Department of Public Safety):

I have provided the Subcommittee with the Highway Patrol Division, Budget Account 4705, NHP K-9 presentation ([Exhibit D](#)). Although the Highway Patrol has four budgets, only one of them will be addressed today. Budget account 101-4705 covers our K-9 section.

DPS – NHP K-9 Program — Budget Page PUBLIC SAFETY-62 (Volume III)
Budget Account 101-4705

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 7

Page 2 outlines our mission and vision statement. Page 3 lists a description of the budget account. Budget Account 101-4705 has costs associated with the dogs only. The NHP provides the State with trained law enforcement service dogs whose objective is to detect illegal narcotics on the highways.

Page 4 outlines the program description. The DPS Highway Patrol Division, K-9 Drug Detection Program is dedicated to removing contraband from Nevada's highways. The objective is to reduce the drugs that circulate throughout our communities and in and out of our State through these highways. The program also gathers intelligence which is used to apprehend others that are selling and participating in the transport of these illegal narcotics. We are also prepared to assist other agencies that may need our K-9 units. The budget account is funded with forfeiture funds, and also receives asset donations from the Nevada State Friends for K-9s.

Page 5 discusses the statutory mandate. *Nevada Revised Statutes* (NRS) 480.360 gives the Division authority to administer the NHP K-9 program. Page 6 outlines the performance indicators. One hundred percent of the time we will perform a K-9 search if a traffic stop indicates criminal activity. We also respond and provide assistance when called for service 100 percent of the time. Page 7 illustrates a chart of the funding. The program is run with approximately \$52,500 in FY 2011-2012 and we are projecting \$86,000 in FY 2012-2013.

Page 8 shows the organizational chart by management and command. The Highway Patrol is broken into three commands: Southern Command, Northern Command and Central Command. The Southern command has four K-9 units, the Northern command has two K-9 units and the Central command has three K-9 units.

Page 9 indicates decision unit E-325 which requests \$34,329 for equipment on three replacement vehicles.

E-325 Deliver Public Services Directly and Efficiently — Page PUBLIC
SAFETY-63

Page 10 indicates our milestones. In January 2011, we identified the need for some changes. We found we needed to decentralize the operational oversight

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 8

from headquarters to the regions. Last week we moved the K-9s out to the regions, where they are being properly supervised by the management in their particular region. In addition, some personnel assignments will be reorganized and collection will be standardized to better measure our effectiveness. The last two items that need attention are the need to reset program parameters and the need for program clarification.

Page 11 discusses the accomplishments since the genesis of this program. We have developed and implemented a "Train the Trainer" course. We have two trainers who specifically train the handlers and dogs. We have removed cocaine, hashish, heroin, marijuana and methamphetamine for a total of 654,542.6 grams, and 40 doses of lysergic acid diethylamide, commonly known as LSD. We also seized cash in a sum of approximately \$2.25 million.

CHAIR PARKS:

What is the street value of the drugs you have listed on page 11 of [Exhibit D](#)?

MR. ALMARAZ:

A drug like cocaine goes for approximately \$700 to \$800 a gram.

CHAIR PARKS:

Please explain why relatively high overtime and compensatory time were accrued between October 1, 2010 and December 31, 2010.

MR. ALMARAZ:

Overtime is sometimes generated from calls for service, which are not always generated by our department. A factor for the overtime could be the addition of three dogs in rural areas. Any program that runs a facility 24 hours a day, 7 days a week will have difficulty with overtime. We have reviewed the overall performance of each officer individually and the program in general. Many of our milestones are a product of that investigation, including what kind of product we receive, what kind of service we offer and how that measures up to their daily function and use of overtime.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 9

ASSEMBLYMAN HAMBRICK:

How were your milestones identified? Was it from an internal review, peer review or did an external company come in and suggest these items? I want to see some actions, not just words that you are presenting to the Subcommittee.

MR. ALMARAZ:

The items we have identified in our presentation [Exhibit D](#) are from our reviews since the genesis of the program. Because we have a new administration we have been moving forward with these items. We did a comprehensive review that analyzed every detail in the program, from how they are trained to contracts and equipment. I would like to discuss some of these items with the Subcommittee, but they need a deeper inquiry so we can discuss it later. Some of those inquiries may involve further issues.

ASSEMBLYMAN HAMBRICK:

In your opinion, would these be proactive or reactive factors?

MR. ALMARAZ:

They will be proactive. I do not think you can remove the reactive motivation, but many of these items are from senior levels and we are working to be proactive. The K-9 program is utilized nationwide; a lot of money and time have been put into these programs. My job is to ensure we get the greatest return on our investment, are fiscally responsible and responsive to the citizens as well.

ASSEMBLYWOMAN CARLTON:

Will there be some overtime savings once you decentralize the units?

MR. ALMARAZ:

Yes. We are also looking at scheduling the shifts accordingly with the decentralization. With that, the assumption is overtime will decrease.

ASSEMBLYWOMAN CARLTON:

You have been given permission to utilize overtime, while other agencies have not. You need to be judicious with that.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 10

MR. ALMARAZ:

I agree with you. We consider overtime as one of the components to decrease spending.

CHAIR PARKS:

On the latest report to the Interim Finance Committee, you indicated that only five of the nine K-9 units were working on the highway. Please explain what the other four K-9 units were doing.

MR. ALMARAZ:

We recently added three new dogs to the program and they had to go through the comprehensive training. The dogs have to be certified and trained to work with the handlers, which is the reason they were not on the highway.

CHAIR PARKS:

Are the recently added dogs in your Central Command?

MR. ALMARAZ:

Yes, that is correct. The idea was to cover as much highway as possible in Nevada.

CHAIR PARKS:

What duties are typically performed by K-9 units that would be coded to client services?

JOHNEAN J. MORRISON (Administrative Services Officer, Nevada Highway Patrol, Department of Public Safety):

Client services are generally contract services that we provide, such as wide-load escorts or NASCAR traffic control. Through statute, we are required to provide traffic control services at the organizer's expense when there will be more than 500 people in attendance. The K-9 units would not be functioning in a K-9 capacity; it is simply an opportunity to reimburse overtime in the Highway Fund. They would be functioning in a trooper traffic control environment.

CHAIR PARKS:

Are all nine K-9 units working on the road at this time?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 11

MR. ALMARAZ:

Seven of the units are being utilized right now. The other two have been suspended due to our milestones, until we can redefine who we are going to put back into those positions.

SENATOR LESLIE:

Your review has yielded many items that need to be altered. When can we expect these alternations to take place? When will you be reporting back to this Subcommittee?

MR. ALMARAZ:

The manpower and the complexity of each item will determine how long it will take to implement these changes. It can take several months to go through the whole process of making the modifications. I hope to bring something to the Subcommittee before session ends, perhaps by the end of April 2011.

MR. PERRY:

I am not sure that we will be finished by the end of Session, but we will keep you informed on a regular basis and we will make that attempt monthly.

CHAIR PARKS:

Do you foresee an expansion or contraction in this program?

MR. ALMARAZ:

With these milestones and inquiries, it is premature to look at expanding this program at this time. We need to look at our performance indicators and the overall productivity of these animals and their handlers before we can consider expanding the program.

