

**City of Carson City
Agenda Report**

Date Submitted: May 25, 2012

Agenda Date Requested: June 7, 2012

Time Requested: 5 Minutes

To: Mayor and Supervisors
From: Juvenile Special Master, Kristin Luis
Max Cortes, Court Administrator
Chief Juvenile Probation Officer, John Simms
Chief of Alternative Sentencing, Rory Planeta

Subject Title: For Possible Action: To approve a full time Alternative Sentencing Officer assigned to Juvenile Court for courtroom security and for screening the public through the magnetometer.

Staff Summary: On October 6, 2010, the Internal Finance Committee (IFC) approved funding for one post certified hourly employee to provide security during courtroom proceedings and to screen the public for possible weapons. Because the hourly employee is limited to working 1,039 hours per year, the hourly employee is scheduled less than 3 days per week. It was agreed at the IFC meeting that the Court would review the security need at Juvenile Court and bring the issue back to IFC in 2012 for discussion regarding the possibility of needing an additional hourly security officer.

On March 14, 2012, the Court requested that IFC place the matter on the agenda for further discussion. The Court informed IFC that over the past few months there have been multiple security issues at the Juvenile Court. Unfortunately, they have occurred when the hourly security employee was not scheduled to work. The Court requested that IFC approve replacing the hourly security employee with a Category I - Peace Officer on a fulltime basis. Per NRS 3.310 bailiffs/marshals must be Category I – Peace Officers. Discussion was held on the possibility of obtaining partial funding from positions at Juvenile Detention. The Court agreed to have further discussions with Chief Probation Officer John Simms to determine if there would be funding available for a possible contribution to offset the costs for a fulltime officer.

On March 22, 2012, a stakeholder meeting was held at the Juvenile Court with the Juvenile Special Master, Neil Rombardo, District Attorney, Chief Juvenile Probation Officer, John Simms, Scott Davis, Deputy Chief of Juvenile Detention, representatives from the State of Nevada Department of Child and Family Services, Diane Crow, State Public Defender, and other public defenders from her office, Kay Ellen Armstrong, Conflict Counsel, Noel Waters, Conflict Counsel, Ben Walker, Conflict Counsel, Chief Rory Planeta from the Department of Alternative Sentencing, and Chris Bayer, Program Director for Court Appointed Special Advocate (CASA). During the meeting, concerns were expressed for security in the courtroom during proceedings and screening of individuals who enter the building. Judge Luis and Max Cortes advised the group that they were working with IFC to secure a fulltime security position.

On April 4, 2012 and May 2, 2012, the Court requested that IFC place the matter on the agendas for further discussion. At the IFC meetings, the Court informed IFC of an agreement by John Simms,

Chief Juvenile Probation Officer, to utilize salary savings from positions at Juvenile Detention to offset the fulltime officer position. IFC informed the Court that because the fulltime position for security is a new position that the Board of Supervisors would need to approve the position and additional funding however, IFC did support the fulltime position and agrees that the funding for the position would be offset from salary savings from Juvenile Detention's budget.

Type of Action Requested: (check one)

☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve a full time Alternative Sentencing Officer assigned to Juvenile Court for courtroom security and for screening the public through the magnetometer.

