



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 28, 2024

DATE: May 14, 2024

TO: Board of County Commissioners

FROM: Justin Roper, Chief Alternative Sentencing Officer
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THROUGH: Kate Thomas, Assistant County Manager

SUBJECT: Conduct a second reading, public hearing, and possible adoption of an ordinance amending Washoe County Code 11.090 (Fees for cost of supervision; Imposition; waiver or reduction) to allow the Board to adopt a fee schedule through resolution rather than requiring code change.

If supported, adopt and enact the new ordinance by title. (All Commission Districts.) FOR POSSIBLE ACTION.

SUMMARY

The Washoe County Department of Alternative Sentencing (“DAS”), under NRS 211A.090, is responsible for the supervision of misdemeanor probationers, supervised releasees, or those sentenced to residential confinement by the courts. In addition, DAS has been identified the designated agency for the 24-7 Sobriety and Drug Monitoring Agency as required by NRS 484C.378.

The County is statutorily authorized in NRS 221A.130 and NRS 484C.396 to charge fees to offset costs for programs DAS provides. DAS regularly reviews these fees to ensure they are reasonable and fall within the guidelines of the governing legislation. There has not been an adjustment to DAS’s fees since 2018, and Washoe County Code (“WCC”) Chapter 11 has not been updated since 2005. DAS’s costs for services provided have risen since the 2018 adjustment. While DAS has done its best to absorb these costs year after year, it is now necessary to revise the current fee schedule to help offset the costs incurred. DAS seeks to adopt a new fee schedule to account for the increased vendor fees and staffing costs, as well as to accurately reflect all services provided by DAS.

The current fee schedule is found in WCC Section 11.090. To adopt a new fee schedule, an amendment of WCC Section 11.090 is required. Rather than placing the fee amounts in the Code itself, it is recommended that WCC Section 11.090 be amended to allow a fee schedule to be adopted through resolution. This will allow DAS to come before the Board and present a resolution to change fees when necessary, rather than seek a code change.

AGENDA ITEM # _____

PREVIOUS ACTION

DAS has implemented fees individually as mandated services have been initiated. A comprehensive Fee Schedule assessment has not been completed since December of 2005, and no individual fee increases have been implemented since 2018.

On May 14, 2024, the Board initiated and conducted a first reading for this ordinance.

BACKGROUND

DAS and its sub-program, Sober 24, provide supervision, drug testing and monitoring services to criminal justice-involved clients and partnering agencies of Washoe County. Services include urinalysis, drug patch continuous testing, confirmation drug lab for contested drug/alcohol tests, preliminary breath tests (“PBT”), outreach smartphone monitoring (“OSM”), remote breath testing for clients without a smartphone (“SCRAM”), GPS phone monitoring (“Vcheck”), and GPS house arrest monitoring. These services are paid for by DAS, clients, courts, or other payors as assigned.

To account for increases in cost of services from vendors, DAS is requesting the following changes be made to their current Fee Schedule:

Service Type	NRS	Ord. Adoption Date	County Cost	Current Fee	Proposed New Fee	% Change
SCRAM Transdermal Drug Patch	484C.378 211A.130	N/A	\$76.64/patch	\$60/patch	\$70/patch	14%
Immunoassay Urine Drug Screen	484C.378 211A.130	11.090 12/30/2005	\$20.76/test	\$13/test	\$15/Test	13.4%
Confirmation Drug Lab	211A.130	11.090 12/30/2005	\$22.39/assay	\$25/test	\$10/assay	-60%
GPS House Arrest	211A.130	N/A	\$13.71/day	\$8/day	\$9/day	11.2%
Outreach Smartphone Monitoring (OSM)	484C.378	11.090 12/30/2005	\$5.03/day	\$2/day	\$3/day	33.4%
SCRAM Remote Breath Testing	484C.378	11.090 12/30/2005	\$8.78/day	\$4/day	\$5/day	20%
GPS Phone Monitoring (Vcheck)	211A.130	N/A	\$4.13day	\$2/day	\$3/day	33%
Dried Blood Spot Test	484C.378 211A.130	N/A	\$141.69	New service	\$150/test	N/A
Monthly Supervision	211A.130	11.090 12/30/2005	N/A	\$40/month	\$40/month	N/A

Fee (Probation)						
Monthly Supervision Fee (Pre-Trial)	211A.130	11.090 12/30/2005	N/A	\$20/month	\$20/month	N/A

The following are the justifications for the proposed increases:

In December of 2022, the cost to DAS for the SCRAM Transdermal drug patches increased by \$60 per patch to \$70. In addition, DAS is responsible for the application, removal, packaging, shipping, and final reporting of the results.

