



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** January 7, 2021

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of Timothy Guthrie to the position of Interim Chief of the Department of Alternative Sentencing ("DAS"), and direction to staff on the recruitment of a new Chief of DAS for appointment by the Board of Supervisors. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This item is for the Board of Supervisors to consider the temporary appointment of Mr. Guthrie to the position of Interim Chief of DAS due to the retirement of Tad Fletcher, who previously served as the Chief of DAS, and to provide direction to staff, if any, on the recruitment of a new Chief of DAS for appointment by the Board of Supervisors.

Agenda Action: Formal Action / Motion **Time Requested:** 15 minutes

Proposed Motion

I move to appoint Timothy Guthrie as the Interim Chief of DAS until a new Chief of DAS is appointed, and direct the Human Resources Department to coordinate with the City Manager on the open recruitment of candidates for a permanent Chief of DAS to be appointed by this Board.

Board's Strategic Goal

Organizational Culture

Previous Action

On September 30, 2013, the Board of Supervisors appointed Tad Fletcher to the position of Chief of DAS.

Background/Issues & Analysis

On September 30, 2013, the Board of Supervisors appointed Tad Fletcher to the position of Chief of DAS. Mr. Fletcher submitted his letter of retirement on Monday, December 14, 2020 with an effective date of January 12, 2021. Nevada Revised Statute ("NRS") 211A.100 requires the Board of Supervisors to appoint a chief. The appointee must have at least five years of experience in law enforcement, corrections or supervision of persons on probation, parole, or in a pretrial or presentence release program. In addition, the position of Chief of DAS is an unclassified position as required by state law.

Mr. Guthrie was hired as the Assistant Chief of DAS on November 2, 2015. He currently serves in that unclassified position. Before he was hired as the Assistant Chief, Mr. Guthrie was a Sergeant with the Storey County Sheriff's Office. He meets the minimum qualifications established by state law for the position of Chief of DAS and has the knowledge, skills and abilities to temporarily hold the position of Interim Chief. The time to appoint a new Chief through the City's recruitment process is estimated to take at least 90 days. In accordance with the "Resolution of the Board of Supervisors of Carson City Setting Forth the Benefits for Unclassified Employees," effective July 1, 2016, Mr. Guthrie will be entitled to receive Temporary Duty Pay, a 10% pay increase for assignment to a higher ranked position, if appointed to the position of Interim Chief.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 211A; "Resolution of the Board of Supervisors of Carson City Setting Forth the Benefits for Unclassified Employees," effective July 1, 2016.

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: General Fund / Alternative Sentencing Department / Salaries and Benefits 1012800

Is it currently budgeted? Yes

Explanation of Fiscal Impact: Mr. Guthrie will be entitled to receive Temporary Duty Pay, a 10% pay increase for assignment to a higher ranked position, if appointed to the position of Interim Chief. This increase will be offset by savings from the approximate three month vacancy in the Chief of DAS position.

Alternatives

Direct the City Manager to recommend an alternative candidate for the position of Interim Chief of DAS.

Attachments:

[Chief Alternative Sentencing Rev. 12.22.20.doc](#)

[NRS 211A - Department of Alternative Sentencing.pdf](#)

[Official Retirement Announcement.pdf](#)

Board Action Taken:

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

(Vote Recorded By)



JOB DESCRIPTION

JOB TITLE: Chief Alternative Sentencing
DEPARTMENT: Alternative Sentencing
REPORTS TO: Board of Supervisors/City Manager

FLSA: Exempt
GRADE: D2
PCN: 87
DATE: July 1, 2013
REVISED: December 2020

SUMMARY OF JOB PURPOSE:

Under administrative direction, supervises activities and staff of the Alternative Sentencing Department which includes, but is not limited to; supervising misdemeanor probationers, bail, pre-trial and presentence misdemeanor defendants, gross-misdemeanor defendants and felony defendants, conduct intakes, conduct drug and alcohol testing, staffing the specialty courts which includes, mental health court, DUI court, and misdemeanor treatment court, and managing and supervising a drug analysis laboratory.

ESSENTIAL FUNCTIONS:

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbent(s) may be expected to perform job-related duties other than those contained in this document and may be required to have specific job-related knowledge and skills.

