



# STAFF REPORT

**Report To:** Board of Supervisors                      **Meeting Date:** March 21, 2019

**Staff Contact:** Tad Fletcher

**Agenda Title:** For Discussion Only: Presentation and discussion regarding the Pretrial Release Program in Nevada and the potential impact to Carson City. (Tad Fletcher; tfletcher@carson.org)

Staff Summary: Tad Fletcher, Chief of the Carson City Department of Alternative Sentencing, will provide a brief presentation regarding the Pretrial Release Program. The presentation will include an overview of the program, including program requirements, implementation and potential fiscal impacts to the City.

**Agenda Action:** Other / Presentation                      **Time Requested:** 15 minutes

**Proposed Motion**

No action required

**Board's Strategic Goal**

Safety

**Previous Action**

N/A

**Background/Issues & Analysis**

In 2015, Justice Hardesty of the Nevada Supreme Court created a committee to study pretrial release in Nevada. The committee reviewed several pretrial release programs across the United States and conducted a pilot program in the State of Nevada. Dr. Austin, a professional in the field of pretrial release, helped create, study and validate the pilot program process and the Nevada Pretrial Risk Assessment tools. The pilot program took place in Clark County, White Pine County and Washoe County.

At the conclusion of the pilot program process, the Nevada Supreme Court reviewed the results and in February 2019, held a public hearing on the Pretrial Release Program. The Nevada Supreme Court is currently preparing to pass down its decision on the implementation of the Pretrial Release Program requirements and implementation.

**Applicable Statute, Code, Policy, Rule or Regulation**

N/A

**Financial Information**

**Is there a fiscal impact?** Yes

**If yes, account name/number:** Alternative Sentencing Budget - 101-4705

**Is it currently budgeted? No**

**Explanation of Fiscal Impact:** Potential Impact:

The Department of Alternative Sentencing would need to hire three DAS Officers to fill positions needed to complete the Pretrial Release Assessments for the Carson City Courts. DAS would need to staff 7-day a week coverage and have staff available to cover planned and unplanned leave. The DAS Officers would be assigned to the Carson City Jail and completing interviews on all arrestees. The staff will utilize the Nevada Pretrial Release Assessment Tool mandated by the Nevada Supreme Court in 2019.

The annual salary range for a Department of Alternative Sentencing Officer is between \$49,713 and \$74,569. This is a public safety position so the PERS rate is 40.5% at the present time, but will be increasing to 42.5% on July 1, 2019. This would put the total salary and benefits cost at approximately \$111,083 per officer to hire. There would be an additional estimated cost of \$3,500 per officer to cover uniforms, body armor, Taser and other needed equipment to operate in the position. Plus, we will need to purchase two Surface Pro Laptops at \$1,550 each. Each Officer would be entitled to benefits from the contract of \$1,000 uniform allowance and an \$80 a month phone stipend (\$960 Annually).

This would cost a total of \$352,729 for the first year.

An alternative option would be to hire three full-time Pretrial Service Officers. This approach is currently used by the Second Judicial District Court which performs the duties listed above. Since this is not a peace officer position, they would not be able to perform the additional duties listed in Option 1, which means that DAS coverage will still be limited and overtime costs will not be reduced by having the officers available in the detention facility.

The annual salary for a Pretrial Service Officer would be between \$46,053.70 and \$69,080.34. This is not a public safety position so the PERS rate is 28% at the present time, but will be increasing to 29.25% July 1, 2019. This would put the total salary and benefits cost at approximately \$82,377 per officer to hire. There would be an additional estimated cost of \$750 per pretrial officer to cover uniforms and other needed equipment to operate in the position. Plus, we will need to purchase two Surface Pro Laptops at \$1,550 each and provide \$80 a month phone stipend (\$960 Annually).

This would cost a total of \$255,361 for the first year.

**Alternatives**

N/A

**Attachments:**

[Carson\\_City\\_Pretrial\\_Release\\_Report.docx](#)

[Nevada PRETRIAL \(NPR\) ASSESSMENT.pdf](#)

**Board Action Taken:**

Motion: _____	1) _____	Aye/Nay
	2) _____	_____
		_____
		_____
		_____

(Vote Recorded By)

## Overview

In 2015, Justice Hardesty of the Nevada Supreme Court created a committee to study pretrial release in Nevada. I served as a committee member. The committee reviewed several pretrial release programs across the United States and conducted a pilot program in the State of Nevada. Dr. Austin, a professional in the field of pretrial release, helped create, study and validate the pilot program process and the Nevada Pretrial Risk Assessment tools. The pilot program took place in Clark County, White Pine County and Washoe County.

