

**MINUTES OF THE MEETING OF THE
SENATE COMMITTEE ON FINANCE
AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEES ON PUBLIC SAFETY, NATURAL RESOURCES AND
TRANSPORTATION**

**Seventy-Eighth Session
February 10, 2015**

The meeting of the Subcommittees on Public Safety, Natural Resources and Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Pete Goicoechea at 8:05 a.m. on Tuesday, February 10, 2015, in Room 3137 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 COMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Mark A. Lipparelli
Senator David R. Parks

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblyman Chris Edwards, Chair
Assemblyman John Hambrick, Vice Chair
Assemblywoman Maggie Carlton
Assemblywoman Jill Dickman
Assemblyman Michael C. Sprinkle
Assemblywoman Robin L. Titus, M.D.

STAFF MEMBERS PRESENT:

Alex Haartz, Principal Deputy Fiscal Analyst
Stephanie Day, Principal Deputy Fiscal Analyst
Jaimarie Dagdagan, Program Analyst
Emily Cervi, Committee Assistant
Susan McArthur, Committee Secretary

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OTHERS PRESENT:

Jim Wright, Director, Department of Public Safety
Jackie Muth, Deputy Director, Department of Public Safety
Sheri Brueggemann, C.P.M., Administrative Services Officer, Director's Office,
Department of Public Safety
Lieutenant Leslie "Jack" Peeler, Commander, Office of Professional Responsibility,
Department of Public Safety
David Gustafson, Administrator, Division of Enterprise Information Technology
Services, Department of Administration
Natalie Wood, Chief, Division of Parole and Probation, Department of Public
Safety
Robin Hager, Administrative Services Officer, Division of Parole and Probation,
Department of Public Safety
John O'Rourke, Deputy Chief, Division of Parole and Probation, Department of
Public Safety
Jerome Tushbant, Chief, Capitol Police Division, Department of Public Safety
Connie S. Bisbee, M.S., Chairman, State Board of Parole Commissioners
David Smith, Parole Hearings Examiner, State Board of Parole Commissioners
Jeff Fontaine, Executive Director, Nevada Association of Counties

Chair Goicoechea:

This morning we will hear the Department of Public Safety (DPS) budgets.

Jim Wright (Director, Department of Public Safety):

The DPS provides services in support of protecting our citizens and visitors by promoting safer communities through prevention, preparedness, response, recovery, education and enforcement. The Department is comprised of eight divisions and three offices, and we provide administrative support to the State Board of Parole Commissioners, also called the Parole Board.

Jackie Muth (Deputy Director, Department of Public Safety):

I will discuss the DPS Director's Office budget.

PUBLIC SAFETY

PUBLIC SAFETY

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DPS – Director’s Office — Budget Page PUBLIC SAFETY-10 (Volume III)
Budget Account 201-4706

The Director’s Office provides operational and administrative oversight of its divisions and offices. Its authority is granted by *Nevada Revised Statute* (NRS) 480.100. The Director’s Office establishes policy and provides legal, audit, human resources, fiscal and evidence services to its divisions and offices.

The highlighted box on the organizational chart on page 7 of “Nevada Department of Public Safety Director’s Office 2016 to 2017 Governor’s Recommended Budget” ([Exhibit C](#)) depicts our request in decision unit E-225 for the transfer of a public information officer (PIO) from the Nevada Highway Patrol (NHP) to the Director’s Office.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-12

As shown on page 9, our funding source is an intra-agency cost allocation from the budgets under the umbrella of DPS. The Director’s Office has 33 full-time equivalent (FTE) positions and represents 1.4 percent of budget account (B/A) 201-4706.

Decision unit E-226, referenced on page 10 of [Exhibit C](#), requests funds for our Honor Guard to travel each year to the National Law Enforcement Officers Memorial in Washington, D.C.

E-226 Efficient and Responsive State Government — Page PUBLIC SAFETY-12

Decision unit E-247 is the request for programmer and database administrator hours, based on the projected need for the 2015-2017 biennium.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-13

Decision unit E-710 is a request for replacement of 6 computers, 12 monitors and 3 printers per the Division of Enterprise Information Technology Services (EITS) schedule.

E-710 Equipment Replacement — Page PUBLIC SAFETY-14

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Decision unit E-712 requests an upgrade to the key card system in the building the Department of Motor Vehicles (DMV) shares with DPS. This requires an allocation of \$12,433 in fiscal year (FY) 2016, which represents 23 percent of the \$54,058 vendor quote to upgrade the system, with DMV responsible for the remaining 77 percent. The system is out of date and does not function properly.

E-712 Equipment Replacement — Page PUBLIC SAFETY-14

As shown on page 12 of [Exhibit C](#), decision unit E-901 is the transfer of a PIO from B/A 201-4713 to B/A 201-4706. The DPS is the only major department without a dedicated PIO. This position will coordinate within the Department, liaison with the media and lead all division PIOs to ensure consistent information is provided to the public.

