

**SENATE COMMITTEE ON FINANCE AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**JOINT SUBCOMMITTEE ON PUBLIC SAFETY, NATURAL
RESOURCES, AND TRANSPORTATION
CLOSING REPORT**

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION**

The Joint Subcommittee on Public Safety, Natural Resources, and Transportation has completed its review of the Department of Public Safety Division of Parole and Probation. The closing recommendations resulted in additional General Fund appropriations of \$82,644 in FY 2016 and \$38,790 in FY 2017. During its review, the Subcommittee addressed the major closing issues summarized below, and proposes the following recommendations:

PAROLE AND PROBATION (101-3740) PUBLIC SAFETY-73: The Subcommittee recommended approval of the Governor's recommendation for General Fund appropriations of \$3.8 million over the 2015-17 biennium to add 27 sworn positions and 3 non-sworn positions and associated operating costs based on the October 2014 JFA caseload projections. The Subcommittee also recommended the issuance of a letter of intent directing the Division of Parole and Probation (P&P) to provide semi-annual reports to the Interim Finance Committee on the number of offenders in the Low-Risk Supervision Unit (LRS); the number of offenders in the LRS Unit by category; and the number of officers and other personnel assigned to

manage the LRS Unit in conjunction with the status of filling vacant DPS Officer II positions.

The Subcommittee recommended approval of Fiscal staff's recommendation to retain, as permanent positions, the 21 temporary P&P Specialist positions recommended for elimination by the Governor, and not approve the Governor's recommendation to add 12 new P&P Specialist positions, resulting in a net increase of 9 additional permanent P&P Specialist positions over the 2015-17 biennium when compared to The Executive Budget. These actions result in an increase in General Fund appropriations of \$383,221 and County Reimbursements of \$894,184 over the Governor's recommendation. The Subcommittee also recommended the issuance of a letter of intent directing P&P to update the Interim Finance Committee on a quarterly basis for each command area on the number of referred and completed Pre-sentence Investigation (PSI) reports for in-custody and out-of-custody cases; the status of meeting statutorily required timelines for completing PSIs; the status of filling vacant P&P Specialist positions; the number of continuances requested; and any changes in the PSI process imposed by the courts.

The Subcommittee recommended concurrence with the Governor's recommendation for General Fund appropriations of \$510,334 over the 2015-17 biennium to add five P&P Specialist positions and associated operating costs for the Fugitive Apprehension Unit, Pre-release Program and Post-conviction Investigations.

The Subcommittee recommended approval of the Governor's recommendation for General Fund appropriations of \$127,966 over the 2015-17 biennium to add one Polygraph Examiner position, including associated operating costs and equipment to conduct annual polygraph tests on sex offenders, which is currently conducted by the Nevada Division of Investigations.

The Subcommittee recommended approval of the Governor's recommendation with technical adjustment for General Fund appropriations of \$1.7 million over the 2015-17 biennium to replace the Offender Tracking and Information System case management software used by the P&P for risk and needs assessments of offenders, and to develop strategies for case supervision.

The Subcommittee also recommended approval of all Other Closing Items as recommended by the Governor, with a minor technical adjustment, and authorized Fiscal staff to make other technical adjustments as necessary.

DEPARTMENT OF PUBLIC SAFETY
General Fund Impacts of Subcommittee Closing

Page	Budget	Title	FY 2016	FY 2017
AS CLOSED BY SUBCOMMITTEE:				
PUBLIC SAFETY - 73	101-3740	DPS Parole and Probation	\$ 82,644	\$ 38,790
			\$ 82,644	\$ 38,790

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W10 - WORKING VERSION 10

Title: DPS - PAROLE AND PROBATION
Account: 101 - 3740

Budget Page: PUBLIC SAFETY-73, Vol III

	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
Revenues							
GENERAL FUND	34,874,652	35,529,128	1.88	40,633,062	14.37	41,991,704	3.34
INTERAGENCY TRANSFER	39,563	139,482	252.56				
OTHER FUND	6,606,242	7,729,831	17.01	7,157,814	(7.40)	7,227,880	0.98
REVERSIONS	(277,340)						
Total Revenues	41,243,117	43,398,441	5.23	47,790,876	10.12	49,219,584	2.99
Total FTE		447.98		488.98		495.98	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
B000	00	2501	Increase General Fund appropriations for the increase of a part-time P&P Specialist position to full-time in FY 2015	7,754	8,071
B000	00	4103	Increase County Reimbursements for the increase of a part-time P&P Specialist position to full-time in FY 2015	18,092	18,832
M100	00	2501	Increase General Fund appropriations for the increase of a part-time P&P Specialist position to full-time in FY 2015	24	27
M201	00	2501	Eliminate Decision Unit M-201 per Subcommittee approval	401,691	412,263
M201	00	4103	Eliminate Decision Unit M-201 per Subcommittee approval	937,279	961,951
M202	00	2501	Eliminate Decision Unit M-202 per Subcommittee approval	(207,967)	(222,767)
M202	00	4103	Eliminate Decision Unit M-202 per Subcommittee approval	(485,257)	(519,788)
M300	00	2501	Increase General Fund appropriations for the increase of a part-time P&P Specialist position to full-time in FY 2015	120	114
E550	00	2501	Increase General Fund appropriations for MSA Programmer Hours	129,167	129,284
E803	00	2501	Reduce General Fund appropriations due to DPS-EITS revised cost pools	(248,145)	(288,202)
Sub-total				552,758	499,785
Line Item Changes to Revenues				552,758	499,785