At the conclusion of the pilot program process, the Nevada Supreme Court reviewed the results and in February 2019, held a public hearing on the Pretrial Release Program (hereinafter PTRP). The Nevada Supreme Court is currently preparing to pass down its decision on the implementation of the PTRP requirements and implementation. If and when the PTRP is established in Nevada, it will require Carson City to hire Pretrial Services Officers. I am currently working with the City, the Courts and the Sheriff's Office to begin implementation. The purpose of this whitepaper is to provide guidance and assistance to the Courts and the Board of Supervisors on the implementation of the PTRP in Carson City.

The essential functions of the Pretrial Officer position will be:

- Conduct investigations including collecting, compiling, verifying, and evaluating information regarding defendants; assess the level of supervision required for defendants; develop and maintain case files; attend Court hearings; provide on-going case information to judges and to other Court personnel, and recommend release conditions or impose Court ordered conditions;
- Perform preliminary drug and alcohol testing to confirm compliance of Court ordered release conditions; notify the Courts of defendants who fail to comply with release conditions and, in some cases, recommend revocation of the release;
- Coordinate case management for assigned defendants including monitoring and tracking releases until sentencing including, progress in mental health and/or substance abuse treatment programs; maintain regular contact with defendants in person and by telephone; and supervise and monitor defendants released from custody to ensure compliance with release conditions, Court dates and other related Court orders;
- Confer with attorneys, law enforcement personnel, treatment service providers and social service agencies regarding difficult cases; and coordinate placement of defendants in substance abuse, mental health, domestic violence and related treatment programs as needed;
- Serve as a resource and information source regarding various Court policies, procedures, objectives, and operational functions in the assigned area; respond to inquiries in person and by telephone; provide information utilizing judgment, knowledge, and interpretation; resolve complaints, and refer defendants to appropriate resources.

The Carson City Jail had 3,673 bookings between January 1, 2018 and December 31, 2018. This is an average of 10 bookings each day. The Department of Alternative Sentencing currently completes some pretrial services for the Courts by utilizing a part-time employee. However, the services provided by the part-time employee are limited to the areas of completion of a background check and a Financial Disclosure Statement during a five day period. These tasks take the part-time employee four to five hours a day to complete. The duties listed above would expand the current duties being performed and the number of days in which such duties will be required to be performed.

Listed below are staffing options, in the order preferred by the Department of Alternative Sentencing, to implement the PTRP:

### Option 1

Hire three full-time DAS Officers. In addition to completing the duties outlined above on a seven day operation, the officers would perform the following duties:

1. Risk Assessment
  - a. Complete assessments on each person arrested and booked into the Carson City Jail, then attach the Risk Assessments to the Probable Cause Forms by 6 AM.
2. Financial Disclosure
  - a. Complete Financial Disclosures for the Courts for each person in custody prior to Court appearance.
3. Backgrounds
  - a. Complete Background Reports for all defendants in-custody and attach to Financial Disclosures.
  - b. Complete Backgrounds for all defendants out of custody prior to Court.
4. Electronic Monitoring
  - a. Assign Electronic Monitoring to everyone who has been ordered as a condition of release. (This task is performed by a peace officer and is currently being performed Monday-Friday between 8:00 a.m. and 5:00 p.m. by the Chief and the Assistant Chief. If either the Chief or Assistant Chief is busy, a DAS Officer is called off the street to perform the task.)
5. Booking Violations
  - a. Review all bookings over the prior 24-hour period and identify DAS violations.
  - b. Add the additional charges to the booking.\*
6. Drug Tests
  - a. Complete drug tests on all individuals who have been arrested and who are under DAS supervision and have a search and seizure clause in place.\*

(\*These tasks are currently performed by the Chief and the Assistant Chief Monday through Friday. Searching the weekend roster and performing the drug test and reviewing additional charges takes at least 1-2 hours each day. In addition, if the defendant posts bail before the drug test can be completed, the test will not occur-a limit to the supervision that defendants currently receive. As for the additional booking charges, if they are needed, doing this at the time the defendant is booked in on the original charge rather than later, will require less administrative time by the Chief, Assistant Chief and field officers as it will prevent the requirement for a warrant to be issued and for the individual to be re-arrested. Completion of these tasks by a DAS Officer will allow the Chief and Assistant Chief to provide more supervision in the Department and perform field work.)