DAS has seen an increase of 3% in all assays and a 10% supply chain surcharge from its Immunoassay Urine Screen supplier Thermo Fisher since 2020. In addition, since FY 2020, DAS has increased drug testing by 49%. This substantial increase in testing has necessitated an increase of 14 operational staffing hours per week.

DAS is asking for a reduction in the fee assessed for Confirmation Drug Lab Fee. Prior to 2023, DAS utilized a secondary laboratory that charged \$50 per sample. DAS was able to leverage its volume to negotiate a new contract with a different laboratory and reduce the charge to \$20 per assay contested. The typical number of assays in a test sample sent to a confirmation lab is one. DAS splits the cost of the contested drug test with the agency or client.

During the COVID-19 Pandemic, DAS changed from traditional in-house breath testing to remote electronic breath testing. While initially the change was to limit exposure, DAS found that utilization of technology allowed for increased testing while reducing the burden on the participant of having to travel twice a day to a fixed testing facility. Since implementing the technology in 2020, utilization has increased year over year. The average number of clients using OSM services increased by over 14% between 2022 and 2023 to a daily total of 240 participants. In 2023, the vendor raised its price from \$2.00 to \$2.25 per day for the service. The requested fee will cover the daily cost of the device with the additional \$0.75 to account for the increase in staff time to set up and monitor OSM devices.

The average number of clients using GPS house arrest monitoring increased by 71% between 2022 and 2023 to a daily average of 140 participants. The \$1 per day increase will help offset the increase in standby pay for house arrest as well as account for the increase in staff time to set up and monitor GPS house arrest monitors. House arrest is a 7-day-a-week, 24-hour-a-day operation.

DAS also requests adding an additional drug testing service for clients: a dried blood spot test. The cost for a vendor to conduct an analysis of a dried blood sample is \$125 per test for this testing methodology. Collection, packaging, and reporting of results takes approximately 30 minutes of staff time per sample.

While DAS anticipates an increase in fees collected, we are unable to give a specific anticipated amount due to variables that are outside of DAS's control and ability to project. DAS provides those services as ordered by the courts. While DAS has experienced year-over-year increases in all levels of supervision offered, DAS does not control if cases will continue to grow or if the courts will determine supervision is necessary by DAS. In addition, different levels of supervision impact what level of fees are assessed for services rendered. Those assigned to pre-trial supervision are capped at \$20 per month regardless of services rendered, whereas those assigned to post-adjudication probation are \$40 per month.

Because fees are variable due to factors such as technology and volume, DAS believes that amending the Code to allow adopting a fee schedule by resolution will allow DAS to be more responsive to the supervisees, the courts, and the County.

FISCAL IMPACT

The fiscal impact is currently unknown due to varying factors. All costs associated with responding to requests will be absorbed within DAS's approved budget. Staffing levels will not be affected. It is estimated that all revenues from the fees will impact the Washoe County general fund.

RECOMMENDATION

It is recommended that the Board conduct a second reading and public hearing regarding an amendment to Washoe County Code 11.090 (Fees for cost of supervision; Imposition; waiver or reduction), to allow the Board to adopt a fee schedule through resolution rather than requiring code change; and if supported, to adopt and enact the new ordinance by title.

POSSIBLE MOTION

If approved the possible motion would be:

“Move to conduct a second reading and public hearing regarding Bill Number 1912, which is an Ordinance amending Washoe County Code 11.090 (Fees for cost of supervision; Imposition; waiver or reduction) to allow the Board to adopt a fee schedule through resolution rather than requiring code change; and if supported, I further move to adopt and enact the new ordinance by title.”

Attachments:

- A. Working Copy of Proposed Ordinance
- B. Clean Copy of Proposed Ordinance