ASSEMBLYMAN HOGAN:

How old are the current K-9 vehicles and how many miles do they have?

MR. ALMARAZ:

We are trying to increase the mileage on many of these vehicles and use them for as long as possible. Our sports utility vehicles have approximately 125,000 miles on them.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 12

ASSEMBLYMAN HOGAN:

Why are equipment such as global positioning systems (GPS) and remote starters necessary for K-9 unit vehicles?

MR. ALMARAZ:

The K-9 unit is complex in the fact that you have an animal you must care for. Because of the desert heat, there is certain equipment we have to maintain to make sure the animals are safe in an ambient temperature. The GPS helps expedite response times, especially when responding to other agency's requests. A lot of the equipment deals with training, securing narcotics and weapons and securing the dogs.

CHAIR PARKS:

You are requesting \$34,329, roughly \$11,000 in equipment per vehicle, for three new vehicles, correct?

MR. ALMARAZ:

Correct, this is for the equipment only, not the vehicles.

CHAIR PARKS:

It appears you have eliminated Performance Indicator Nos. 3, 4 and 5. Why are they no longer utilized?

MR. ALMARAZ:

We reviewed our response times and the best way to perform that duty. We wanted to make sure we were getting the most accurate performance indicators for the duties performed. These are subject to change based upon new reviews and changes in the program.

CHAIR PARKS:

We will continue with the next account, B/A 101-3740.

DPS – Parole and Probation — Budget Page PUBLIC SAFETY-80 (Volume III)
Budget Account 101-3740

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 13

BERNARD W. CURTIS (Chief, Division of Parole and Probation, Department of Public Safety):

The presentation I have provided is the Division of Parole and Probation Budget Overview, Budget Account 3740 ([Exhibit E](#)).

Page 2 indicates that the Division of Parole and Probation (P&P) is authorized by NRS 176, 176A, 209 and 213 and *Nevada Administrative Code* 213. This page also gives the program description.

RICK GIMLIN (Administrative Services Officer, Division of Parole and Probation, Department of Public Safety):

Page 3 shows P&P's six performance indicators. The first indicator is our supervision fee collection. Due to the economy, our fee collections have decreased. Indicators two through five show the successful completion of paroles and probations. Success is defined as not being revoked while under supervision. Indicator six is restitution fees collected and they have decreased as well.

Page 4 details our maintenance decision units. These decision units are results of JFA Associates (JFA) projecting caseloads. Decision units M-200 and M-201 are derived by reviewing the JFA projections to determine what kind of staffing will be required for the upcoming biennium. Both of these decision units would have caused P&P to exceed its budget cap.

M-200 Demographics/Caseload Changes — Page PUBLIC SAFETY-82

M-201 Demographics/Caseload Changes — Page PUBLIC SAFETY-82

These decision units were reversed out with decision units M-210 and M-211, which is why the biennium total shows zero.

M-210 Demographics/Caseload Changes — Page PUBLIC SAFETY- 83

M-211 Demographics/Caseload Changes — Page PUBLIC SAFETY- 84

Page 5 specifies enhancement units E-250 and E-251.

E-250 Economic Working Environment — Page PUBLIC SAFETY-85

E-251 Economic Working Environment — Page PUBLIC SAFETY-85

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 14

Decision unit E-250 consolidates two special use categories into existing standard expenditure categories. One of the categories was Interstate Compact; because we cut the voucher out, it was not necessary to keep it. The other category is GPS tracking. Since the two officers assigned to that are now carrying a regular caseload, we felt it best to move them into our standard expenditure category.

Decision unit E-251 will increase the annual statewide budgeted miles for motor pool vehicles from 750 miles per month to 1,200 miles per month per vehicle. This will give officers greater flexibility to meet the needs of their caseloads.

Page 6 identifies decision unit E-602. This decision unit increases the caseload from 70 offenders to 80 offenders per officer. This is a 14.3 percent increase per officer. It would save the State a little under \$8 million over the 2011-2013 biennium. We think we can meet this objective through the use of vacant positions and do not anticipate layoffs at this time.

E-602 Budget Reduction — Page PUBLIC SAFETY-86

Page 7 details decision unit E-693 which transfers the presentence investigation function (PSI) to the District Courts. This would save the State about \$10.6 million; however, it would also eliminate 77 full-time equivalent (FTE) positions, a total of 79 staff. A budget amendment will be proposed to restore the PSI report function to P&P. The proposed funding for this will be to bill the individual counties for the cost of producing PSI reports.

E-693 Budget Reductions — Page PUBLIC SAFETY-87

SENATOR RHOADS:

Have you discussed that proposal with the counties? Several counties are nearing bankruptcy.

MR. CURTIS:

We will be discussing these issues when we are authorized to do so.

ASSEMBLYMAN GOICOECHEA:

Would you bill the counties on a case-by-case basis?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 15

MR. PERRY:

We have not yet had a chance to discuss procedures internally or externally. We can come back and give you some ideas of how we plan to go forward with it, but right now we do not have that answer.

CHAIR PARKS:

Please provide that information to our Staff as soon as possible.

MR. PERRY:

We have created a white paper, but we have not had a chance to vet it. After we vet it, we will get in touch with the counties and the Subcommittee.

SENATOR LESLIE:

I am glad the administration has realized the proposal to lay off the employees is not in the best interest of P&P. That being said, "I am not sure billing the counties is really appropriate." The PSIs are used by the State, judicial districts and P&P as well, not just by the counties, so I am not sure it is appropriate to bill the counties. When you come back with your analysis, please provide justification for why the counties should be paying for this. It is not just the rural counties that are having difficulties; \$300 million of the entire budget is being redirected to Washoe County. Please provide an analysis of who uses PSIs and how much a PSI costs. I do not want see the Agency take the percentage of PSIs the Judicial Districts use and then use those percentages to charge those districts. I want to see how much the State should be paying versus how much the counties should be paying.

CHAIR PARKS:

Different agencies use these to a different degree, so that needs to be weighted into the formula as well.

Has a bill draft request (BDR) been submitted to transfer PSI from P&P to the district courts?

MR. PERRY:

There is an internal document, but I do not know if it has been submitted. I will have to get back to you on that.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 16

STEPHANIE DAY (Deputy Director, Budget Division, Department of Administration):
That was a budget bill that was submitted on February 25, 2011. It may have to be modified though, so we will look at it.

BRENT T. ADAMS (District Judge, Department 6, Second Judicial District):
The Governor is fond of saying, "Let's make Nevada, Nevada again!" I remember what Nevada was. I had the honor of knowing Maude Frazier, who served as a Legislator for 12 years, was the first superintendent of schools in Clark County and the first principal of Las Vegas High School. She came to the Nevada Legislature to seek \$500,000 to build the first building for the high school. The Legislature said, "we can only give you \$300,000 and you have to raise the rest." She produced the first televised marathon, in black and white, and raised another \$300,000. Late in her career, she was the first female statewide office holder in the history of our State, when Governor Sawyer appointed her Interim Lieutenant Governor after the death of Lieutenant Governor Rex Bell. After her passing, Governor Sawyer said she was the finest public servant in the history of our State. After her legislative service, she came back to this Subcommittee to ask for increased funding for education. She had unfortunately fallen and broken her hip and was on crutches. When she left the hearing, Senator Floyd Lamb came up to greet her. He said, "Maude, I agree with your proposal to increase funding for education, but the political timing is not right." She responded, "I did not expect you to be a politician, I expected you to be a Senator."