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
B000	01	5000	Adjust salary for the increase of a part-time P&P Specialist position to full-time in FY 2015	25,691	26,748
B000	04	7000	Adjust operating costs for the increase of a part-time P&P Specialist position to full-time position in FY 2015	62	62
B000	26	7000	Adjust operating costs for the increase of a part-time P&P Specialist position to full-time position in FY 2015	93	93
M100	04	7000	Adjust operating costs for the increase of a part-time P&P Specialist position to full-time position in FY 2015	(3)	(3)
M100	26	7000	Adjust operating costs for the increase of a part-time P&P Specialist position to full-time position in FY 2015	27	30
M201	01	5000	Eliminate Decision Unit M-201 per Subcommittee approval	1,331,561	1,366,708
M201	04	7000	Eliminate Decision Unit M-201 per Subcommittee approval	2,454	2,452
M201	26	7000	Eliminate Decision Unit M-201 per Subcommittee approval	4,955	5,054
M202	01	5000	Eliminate Decision Unit M-202 per Subcommittee approval	(664,795)	(733,535)
M202	04	7000	Eliminate Decision Unit M-202 per Subcommittee approval	(3,301)	(3,566)
M202	05	8000	Eliminate Decision Unit M-202 per Subcommittee approval	(1,990)	
M202	26	7000	Eliminate Decision Unit M-202 per Subcommittee approval	(9,036)	(4,172)
M202	26	8000	Eliminate Decision Unit M-202 per Subcommittee approval	(14,102)	(1,282)
M300	01	5000	Adjust salary for the increase of a part-time P&P Specialist position	120	114

to full-time in FY 2015

E550	37	7000	Eliminate EITS Programmer Hours for OTIS Modernization Project	(670,833)	(670,716)
E550	37	9000	Adjust MSA Programmer Hours for OTIS Modernization Project	800,000	800,000
E803	81	7000	Establish DPS Specific Billing for EITS Services	(248,145)	(288,202)
Sub-total				552,758	499,785
Line Item Changes to Expenditures				552,758	499,785
Total				0	0
Grand Total General Fund Impact of Closing Changes				82,644	38,790

Overview

The mission of the Division of Parole and Probation (P&P) is to monitor and enforce offender compliance with the conditions of their community supervision, to assist offenders in successfully reintegrating into society and to ensure objective sentencing information and recommendations to the district courts of Nevada. The Governor recommends total funding of \$97.0 million over the 2015-17 biennium, an increase of 15.6 percent when compared to \$84.0 million in the 2013-15 biennium. The budget is funded primarily with General Fund appropriations, along with various fees and charges. Pursuant to NRS 176.161 (Senate Bill 443, 2011 Session), the budget is also supported by County Reimbursements for 70 percent of the cost of Pre-sentence Investigation reports.

Major Closing Issues

1. Parole and Probation Caseloads
2. New Polygraph Examiner Position
3. Technology Investment Request

Discussion of Major Closing Issues

1. Parole and Probation Caseloads: The actual Parole and Probation caseload information for FY 2014 and projections for FY 2015, FY 2016, and FY 2017 are shown in the following table. The information below was provided by JFA Associates (JFA) in October 2014. Although JFA provided updated caseload projections in February 2015, the Executive Budget Office and the agency determined the October 2014 projections continue to be a fair representation of the projected caseload for the 2015-17 biennium. Based on Fiscal staff review of the February 2015 JFA projections, the data shows significant decreases in caseload performed by sworn officers. According to the agency and the Executive Budget Office, the decrease is attributed to an issue with the Offender Tracking Information System (OTIS) (maintained by P&P) interface as a result of system upgrades in the Nevada Offender Tracking Information System (NOTIS) maintained by the Nevada Department of Corrections (NDOC). In follow up, Fiscal staff confirmed that system upgrades to NOTIS were performed in the current biennium, and the NDOC submitted a budget amendment seeking additional General Fund appropriations for the 2015-17 biennium to fix, among all other things, the “bugs” in the OTIS interface in the NOTIS system. In addition, the NDOC’s projected caseload reflects increases for the 2015-17 biennium. Based on this information and additional review, Fiscal staff concurs that the October 2014 JFA projections used for *The Executive Budget* represent the most accurate caseload data for the P&P.