DPS – Highway Patrol — Budget Page PUBLIC SAFETY-47 (Volume III)
Budget Account 201-4713

E-901 Transfer From BA 4713 to BA 4706 — Page PUBLIC SAFETY-55

The transfer of this PIO entails initial operating costs: vehicle lease, in-state travel, training and computer equipment, as shown in enhancement units E-501 and E-225 in B/A 201-4706.

E-501 Adjustments to Transfers — Page PUBLIC SAFETY-13

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-12

Chair Edwards:

Are you going to take an NHP officer from patrol duty and assign him to the PIO position?

Ms. Muth:

We will transfer a funded position from NHP to serve as the Department PIO.

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Chair Edwards:

What percentage of time would the PIO spend on NHP activities versus department-wide duties?

Ms. Muth:

I estimate 50 percent NHP and 50 percent department-wide.

Chair Edwards:

Should a portion of the PIO's salary come from the Highway Fund rather than the 100 percent cost allocation?

Sheri Brueggemann, C.P.M. (Administrative Services Officer, Director's Office, Department of Public Safety):

The cost allocation applies to each division, including NHP, so we will be receiving NHP funding for that position.

Assemblywoman Carlton:

Does this person have to come from NHP to obtain the job?

Ms. Muth:

We are requesting the transfer of funding for the position from NHP to the Director's Office. The person who fills that position does not have to come from NHP.

Assemblywoman Carlton:

Will that position be located in the north or south of the State?

Ms. Muth:

It will be located in the DPS Director's Office in Carson City and will coordinate all PIO activities, north and south.

Assemblyman Sprinkle:

This position was transferred from the Director's Office to the Division of Emergency Management (DEM) in 2009. Why do we need to reestablish this position?

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Ms. Brueggemann:

The 2009 transfer was motivated by a financial situation and a different set of managers, directors and priorities. For the past few years, the Director and the Deputy Director fielded almost all questions from the press, and that is why we have requested this transfer back to the Director's Office.

Assemblyman Sprinkle:

Is the PIO position in the DEM still necessary?

Mr. Wright:

Yes. The DEM now funds that position through grants. That is a full-time, busy position.

Chair Goicoechea:

Is the funding request for the DPS Director's Office PIO position from the General Fund or is it cost allocated?

Ms. Brueggemann:

Approximately 40 percent is cost allocation from the Highway Fund. Another 40 percent is from the General Fund with the remaining 20 percent coming from federal grants.

Assemblywoman Dickman:

Will there be a corresponding reduction in NHP vehicle costs to offset the vehicle lease requested in decision unit E-501 of B/A 201-4706?

Ms. Brueggemann:

Yes.

Ms. Muth:

Starting on page 13 of [Exhibit C](#), I will highlight the Director's Office performance measures. We reviewed and evaluated 13 percent of our department policies in FY 2014. Page 14 shows we exceeded our performance measure for the percentage of vacant positions. We efficiently completed our employee evaluations. As shown on page 15, 9.6 percent of contracts were executed retroactively. Our percentages are low for payroll corrections, and no programs were rejected by the Department of Administration's Budget Division due to errors.

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Chair Edwards:

Could you expand on contracts executed retroactively?

Ms. Brueggemann:

It takes about 6 months to prepare a contract to extend an existing contract. Given the number of approval bodies we must satisfy, it sometimes takes longer.

Chair Edwards:

What is the dollar value of the 9.6 percent of contracts that were executed retroactively?

Ms. Brueggemann:

There is no negative dollar value. We complete these contracts within weeks or a month of the missed deadline.

Chair Edwards:

What is the actual dollar amount of these contracts?

Ms. Brueggemann:

I can provide that information.

Chair Edwards:

Do you need additional staff to complete these contracts on time?

Ms. Brueggemann

It is more of a turnover and training issue. The number of staff is adequate.

Lieutenant Leslie "Jack" Peeler (Commander, Office of Professional Responsibility, Department of Public Safety):

The Office of Professional Responsibility (OPR) is the internal affairs division of the DPS. We are responsible for conducting administrative investigations into allegations of misconduct by DPS employees. We also train supervisors in investigation and prevention of misconduct.

The OPR costs are paid by DPS divisions, with NHP bearing the greater share of complaints and funding. We have five FTEs, and, as depicted on the organizational

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chart on page 19 of [Exhibit C](#), seek a new position in decision unit E-228 of B/A 201-4707 to replace temporary NHP personnel.

DPS - Office of Professional Responsibility — Budget Page PUBLIC SAFETY-17
(Volume III)
Budget Account 201-4707

E-228 Efficient and Responsive State Government — Page PUBLIC SAFETY-18

Chair Goicoechea:

When did you start utilizing an NHP sergeant to assist OPR?