Explanation for Recommended Board Action: Since 2007, the Alternative Sentencing Department has been providing supervision over the officers assigned to provide security in the courtrooms as bailiffs/marshals. This decision was made by the judges to maximize staff resources and to insure that Post certifications and mandatory annual Post training requirements were being adhered to and coordinated. The District Court Judges and the Justice/Municipal Court Judges have been pleased with the supervision of the officers assigned to their courtrooms to act as marshals/bailiffs and the efforts made to enhance security in the courthouse for the overall safety of the public, personnel and judicial officers. Since District Court oversees Juvenile Court, and the Juvenile Special Master is presiding over hearings assigned by the District Court Judges, and due to the recent security issues, the need for a fulltime officer is essential to provide protection to the public, personnel and to the judicial officer. When the Juvenile Court is not in session, the assigned officer will assist with juvenile transportations and other needs of the Juvenile Court, Juvenile Detention/Probation Departments and Alternative Sentencing as time permits. Coverage for absences for the Juvenile fulltime officer will be provided by the Department of Alternative Sentencing.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 3.310 Bailiffs and deputy marshals: Appointment; duties; qualifications; compensation. Except as otherwise provided in this subsection, the 1. judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. Subject to the provisions of subsections 2, 4 and 10, in a county whose population is 700,000 or more, the judge of each district court may appoint a deputy marshal for the court instead of a bailiff. In each case, the bailiff or deputy marshal serves at the pleasure of the judge he or she serves. In all judicial districts where there is more than 2. one judge, there may be a number of bailiffs or deputy marshals at least equal to the number of judges, and in any judicial district where a circuit judge has presided for more than 50 percent of the regular judicial days of the prior calendar year, there may be one additional bailiff or deputy marshal, each bailiff or deputy marshal to be appointed by the joint action of the judges. If the judges cannot agree upon the appointment of any bailiff or deputy marshal within 30 days after a vacancy occurs in the office of bailiff or deputy marshal, then the appointment must be made by a majority of the board of county commissioners. Each bailiff or deputy marshal shall: 3. Preserve order in the court. (a) Attend upon the jury. (b) Open and close court. (c) Perform such other duties as may be required of him (d) or her by the judge of the court. The bailiff or deputy marshal must be a qualified 4. elector of the county and shall give a bond, to be approved by the district judge, in the sum of \$2,000, conditioned for the faithful performance of his or her duty. The compensation of each bailiff or deputy marshal 5. for his or her services must be fixed by the board of county commissioners of the county and his or her salary

paid by the county wherein he or she is appointed, the same as the salaries of other county officers are paid. The board of county commissioners of the respective 6. counties shall allow the salary stated in subsection 5 as other salaries are allowed to county officers, and the county auditor shall draw his or her warrant for it, and the county treasurer shall pay it. The provisions of this section do not: 7. Authorize the bailiff or deputy marshal to serve any

(a) civil or criminal process, except such orders of the court which are specially directed by the court or the presiding judge thereof to him or her for service. Except in a county whose population is 700,000 or (b) more, relieve the sheriff of any duty required of him or her by law to maintain order in the courtroom. If a deputy marshal is appointed for a court 8. pursuant to subsection 1, each session of the court must be attended by the deputy marshal. For good cause shown, a deputy marshal appointed for 9. a court pursuant to subsection 1 may be assigned temporarily to assist other judicial departments or assist with court administration as needed. A person appointed to be a deputy marshal for a 10. court pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

[1:33:1909; RL § 4914; NCL § 8461] + [2:33:1909; A 1919, 385; 1951, 358; 1953, 443] + [3:33:1909; RL § 4916; NCL § 8463] + [4:33:1909; RL § 4917; NCL § 8464] + [5:33:1909; A 1951, 358; 1953, 443; 1955, 190] + [6:33:1909; RL § 4919; NCL § 8466] + [7:33:1909; RL § 4920; NCL § 8467]—(NRS A 1957, 288; 1959, 516; 1963, 363, 1295; 1979, 482; 1993, 2526; 2007, 2189; 2011, 1130)

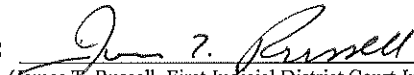
Fiscal Impact: Transferring of funds from Juvenile Detention's Budget #4506 to Alternative Sentencing's Budget #4705 in the amount of \$45,605.00. These existing funds will offset the new fulltime officer position at a cost of \$82,005.00. Remaining general funds needed \$36,400.00.

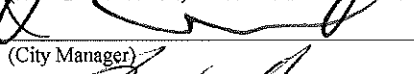
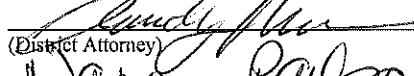
Funding Source: General Fund

Supporting Material:

Prepared By: Max Cortes, Court Administrator

Reviewed By:


(James T. Russell, First Judicial District Court Judge, Dept I)

(James E. Wilson Jr., First Judicial District Court Judge, Dept II)

(City Manager)

(District Attorney)

(Finance Director)

Date: 5/25/2012

Date: 5/25/12

Date: 5/29/12

Date: 5/29/12

Date: 5/29/12

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)