Parole and Probation Caseloads										
Caseload	2013-15 Biennium				2015-17 Biennium					
	FY 2014 Projected	FY 2014 Actual	% Difference	FY 2015 Projected	FY 2015 Projected - Updated ²	% Difference	FY 2016 Projected	% Difference from FY 2014 Projected	FY 2017 Projected	% Difference from FY 2015 Projected
Performed by Non-Sworn Staff										
Pre-sentence ¹	794	855	7.7%	792	904	14.1%	942	18.6%	980	23.7%
Central District	6,630	6,878	3.7%	6,725	6,952	3.4%	6,989	5.4%	7,024	4.4%
Performed by Sworn-Officers										
General Supervision	9,686	10,468	8.1%	9,738	10,523	8.1%	10,752	11.0%	10,956	12.5%
Intensive Supervision	1,064	1,151	8.2%	1,071	1,178	10.0%	1,187	11.6%	1,193	11.4%
Sex Offenders	1,424	1,520	6.7%	1,441	1,475	2.4%	1,503	5.5%	1,531	6.2%
Miscellaneous ¹	324	287	-11.4%	324	302	-6.8%	317	-2.2%	333	2.8%

1. Pre-sentence and Miscellaneous represent monthly average

2. FY 2015 revised projection is based on the October 2014 JFA caseload projection

The agency indicates the recommended staffing levels assume no change in the legislatively approved ratios of cases to staff as follows:

Ratio	Type
64:1	Pre-sentence Investigation / Supplemental PSI / Bootcamp Letters
80:1 ¹	General Supervision
30:1	Intensive Supervision and Residential Confinement
45:1	Sex Offenders
250:1	Central District/Headquarters ²
75:1	Miscellaneous ³

¹ General Supervision ratio was increased from 70:1 by the 2011 Legislature
² Central District/Headquarters includes Pre-Release, Fugitive Apprehension and Interstate Compact cases
³ Miscellaneous includes Probable Cause Investigations

Caseload Staffing Adjustments (M-200, M-201, M-202, M-203, and M-204, PUBLIC SAFETY-75, 76, 77): The Governor recommends adjusting staffing levels based on the caseload projections and ratios in the table on the previous page for a net total of 26 new positions, resulting in a net increase of \$4 million in General Fund appropriations and a decrease in County Reimbursements of \$894,185 over the 2015-17 biennium. The staffing level adjustments are listed as follows:

- Decision Unit M-200: The Governor recommends General Fund appropriations of \$3.8 million over the 2015-17 biennium for 27 sworn positions and 3 non-sworn positions and associated operating costs. Based on the caseload projections shown previously, the majority of the sworn positions are recommended for the General Supervision and Intensive Supervision Unit (ISU) in the Las Vegas office. The table below shows the proposed staffing levels included in this decision unit.

Position Title	FY 2016 FTE Count	FY 2017 FTE Count	2015-17 Biennium Total	Location
DPS Lieutenant	1.00	-	1.00	LV
DPS Sergeant	2.00	1.00	3.00	LV
DPS Officers II	14.00	3.00	17.00	LV
DPS Officers II	2.00	-	2.00	CC
DPS Officers II	1.00	1.00	2.00	Elko
DPS Officers II	1.00	1.00	2.00	Reno
Administrative Assistant	2.00	-	2.00	LV
Administrative Assistant	1.00	-	1.00	Fallon
Total Position Requests	24.00	6.00	30.00	

The agency indicates that based on the academy schedule outlined by the DPS Training Division to commence on June 1, 2015, and end September 10, 2015, including 40 cadets, they anticipate filling the recommended 21 DPS Officer positions by October 2015 to meet the caseload projections. Based on Fiscal staff's review of the October 2014 JFA projections, the recommended staffing level reflects the updated caseload projections and the legislatively approved caseload officer to offender ratios.

Administrative Banks

In closing the P&P's budget, the 2011 Legislature approved 44 DPS Officer positions to eliminate the use of Administrative Banks and achieve the General Supervision ratio of 80:1. In addition, the 2011 money committees issued a letter of intent (LOI) to the P&P requiring the agency to submit a report to the Interim Finance Committee, quarterly, regarding the use of Administrative Banks, including the number and type of offenders in the Administrative Banks. The LOI was reissued by the 2013 money committees. Per the 1st Quarter FY 2015 letter of intent response, 246 offenders were in the Administrative Banks, which reflects a continuous decline compared to the 1st Quarter of FY 2014 of 1,042.