Ms. Muth:

We have been using temporary personnel since 2009. The 90-day discipline rule has been a contributing factor in our need for this full-time position.

Chair Goicoechea:

We want our troopers on the road. When these NHP personnel return to the streets after temporary assignment to OPR, do they face any stigma?

Ms. Muth:

We run a transparent and open internal affairs process. The sergeants who work at OPR are highly respected when they return to the street. They serve as role models and mentors. There is no stigma.

Chair Goicoechea:

If OPR is given this staff sergeant, will the need for overtime be alleviated?

Ms. Muth:

Yes, it will help.

Lieutenant Peeler:

Page 20 of [Exhibit C](#) shows the one-time request for the EITS-recommended replacement of computer hardware and software in unit E-710.

E-710 Equipment Replacement — Page PUBLIC SAFETY-20

The telephone system in our Carson City office is antiquated, unsupportable and does not interface with the State phone system. We are asking that it be replaced in enhancement unit E-711.

E-711 Equipment Replacement — Page PUBLIC SAFETY-20

We are requesting funds for database administrator hours in decision unit E-247. A vendor provides the software and its upgrades, and EITS maintains the information on the server.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-19

Our performance measures are shown on page 22 of [Exhibit C](#). We are the central repository for all investigations. Our goal is to complete Category I investigations, which affect an employee's pocketbook, within 45 days.

Chair Goicoechea:

What is the cause for the approximately 25 percent of Category I investigations exceeding 45 days?

Lieutenant Peeler:

These are data-dependent cases entailing many man-hours. The potential to affect someone's livelihood is great, requiring us to be thorough, and, in some cases, to go beyond 45 days.

Chair Goicoechea:

Do some investigations go beyond the total limit of 90 days, requiring extensions?

Ms. Muth:

We do request extensions from the Department of Administration, Division of Human Resource Management (DHRM) on a significant number of cases, based on the nature of the investigations.

Chair Goicoechea:

Is the new position request based on complexity of cases, as opposed to the number of cases?

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Ms. Muth:

Correct. Additionally, we must abide by the DHRM timeliness guidelines.

Chair Goicoechea:

Do you anticipate these extensions to decline?

Ms. Muth:

Yes, we project a reduction from 78 percent in FY 2014 to 70 percent in FY 2015.

Assemblywoman Carlton:

What percentage of employees who are investigated within the 90-day timeframe are suspended with pay?

Ms. Muth:

Are you referring to employees suspended as a result of their disciplinary hearing?

Assemblywoman Carlton:

I am referring to those on administrative leave, pending the investigation.

Ms. Muth:

We rarely place employees on administrative leave with pay. For serious allegations, we assign administrative duty, where personnel are not performing in a law enforcement capacity, but they are working.

Assemblywoman Carlton:

In such cases, are problem employees still working?

Ms. Muth:

Yes. They transfer, for example, to our records section to perform data entry. They are not serving as peace officers per se, but they are providing a work product while they are under administrative investigation.

Chair Edwards:

There is a mismatch between the DHRM requirement of cases adjudicated within 90 days and the OPR projection of 70 percent of cases meeting that requirement. Would additional staffing help OPR meet that performance measure? Why are you only asking for one position?

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Ms. Muth:

The 70 percent performance measure you are referring to is for the 45-day investigative turnaround time, not the DHRM limit of 90 days for the employee to receive the discipline or for the case to be closed.

Chair Edwards:

What percentage of cases go beyond the 90-day limit?

Ms. Muth:

I will provide that number.

Chair Edwards:

If that number is significant, now is the time to ask for additional staff.

Ms. Muth:

We are being conservative in our budget requests.

Lieutenant Peeler:

Back to performance measures on page 22 of [Exhibit C](#), we are exceeding our goal for supervisors, both civilian and sworn, receiving training in OPR investigations.

Ms. Brueggemann:

There is a correction needed on page 22: FY 2016 and FY 2017 show 81.5 percent Category I investigations completed within 45 days. That number should be 70 percent.

Mr. Wright:

Prior to FY 2013-2014, DPS had its own information technology (IT) staff, but we had a failing infrastructure. Although it was perceived as a risky move from a public safety standpoint, we decided upon—and the Legislature approved—a consolidation with EITS. The DPS now has a stable, functional system.

Chair Goicoechea:

Is the 6 percent reduction in EITS assessments due to realized cost savings from the consolidation, or from a change in the level of service provided by EITS to DPS?

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David Gustafson (Administrator, Division of Enterprise Information Technology Services, Department of Administration):

Economies of scale have allowed us to lower our cost structure.

Chair Goicoechea:

Is the EITS/DPS consolidation close to being complete?

Mr. Gustafson:

Yes.