- Supervises and oversees activities of assigned staff; makes work assignments; follows-up on assignments, creates work schedules; responds to, and assists, officers with calls for service; handles citizen complaints.
- Participates in the development and implementation of goals, objectives, policies, and priorities for assigned divisions; identifies resource needs; recommends and implements policies and procedures.
- Reviews reports and documents prepared by subordinates for accuracy, completeness, essential elements, fundamental soundness, and substantiation of action taken; responds to emails and phone calls.
- Selects, trains, motivates and evaluates sworn and non-sworn law enforcement staff; provides or coordinates staff training; works with employees to correct deficiencies and errors; monitors workflow; reviews, evaluates and recommends changes in regard to work product, methods and procedures.
- Participates in the development and administration of assigned department budgets; grant budgets, expenditures and reporting; forecasts future needs; directs the monitoring and approval of expenses; recommends adjustments as necessary.
- Compiles statistical information for administration of the performance of assigned staff.
- Training – Attends training as required to meet State and department requirements.
- Coordinates activities with other law enforcement agencies, courts and support agencies.
- Contributes to the efficiency and effectiveness of the unit's service to its customers by offering suggestions and directing or participating as an active member of a work team.

This job description indicates, in general, the nature and levels of work, knowledge, skills, abilities and other essential functions (as covered under the Americans with Disabilities Act) expected of the incumbent. It is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities required of the incumbent. Incumbent may be asked to perform other duties as required.

- Operates a motor vehicle in a safe and effective manner.
- Uses standard office equipment, including a computer, in the course of the work.
- Demonstrates courteous and cooperative behavior when interacting with the public and City staff; acts in a manner that promotes a harmonious and effective workplace environment.

QUALIFICATIONS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Education and Experience:

Equivalent to a bachelor's degree in criminal justice, psychology, or a closely related field; AND six (6) years of law enforcement experience, three (3) years of which were in a supervisory role; OR an equivalent combination of education, training and experience as determined by Human Resources.

REQUIRED CERTIFICATES, LICENSES, AND REGISTRATIONS:

- Valid driver's license at time of appointment
- Current Nevada Category I or II Peace Officer Standards and Training (P.O.S.T.) certificate at time of appointment
- Current Nevada Management P.O.S.T. is preferred at time of appointment however; the selected individual will be granted 18 months from the date of appointment to obtain
- Nevada Executive P.O.S.T. certificate within 36 months of appointment

For additional information about Nevada P.O.S.T. certificates please review Nevada Administrative Code Chapter 289.

Required Knowledge and Skills

Knowledge of:

- Principles and practices of employee supervision, including selection, work planning, organization, performance review and evaluation, and employee training and discipline.
- Principles and techniques of public relations.
- City, state, and federal laws, statutes, ordinances and court decisions related to department activities.
- Policies and procedures of alternative sentencing programs.
- Weaponry and associated safety practices.
- Safety and Court security policies and procedures.
- First aid and basic CPR methods.
- City geography.
- Personal computers utilizing standard and specialized software applications.
- Standard office practices and procedures, including filing and the operation of standard office equipment.
- Communicating effectively in oral and written forms.
- Techniques for dealing with a variety of individuals from various socio-economic, ethnic and cultural backgrounds, in person and over the telephone.

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Skill in:

- Planning, organizing, supervising, reviewing and evaluating the work of others; instructing others in work procedures.
- Analyze situations quickly and objectively.
- Determine proper course of action under emergency conditions.
- Cope with adverse situations firmly, courteously and with respect for individual rights.
- Use of lethal and non-lethal tools.
- Operate vehicle safely and effectively in normal and emergency situations.
- Traverse terrain safely, understand and carry out oral and written instructions.
- Prepare clear concise and accurate reports.
- Navigating and addressing sensitive and/or confidential political issues
- Establish effective working relationships with departmental personnel, public law enforcement agencies, community groups and general public.

SUPERVISION RECEIVED AND EXERCISED:

Under Administrative Direction - Incumbents at this level are responsible for unusual, technical, complex, highly sensitive, political, and far-reaching work-related issues and for policy recommendations to political oversight groups. They plan, organize, and determine work methods, implementation mechanisms, and operating procedures used to achieve goals and objectives set forth by general plans, broad policies, budgetary limitations, and legal and professional standards. The incumbents have responsibility for planning and organizing work, as well as considerable latitude interpreting and applying broad policies, rules, and regulations. Work performance is usually measured by total results and a governing body usually provides supervision.