According to the agency, offenders on Administrative Banks are not actively supervised. Further, offenders are contacted through phone or mail, and drug tests and home/employment visits are not conducted. In addition, management of the Administrative Banks is reactive, in which the P&P responds to an offender

violation only when it occurs. At the January 27, 2015, pre-session budget hearing, the agency testified that the Administrative Banks had been eliminated and a new Low-Risk Supervision (LRS) Unit was established as a temporary solution to address the agency's vacancy issues. In follow up, the agency indicates the Administrative Banks were eliminated in November 2014 and remaining cases, if deemed appropriate, were either transferred to the (LRS) or were discharged. As of May 8, 2015, the agency indicates 472 offenders are in the LRS Unit who are currently supervised by three DPS Officer positions and one P&P Specialist position.

The LRS Unit supervises low-risk offenders who have continually complied with their probation requirements and require minimum supervision. Further, management of the LRS caseload is "proactive," in which offenders are drug tested and home and employment visits are conducted. The LRS Unit is designed around a "team concept" with a proposed caseload to staff ratio of 160:1. According to the agency, offenders in the LRS caseload must qualify based on the criminal offense; criminal history; 90-day probation compliance; and a clean urinalysis result.

At the budget hearing, the agency testified the LRS is a temporary solution to address vacancy issues in the southern command. The agency indicates that if additional positions are approved, the new officers will draw from the cases assigned to the LRS. The agency further indicates that if the agency is fully-staffed, the LRS Unit will not be utilized.

Does the Subcommittee wish to approve General Fund appropriations of \$3.8 million over the 2015-17 biennium for 27 sworn positions and 3 non-sworn positions and associated operating costs based on the October 2014 JFA caseload projections as recommended by the Governor?

If so, Fiscal staff recommends a letter of intent be issued directing the P&P to provide semi-annual reports to the IFC that includes the number of offenders in the Low-Risk Supervision Unit; the number of offenders in the LRS Unit by category (i.e. Category E Felony); and the number of officers and other personnel assigned to manage the Low-Risk Supervision Unit in conjunction with the status of filling vacant DPS Officer II positions.

The Subcommittee voted to approve General Fund appropriations of \$3.8 million over the 2015-17 biennium for 27 sworn positions and 3 non-sworn positions and associated operating costs based on the October 2014 JFA caseload projections as recommended by the Governor. The Subcommittee also voted to approve issuing a letter of intent directing the P&P to provide semi-annual reports to the IFC that includes the number of offenders in the Low-Risk Supervision Unit; the number of offenders in the LRS Unit by category (i.e. Category E Felony); and the number of officers and other personnel assigned to manage the Low-Risk Supervision Unit in conjunction with the status of filling vacant DPS Officer II positions.

- Decision Unit M-201: The Governor recommends eliminating 21 temporary positions (P&P Specialists and Supervisors), approved at the February 2014 IFC meeting, to address the backlog in processing Pre-sentence Investigation (PSI) reports. The recommendation decreases General Fund appropriations by \$813,954 and reduces County Reimbursements by \$1.9 million over the 2015-17 biennium. Based on the Division of Human Resource Management as of April 27, 2015, 19 of the 21 positions proposed for elimination are filled. In follow up, the agency indicates that it plans to transition the filled positions to existing vacant positions and to new positions recommended in The Executive Budget, if approved. The following table shows the proposed position eliminations included in this decision unit.

Pre-sentence Investigations		
Position Title	FTE Count	Location
P&P Supervisor	(2.00)	LV
P&P Specialist IV	(1.00)	LV
P&P Specialist III	(18.00)	LV
Total Position Eliminations	(21.00)	

- Decision Unit M-202: In conjunction with the elimination of the temporary positions, the Governor recommends General Fund appropriations totaling \$430,734 and County Reimbursements totaling \$1.0 million over the 2015-17 biennium to add 12 P&P Specialist positions and associated operating costs in court services (Pre-sentence Investigations). The table below shows the proposed staffing levels included in this decision unit.

Pre-sentence Investigations				
Position Title	FY 2016 FTE Count	FY 2017 FTE Count	2015-17 Biennium Total	Location
P&P Supervisor	2.00	-	2.00	LV
P&P Specialist IV	2.00	-	2.00	LV
P&P Specialist III	6.00	1.00	7.00	LV
P&P Specialist III	1.00	-	1.00	CC
Total Position Requests	11.00	1.00	12.00	

Pre-sentence Investigation (PSI)

Pre-sentence Investigation reports (PSI) are completed by the P&P non-sworn staff, specifically, P&P Specialists. Pursuant to NRS 176.135 and 176.151, the P&P is required to complete a PSI report for defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of a felony or of a gross misdemeanor. For gross misdemeanors, the P&P produces a PSI report only upon request of the court.