Chair Goicoechea:

Are we in compliance with Nevada Criminal Justice Information System (NCJIS) requirements?

Mr. Gustafson:

We are improving the security of DPS and are becoming the NCJIS standard for all Executive Branch agencies.

Assemblywoman Carlton:

How was the 6 percent reduction in EITS assessments achieved?

Ms. Brueggemann:

It was achieved by going from a cost-allocated budget to a rate-based budget, allowing for an economy of scale.

Assemblywoman Carlton:

Are the service levels adjusted?

Ms. Brueggemann:

The EITS is providing good, timely service.

Assemblywoman Carlton:

How many employees has DPS lost or reassigned because of the consolidation?

Ms. Brueggemann:

The EITS/DPS consolidation had no impact on employee turnover.

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Assemblywoman Carlton:

I have concerns and I have received phone calls. The intent was to upgrade the system, not minimize the workforce. I would like to look into that.

Mr. Wright:

When this consolidation occurred, the majority of IT staff from DPS transferred to EITS.

Assemblywoman Carlton:

I will address my question to EITS: What is going on with those employees?

Mr. Gustafson:

I am unaware of any alarming turnover.

Assemblywoman Carlton:

"Alarming" is in the eye of the person who no longer has a job. I would like to look further into this.

Mr. Gustafson:

I do not know of any positions that have been eliminated.

Chair Edwards:

When will the service-level agreement (SLA) between EITS and DPS be finalized?

Mr. Gustafson:

In line with our public safety priority, we have concluded the management control agreement required by the FBI. We have teams defining SLAs for all our services, from videoconferencing to mobile data in police vehicles.

Chair Edwards:

Do you have a project deadline?

Mr. Gustafson:

We can share our working document with you.

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Chair Edwards:

When should I expect that?

Mr. Gustafson:

We will give you a draft in 90 days.

Chair Goicoechea:

Now we will hear the DPS Division of Parole and Probation (P&P) budget, B/A 101-3740.

DPS - Parole and Probation — Budget Page PUBLIC SAFETY-73 (Volume III)
Budget Account 101-3740

Natalie Wood (Chief, Division of Parole and Probation, Department of Public Safety):

The P&P mission statement and statutory mandate is on page 2 of the “Division of Parole and Probation 2015 to 2017 Executive Budget” ([Exhibit D](#)). Parole is a conditional release from prison following a period of incarceration. Probation is a conditional suspension of sentence following a conviction.

The Division has two commands, north and south. We have ten offices and are the second-largest Division within DPS. We have 469.5 positions, 261 sworn and 208.5 nonsworn. We supervise over 21,000 offenders statewide, comprising 61 percent probationers, 29 percent parolees and 10 percent conditionally released inmates.

Our programs are described on page 4 of [Exhibit D](#). We conduct pre- and post-sentence investigations and pre-parole conditional release of incoming and outgoing interstate compact investigations. We monitor and enforce offender compliance with conditions of their community supervision while on parole, probation and conditional release. We report behavioral misconduct and supervision violations to both the District Courts and the Parole Board. We assist offenders in successfully reintegrating into society, and we collect restitution and supervision fees.

Page 5 identifies our offender population. The intensive supervision unit has 891 offenders requiring intense, specialized supervision in accordance with

Division directives and contact guidelines. Any caseload with a budgeted ratio of 30 offenders to 1 officer is considered intensive supervision. That changes in rural areas.

The house arrest, or residential confinement unit, has approximately 149 offenders who are electronically monitored using an ankle bracelet.

Assemblywoman Titus:

What is the offender/officer ratio in rural offices?

Chief Wood:

The rural demographic is a little different. We do not have the population or the staffing of Reno or Las Vegas. In those offices, we could have a sex offender ratio of 45:1. In rural areas, one officer could have a split caseload of 20 sex offenders and 25 general supervision offenders and interstate compact offenders.

Our largest group consists of approximately 10,000 offenders who come under general supervision. They range from low-level drug offenders up to categories A and B felonies, with an offender-to-officer ratio of 80:1.

Our low-risk supervision unit represents a proactive approach to supervising low-risk offenders as a temporary solution to address DPS officer vacancies. As vacancies are filled, the low-risk caseload will diminish, absorbed back into the general supervision unit. This unit has the lowest level of supervision at 160:1.

Our headquarters caseload contains the fugitive-apprehension unit (FAU) and the parole prerelease unit. The FAU is actively engaged in locating fugitives and facilitates the return of Nevada offenders to the State. They track and enter warrants into the National Crime Information Center and into NCJIS. The DPS civilian staff budgeted monitoring ratio is 250:1.

The sex offender unit has a 45:1 offender-to-officer ratio, and accounts for approximately 1,600 offenders who are parolees, probationers, lifetime supervision offenders and other offenders deemed appropriate for supervision as sex offenders. "Lifetime supervision" is a special sentence commencing after probation, parole or release from incarceration for certain sex offenders mandated by NRS 176.0931 and NRS 213.1243.

