



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: August 28, 2018

DATE: Wednesday, July 25, 2018

TO: Board of County Commissioners

FROM: James Popovich, Specialty Courts Manager, Second Judicial District Court (775) 325-6769, james.popovich@washoecourts.us

THROUGH: Jackie Bryant, District Court Administrator and Clerk of Court

SUBJECT: Acknowledge the grant award from the Office of Traffic Safety to the Second Judicial District Court, in the amount of \$30,000 (\$30,000 in-kind match required), to support the Specialty Court programs, effective retroactively October 1, 2017 through September 30, 2018, and direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts).

SUMMARY

The Second Judicial District Court has received funding from the Office of Traffic Safety since 2008. The current Project Agreement is for \$30,000, to maintain the minimum funding necessary to partially support one of the Specialty Court Officer positions for the Felony DUI Court.

The request is made retroactively because the notice of award was not received until after the award date.

County Priority supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

The Board of County Commissioners has approved the acceptance of three previous grants of \$100,000 each, two previous grants of \$20,000 each, and one previous grant of \$25,000, from the Office of Traffic Safety for this purpose.

BACKGROUND

The Felony DUI Court complies with statutory provisions and minimum program requirements for each defendant as follows:

AGENDA ITEM # _____

- an evaluation to determine the nature and extent of the substance use disorder and the formulation of a treatment plan by a certified or licensed substance abuse counselor;
- a minimum of six months of house arrest upon enrollment;
- participation in a substance abuse counseling program throughout the duration of the three year program;
- a minimum of weekly self-help meetings;
- installation of a breath ignition interlock device on any vehicle which a defendant owns or operates;
- regular status checks with Court staff;
- regular court appearances;
- minimum of three years of participation in the program.

Nevada Revised Statute 484C.340 authorizes the Court to order a third-time offender of driving under the influence (DUI) to a treatment program for a minimum of three years based on a report from a counselor or physician who diagnoses a substance use disorder. If the Court orders the offender to a treatment program, it must suspend further proceedings and place the offender on probation upon condition that the treatment program is completed.

If the program is successfully completed, the conviction is reduced to a second-offense violation, a misdemeanor. However, for purposes of additional penalties imposed for subsequent DUI offenses, the offense will count as a third offense. If the program is not successfully completed or the offender is not accepted for treatment, the sentence must be served. However, the Court has the discretion to reduce the sentence of imprisonment for the time served.

Defendants are responsible for all program costs including treatment, house arrest fees, the Breath Ignition Interlock Device and program fees. The statute specifically states that eligible offenders "must agree to pay the costs of the treatment to the extent of his financial resources."

The Felony DUI Court has been very successful since its inception. There have been 322 graduates of the program. Another noteworthy statistic is that the recidivism rate is less than 5% for all program graduates. The program has demonstrated its value to our community by helping those with substance use disorders learn how to live substance-free and become productive members of our County.

The request is made retroactively because the notice of award was not received until after the award date.

GRANT AWARD SUMMARY

Project/Program Name: Second Judicial District Court's Felony DUI Court/ Office of Traffic Safety.

Scope of the Project:

- an evaluation to determine the nature and extent of the substance use disorder and the formulation of a treatment plan by a certified or licensed substance abuse counselor;
- a minimum of six months of house arrest upon enrollment;
- participation in a substance abuse counseling program throughout the duration of the three year program;
- a minimum of weekly self-help meetings;
- installation of a breath ignition interlock device on any vehicle which a defendant owns or operates;
- regular status checks with Court staff;
- regular court appearances;
- minimum of three years of participation in the program.

Benefit to Washoe County Residents: The benefit of utilizing the Office of Traffic Safety grant for the Felony DUI court is to assist the substance abusing defendants in becoming productive members of society, through abstaining from any further alcohol or illicit drug use and preventing recidivism, specifically by driving while under the influence of drugs and/or alcohol.

On-Going Program Support: These funds are made available through the Office of Traffic Safety and will support the Second Judicial District Court's expenses in covering a portion of the salary of one of the Specialty Court Officers assigned to Felony DUI Court.

Award Amount: \$30,000

Grant Period: October 1, 2017 through September 30, 2018.

Funding Source: Department of Public Safety, Office of Traffic Safety

Pass Through Entity: N/A

CFDA Number: 20.616 (d)

Grant ID Number: N/A

Match Amount and Type: \$30,000 In-kind

Sub-Awards and Contracts: N/A

FISCAL IMPACT

Should the board acknowledge this grant award, the FY19 adopted budget will be amended in the following accounts:

| Internal Order | G/L Account | Amount |
|----------------|-------------|----------|
| 11121 | 431100 | \$30,000 |
| 11121 | 701110 | \$30,000 |

RECOMMENDATION

Recommend to acknowledge the grant award from the Office of Traffic Safety to the Second Judicial District Court, in the amount of \$30,000 (\$30,000 in-kind match required), to support the Specialty Court programs, effective retroactively October 1, 2017 through September 30, 2018, and direct the Comptroller's Office to make the necessary budget amendments. **District Court (All Commission Districts)**.

POSSIBLE MOTION

Move to acknowledge the grant award from the Office of Traffic Safety to the Second Judicial District Court, in the amount of \$30,000 (\$30,000 in-kind match required), to support the Specialty Court programs, effective retroactively October 1, 2017 through September 30, 2018, and direct the Comptroller's Office to make the necessary budget amendments. **District Court (All Commission Districts)**.