The purpose of the PSI is to help the court make an appropriate disposition of the defendant's criminal case as well as to assist in establishing the appropriate length of sentence, deciding for or against probation, and considering any special conditions (including alternative placement programs). Specialists may also be called upon to answer questions by the judge, district attorney or defense counsel in reference to the report and other matters related to the division. Pursuant to subsection 5 of NRS 176A.100, the division is required to submit its PSI report for any felony conviction no later than 45 days after the court's request for the report. If the PSI is not completed within 45 days, the court may grant probation without the report or grant a continuance to provide additional time to complete the report.

The 2013 Legislature approved Assembly Bill (A.B.) 423 (NRS 176.153), which established a progressive timeline for completing PSI reports; requiring by October 1, 2013, that PSIs be completed within 7 working days of the sentencing date, within 14 working days by March 1, 2014, and finally within 21 working days by October 1, 2014. According to the agency, A.B. 423 (2013) was a factor in the PSI backlog that the agency experienced during the 2014-15 interim, which prompted the agency to request 21 temporary P&P Specialist positions for the Las Vegas office at the February 6, 2014, IFC meeting.

Although A.B. 423 has impacted the agency, other factors have contributed to the PSI backlog, including the elimination of 10 P&P PSI Specialist positions in the Las Vegas office in FY 2014. The 2013 Legislature approved the Governor's recommendation to eliminate 10 P&P Specialist positions in the Las Vegas office based on the February 2013 staffing projections by JFA. The P&P asserts that the backlog issue in the Las Vegas office was compounded due to the agency submitting incorrect data to JFA for its caseload projections. Specifically, the agency has been providing JFA with the number of "completed" cases as opposed to the number of "referred" cases to project P&P staffing levels.

Fiscal staff notes, the caseload projections provided for the 2015-17 biennium uses the total number of "completed" cases. In follow up, the agency indicates the total number of "referred" cases had not been tracked in the past and, although the agency is currently tracking this data, the agency determined it was unreliable to use for caseload projections for the 2015-17 biennium due to inconsistent data entered by staff. In order to establish reliable data for the number of cases referred for PSIs, the agency is currently providing training on PSI case tracking to achieve confidence in using "referred" cases in future biennia. Further, the agency indicates the difference in total number of "completed" versus "referred" cases were minimal and would not significantly impact the projected level of staffing provided by JFA.

At the February 10, 2015, budget hearing, the agency testified they are meeting the 21-day requirement of NRS 176.153 for in-custody cases in the southern command through the use of staff overtime since October 2014, totaling \$90,416. However, other command areas are not meeting the 21-day requirement for in-custody cases as the sentencing dates are shorter in the North and rural areas, some of which have a sentencing date that is less than 21 days from arraignment. In follow up, the agency indicates that if caseload decision units in The Executive Budget (M-201 and M-202) are approved, staff overtime would still be required to meet the 21-day requirement for in-custody cases. However, the Governor's recommended staffing level is based on passage of Assembly Bill 11, which proposes to change the time required to complete PSI reports to 14 calendar days prior to an offender's sentence date, rather than the 21-working day currently required.

At the budget hearing, the agency testified it is undetermined at this time whether the recommendation to eliminate the 21 temporary positions would create a backlog in processing PSI reports in the future. According to the agency, if A.B. 11 is not approved, additional P&P PSI Specialist positions would be required, but it is undetermined at this time the level of fiscal impact for the agency. The agency further testified they have worked during the current biennium to streamline PSI processes, and have worked closely with the courts to submit the PSIs on time to comply with existing statutory requirements. As of May 8, 2015, the agency confirmed PSI reports are currently completed within 14 calendar days for in-custody cases in the north and 86 percent (with overtime) in the south, using the 21 temporary positions approved for the current biennium. The agency also confirmed that no command area is meeting the 21 working day requirement for out-of-custody cases.

On May 8, 2015, Fiscal staff, the Executive Budget Office and the agency met to discuss the projected increase in PSI caseload and the staffing levels recommended in The Executive Budget. The agency advised Fiscal staff that the courts in Southern Nevada have changed the in-custody sentencing schedule from 60 to 50 days to avoid overcrowding. Further, the district courts in the south notified P&P of its plan to reduce the sentencing schedule to 45 days, which would further reduce the time available for staff to complete PSI reports.

To address the increased caseload; reduce overtime; and the change in the district court's sentencing schedule, the agency, the Executive Budget Office and Fiscal staff concurred with retaining the 21 temporary positions proposed to be eliminated in The Executive Budget (M-201), and eliminating the Governor's recommendation to add 12 new P&P Specialist positions (M-202), which results in a net increase of 9 positions. These actions would result in an increase in General Fund appropriations of \$383,221 and County Reimbursements of \$894,184 over the 2015-17 biennium.