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The P&P is statutorily required by NRS 176.0129 to use an independent contractor for caseload projections, which are based on actual caseload numbers that we deliver to our vendor, the JFA Institute.

Chair Goicoechea:

With a ratio of 160:1, how many times per year are officers seeing offenders in that category?

Chief Wood:

Not all of the offenders are seen every month, but they do have to meet criteria to be approved for inclusion in the low-risk supervision unit, which takes a team-based approach. These individuals report to the Division. They submit to random urinalyses. They meet with an officer. The officer goes to their homes and reviews their compliance with their conditions.

Chair Goicoechea:

Are people falling through the cracks because P&P is short-staffed? We are concerned about your caseload.

Assemblywoman Carlton:

I would like to follow up on a discussion we had during pre-session hearings: If these offenders are low-risk, why are they still under supervision? We need to focus on the people who really need our help and support, and get the low-risk offenders, who are presumably now successful, out of the system.

Assemblywoman Titus:

Is P&P fully staffed? Are your parole officers POST certified?

Chief Wood:

No, we are not fully staffed; P&P has a vacancy rate of about 8.5 percent. Our officers are Category I POST certified.

Chair Goicoechea:

Is the P&P budget requesting 30 more positions?

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Chief Wood:

Yes. Page 13 of [Exhibit D](#) provides the caseload details for those requested positions in B/A 101-3740.

Maintenance unit M-200 would add 30 positions and related costs: 2 DPS officers in Reno; 2 officers in Carson City and 1 administrative assistant in Fallon; 2 officers in Elko; and 17 officers, 1 lieutenant, 3 sergeants and 2 administrative assistants in Las Vegas.

M-200 Demographics/Caseload Changes — Page PUBLIC SAFETY-75

Maintenance unit M-201 eliminates 21 temporary positions for presentence investigations (PSI). Maintenance unit M-202 adds back 12 positions. During the interim, DPS asked for those initial 21 positions to clear up the caseload backlog. Our caseload projections justify retaining 12 of them.

M-201 Demographics/Caseload Changes — Page PUBLIC SAFETY-75

M-202 Demographics/Caseload Changes — Page PUBLIC SAFETY-76

Chair Goicoechea:

Are you requesting 42 new positions?

Chief Wood:

Yes.

Chair Goicoechea:

Will that reduce the backlog?

Chief Wood:

We do not have a backlog.

Chair Goicoechea:

As you try to meet the PSI statutory requirements, do you anticipate a backlog, even with these added positions?

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Chief Wood:

It continues to be a challenge, particularly in our out-of-custody cases. We are only meeting the 21-day requirement of A.B. No. 423 of the 77th Session through overtime, totaling \$67,000 since October 2014.

Chair Goicoechea:

Will the requested 42 positions relieve that?

Chief Wood:

Yes.

Assemblyman Sprinkle:

Is DPS eliminating 21 temporary positions because the backlog no longer exists and is not projected?

**Robin Hager (Administrative Services Officer, Division of Parole and Probation,
Department of Public Safety:**

Based upon the projections JFA has provided, we are confident these 12 requested positions will help.

Assemblyman Sprinkle:

Projections by JFA are based on the numbers P&P provided, but has your data been inaccurate historically?

Ms. Hager:

The 21 temporary staff were added to meet the requirements of A.B. No. 423 of the 77th Session. We previously provided JFA with the number of PSIs completed monthly, but that was not a good indicator of workload. We will add the number of cases referred. We have standardized the ways different commands report the data.

Chair Goicoechea:

Has the replacement of your administrative banks with the low-risk supervision unit diminished your caseload?

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Chief Wood:

It is a temporary measure. As soon as we fill the vacancies, that caseload will decrease.

Chair Goicoechea:

Will the positions requested in maintenance unit M-200 of B/A 101-3740 help decrease that caseload?

Chief Wood:

Yes.

Page 14 of [Exhibit D](#) shows enhancement unit E-225, the request for a polygraph examiner.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-78

This request adds one polygraph examiner position and associated operating equipment to conduct maintenance tests on sex offenders.

Assemblywoman Carlton:

Are these tests required by statute and why are we asking for them now?

Chief Wood:

Yes, they are statutorily mandated. Historically, the polygraphs have been provided by the Investigation Division of DPS (NDI), but they are no longer able to keep up with P&P's demands. This request is fiscally responsible.

Assemblywoman Carlton:

Polygraphs no longer have the respect they used to. Do you still find them a valuable tool?

Chair Goicoechea:

They are required by statute. How many sex offenders are supposed to be polygraph tested at least annually? Is it possible to meet that need in a timely manner?