I want to make two points. First, I want to express on behalf of the judiciary our gratitude for your leadership in our State during this very difficult time. I encourage you to listen intently to each complaint and testimony. If you gather all that data and analyze it carefully, I am confident you will lead the way to secure the essential government services in our State.

Second, I want to honor Chief Curtis and all the officers of P&P. Imagine being a teacher and having 30 students in your class. Some of them are outstanding and courteous, while others are indolent and impolite. Now imagine if you had 100 students to supervise every day. Every one had four or five prior convictions and some of them had a high risk of violence. I have gone with probation officers to supervise defendants. It is a frightening experience, much like being a police officer without back up. They are all overworked and

underpaid, with caseloads of 80 to 100 per officer. The entire parole and probation process has become so dangerous that the California Commission on the Future has categorized the California Department of Parole and Probation as a public fraud.

One of the characteristic tricks that we use is called the bank. If the Department determines there is an individual who may not be as dangerous as someone else, we put them in the bank, which means we do not really supervise them. The original proposal for shifting the responsibility of PSI reports to the counties was characterized as shifting to the courts, but it would shift the financial and supervisory responsibility to the counties. That would substantially increase the cost and we would need new offices, employees, supervisors and new equipment. We would lose the advantage of statewide supervision of P&P.

The PSI report is absolutely indispensable for sentencing. Judges must know the character and background of the defendant, the impact of the defendant's crime on the victim, the amount of restitution and must be guided about the risk of public safety, rehabilitation and the reasonableness of prison confinement. It is irrational and impossible to sentence dangerous and felony people otherwise. Those reports are used constantly by those probation officers who supervise offenders. The probation officers need to know who is on the other side of the door and what risk is involved. We want to avoid disparity in sentencing. The administration of justice is individuated. We want to reach the most reasonable result in sentencing in each case. To do that, you need statewide supervision to avoid disparity in sentencing. Keeping this obligation as a State responsibility is truly essential to the function.

As to whether the State of Nevada can shift the cost burden of a State function to 17 subdivisions of the State, namely the counties, I express no opinion. I acknowledge, however, that there is an issue. With respect to the availability of funds for this indispensable function, I have many effective, simple ways of fairly sharing the burden to avoid substantial tax increases and to fund this service, as do thousands of other Nevadans. However, that is not my job, as judges are not policy makers. Despite appearing to be greedy to public employees, I have never in my career appeared before the Legislature to ask for a penny increase. This presentence service is essential. The amendment wisely retains it as a State function.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 18

CHAIR PARKS:

Let us move forward to the position elimination. The budget includes the elimination of 40 officers and 5 sergeant positions for a savings of about \$3.9 million. It appears that 17 of the 45 positions are filled. Would you like to comment on that?

MR. CURTIS:

Currently, 41 of those positions are vacant. We expect that between now and July 2011 we will lose the additional four due to retirements and resignations.

CHAIR PARKS:

Officers work 176 hours a month. If you divide that by a caseload of 80 that gives each parole officer 2.2 hours per month per offender to supervise them.

MR. CURTIS:

With a ratio of 80:1 the situation is not as good as it once was. I have excellent employees and I know that they can handle this additional burden.

ASSEMBLYWOMAN CARLTON:

Because my husband is employed through DPS as a P&P officer, I have a better understanding of these issues. Since they are vacant already, are you at 80 and above currently?

MR. CURTIS:

That is correct.

ASSEMBLYWOMAN CARLTON:

"We are not talking about a small change here." We are already down officers that you were promised a biennium ago who were not replaced, so we are missing those officers as well. You have great employees, and I know you think they will do a great job, but we can only ask so much of a human being in dealing with people who are known criminals. We have a responsibility to your staff.

The way we are shifting people from regular supervision to the administrative caseloads concerns me. We are now talking about including Category D felons. We need to have officers on the street protecting the public. I understand you

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 19

are trying to work within the budget reductions, but when are we going to start talking about resupplying these vacancies?

MR. CURTIS:

You have asked me a question that none of us can answer right now. What you have said is true. We all have significant concerns and budget situations do not help us. We are extremely conservative on mileage and overtime because that is all we have left. If we cannot get it through a grant, we cannot do it. It has been a rough few years, the worst I have seen in my 41 years of law enforcement. We can talk about it, or we can try to accomplish the appropriate funding levels under which we can operate and continue to do our best with what is left.

ASSEMBLYWOMAN CARLTON:

We need to talk about recruiting and retaining. We are not doing our job by allowing these positions to remain vacant.

ASSEMBLYMAN HOGAN:

You measure successful paroles and probations by the completion of those processes. The performance indicators for the 2011-2013 biennium show that you are projecting a decrease in performances. Is this due to quantitative reasons, such as number of staff, or qualitative details, such as better assisting probation officers that would allow us to improve these? These indicators are not demonstrating the extent to which we are maximizing the impact of the probation officers.

CHAIR PARKS:

It appears the budget does not include sufficient funding for terminal payout. Will a budget amendment be submitted?

MS. DAY:

We did a single appropriation for General Fund terminal leave payouts and it is in a bill that has been drafted.

CHAIR PARKS:

We have discussed two factors, the peaking factor and the last day of the year factor. Please discuss the numbers JFA has produced.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 20

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

The JFA takes the overall average of the number of offenders we supervise and the number of PSIs that we do on an annual basis. This number is not a true representation of what we are actually doing. For example, if you look at any given time it shows an average of 300 PSIs per month. In reality, there are months when we have 400 PSIs per month and others when we have 150 PSIs per month. In those months that we had more than the average 300 PSIs, we had to get the work completed, otherwise the judicial process is slowed down. We have now asked JFA to provide us with two numbers, the average overall per month and the peaking factor. If we are budgeted at the peaking factor, there would be some months when we are overstaffed. Without the peaking factor, we would be understaffed in other months.

SENATOR LESLIE:

Have you done an analysis of how closing the mental health courts will add to your caseload?

MR. WOODS:

We have not officially completed an analysis of that number. Unofficially, we are going to be supervising a lot more people with insufficient resources to accommodate them. As a result, we would be bringing many of these people back in front of the judges on technical violations and recommending their parole being revoked.

SENATOR LESLIE:

Is there any way to estimate how many would eventually go back to prison? I just want to make the point that if the mental health courts go away, P&P will begin revoking their parole. We cannot put everyone in prison. Many of them will not have their parole revoked and they will get sent to you and there will not be any resources for dealing with them. It is an officer safety issue, a community safety issue and it will put a burden on your caseloads.

MR. WOODS:

Our officers depend on many different tools. We train them well and you will not find a better staff than we have at P&P. Every time you take a tool away

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 21

from an officer, it is much like taking a car from a trooper. We need these different tools to do our job as well as possible.