Does the Subcommittee wish to approve Fiscal staff's recommendation to retain the 21 temporary P&P Specialist positions recommended for elimination by the Governor (M-201) as permanent positions, and not approve the Governor's recommendation to add 12 new P&P Specialist positions (M-202), resulting in a net increase of 9 additional P&P Specialist positions over the biennium compared to the Governor's recommendation? The addition of 9 P&P Specialist positions results in an increase in General Fund appropriations of \$383,221 and County Reimbursements of \$894,184 over the 2015-17 biennium.

If so, Fiscal staff recommends issuing a letter of intent directing the agency to update the Interim Finance Committee on a quarterly basis for each command area on the number of referred and completed Pre-sentence Investigation reports for in-custody and out-of-custody cases; the status of meeting statutorily required timelines for completing PSIs; the status of filling vacant PSI positions; the number of continuances requested; and any changes in the PSI process imposed by the courts.

The Subcommittee voted to approve Fiscal staff's recommendation to retain the 21 temporary P&P Specialist positions recommended for elimination by the Governor (M-201) as permanent positions, and not approve the Governor's recommendation to add 12 new P&P Specialist positions (M-202), resulting in a net increase of 9 additional P&P Specialist positions over the biennium compared to the Governor's recommendation. The addition of 9 P&P Specialist positions results in an increase in General Fund appropriations of \$383,221 and County Reimbursements of \$894,184 over the 2015-17 biennium. The Subcommittee also voted to approve issuing a letter of intent directing the agency to update the Interim Finance Committee on a quarterly basis for each command area on the number of referred and completed Pre-sentence Investigation reports for in-custody and out-of-custody cases; the status of meeting statutorily required timelines for completing PSIs; the status of filling vacant P&P Specialist positions; the number of continuances requested; and any changes in the PSI process imposed by the courts.

- Decision Unit M-203: The Governor recommends General Fund appropriations totaling \$404,169 over the 2015-17 biennium to add four P&P Specialist positions and associated operating costs for the Fugitive Apprehension Unit and Pre-release Program in the Headquarters office.

The Fugitive Apprehension Unit is responsible for offenders who have absconded from community supervision. Its primary mission is to protect the public by locating and apprehending fugitives of the Parole & Probation system, which includes managing; monitoring; retake; and bench warrants as well as entry and clearing of warrants in the National Crime Information Center and Nevada Criminal Justice Information System.

The Pre-release Program coordinates the release process between the NDOC and the P&P of inmates granted parole. The program also initiates Interstate compact transfers for Nevada inmates who wish to be supervised in other states, and coordinates the release of inmates to residential confinement programs.

- Decision Unit M-204: The Governor recommends General Fund appropriations totaling \$106,165 over the 2015-17 biennium to add one P&P Specialist position and associated operating costs for Post-conviction Investigation reports in the Las Vegas office. P&P Specialist positions are tasked with writing Post-conviction Investigation reports (PCR) at the request of the Parole Board. The PCR requirement is based on an agreement between the Parole Board, the P&P, and supported by an Attorney General opinion. The PCRs are prepared on offenders nearing parole eligibility and who either waived a PSI report at sentencing or a PSI was not statutorily required.

Does the Subcommittee wish to approve General Fund appropriations of \$510,334 over the 2015-17 biennium for five P&P Specialist positions and associated operating costs for the Fugitive Apprehension Unit, Pre-release Program and Post-conviction Investigations as recommended by the Governor?

The Subcommittee voted to approve General Fund appropriations of \$510,334 over the 2015-17 biennium for five P&P Specialist positions and associated operating costs for the Fugitive Apprehension Unit, Pre-release Program and Post-conviction Investigations as recommended by the Governor.

2. New Polygraph Examiner Position (E-225, PUBLIC SAFETY-78-79): The Governor recommends General Fund appropriations of \$127,966 over the 2015-17 biennium for a Polygraph Examiner position, including associated operating costs and polygraph equipment. According to backup information in The Executive Budget, the position would conduct annual polygraph tests on sex offenders, which is currently conducted by the Nevada Division of Investigations (NDI).

Nevada Revised Statutes 176A.410 and NRS 213.1245 require a sex offender to submit to a periodic polygraph examination as requested by the P&P officer assigned. According to the agency, the NDI conducted a total of 278 sex offender polygraph examinations, at the request of P&P, between

July 1, 2011, and June 30, 2014, an average of 93 examinations per year or 8 examinations per month. With the addition of a Polygraph Examiner position dedicated to the P&P, the agency projects an increase in maintenance polygraph examinations conducted to 20-25 polygraph examinations per month.