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Chief Wood:

The supervising officers prioritize individuals who are higher risk, those who show signs of relapse, who have not followed through with counseling or who have had a minor infraction. Relying on NDI has hampered the Division's ability to perform maintenance polygraphs.

Chair Edwards:

Is one polygraph position enough to accommodate what the law requires?

Chief Wood:

The P&P is being fiscally responsible by requesting this one position to see how successful it is, to collect the statistics and report to the Legislature in the next Session to say whether we can then justify more positions.

Chair Edwards:

I want to ensure we are looking at the right number of resources.

Assemblyman Sprinkle:

The statute, paragraph (f) of subsection 1 of NRS 213.1245, reads, "...submit to periodic polygraph examinations, as requested by parole and probation officer assigned to the parolee." Is the frequency of testing at the Division's discretion or is it required every year?

Chief Wood:

Maintenance polygraphs are at the supervising officer's discretion. We must perform them per statute, but not within a specific time frame.

Assemblywoman Dickman:

If this position is approved, would you still be able to access NDI's services?

Chief Wood:

Yes.

As outlined on page 15 of [Exhibit D](#), decision unit E-550 is a mission-critical enhancement for P&P.

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The Nevada Offender Tracking Information System (NOTIS) is no longer on a stable platform. Not only does P&P use this critical system daily, but so do other State, local and federal agencies. The Dangerous Offender Notification System depends on NOTIS, signaling when any of our offenders are stopped by any law enforcement agency. The System issues a caution flag on those individuals, indicating whether they have a drug habit, carry weapons or are gang-affiliated. The NOTIS must be upgraded; it has failed 18 times in the last 7 months and will not withstand the next operating system installation. It does not meet NCJIS or FBI standards.

Chair Goicoechea:

Will EITS be able to modernize NOTIS?

Chief Wood:

Yes. Outside vendors were cost-prohibitive and unable to provide us the service that EITS can.

Chair Goicoechea:

Would the EITS upgrade comply with NCJIS security requirements?

Chief Wood:

Yes.

Chair Goicoechea:

How long will the upgrade to NOTIS take?

Chair Wood:

It will be phased in over the biennium and probably beyond. I defer to EITS for a specific timeline.

Chair Goicoechea:

Does EITS have enough staff to accomplish this upgrade in a timely manner? I see Mr. Gustafson nodding his head; we are assured they have enough staff and it will happen quickly.

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Chair Edwards:

Since this upgrade is mission-critical, why not do it faster?

Mr. Gustafson:

A faster upgrade would require new staff, which might yield only a limited benefit because there are few people who know the intricacies of NOTIS.

Chair Edwards:

Could EITS use contractors to speed up the process?

Mr. Gustafson:

That approach was not contemplated as part of the Executive Budget.

Chair Edwards:

What I am proposing is a different approach.

Mr. Gustafson:

All options should be considered.

Chair Goicoechea:

If Senate Bill (S.B.) 16 passes, which reduces county reimbursements for PSI from 70 percent to 30 percent, will the shortfall have to be alleviated by P&P or the General Fund?

SENATE BILL 16: Revises provisions governing presentence and general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. (BDR 14-469)

Chief Wood:

Yes, if the counties' portion is reduced, the State will bear the burden.

Assemblywoman Carlton:

Has P&P become a hiring pool for the rest of the State? Approximately how many people have we lost in the past year to other entities?

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Chief Wood:

Yes, we have become a training ground for local jurisdictions. In the last 13 months, P&P has lost 27 positions, primarily due to retirement.

Assemblywoman Carlton:

If we do not adjust the benefit and pay structure in attempting to fill these openings, it will be an exercise in futility.

John O'Rourke (Deputy Chief, Division of Parole and Probation, Department of Public Safety):

Of the 99 sworn positions lost since January 1, 2014, 21 left for better pay and 46 of them retired. We hired 77 new officers.

Assemblywoman Carlton:

The retirement category may not truly reflect reality because when people retire, they often take other positions.

Chair Goicoechea:

We will now hear B/A 710-4727, the Capitol Police Division budget.

DPS - Capitol Police — Budget Page PUBLIC SAFETY-171 (Volume III)
Budget Account 710-4727

Jerome Tushbant (Chief, Capitol Police, Department of Public Safety):

The mission of the Capitol Police, as shown on page 2 of the "Nevada Department of Public Safety Capitol Police Division 2015 to 2017 Biennium Budget Presentation" ([Exhibit E](#)), is the protection of life and property through proactive law enforcement, empowering employees through training and education, and enhancing the safety of citizens of Nevada and visitors as mandated by NRS 289.270, 331.140, 480.130, 480.140 and 480.150.

Our vision is to create an environment where employees and visitors to State property are free from fear and are safe from harm and disruption.

We are budgeted for 25 positions, 12 FTEs in the northern command, 8 in the southern command and 5 for the Governor's Mansion. We act as a visible deterrent to criminal activity, respond to emergencies and supplement local police services.