SENATOR LESLIE:

I agree with Assemblywoman Carlton, we have reached the point of not being able to take more away from P&P, which will create a matter of public safety and officer safety. I am very concerned about how thin this budget is in terms of officers.

CHAIR PARKS:

This Subcommittee is concerned about the budgeting for the number of officers required to supervise offenders during the 2011-2013 biennium.

MR. CURTIS:

As of February 28, 2011, we had approximately 1,600 offenders on the administrative banks, generally Category E felons and gross misdemeanors, but there were some Category D felons as well. While they are managed on paper, they are technically unsupervised. They are managed by the Dangerous Offender Notification System, also known as DONS, which provides information from local law enforcement to our people about the offenders' behavior.

CHAIR PARKS:

How often does an offender in the administrative banks end up reoffending?

MR. CURTIS:

We have been as successful in the banks as we have in the regular caseloads, but we do not have a true representation.

CHAIR PARKS:

How would Assembly Bill (A.B.) 136 impact your budget and operations?

ASSEMBLY BILL 136: Revises provisions governing credits for offenders sentenced for certain crimes. (BDR 16-634)

MR. WOODS:

Two sessions ago, A.B. 510 of the 74th Session gave an inmate the opportunity to gain good-time credits on both minimum and maximum ends of

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 22

the sentence. Assembly Bill 136 allows Category B felons with no violence or sex convictions to also receive the good-time credits on the minimum end. In the hearing on A.B. 136, the Department of Corrections testified that it would allow approximately 300 inmates to be released early. In reality, it would enable those inmates to be eligible for parole; it would not necessarily mean that they would get parole. We may see an increase in parolees, if this bill is passed; however, we will be supervising these inmates eventually anyway, so the increase would level out over time.

CHAIR PARKS:

Please explain why the increase in monthly motor pool mileage is necessary.

MR. CURTIS:

The current limitation is 720 miles per vehicle per month based upon the money we have left in our budget. The increase to 1,200 miles per vehicle per month would allow us more flexibility. It would allow more home contacts because the caseloads are increasing, and there are fewer officers to cover it. It is a significant number in a two-year period, but it will allow us to do a better job.

CHAIR PARKS:

If you have a parole officer who has 80 offenders to supervise, would budget limitations on motor pool mileage prohibit putting him into one of the cars for a site visit?

MR. WOODS:

Officers are required to do a certain percentage of home contacts, collateral contacts, and face-to-face contacts in the field. The whole process of community corrections in dealing with offenders in the field is to observe how they are living and how they are doing. The difference between P&P and other agencies is that we make unannounced visits. An officer may have to make 15 or 20 home visits in a month, which could require three or four visits before someone answers the door. The Las Vegas office is located in the center of the valley. If the offender lives in Henderson, the officer must travel to Henderson and that can use a lot of mileage in a single day. The mileage gets used up quickly if the offender is not at home and the officer ends up having to track the offender down to do a face-to-face contact.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 23

MR. CURTIS:

The increase in mileage is an average. Some officers would be given more, others would be given less.

ASSEMBLYWOMAN CARLTON:

There must be a difference from when you went from regional offices to the more centralized office. Have you discussed putting some officers in the Southwest, so they are not chasing offenders from Summerlin to Green Valley? When you had those regional offices, you had officers in the community they were supervising, but they are now centralized.

MR. WOODS:

While you are correct in one sense, it actually cost more for rent, technology and other expenses in the regional offices than for the travel costs. Officers are now allowed to take their vehicles home with them, so they are working on their way home and on their way to work, which has also decreased costs. Las Vegas is also trying to keep their officers in areas so they are not supervising offenders in North Las Vegas and in Henderson. Suboffices were not fiscally working out, and having the officers not in an area where they needed staff was causing problems as well.

MR. CURTIS:

From a fiscal standpoint, with costs associated with rent, travel et al, it makes more sense to stay in the location we are at now.

ASSEMBLYMAN HOGAN:

Has the Agency already added all gross misdemeanors and Category E felons to the administrative banks? Have you started moving Category D felons to the administrative banks? Can you forecast how that will develop over the next year?

MR. WOODS:

The majority of the gross misdemeanors and Category E felons, with the exception of violent or sex offenses, have been moved to the administrative banks.

We are hearing a lot about the administrative banks and caties [categories] and gross misdemeanors, but our officers are very good about looking at the people they put on. Just because a person is convicted of a gross misdemeanor does not mean that they are not a dangerous individual. I have been doing this job for over 25 years. Some of the easiest people for us to supervise are those on life parole for murder. Most of them will never reoffend, they have good jobs. However, you get someone arrested for shoplifting, it is not a gross misdemeanor, on paper it looks like there is no comparison, but that individual could actually be the worst. Our staff is extremely good at trying to put the right people on the banks that they can. For those of you who have been around for awhile and a very brief story to explain this, you remember the Officer Johnson killing in Sparks. That was a huge issue, this person was a parolee, everyone talked about that. A lot of people don't know that two weeks later, there was an individual who was on for diversion and he tried to take three of our officers out, shot at Reno PD and eventually took his own life in a gun battle. He was on diversion. On paper, he looks like nothing, he is very innocent. That simply got brushed away.

We need the ability to decide who should be placed in the bank and who should not. To answer your question, mostly Category E felons and gross misdemeanors are in the bank.

CHAIR PARKS:

Please discuss GPS tracking and what you have going on at the moment. I believe Judge Mahan has a stay order with the Adam Walsh Act which created a problem that must be addressed.

MR. WOODS:

We have two officers dedicated to GPS as a result of the Adam Walsh Act. However, we still have the capabilities and we are still contracted with G4S if we need it. While that law is suspended, if in the future a judge decided to put someone on GPS, we would have to have the ability to do so. Currently, there is no offender on GPS.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 25

CHAIR PARKS:

The next hearing is on B/A 101-3743, Division of Investigations.

DPS – Division of Investigations — Budget Page PUBLIC SAFETY-92
(Volume III)
Budget Account 101-3743

MR. PERRY:

We have combined budget accounts 101-3743 and 101-3744 as they were combined last session.

DPS – Narcotics Control — Budget Page PUBLIC SAFETY-103 (Volume III)
Budget Account 101-3744

ELIZABETH CONBOY (Chief, Investigation Division, Department of Public Safety):
I will be presenting the 2012-2013 Investigation Division Overview, Budget 3473 presentation ([Exhibit F](#)). Pages 2 and 3 outline our mission statement and statutory mandates.

Page 4 details the FY 2009-2010 Division accomplishments: 976 Division events opened, 241 polygraph events opened and 781 division arrests. We supervise six narcotic task forces in the rural areas of the State of Nevada, and two forces in Clark County and Washoe County. Page 4 also details the narcotics that have been seized from the streets. There are a couple of metrics that are higher than usual because a major case was completed in Clark County, so we were able to seize a large variety of prescription controlled substances, assets and cash.