PHYSICAL DEMANDS & WORKING ENVIRONMENT:

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Traverse difficult terrain, strength and stamina to physically restrain suspects, running, climbing, standing, squatting, and sitting for prolonged periods of time; occasionally lift and carry up to 50 pounds, strength to subdue persons, to drag, carry and lift persons and objects; vision to read printed materials and a computer screen; and hearing and speech to communicate in person or over the telephone; exposure to traffic conditions and external environment when traveling from one office to another; dexterity to write and to shoot a gun; to be heard in noisy group situation.

CONDITIONS OF EMPLOYMENT:

1. Unclassified employees are "at will" and as such, may be terminated at any time for any reason, or no reason.
2. Continued employment is contingent upon all required licenses and certificates being maintained in active status without suspension or revocation.
3. Any City employee may be required to stay at or return to work during emergencies to perform duties specific to this classification or to perform other duties as requested in an assigned response position. This may require working a non-traditional work schedule or working outside normal assigned duties during the incident and/or emergency.
4. Employees may be required to complete Incident Command System training as a condition of continuing employment.
5. New employees are required to submit to a fingerprint-based background investigation which cost the new employee \$56.25 and a drug/alcohol screen which costs \$36.50. Employment is contingent upon passing the background and the drug/alcohol screen.
6. Carson City participates in E-Verify and will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each applicant's Form I-9 to confirm work authorization. All candidates who are offered employment with Carson City must complete Section 1 of the Form I-9 along with the required proof of their right to work in the United States and proof of their identity prior to starting employment. Please be prepared to provide required documentation as soon as possible after the job offer is made. For additional information regarding acceptable documents for this purpose, please contact Human Resources at 775.887.2103 or go to the U.S. Citizenship and Immigration Services web page at www.ucis.gov.
7. Per NRS 281.574 this position has been determined to fall under the category as "Public Officer". Public Officer is defined as those persons serving in a position designated by NRS 281A.160 or 281A.182. Individuals are required to complete the "Nevada Acknowledgement of Ethical Standards for Public Officers" form, as well as file a "Financial Disclosure Statement" with the Nevada Secretary of State office.

I have read and understand the contents of this Job Description, and I have received a copy of this Job Description for my records.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

"Carson City is an Equal Opportunity Employer"

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CHAPTER 211A - DEPARTMENT OF ALTERNATIVE SENTENCING

NRS 211A.010	Definitions.
NRS 211A.020	“Assistant” defined.
NRS 211A.040	“Chief” defined.
NRS 211A.050	“Court” defined.
NRS 211A.060	“Department” defined.
NRS 211A.065	“Governing body” defined.
NRS 211A.070	“Probationer” defined.
NRS 211A.075	“Supervised releasee” defined.
NRS 211A.080	Creation of department.
NRS 211A.090	Powers and duties of department.
NRS 211A.100	Qualifications of chief.
NRS 211A.110	Duties of chief.
NRS 211A.120	Duties of assistant.
NRS 211A.125	Arrest of probationer or supervised releasee.
NRS 211A.127	Violation of condition of suspended sentence by probationer or pretrial or presentence release by supervised releasee.
NRS 211A.130	Fees for cost of supervision: Imposition; waiver or reduction.
NRS 211A.140	Disclosure of information obtained in discharge of duties prohibited; exceptions.

NRS 211A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 211A.020](#) to [211A.075](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by [1995, 871](#); A [2009, 2257](#); [2013, 490](#))

NRS 211A.020 “Assistant” defined. “Assistant” means an assistant alternative sentencing officer employed pursuant to subsection 1 of [NRS 211A.110](#).
(Added to NRS by [1995, 871](#))

NRS 211A.040 “Chief” defined. “Chief” means the chief of a department of alternative sentencing.
(Added to NRS by [1995, 871](#))

NRS 211A.050 “Court” defined. “Court” means a court having jurisdiction over a person who is charged with a misdemeanor, gross misdemeanor or felony.
(Added to NRS by [1995, 871](#); A [2013, 491](#))

NRS 211A.060 “Department” defined. “Department” means a department of alternative sentencing created pursuant to [NRS 211A.080](#).
(Added to NRS by [1995, 871](#))

NRS 211A.065 “Governing body” defined. “Governing body” means the governing body of a county or a city.
(Added to NRS by [2009, 2257](#))

NRS 211A.070 “Probationer” defined. “Probationer” means a person who has been convicted of a misdemeanor, who:

1. Has had his or her sentence suspended pursuant to [NRS 4.373](#) or [5.055](#), and is serving that suspended sentence; or
2. Has been sentenced to a term of residential confinement pursuant to [NRS 4.3762](#) or [5.076](#), and is serving that term of residential confinement.