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We actively patrol 23 properties in Las Vegas, 76 in Carson City and 27 in Reno. We provide full-time coverage to the Capitol and the Grant Sawyer State Office Building, primarily during business hours Monday through Friday.

As illustrated by the Venn diagram on page 5 of [Exhibit E](#), we perform three jobs: fixed posts, dignitary protection and patrol.

Page 6 shows our organizational chart, with part-time positions highlighted in yellow. These are primarily officers who have retired from other State positions and are unfunded; they are paid through salary savings and vacancies.

Our accomplishments for FY 2014 include improvements to radio infrastructure to more effectively communicate with Legislative Police and marshals at the Nevada Supreme Court, which is important for a coordinated response in case of a major incident.

We have implemented the Spillman software system for better records management. We have utilized strategic scheduling and updated policies, allowing us to rapidly react to threats, and we have new firearms and Tasers.

In July 2014, we asked two basic questions in a statewide survey. One was: Do you feel safe in the workplace? The other was: How do you feel about the Capitol Police Division? These resulted in some enlightening data that we are using to help agencies outside the Capitol feel safer.

We have trained 1,000 employees in the active assailant training and we have started an online citizen report system provided by an outside vendor, Coplogic, allowing us to be a hub for safety and security issues.

We are addressing recruitment and retention through officer development and employee wellness efforts.

Chair Goicoechea:

Is the Capitol Police budget eliminating four officers in favor of using contract security?

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Chief Tushbant:

Yes.

Chair Goicoechea:

Have the affected agencies been notified of this change and have you had any response from them?

Chief Tushbant:

Contract security will be used in specific areas at specific times. We have implemented private security firms in Las Vegas since July 2014 and there have been no significant incidents.

Chair Goicoechea:

Why does it take 18 months to train and recruit officers for the Capitol Police?

Chief Tushbant:

We have an annual vacancy rate of about 15 percent, which is one of the reasons we are using private security in Las Vegas.

Chair Goicoechea:

Will the loss of four officers still allow the Capitol Police to respond in a major emergency?

Chief Tushbant:

Yes.

I realize that I failed to answer one of your previous questions: Have we notified the agencies affected by the elimination of four officers? Yes, we had several meetings with chiefs-of-staff and safety committees.

Chair Edwards:

How many people will it take for the Capitol Police to be 100 percent staffed, and what is your plan for doing so?

Chief Tushbant:

We need to hire eight people. We will continue recruiting, but our Division is in competition with other agencies in DPS who pay more.

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Chair Edwards:

How does DHRM plan to solve that?

Chief Tushbant:

This is an on-going problem faced by not only our Division, but all of DPS.

Chair Edwards:

Do other jobs pay \$5,000 or \$10,000 more?

Chief Tushbant:

Comparable positions elsewhere pay 10 to 15 percent more.

Chair Edwards:

Could we solve this problem with \$72,000?

Chief Tushbant:

I will have to check with staff to determine exactly how much money it would take to solve this problem.

Chair Edwards:

I am concerned that you will become even more understaffed.

Assemblywoman Titus:

Inability to fill positions is not unique to the Capitol Police. How long has the Division had eight vacant positions and how much overtime is being used? Can you cut back to four positions, pay them a little more, and thus save on overtime?

Chief Tushbant:

Since 2012, we are using all the available overtime and that is the projection whether we are fully staffed or not.

Chair Goicoechea:

We will hear the budget for the State Board of Parole Commissioners, B/A 101-3800.

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DPS - Parole Board — Budget Page PUBLIC SAFETY-219 (Volume III)
Budget Account 101-3800

Connie S. Bisbee, M.S. (Chairman, State Board of Parole Commissioners):

The State Board of Parole Commissioners' agency goals are to conduct prompt, fair and impartial hearings on parole applications and parole violations. Our top priority is maintaining the safety of the general public.

The Board has four important enhancements as illustrated on pages 3 and 4 of the "Board of Parole Commissioners Governor's Recommended Budget for the 2015 to 2017 Biennium" ([Exhibit F](#)). The first is to add a management analyst to administer the sex offender caseload in decision unit E-225.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-221

Decision unit E-230 requests funds for additional programming for NOTIS.

E-230 Efficient and Responsive State Government — Page PUBLIC SAFETY-222

The Board would also like to increase authority for use of hearing representatives under enhancement unit E-350.

E-350 Safe and Livable Communities — Page PUBLIC SAFETY-222

Decision unit E-710 replaces videoconferencing equipment used each day to conduct parole hearings. From our offices in Carson City, we interface electronically with all the correctional facilities except the Florence McClure Women's Correctional Center, High Desert State Prison and Northern Nevada Correctional Center.