Page 5 details FY 2010-2011 Division accomplishments: 390 Division events opened, 111 polygraph events opened, 385 division arrests and 70 individuals received Drug Education Training. This only outlines the first six months of FY 2010-2011. We are on track to meet the standards that we met in FY 2009-2010. The street value of controlled substances seized is about \$42.5 million, compared with approximately \$13.2 million in FY 2009-2010. This was the result of the eradication of several large marijuana growing operations.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 26

Page 6 outlines the Nevada Threat Analysis Center (NTAC), commonly referred to as the Fusion Center. Nevada has three fusion centers and we work collaboratively with the other two centers in Clark and in Washoe Counties. The Fusion Center is a point of collection of information which is analyzed and covers 15 counties. The Fusion Center has been recognized as the best of 72 throughout the Nation. It has been recognized by the Department of Homeland Security as meeting many requirements and protocols. Another important item is the creation of its secure room, which will include a secure line from Washington D.C. for the Governor or other officials to go to if they need to receive secure information.

Page 7 depicts the Division's staff. Our total personnel is at 71 FTEs, which is proposed to decrease to 50 staffers. It shows 27 personnel from contributing agencies, which includes 16 agencies that participate with us in the narcotics task forces. Page 8 shows the change in General Fund appropriation. The recommended reduction to the budget is over \$4 million, a 26 percent decrease.

Page 9 details significant program changes. The majority of the reductions is seen through staff eliminations. The budget for the Investigation Division is already quite lean, as we took a 21 percent reduction in FY 2009-2011. The significant reduction is the closure of the Las Vegas office including 12 FTEs. With the closure of this office, we will lose one captain, one lieutenant, one sergeant, three criminal investigator III, four DPS officer II and two administrative assistant III positions. These positions fill each of our three missions: narcotics, homeland security and crime. The staff reduction in Las Vegas will have a statewide impact, because we have command level positions that also oversee other offices in the rural part of the State.

ASSEMBLYMAN GOICOECHEA:

With the closure of the Las Vegas office, how will you cover Las Vegas and the rest of the State?

Ms. CONBOY:

The captain position is currently vacant in that office and we have one captain who is currently overseeing the entire State operations. With the loss of the lieutenant position, we will have to make some shifts since that position oversees the Ely and Mesquite offices. There is a possibility of sharing with

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 27

other participants in the Mesquite task force, such as the Mesquite Police Department and giving them greater supervision over that task force or by having the sergeant reporting to a different lieutenant, either in Winnemucca or Carson City. With distant supervision, it can be difficult at times. The Division has had a command position in Clark County to attend those executive level meetings that come up at any given time. The highest ranking position in Las Vegas will be a sergeant.

SENATOR LESLIE:

According to your presentation, three criminal investigator III positions, which are assigned to the FBI Joint Terrorism Task Force, the Child Sexual Predator Program and the Fugitive Apprehension Team; and four DPS officer II positions which are assigned to the DEA Tactical Diversion Unit, Southern Nevada Counter Terrorism Center and the All-Hazard Regional Multi-Agency Operations and Response Team will be eliminated. Please explain what the real life implications of eliminating these positions will be.

MS. CONBOY:

The positions in Las Vegas fulfill a variety of missions and can be called to conduct a major crime investigation because they are seasoned investigators, that is on top of where they are assigned. For example, the investigator who was assigned to the Joint Terrorism Task Force was our connection to the FBI Joint Terrorism Task Force. Without that position, our communication with the FBI will be depleted. We will still have the cooperation of these agencies as I have had conversations with them regarding these eliminations. It will, however, impact our involvement with and understanding of what is going on in those task forces.

SENATOR LESLIE:

I am really concerned about eliminating the Las Vegas office. I would like to request, if it is appropriate, that the Agency come back with a smaller version of these reductions, prioritize the positions and identify the most critical positions. I cannot imagine saying we will let other people handle our responsibility when it comes to terrorism, emergency planning and other task forces. I am not ready to say I will vote for eliminating the entire Las Vegas office. Please try to reconfigure this so the changes are not so drastic.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 28

CHAIR PARKS:

I agree with Senator Leslie, especially since the Las Vegas area represents approximately 75 percent of the population of the State of Nevada. This seems like a drastic move and I have some strong concerns.

ASSEMBLYMAN HAMBRICK:

If there is any way for you to transfer those positions within other positions in DPS, that should be done. If there is a threat, there is a high degree it will occur in the South. This needs to be brought back before the Committee.

MR. PERRY:

We are actively pursuing other ways to fund those positions, perhaps with Highway Funds.

MS. CONBOY:

Three positions will be retained in Las Vegas if this proposal does go through, a polygraph examiner and two Highway Funded positions. We are looking at more critical mission type assignments for the Highway Funded positions: the Fugitive Apprehension Team and Southern Nevada Terrorism Task Force which are currently located in the Vehicles Crime Unit.

The polygraph position is located at P&P and will remain there; the majority of the polygraph tests conducted is for sex offender maintenance. Parole and Probation is not able to include this position in its budget, so that is why we are proposing to maintain it.

ASSEMBLYWOMAN CARLTON:

Is there one vacant position in the South?

MS. CONBOY:

Correct, a captain position is vacant.

ASSEMBLYWOMAN CARLTON:

How many positions are vacant in the North?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 29

Ms. CONBOY:

One officer position is vacant in Ely. Two management analyst II positions are vacant in NTAC. I just received a retirement notice from an officer in Las Vegas, who may have decided to retire because he knew what might be coming.

ASSEMBLYWOMAN CARLTON:

In the discussion of the closure of the Las Vegas office, are you collocated with the Highway Patrol?

Ms. CONBOY:

No, the Las Vegas office has been in its own separate location for several years. They received a donation from a philanthropist, Claude Howard, many years ago. The Department of Emergency Management has a position there, the Homeland Security Commission maintains its address there and the State Fire Marshall maintains an office there.

ASSEMBLYWOMAN CARLTON:

Will any savings be realized by the physical closure of the office since other agencies have offices in that building?

Ms. CONBOY:

No, they are going to close that office. Those other individuals will have to seek office space in other locations.

MR. PERRY:

We do have places available within the new P&P offices as well as the Highway Patrol office, so those individuals will have places to go. The building Chief Conboy is talking about is owned by the State. We have done research and found that it is deeded to the Department of Motor Vehicles and they will be relinquishing it back to State Lands.

Ms. CONBOY:

Decision unit E-694 eliminates Ms. Sanchez's administrative services officer I position. Decision unit E-911 transfers two individuals to headquarters to fulfill a more consolidated administrative services operation for the department.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 30

E-694 Budget Reductions — Page PUBLIC SAFETY-97

E-911 Transfer from Investigation Div to Admin Services — Page
PUBLIC SAFETY-100

Decision unit E-902 transfers an administrative assistant IV to also fulfill and participate in the consolidation of the DPS Evidence Vault.

E-902 Transfer from Investigation Div to Evidence Vault — Page
PUBLIC SAFETY-99

Page 10 of the presentation [Exhibit F](#) details the impacts of the Las Vegas office closure.

Page 11 identifies where the five American Recovery and Reinvestment Act of 2009 positions to be eliminated are assigned. Those five positions are assigned throughout four of our narcotics task forces. In addition to the 12 positions that will be eliminated, we will also be losing these 5 positions.