(Added to NRS by [1995, 871](#))

NRS 211A.075 “Supervised releasee” defined. “Supervised releasee” means a person who has been charged with or convicted of a misdemeanor, gross misdemeanor or felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court.

(Added to NRS by [2013, 490](#))

NRS 211A.080 Creation of department. The governing body of each county or city may create a department of alternative sentencing to provide a program of supervision for probationers and supervised releasees in accordance with any conditions imposed by the court.

(Added to NRS by [1995, 872](#); A [2009, 2257](#); [2013, 491](#))

NRS 211A.090 Powers and duties of department. The department:

1. May supervise a probationer or a supervised releasee who, as a condition of a suspended sentence, a sentence to residential confinement or pretrial or presentence release, is released under the supervision of the department by the court.

2. Shall, at the time a probationer or a supervised releasee is released under the supervision of the department:

(a) Provide the probationer or the supervised releasee with a written statement describing the terms or conditions of the suspended sentence, residential confinement or pretrial or presentence release imposed by the court; and

(b) Explain the terms or conditions to the probationer or the supervised releasee.

3. Must be knowledgeable about the conduct and activities of each probationer and supervised releasee under the supervision of the department.

4. Shall use all reasonable methods to assist a probationer or a supervised releasee under the supervision of the department to improve his or her conduct and comply with the terms or conditions of his or her suspended sentence, residential confinement or pretrial or presentence release.

5. Shall collect and disburse any money in accordance with the orders of the court and make a written record of any money so collected or disbursed.

6. Shall cooperate with and assist any agency of law enforcement and any agency providing social services as requested by the court, or as necessary to fulfill the duties of the department.

(Added to NRS by [1995, 872](#); A [2013, 491](#))

NRS 211A.100 Qualifications of chief. The chief:

1. Must be appointed by the action of a majority of the governing body.

2. Must have at least 5 years of experience, with an increasing level of responsibility, in the field of law enforcement, corrections or supervision of persons on probation, parole or pretrial or presentence release.

3. Is in the unclassified service of the county.

(Added to NRS by [1995, 872](#); A [2009, 2258](#); [2013, 491](#))

NRS 211A.110 Duties of chief. The chief shall:

1. Hire assistant alternative sentencing officers and other employees as necessary to carry out the responsibilities of the department within the limitations of appropriations to the department by the governing body.

2. Direct the work of all assistants and employees.

3. Be responsible for the fiscal affairs of the department.

4. Be responsible for the completion of any report regarding an investigation or the supervision of a probationer or a supervised releasee and any report requested by the court or the governing body.

5. After reviewing and considering recognized correctional programs and courses for training correctional staff, develop and provide to assistants and other employees training in methods and policies regarding the investigation and supervision of probationers and supervised releasees, the recordkeeping of the department and the reporting on matters relating to probationers and supervised releasees.

6. Submit a written report, on or before January 31 of each year, to the governing body and to each court having jurisdiction over a probationer or a supervised releasee under the chief's supervision, setting forth in detail the activities of the department during the previous calendar year. The report must include statistical data concerning the department's activities and operations and the probationers or the supervised releasees who were under the supervision of the department during that period.

7. Advise the court of any probationer or supervised releasee who has violated the terms or conditions of his or her suspended sentence, residential confinement or pretrial or presentence release.

(Added to NRS by [1995, 872](#); A [2009, 2258](#); [2013, 491](#))

NRS 211A.120 Duties of assistant. An assistant shall:

1. Maintain detailed written records of his or her daily work;
2. Make any report as required by the court or the chief; and
3. Carry out any duty of the department as assigned by the chief.

(Added to NRS by [1995, 873](#))

NRS 211A.125 Arrest of probationer or supervised releasee.

1. The chief or an assistant may arrest a probationer or a supervised releasee without a warrant if there is probable cause to believe that the probationer or the supervised releasee has committed an act that constitutes a violation of a condition of his or her suspended sentence, residential confinement or pretrial or presentence release.

2. Any other peace officer may arrest a probationer or a supervised releasee upon receipt of a written order by a chief or an assistant stating that there is probable cause to believe that the probationer or the supervised releasee has committed an act that constitutes a violation of a condition of his or her suspended sentence, residential confinement or pretrial or presentence release.