At the budget hearing, the agency testified that NDI is no longer able to keep up with the demands for polygraph exams by the P&P. Further, NDI does not prioritize the P&P cases, which hampers the agency's ability to perform maintenance polygraph examinations. The agency indicates it is at the DPS Officer's discretion to require an offender take a polygraph exam. In doing so, the officer considers if the offender 1) is a high risk; 2) is showing signs of relapse; 3) has not followed through with counseling; 4) has struggles at home; or 5) has recently lost a job. The agency testified at the budget hearing that if the recommendation is approved, the agency would still require some services from NDI, but at a lesser capacity.

Does the Subcommittee wish to approve General Fund appropriations of \$127,966 over the 2015-17 biennium for a Polygraph Examiner position, associated operating costs and polygraph equipment as recommended by the Governor?

The Subcommittee voted to approve General Fund appropriations of \$127,966 over the 2015-17 biennium for a Polygraph Examiner position, associated operating costs and polygraph equipment as recommended by the Governor.

3. Technology Investment Request (E-550, PUBLIC SAFETY-80): The Governor recommends General Fund appropriations of \$1.5 million over the 2015-17 biennium to replace the Offender Tracking Information System (OTIS) case management software used by P&P for risk and needs assessments of offenders and to develop strategies for case supervision. The recommendation includes 6,400 EITS programmer/developer hours and 160 database administrator hours in each year of the biennium, virtual server assessments and training costs. Fiscal staff notes, the OTIS Modernization project was identified as a necessary component to the Nevada Criminal Justice Information System (NCJIS) Modernization project, which was approved by the 2013 Legislature. Funding for the NCJIS Modernization project is included in the DPS Criminal History Repository budget, which this Subcommittee approved on May 7, 2015. The agency anticipates the OTIS Modernization project, if approved, to be completed by July 2017.

According to the agency, OTIS was created in 1998 and will become unsupported in January 2020. Further, the agency indicates the USoft environment is noncompliant with the federal Criminal Justice Information System security requirements. The agency further indicated that between May and December 2014, OTIS had system failures at least 18 times, including 2 major system failures that lasted more than a day, which resulted in the agency's inability to track offenders and provide critical information to law enforcement agencies statewide.

The agency proposes to modernize OTIS using an in-house solution provided by EITS, which includes reprogramming the OTIS system from a USoft environment to a web-based environment maintained in an Oracle or SQL Server application. According to the agency, the OTIS Modernization project would improve information accuracy, reliability and security, and would have an updated disaster recovery strategy.

At the budget hearing, the agency testified that quotes received from two other vendors were cost prohibitive and would not include the services that EITS could provide, and the agency indicated that EITS is familiar with the OTIS platform. At the hearing, EITS provided assurance that they have sufficient staff to perform the modernization and would comply with the NCJIS security requirements.

As indicated, EITS testified that they have sufficient staff to perform the OTIS Modernization. However, certain decisions were made by the Executive Budget Office and EITS to utilize MSA contractors/programmers as opposed to EITS staff to support the OTIS and NCJIS modernization projects, which changed the total contract hours needed from 6,400 at approximately \$105 per hour in The Executive Budget to 8,000 hours at \$100 per hour in each year of the 2015-17 biennium. Fiscal staff estimates that an increase of \$258,451 over the 2015-17 biennium would be required to provide the agency with an equivalent level of programmer support. The EITS Administration - IT - Application Support budget was closed on April 30, 2015, by the Joint Subcommittee on General Government, which approved

adding contract development staff in support of the NCJIS and OTIS modernization projects. Based on prior closing actions for the NCJIS Modernization project and the EITS budgets, Fiscal staff recommends approval of the adjustment for contract hours as noted in this closing document.

Does the Subcommittee wish to approve General Fund appropriations of \$1.7 million over the 2015-17 biennium to replace the Offender Tracking and Information System (OTIS) case management software used by the P&P as recommended by the Governor, including the technical adjustment noted by staff?

The Subcommittee voted to approve General Fund appropriations of \$1.7 million over the 2015-17 biennium to replace the Offender Tracking and Information System (OTIS) case management software used by the P&P as recommended by the Governor, including the technical adjustment noted by staff.