Page 12 shows a color-coded map of our task force distribution. Most of our task forces serve one county; others serve up to three counties. Page 13 details grants that we applied for and were awarded for the 2009-2011 biennium. Most, if not all, of our overtime for narcotics comes from grant funds. We have also tried to apply for grants to fund positions. We received a grant for marijuana eradication, which was utilized quickly this year. We have also applied for Community Oriented Police Services (COPS), but we have not been successful in receiving COPS funding.

Page 14 highlights our Division goals. I want to recognize that the men and women of this Division accomplish these goals every day, despite the difficult budget restraints, lack of resources and salary reductions. "I want to assure the Committee, that despite these proposed reductions we will continue to accomplish these goals."

Page 15 details our performance indicators. We have completely revamped our performance indicators since the 2009-2011 biennium. We wanted indicators that depicted what a police agency should be tracking and measuring. We are

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 31

stating that our numbers will be decreasing, but that is because we will be losing staff.

Page 16 is our organizational chart as of today and page 17 is an organizational chart with the proposed position eliminations. Page 17 also details the increase in control that the lieutenants will be facing; many of them will be supervising offices that are not in their physical location.

CHAIR PARKS:

Why was the Las Vegas office targeted for closure? What percentage of the overall activity for the division takes place in the Las Vegas office?

MS. CONBOY:

We have chosen the Las Vegas office because the Division's budget is quite lean already. In the past we have taken pieces from everybody. When we considered where the reductions were going to come from and who it was going to impact, we had to make a difficult decision. We determined that it was important to keep the rural counties staffed. The narcotic task forces are below minimum staffing for safe operations and cannot accept any further reductions right now. No matter where we were looking to cut, it was going to be entire programs and services. We had to prioritize and felt that cutting from the rural counties would have a greater impact than eliminating the Las Vegas office.

CHAIR PARKS:

Will this result in greater reliance on local law enforcement agencies?

MS. CONBOY:

In Clark County, although we participate with a variety of partners, federal, county and city programs, we felt we had a greater obligation to the rural counties since we supervise those task forces and it is our mandate.

SENATOR LESLIE:

Is there an analysis of the return of our investment in the rural areas versus Las Vegas? I know there is a lack of resources in the rural counties, but at the same time I feel the State has a responsibility to Las Vegas. I realize difficult decisions have to be made, but I am not convinced yet that we are getting a higher return on our investment than in Las Vegas.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 32

Ms. CONBOY:

The missions are very different. The focus in the rural counties is the narcotics task forces. Compared to the position at Joint Terrorism Task Force or the Fugitive Apprehension Team in Clark County, they are very important to us. That is why we are going to reassign one of those Highway Fund positions. It is difficult to compare the impact of both and the services they provide on a one-for-one basis.

SENATOR LESLIE:

While I appreciate there is a lot of rural space in Nevada and that narcotics are a problem, when you think of the potential for havoc in Las Vegas, it is disconcerting.

MR. PERRY:

When we looked at this, we looked at the tangibles versus the intangibles. The tangibles are those responses we give to the rural area when they call us for services. We are unable to measure how many times we have prevented incidents from occurring in Las Vegas. We think we will be able to manage this large a cut because the Las Vegas office is centralized. There are a number of other resources in Las Vegas that are still part of DPS. The other alternative was cutting a little from everyone and making our task forces essentially unusable in those communities, so this was the concession we chose and thought we would be able to manage best.

CHAIR PARKS:

Please work with Staff to resolve the issues of some items that were left in the budget including operating, building maintenance, information technology and training.

What are the operational impacts of the elimination of the administrative services officer I position?

Ms. CONBOY:

While I will see an impact, the function will be centrally located at headquarters.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 33

ASSEMBLYMAN HOGAN:

Will you please provide the Subcommittee with costs and statistical analysis associated with keeping the PSI program in the State and billing the counties?

MR. PERRY:

Yes, we will provide those calculations.

CHAIR PARKS:

Why does the Agency need 64 vehicles to carry out its operations, given that the Division of Investigations is recommended to only have 50 employees?

MS. CONBOY:

If the proposed cuts are approved, we will be reviewing the assets located in the Las Vegas office to determine if we need to redistribute them to other offices in the State. We have some vehicles that are approaching high mileage and they will probably be moving to surplus. We do utilize spare vehicles in the event one breaks down or if we need to change out some vehicles in the task forces to avoid being recognized.

CHAIR PARKS:

Staff will work with you to update that.

Have all six of the Division of Investigations performance indicators been updated to reflect the eliminations in the *Executive Budget*?

MS. CONBOY:

Our performance indicators are already updated. Because we are keeping our polygraph positions, that indicator will remain the same. The bulletins disseminated by NTAC should be the same. We will still be able to provide training and presentations to the community. The indicators that will suffer because of staff eliminations will be cases opened, arrests and seizures.

CHAIR PARKS:

Do you replace the uniforms for the officers?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 34

TINA SANCHEZ (Administrative Services Officer, Investigation Division, Department of Public Safety):

We initially purchase the uniforms and issue them to sworn staff who are hired within the Agency. We do not wear a standardized uniform like the Highway Patrol does. The uniforms are normally worn when the officers are going out to make arrests. We will replace a shirt or hat or pants, but not an entire uniform. It is amortized, for example a pair of pants lasts three years.

Ms. CONBOY:

We issue a battle dress uniform. It is for utility.

CHAIR PARKS:

Please describe the benefits and efficiencies the Agency has experienced due to the consolidation of the Division of Investigations and Narcotics Control.

Ms. CONBOY:

It has allowed us to better manage the funds we have in this time of constraint on a division-wide basis. Since we were restricted from cross budgets, this has allowed us to better utilize the funds we have. We must maintain some separation, especially for grants that are aimed at narcotics.

ASSEMBLYMAN HOGAN:

Given the recommendation to eliminate 13 positions from the Division of Investigations, will there be less focus on criminal investigations and more focus on narcotics?

Ms. CONBOY:

Our staffing is half dedicated to narcotics and half dedicated to conducting investigations and homeland security matters. I do not expect the focus to change for any of the tasks. The Las Vegas office had operations in all three of those missions, so we would not see any additional reductions to one specific task.

CHAIR PARKS:

We will now hear B/A 101-4737.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 35

DPS – Fund for Reentry Programs — Budget Page PUBLIC SAFETY-207
(Volume III)
Budget Account 101-4737

MICHELLE HAMILTON (Chief, Office of Criminal Justice Assistance, Department of Public Safety):

I will be presenting from a three-page handout titled Office of Criminal Justice Assistance Budget Account 4737 ([Exhibit G](#)). Page 2 details the program description. The reentry program was created with the passage of Senate Bill (S.B.) No. 236 of the 75th Session. This bill allows the Office of Criminal Justice Assistance (OCJA) to accept donations, gifts, grants and other monies to carry out the provisions of NRS 209.4889. Monies received are utilized to pay for service programs for reentry of persons into the community upon their release from incarceration and necessary administrative costs.

Page 3 outlines the program status. As a result of this bill we created a fund to accept those funds. As of March 2, 2011, we have \$14,119 and have not expended any of that money. In January of last year, a reentry task force was created by executive order of the Governor to consist of eight members appointed by the Governor. The reentry task force directed OCJA to use those funds to set up a system to allow funds to offset costs of obtaining valid identifications when a person is released from prison. The OCJA is currently working with the Nevada Department of Corrections to implement directives.