3. After making an arrest, the chief, assistant or other peace officer shall immediately notify the court of the arrest of the probationer or the supervised releasee and shall submit a written report setting forth the act that constituted a violation of a condition of the suspended sentence, residential confinement or pretrial or presentence release of the probationer or the supervised releasee.

4. A chief, an assistant or another peace officer may immediately release from custody without any further proceedings any probationer or supervised releasee arrested without a warrant pursuant to this section if the chief, assistant or other peace officer determines that there is not probable cause to believe that the person violated the condition of his or her suspended sentence, residential confinement or pretrial or presentence release.

(Added to NRS by [1997, 1479](#); A [2013, 492](#))

NRS 211A.127 Violation of condition of suspended sentence by probationer or pretrial or presentence release by supervised releasee.

1. If a probationer has violated a condition of his or her suspended sentence, the court may, upon its own motion or upon the report and recommendation of the chief or an assistant, do any or all of the following:

(a) Modify the conditions of the suspension of the sentence.

(b) Modify and extend the suspension of the sentence, in whole or in part, for a period of not more than 1 year after the date on which the court finds that the probationer has committed the violation, unless a longer period is authorized by specific statute.

(c) Revoke the suspension of the sentence, in whole or in part, and cause all or part of the sentence to be executed.

2. If a supervised releasee has violated a condition of his or her pretrial or presentence release, the court may, upon its own motion or upon the report and recommendation of the chief or an assistant, do any or all of the following:

(a) Modify the conditions of his or her pretrial or presentence release.

(b) Revoke his or her pretrial or presentencing release.

(c) Consider the violation at the time of sentencing.

3. Before taking any action described in subsection 1 or 2, the court shall provide the probationer or the supervised releasee with notice of the proposed action and an opportunity to be heard.

(Added to NRS by [1999, 1381](#); A [2013, 492](#))

NRS 211A.130 Fees for cost of supervision: Imposition; waiver or reduction.

1. The governing body shall adopt a schedule of fees to be imposed on probationers or supervised releasees to defray the cost of the supervision of a probationer or a supervised releasee. The schedule adopted must provide for a monthly fee of not less than \$20 for the supervision of a probationer or a supervised releasee.

2. Except as otherwise provided in subsection 3:

(a) The department shall charge each probationer or supervised releasee the fee set forth in the schedule adopted pursuant to subsection 1.

(b) Payment of the required fee by the probationer or the supervised releasee is a condition of his or her suspended sentence, residential confinement or pretrial or presentence release.

3. If the chief determines that payment of the fee would result in economic hardship to a probationer or a supervised releasee, the chief may waive the imposition of, or reduce the amount of, the fee. If the chief waives the imposition of the fee, payment of the fee by the probationer or the supervised releasee does not constitute a condition of his or her suspended sentence, residential confinement or pretrial or presentence release.

(Added to NRS by [1995, 873](#); A [2009, 2258](#); [2013, 493](#))

NRS 211A.140 Disclosure of information obtained in discharge of duties prohibited; exceptions.

1. Except as otherwise provided in [NRS 239.0115](#), any information regarding a probationer or a supervised releasee obtained by the chief, an assistant or other employee of the department in the discharge of his or her duties shall be deemed confidential. Except as otherwise provided in subsection 2, the chief, an assistant or other employee of the department shall not disclose such information.

2. The chief, an assistant or other employee of the department shall disclose information obtained in the discharge of his or her duties to the court or the district attorney upon request, or to any other person as ordered by the court or as provided by law.

(Added to NRS by [1995, 873](#); A [2007, 2078](#); [2013, 493](#))

From: [Tad Fletcher](#)
To: [Nancy Paulson](#); [Stephanie Hicks](#)
Subject: Official Retirement Announcement
Date: Monday, December 14, 2020 3:26:46 PM

Hello,

I have accepted a position with the VA Police Department, as a Federal Police Officer. I am writing this to advise I will be officially retiring from Carson City in 4 weeks. I will work in the DAS Office until December 31st and then use Management Leave through January 12th, which would be my official retirement date from Carson City.

Thank you for everything, as I truly enjoyed the last 7 1/2 years working as the Chief of DAS. Carson City is truly fortunate to have the local government team that is in place. The quality of people and the team work is truly amazing.

Thank you for everything and best wishes for the holidays,

Tad Fletcher