7. On-Call
  - a. Perform DAS Officer duties which will cut some of overtime to the on-call DAS Officer. DAS Officers are currently receiving twelve (12) hours of compensatory time for each week they are assigned to on-call duties, plus a minimum of 30 minutes of overtime for each call received. An on-call DAS Officer can receive anywhere from 1 to 12 hours of overtime, on top of the 12 hours of compensatory time per week while on-call.
8. Other DAS Functions
  - a. If the DAS Officer assigned to Pretrial Release completes his/her daily tasks, he/she will be assigned to additional DAS duties away from the detention facility. This could include transports, home visits and drug testing.

Option 1 will allow the Department to provide coverage seven days a week and help eliminate some of the overtime costs.

#### Option 1 Costs

The annual salary range for a Department of Alternative Sentencing Officer is between \$49,713 and \$74,569. This is a public safety position so the PERS rate is 40.5% at the present time, but will be increasing to 42.5% on July 1, 2019. This would put the total salary and benefits cost approximately \$111,083 per officer to hire. There would be an additional estimated cost of \$3,500 per officer to cover uniforms, body armor, Taser and other needed equipment to operate in the position. Plus, we will need to purchase two Surface Pro Laptops at \$1,550 each. Each Officer would be entitled to benefits from the contract of \$1,000 uniform allowance and an \$80 a month phone stipend (\$960 Annually).

This would cost a total of \$352,729 for the first year.

#### Option 2

Hire three full-time Pretrial Service Officers. This approach is currently used by the Second Judicial District Court which performs the duties listed above. Since this is not a peace officer position, they would not be able to perform the additional duties listed in Option 1, which means that DAS coverage will still be limited and overtime costs will not be reduced by having the officers available in the detention facility.

The staff will be tasked with:

1. Risk Assessment
  - a. Complete assessments on each person arrested and booked into the Carson City Jail, then attach the Risk Assessments to the Probable Cause Forms by 6 AM.
2. Financial Disclosure
  - a. Complete Financial Disclosures for the Courts for each person in custody prior to Court appearance.
3. Backgrounds
  - a. Complete Background Reports for all defendants in-custody and attach to Financial Disclosures.

- b. Complete Background checks for all defendants out of custody prior to Court.
- 4. Drug Tests
  - a. Complete drug tests on all individuals who have been arrested and who are under DAS supervision and have a search and seizure clause in place.\*

#### Option 2 Costs

The annual salary for a Pretrial Service Officer would be between \$46,053.70 and \$69,080.34. This is not a public safety position so the PERS rate is 28% at the present time, but will be increasing to 29.25% July 1, 2019. This would put the total salary and benefits cost at approximately \$82,377 per officer to hire. There would be an additional estimated cost of \$750 per pretrial officer to cover uniforms and other needed equipment to operate in the position. Plus, we will need to purchase two Surface Pro Laptops at \$1,550 each and provide \$80 a month phone stipend (\$960 Annually).

This would cost a total of \$255,361 for the first year.

#### Conclusion

The Nevada Supreme Court is expected to require the District Courts to implement the PTRP by July 1, 2019. The Department of Alternative Sentencing will need to hire three full-time positions to perform the essential functions of program.