CHAIR PARKS:

We want persons released from prison to be as prepared as possible. The issue of valid identification has been a concern of mine for many years.

Please explain why no expenditures have been made. Have you set up guidelines for what you will spend the money on or how you will allocate those funds?

MS. HAMILTON:

While the funds were originally set up to be used for anything, the reentry task force has indicated that identification is the primary need for this funding. Since receiving that directive in January, we have contacted Corrections. It is now a matter of policies to be written and accountabilities to be put in place.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 36

CHAIR PARKS:

How soon do you foresee those funds being put to use?

MS. HAMILTON:

They will be put to use as soon as we have an interagency agreement.

MR. PERRY:

We do not foresee this money being spent in its entirety. We are researching other ideas as to how this money can be spent and will bring those back to the Subcommittee.

ASSEMBLYMAN HOGAN:

Assemblywoman Flores has A.B. 92 which attests this issue. There is a fiscal impact of \$250,000, which encompasses the estimate of releasing approximately 9,000 people. You may want to speak with Assemblywoman Flores on this issue.

ASSEMBLY BILL 92: Provides for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison. (BDR 40-598)

MR. PERRY:

We will check on that. It does seem a little high.

ASSEMBLYWOMAN CARLTON:

How many times has the reentry task force met?

MR. PERRY:

They have met once, in January 2010.

ASSEMBLYWOMAN CARLTON:

That is a problem.

MS. HAMILTON:

I have some notes regarding a meeting in June 2010.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 37

CHAIR PARKS:

We will now move on to B/A 101-3800.

DPS – Parole Board — Budget Page PUBLIC SAFETY-209 (Volume III)
Budget Account 101-3800

CONNIE S. BISBEE (Chairman, State Board of Parole Commissioners):

I have provided a handout for the Board of Parole Commissioners ([Exhibit H](#)). The Parole Board is not a division within DPS, but they do provide administrative support for us. Director Perry is very supportive of the Parole Board and makes himself available to us when we have questions or concerns.

Page 2 details the Nevada Board of Parole Commissioners. It is a full-time board funded entirely by the General Fund. We have offices in Carson City and in Las Vegas. The Board consists of six members and a chair, all appointed by the Governor. Three Commissioners and the Chair are in the north and three are in the south. The entire Board and staff include 25 FTEs. In FY 2009-2010, the Board conducted 8,246 regular, mandatory and violation hearings which does not include lifetime supervision hearings or the tier panel reviews. Each decision requires four votes to grant or deny parole.

Page 5 details decision unit E-600, which eliminates three positions. All three positions are currently vacant.

E-600 Budget Reductions — Page PUBLIC SAFETY-211

CHAIR PARKS:

Will you please explain how the elimination of those three positions will impact the operations of the Board?

MS. BISBEE:

One of the administrative assistant I positions has never been filled. Since we have been operating without it for the last three years we would not see an impact. Existing staff has absorbed the duties of the other administrative assistant I which has been vacant for over one and one-half years so we will not see an impact there either. The management analyst I has been vacant since June 2010. This position deals with legal issues, sex offender specific issues

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 38

and out-of-state custody hearings. That position has been assigned to the executive secretary and the program officer. None of these positions affects our ability to conduct parole hearings.

CHAIR PARKS:

Will the workload for sex offender hearings be impacted?

MS. BISBEE:

No. We set the conditions for lifetime supervision for sex offenders. We currently have 25 hearings and they are conducted in one day. The management analyst I was able to coordinate noticing and follow up issues. The Board is not operating perfectly, but efficiently enough to get our job done.

CHAIR PARKS:

Do you foresee a creation of backlog of cases?

MS. BISBEE:

We lost \$10,000 in funding for our hearing representatives who would primarily handle the cases we were permitted to do *in absentia*. Our budget for them has been reduced to \$24,000. We would expend 57 percent of our budget in one month to ensure we do not create a bubble. We already have a full caseload each month and the passage of this bill will add an additional 500 cases, so I urge you to not pass it. If that happened, we would come back and ask for \$13,000 to be put into the hearing representative fund, so we could get all those cases heard in a month and move forward.

CHAIR PARKS:

Would you please repeat that amount?

MS. BISBEE:

It is approximately \$13,600.

SENATOR LESLIE:

Is the Pardons Board in this budget? Please discuss the reduction of the meetings of the Pardons Board.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 39

Ms. BISBEE:

The executive secretary of the Pardons Board and program officer are funded through this budget. However, the actual cost of hearing days, which averages about \$4,000 per day, comes out of the Parole Board's operating budget. We do not have money to hold the Pardons Board meetings more than one or two days a year.

SENATOR LESLIE:

These meetings need to be held four times a year, not just once. Please determine how much it would cost to hold those meetings four times a year.

Ms. BISBEE:

Yes, we will do that.

CHAIR PARKS:

This Subcommittee is not in favor of reducing the Pardons hearing process. We need to ensure we have the funding in place to hold those hearings.

Justice James W. Hardesty sent me an e-mail ([Exhibit I](#)) expressing concerns relating to the Pardons Board.

Your regular hearing grant rate performance indicator was decreased from 59 percent to 57 percent. Why did that change?

Ms. BISBEE:

That may not be accurate; we made that change as a result of the revalidation of our risk assessment. It has to do with the scoring on education or programming on the current offense, which would result in fewer inmates being granted parole. This change may not affect the parole grant rate as we granted parole to 63 percent this last quarter.

CHAIR PARKS:

We will go to Las Vegas for testimony now.

EDGAR McDONALD:

I have submitted my testimony ([Exhibit J](#)). I am glad the Governor has decided that it is not efficient to move PSI reports to the counties, but the new proposal

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 40

to charge the counties for PSI reports is flawed. That will end up costing the State more than \$10 million.

If judges do not have good information, they will err on the side of caution and more people will go to prison, which will cost the State even more in the long run. If you give the judges a cost, for example \$500 per PSI, they will order them far less often. The Southern Command is producing just over 7,000 per year. Where is Clark County going to get \$3.5 million when they just finished laying off staff and are getting ready to lay off even more? Judges will only order the ones they feel they absolutely need.

State agencies will have to collect this information using its own resources. Parole and Probation, Corrections, Parole Commission and Attorney General are just a few agencies that use the PSI reports.

I have provided the Subcommittee with a mock PSI ([Exhibit K](#)). When I complete a PSI, I enter all the physical descriptors into our computer system, which includes aliases, monikers, physical descriptions, tattoos and anything else that helps identify the individual. That information is immediately cross populated into the Nevada Record of Arrests and Prosecutions; this allows officers on the road to see who they are pulling over and all of their aliases. For example, William R. Davis from Florida was in violation of his parole because he was out past curfew. When police stopped him, he gave them his real name but a fake birthday, so they were unable to detain him. One week later, he kidnapped, raped and murdered a 19-year-old girl. If this had happened in Nevada, the police would have known who he was and had detained him because of the PSIs that we complete.