Other Closing Items

1. Staffing Study (E-226, PUBLIC SAFETY-79): The Governor recommends a General Fund appropriation of \$75,000 in FY 2016 for a staffing study related to the Pre-sentence Investigation (PSI) process. The agency indicates a staffing study would assist in evaluating staffing levels to determine the number of P&P Specialist positions needed for PSI reports in a manner that a) adheres with agency standards and statutory requirements of submitting PSI reports timely; b) revalidates previous workload assessment processes to achieve efficient management of resources and equitable distribution of workload statewide; and c) provides descriptive information and regional variation on the nature of tasks performed by P&P Specialist positions. Currently, the agency is using a staffing study conducted by the National Council on Crime and Delinquency in 2008 to determine staffing needs in conjunction with caseload projections. The agency indicates an updated PSI study, which incorporates legislative changes would help to address resource issues the agency experienced in the current biennium. **This recommendation appears reasonable.**
2. Technology Upgrade (E-227, PUBLIC SAFETY-79): The Governor recommends General Fund appropriations of \$18,336 over the 2015-17 biennium for the Opt-E-Man services from AT&T to improve the Internet/networking connectivity in the Reno office. The agency indicates the current Internet connection uses an outdated microwave technology and is located on the roof of the Reno office, which is inhibited by weather. **This recommendation appears reasonable.**
3. Programmer and Database Administrator Hours (E-247, PUBLIC SAFETY-79-80): The Governor recommends General Fund appropriation of \$64,295 over the 2015-17 biennium for additional EITS programmer and database administrator hours. This is included in the statewide issue discussed in the Director's Office budget as it relates to the DPS-EITS consolidation. **This recommendation appears reasonable.**
4. Vehicle Replacement (E-710, PUBLIC SAFETY-81): The Governor recommends General Fund appropriations of \$15,400 over the 2015-17 biennium to replace three agency-owned vehicles that have reached the end of their useful life with excess used vehicles from the Fleet Services Division. **This recommendation appears reasonable.**
5. Equipment Replacement (E-711, PUBLIC SAFETY-81): The Governor recommends General Fund appropriations totaling \$90,229 over the 2015-17 biennium to replace 15 computers, 26 laptops and docking stations, 45 monitors and associated software. **This recommendation appears reasonable.**
6. Vehicle Upgrade (E-712, PUBLIC SAFETY-81-82): The Governor recommends General Fund appropriations totaling \$15,300 over the 2015-17 biennium to upgrade 29 Fleet Services vehicles to premium vehicles, which would include a partial police package of a larger vehicle with a console for a radio (no lights or cage). **This recommendation appears reasonable.**
7. Equipment Replacement (E-713, PUBLIC SAFETY-82): The Governor recommends a General Fund appropriation of \$25,000 in FY 2016 to replace the keyless access control system at the Parole and Probation Headquarters office in Carson City. The agency indicates this request would replace the existing 10-year-old system that is outdated and no longer secure. **This recommendation appears reasonable.**

8. Internal Cost Allocations (M-800 and E-800, PUBLIC SAFETY-78, 82): The Governor recommends a net increase of \$1.4 million in cost allocation assessments for services provided by the DPS General Services Division, Director's Office, the Office of Professional Responsibility, and the Evidence Vault. **This recommendation appears reasonable.**
9. Technical Adjustment (BASE, PUBLIC SAFETY-73,74): The agency increased one part-time P&P Specialist position in the Pahrump office to a full-time position, which was approved by the Executive Budget Office and included as an informational item at the January 22, 2015, IFC meeting. Accordingly, a technical adjustment to reflect the costs for the increased position is reflected in this closing document. The agency indicated that approximately \$12,000 in staff overtime costs were incurred in FY 2015, which required staff in the headquarters' office to complete PSI reports at the Pahrump office, and lead to the increase of a part-time position to full-time. **With the technical adjustment noted, this recommendation appears reasonable.**
10. DPS/EITS Consolidation: The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS' services provided to DPS, as discussed in the Director's Office budget. **Fiscal staff seeks authority to make technical adjustments to accurately reflect the EITS' services provided to DPS.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with the technical adjustment noted by staff on Other Closing Item 9, with authority for staff to make other technical adjustments as necessary.

The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, with the technical adjustment noted by staff on Other Closing Item 9, with authority for staff to make other technical adjustments as necessary.

Informational Item/No Action Required

1. Assembly Bill 11 proposes to change the time required to complete PSI reports to 14 calendar days prior to an offender's sentence date. Currently, NRS 176.153 requires a PSI to be completed within 21 working days prior to sentencing. The Assembly approved the bill on March 11, 2015, and the bill was passed by the Senate Committee on Judiciary on May 12, 2015.
2. Senate Bill 16, submitted by the Nevada Association of Counties, proposes to reduce County Reimbursements for expenses related to PSI investigations from 70 percent to 30 percent. Currently, NRS 176.161 requires 70 percent of the expense of PSI investigations by the Nevada Division of Parole and Probation to be paid by the county in which the indictment was found or the information filed. The bill was heard by the Senate Committee on Finance on March 4, 2015, and no action was taken.
3. Senate Bill 454 would, among all other things, require the State Controller to collect fines, administrative assessments, fees and restitution from persons convicted of certain criminal offenses and distribute the fines, administrative assessment and fee or restitution to the entity entitled to receive it. The bill also requires the Division of Parole and Probation to conduct a study and report on accuracy and effectiveness of current risk assessment tools utilized by the division. The bill was rereferred to the Senate Committee on Finance on April 6, 2015.