E-710 Equipment Replacement — Page PUBLIC SAFETY-223

Page 5 of [Exhibit F](#) indicates the Board's actual and projected discretionary and mandated parole hearings from FY 2014 through FY 2017. Our organizational chart is shown on page 6.

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Chair Goicoechea:

The State Board of Parole Commissioners lost the management analyst position in 2011. What kind of training would be required of that reinstated position as requested in enhancement unit E-225?

Ms. Bisbee:

Do you mean training to fill that position, or training required once they are hired?

Chair Goicoechea:

What kind of training would be required of recruits for that position?

Ms. Bisbee:

We would prefer someone who has knowledge of the types of supervision the Board enforces, as well as knowledge of NRS 213, the primary statutes governing the Board.

Chair Goicoechea:

Would adding this analyst position allow the Board to track sex offenders?

Ms. Bisbee:

Yes.

Chair Goicoechea:

In addition to increasing efficiency of the sex offender program, would the requested position be responsible for duties as assigned?

Ms. Bisbee:

Yes, that position would track our summonses for lawsuits and forward them to the Office of the Attorney General and oversee lifetime supervision, tier reconsideration and lifetime parole of sex offenders.

Chair Goicoechea:

The U.S. Court of Appeals for the Ninth Circuit has upheld the injunction against A.B. No. 579 of the 74th Session and S.B. No. 471 of the 74th Session. What is their status?

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Ms. Bisbee:

We have been tracking this. The Nevada Supreme Court has placed a temporary stay on their implementation while it hears a lawsuit objecting to those laws.

Chair Goicoechea:

Will the Nevada Supreme Court's decision have a big impact on the Board?

Ms. Bisbee:

It will affect how we set parole conditions and tier assessments, which makes reinstatement of this management analyst position essential. If all of A.B. No. 579 of the 74th Session is implemented, the Board will be "treading water."

Chair Goicoechea:

Do you mean that even if you receive this position, the Board just will be staying abreast of the workload entailed by A.B. No. 579 of the 74th Session?

Ms. Bisbee:

Yes.

Senator Parks:

Two years ago, the Legislature passed S.B. No. 71 of the 77th Session which aggregated sentences. Has that bill had a positive or negative effect on the State Board of Parole Commissioners' operations?

Ms. Bisbee:

A number of inmates immediately chose aggregated sentencing, but overall they need more education on what it can do for them.

Chair Goicoechea:

Are the upgrades to NOTIS progressing well?

David Smith (Parole Hearings Examiner, State Board of Parole Commissioners):

The sentence calculation module will be upgraded by the vendor SYSCON Justice Systems Canada, Ltd. There are no major changes and this will facilitate our operation, particularly in hearings schedules. Enhancement unit E-230 will allow more time to be spent on programming, rather than basic maintenance.

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Chair Goicoechea:

Can you give me a thumbnail version of how well these upgrades are going to work?

Mr. Smith:

A half-time position in Nevada's Department of Corrections (NDOC) is dedicated to Oracle-based programming for the Board so we can prepare our orders directly from the actions. SYSCON provided the first half of the module that accommodates those orders. The upgrade completes the second half of that maintenance module in our system.

Chair Goicoechea:

If we do not approve the enhancements to your program, would it negatively impact the Board and the NDOC?

Mr. Smith:

Yes.

Chair Goicoechea:

I will close the hearing and call for public comment.

Jeff Fontaine (Executive Director, Nevada Association of Counties):

The 70 percent cost of PSIs that the counties are paying was first enacted in 2011 to help the State balance its budget during the economic downturn. S.B. 16 would reduce the counties' cost from 70 percent to 30 percent. The bill would reduce the burden on the counties and is a matter of equity and fairness. It is our position that the current costs are not commensurate to the benefit. The hearing on S.B.16 will be Friday in the Senate Committee on the Judiciary.

Assemblywoman Carlton:

Clark County will soon be telling us how much money S.B.16 has saved the Clark County Detention Center so we will be able to weigh both sides of the equation.

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Chair Goicoechea:

There being no further business and seeing no other questions, this meeting is adjourned at 10:30 a.m.

RESPECTFULLY SUBMITTED:

Susan McArthur,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

APPROVED BY:

Assemblyman Chris Edwards, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	2		Agenda
	B	5		Attendance Roster
	C	23	Jackie Muth	Nevada Department of Public Safety Director's Office 2016 to 2017 Governor's Recommended Budget
	D	24	Natalie Wood	Division of Parole and Probation 2015 to 2017 Executive Budget Overview,
	E	13	Jerome Tushbant	Nevada Department of Public Safety Capitol Police Division 2015 to 2017 Biennium Budget Presentation Governor Recommends, Budget Account 4727
	F	6	Connie Bisbee	Board of Parole Commissioners Governor's Recommended Budget for the 2015 to 2017 Biennium