Then there is the caution flags system. When an individual is brought up under the criminal history section it will give details such as 'caution individual likes carrying concealed edged weapons.' There is also the use of the questionnaire. When we interview the defendant, we collect family members' names and addresses.

I have a few suggestions. One of them is for business and governmental restitution, not individual. The first 10 percent collected goes to P&P to help fund operations. There are also a number of probationers who commit a

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 41

second offense and their probation is revoked. Typically, Southern Command is ordered to prepare a new PSI one to three months afterwards. Instead, we should attach a violation report to the old PSI and send it over to the Court and Corrections. Also, there are many duties performed in the office that do not require a sworn officer. We could help the officers with some of that work. Another suggestion is to move the Parole Commission and Corrections to the building on Interstate 215 in Las Vegas. It is about one-half full and there is plenty of room to house State agencies. It would be great because we all cater to the same customer base.

MYRA CARPENTER:

I am requesting the PSI function be maintained with DPS. I believe there are things we can do to reduce the cost for this service. This could include a fee for service. We currently provide all of our reports for free to all end users.

Attorneys will pay \$1,500 for a private PSI. The process could be streamlined and we could go paperless. We could limit the number of reports per defendant per year.

LARRY D. STRUVE (RAIN Advocate):

I have submitted a memo ([Exhibit L](#)). Religious Alliance in Nevada (RAIN) supports B/A 101-4737, the Reentry Program.

Every dollar that is in that account has come from donations received through a campaign that RAIN launched in 2010 in response to S.B. 236 which was passed in the 2009 Legislative Session.

We asked for contributions from our parishioners to send a message to the Legislature that having identification when a person is released from prison is essential in order for that person to survive in society. It is our request that the money earmarked for identifications be accompanied with a letter of intent from this Legislature stating if the money is being spent it is from RAIN donations and that it is spent for that purpose. You will find attached to my handout the bulletin insert that we used to gather this money. It clearly connects the contribution with having valid identification. The RAIN supports A.B. 92, but I will caution that it will not solve the problem; this bill only covers those inmates

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 42

who were born in Nevada or had a valid Nevada identification prior to incarceration. The Director of Corrections has indicated that over 5,000 will be released who will not be affected by this bill. Our goal is to work toward no inmate in the State of Nevada being released without valid identification.

LAURA PAPPAS:

I have been a resident of Nevada since 1978. Since 1979, 17 years of my career has been as an employee of the State of Nevada. I recently worked at DPS as a sworn officer and am now in a civilian position. It saddens me greatly to hear testimony from DPS administration that there will be cuts. Who wants to come to Nevada to live? Nevada would not be a State that I would choose to live in if looking for a new residence. We are trying to get companies to move their businesses here; some of them do not even contribute to our economy. What do we have to offer their employees? Our education system is a mess and now our public safety is dwindling. It seems to me that the General Fund is a big problem. I think the State of Nevada has the money; it is just a matter of where it is being appropriated.

I know PSI has been a hot issue. It is great that the State wants to keep it where it is, but I do not know how the counties will be able to afford to be billed.

I think we need to get back to the basics and get rid of a lot of the mess. I understand the Highway Patrol is funded through the Highway Fund and from federal funds, but how much are the hats that they wear? Are those really necessary to complete their jobs?

I received *The Guide to the Nevada Legislature*. How much did it cost to produce that? I think the same thing when I get letters on gold-embossed letterhead thanking me for a job well done. The personal thank you is good enough for me, I would rather the money go to something more important, like DPS.

NANCY TIFFANY:

I want to share a personal story, which I have submitted as testimony ([Exhibit M](#)). In 1977, I found myself facing a catastrophic financial crisis. In June of that year, at the age of 23, I was widowed. We had no life insurance

and my husband's salary provided approximately 80 percent of our income. In addition to the sorrow I experienced and the incredible shock of his death, I had to deal with the reality that I was in serious financial trouble.

I immediately cut those expenses that I could, but those cuts did not begin to cover the cost of my living expenses. Some cuts, such as selling the car, seemed like it would only make my situation worse in the long run. What I desperately needed was to increase my income.

I was fortunate in that I was able to find someone to rent a room from me and help share the costs of the utilities. I was offered full-time employment at the casino where I had worked part-time. There were also times when I worked a second part-time job. Within a year, I realized I was going to need to go to college if I wanted a career, rather than a job. I enrolled at the University of Nevada, Las Vegas and eventually earned a bachelor's degree. That degree and my experience in security work helped me to begin a career in law enforcement in 1984 that continues to this day.

I am sharing my story with you to explain why I believe there are times when a financial shortfall is so great you must consider generating additional income. Consequently, I respectfully request that you consider the recommendation for the Price Waterhouse tax study to extend the sales tax to services.

While I pay for quite a few services, I have just one example I want to share. I have a Jack Russell terrier. If I bathe her myself, I purchase the dog shampoo at a local store and I pay sales tax on it. If I take her to the dog groomer, I do not pay sales tax on that service or on the shampoo they used to bathe her. I am here to ask you to please tax my terrier.

I want to be clear; I am not using the phrase "tax my terrier" to be flippant. I do not think there is anything amusing about the possibility of people losing their jobs, or cuts to services for the elderly, the disabled or to impoverished children. I remember how terrified I was during that summer of 1977 and I know there are people feeling just as terrified today.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 44

WESLEY GOETZ:

I feel the budget should be increased for P&P. It costs the State less money to keep people on parole or probation than it does to incarcerate them. If a person is incarcerated for 10 to 20 years, they should have treatment to decrease their recidivism rates. If you are on probation or parole, there should be community correctional sex offender treatment programs. There should be community programs to show the offenders that the community still accepts them. If the offender is treated like an outcast and they have no way of getting a job to pay their bills, effectively making them homeless, life becomes very difficult.

In 1998, I had three convictions, my sentence was suspended and I was put on probation for five years. At that time, I had good employment as a chain installer on Highway I-80. I was making payments of \$200 to \$400 at a time for \$6,240 restitution. I was also paying for a psychologist which was over \$100 an hour.

Since I was released from prison in 2009, I have been trying to put my life back together. My family supported me for the first ten months and I finally got a job. When I was in Reno, my parole officer really helped me out and I was able to move forward with my life. I was then moved to Carson City. Everything that my parole officer had done to help me was reversed and I found myself unemployed. My point is to help those on parole get employment.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 3, 2011
Page 45

CHAIR PARKS:

Seeing no further business, we are adjourned at 11:20 a.m.

RESPECTFULLY SUBMITTED:

Madison Piazza,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Joseph M. Hogan, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Mark Teska	DPS, Forfeitures
	D	Mark Anthony (Tony) Almaraz	Highway Patrol Division
	E	Bernard W. Curtis	Parole & Probation
	F	Elizabeth Conboy	Investigation Division
	G	Michelle Hamilton	Office of Criminal Justice Assistance
	H	Connie S. Bisbee	Parole Commissioners
	I	Justice James W. Hardesty	e-mail
	J	Edgar McDonald	Testimony
	K	Edgar McDonald	What is the PSI...?
	L	Larry Struve	RAIN Memo
	M	Nancy Tiffany	Tax my Terrier