#### Supporting links for the Nevada Supreme Court

[https://nvcourts.gov/AOC/Committees\\_and\\_Commissions/Evidence/Overview/](https://nvcourts.gov/AOC/Committees_and_Commissions/Evidence/Overview/)

## NEVADA PRETRIAL RISK (NPR) ASSESSMENT

Assessment Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Assessor: \_\_\_\_\_ County: \_\_\_\_\_

Defendant's Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ Case/Booking #: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Contact Phone#: \_\_\_\_\_ # of Current Charges: \_\_\_\_\_

Most Serious Charge: \_\_\_\_\_ Initial Total Bail Set: \$ \_\_\_\_\_

**Demographic Information (optional):** Gender: Male \_\_\_\_\_ Female \_\_\_\_\_  
 Race: Hispanic \_\_\_\_\_ White \_\_\_\_\_ Black \_\_\_\_\_ Asian \_\_\_\_\_ Nat. Amer. \_\_\_\_\_ Other/Unknown \_\_\_\_\_

### SCORING ITEMS

**SCORE**

- |  |   |
|--|---|
| <p><b>1. Does the Defendant Have a Pending Pretrial Case at Booking?</b></p> <p style="margin-left: 20px;">a. Yes - 2 pts. If yes, list case # and jurisdiction: _____</p> <p style="margin-left: 20px;">b. No - 0 pts.</p>  | <p>_____</p>  |
| <p><b>2. Age at First Arrest (include juvenile arrests)</b></p> <p style="margin-left: 20px;">a. 20 yrs. and under - 2 pts.</p> <p style="margin-left: 20px;">b. 21-35 yrs. - 1 pt.</p> <p style="margin-left: 20px;">c. 36 yrs. and over - 0 pts.</p>   | <p>First Arrest Date: ____/____/____</p> <p style="text-align: center;">_____</p> |
| <p><b>3. Prior Misdemeanor Convictions (past 10 years)</b></p> <p style="margin-left: 20px;">a. None - 0 pts.</p> <p style="margin-left: 20px;">b. One to five - 1 pt.</p> <p style="margin-left: 20px;">c. Six or more - 2 pts.</p>   | <p>_____</p>  |
| <p><b>4. Prior Felony/Gross Misd. Convictions (past 10 years)</b></p> <p style="margin-left: 20px;">a. None - 0 pts.</p> <p style="margin-left: 20px;">b. One or more - 1 pt.</p>  | <p>_____</p>  |
| <p><b>5. Prior Violent Crime Convictions (past 10 years)</b></p> <p style="margin-left: 20px;">a. None - 0 pts.</p> <p style="margin-left: 20px;">b. One - 1 pt.</p> <p style="margin-left: 20px;">c. Two or more - 2 pts.</p>   | <p>_____</p>  |
| <p><b>6. Prior FTAs (past 24 months)</b></p> <p style="margin-left: 20px;">a. None - 0 pts.</p> <p style="margin-left: 20px;">b. One FTA Warrant - 1 pt.</p> <p style="margin-left: 20px;">c. Two or more FTA Warrants - 2 pts.</p>  | <p>_____</p>  |
| <p><b>7. Substance Abuse (past 10 years)</b></p> <p style="margin-left: 20px;">a. Other - 0 pts.</p> <p style="margin-left: 20px;">b. Prior <i>multiple</i> arrests for drug use or possession/alcohol/drunkenness - 2 pts.</p>  | <p>_____</p>  |
| <p><b>8. Mitigating Verified Stability Factors (limit of -2 pts. total deduction)</b></p> <p style="margin-left: 20px;">a. Employed, Student or Retired (-1) pt.</p> <p style="margin-left: 20px;">b. Nevada Resident - Living in current residence 6 mos. or longer (-1) pt.</p> <p style="margin-left: 20px;">c. Verified Cell Phone/Landline (-1) pt.</p> | <p>_____</p>  |
| <p><b>TOTAL SCORE:</b></p>   |   |

**Risk Level (Circle One):**    **LOW** (0-3 pts.)    **MODERATE** (4 - 8 pts.)    **HIGHER** (9+ pts.)    **OVERRIDE?:** Yes \_\_\_\_\_ No \_\_\_\_\_

**Override Reason(s):** Mental Health \_\_\_\_\_ Disability \_\_\_\_\_ Gang Member \_\_\_\_\_ Flight Risk \_\_\_\_\_  
 Prior Record More Severe than Scored \_\_\_\_\_ Prior Record Less Severe Than Scored \_\_\_\_\_  
 Other, explain: \_\_\_\_\_

**Final Recommended Risk Level:**    **LOW** \_\_\_\_\_    **MODERATE** \_\_\_\_\_    **HIGHER** \_\_\_\_\_

**Supervisor/Designee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

