

CARSON CITY BOARD OF SUPERVISORS

Special Meeting

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A special meeting of the Carson City Board of Supervisors was held May 16, 1992 at the Community Center Sierra Room, 851 East William Street, Carson City, NV at 9:00 a.m.

PRESENT: Mayor Marv Teixeira
Kay Bennett
Tom Fettic
Greg Smith
Tom Tatro

STAFF: John Berkich, City Manager
Paul Lipparelli, Deputy District Attorney
Kiyoshi Nishikawa, Clerk-Recorder
Fran Smith, Recording Secretary

Mayor Teixeira called the meeting to order at 9:05 a.m. and led the pledge of allegiance. A roll call was taken. A quorum was present.

PUBLIC HEARING CONCERNING THE FISCAL YEAR 1992-1993 BUDGET DISCUSSION AND POSSIBLE ACTION REGARDING THE FOLLOWING:

A. CARSON DETOXIFICATION CENTER (1-0001) District Attorney Noel Waters discussed the \$20,000 requested for the detoxification center from the general fund at \$5M per quarter. This is part of fiscal year 92-93. An alternate proposal is offered for approval is to set up a social restitution center to secure equivalent funding from individuals in the community who are not involved as civil protective custody people but instead are individuals involved in the criminal justice system as a result of substance abuse, primarily alcohol abuse. The memo indicates some of the pros and cons that Robey Willis is in support of the need for community detoxification services. His concern with the alternative proposal as indicated in the memo is that this is an additional burden on his administrative staff because it is a fact that these funds are being collected and accounted through the court system and would add to their already existing problems with collecting fines and forfeitures and testing fees for DUI cases. Administrating assessments, monitoring attendance at DUI school and people who are on a payment plan for fines, etc.

Secondarily a concern is that many of the individuals who are in front of the court as the result of criminal involvement arising out of substance abuse are pretty financially tapped already. As a practical

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matter, many of them are legally indigent and the existing schemes that we have for securing fines and payments that are statutorily provided are set by the court are sometimes difficult. It is basically a payment plan type of operation that requires a lot of monitoring by the court and between these people supporting their lifestyle and paying out the expenses of their criminal conduct there is not a great deal left over. From Waters' perspective anything that we can do as a community to break down the cycle of abuse of having return to our justice system again and again because of their addictive patterns of living is a definite improvement. Tried to provide the Board with statewide stats. Judge Griffin in his letter notes that he estimates 70 percent of the individuals coming before him for sentencing have a basic problem with some kind of substance abuse. That estimate seems to be entirely accurate. Said the BOS could note in the stats he provided that the state prison system estimates that 72 percent of their inmates have an underlying substance abuse problem with alcohol or drugs. 28 percent of the inmate population is there as a result of alcohol related offenses. The mandatory imprisonment for third offense DUI, etc. He sees the same people all the time in his job. One week they are DUI and the next week they are a victim of a barroom brawl. The next week they are a witness to one of their drinking buddies beating up somebody else. Believed the community detoxification center which is newly established is hitting the ground running. They need support and he believed this is money well spent as Judge Griffin emphasizes, every individual that goes through detoxification and through the introduction of long term rehab treatment self help that the center provides is an individual may well get them out of the criminal justice system cycle and that is money well spent. The criminal justice stats indicate that people who become entangled with the law, whether it is a drunk driver or patty larcener, they cause a lot more social damage that they don't get caught for. One thing about continuing sobriety it appears that people don't find themselves before a judge anymore. Any program we have in the community that will increase our ability to do that as a community is something that deserves generous support financially.

Mayor Teixeira asked if the basic premise is that the \$20M will make the detoxification program whole. Waters said he would like to defer as to where the money would go and what other sources of community funds to the Director Kelly Crosbie. Supervisor Fettic advised he had asked Vic Freeman about people going into detox if they could afford the \$50 or whatever. In Waters' alternative it says a "social restitution program to access convicted alcohol and/or drug offenders. He assumed that would put DUIs driving under the influence of any controlled substance. How about people who are arrested for possession of a controlled substance but not driving. Mr. Waters said that is a matter of application and judicial discretion. In his view if you are looking at the services of a detox center the people who should rightfully be subject to that kind of assessment would be minors in consumption of alcohol, obviously the DUIs, the driving while revokes, the petty larceners who are arrested for stealing booze and that is routine and is probably 25 or 30 percent of our theft case

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load. The people who through please negotiation process plead guilty to a misdemeanor, interstate commerce drugs which is a misdemeanor plea bargain, if you will, from a felony drug rap, likewise possession of paraphernalia. Fettic reiterated that Waters was asking for \$20M plus Willis wanted another clerk administrator. This took it to about \$70M. Waters said he believed Willis did not want to be understood that they could not do this without the court clerk administrator. Waters said it adds to the burden. He said Willis had presented to the Board his own justifications for those positions. Fettic wanted to know how they account for the \$50 and how does Finance identify it and put it in a fund solely for detox. Walker said it would be flagged in justice court. When they do their weekly report it had a form which had several line items on it. Walker said they would add another line item so that all of those monies that are collected goes into that line item. Then when they account for it it goes into a separate account in the general fund. Fettic asked for confirmation that this is not new money but money already coming in that would be shuffled. Fettic asked if it would be of any value or even legal for the Board to consider an ordinance that would require a \$50 surcharge on any drug or alcohol related offense. In addition to what already is being charged. Waters said if they select the second alternative he believed it would be prudent to prepare an ordinance that says the judge may require. He added he is drafting a bill for the Nevada Legislature statewide to authorize that for all manner of criminal offenders that basically to help underwrite some of the costs of the community services programs that are financed by state, Federal and community. Fettic said he was looking for a way to get new money. Waters said an ordinance would be the way to do it but it should be left discretionary with the particular court, both on separation of powers grounds so lets call it legislative advisement or statement of legislative intent plus he believed it leaves the court discretion to defer that kind of an assessment in cases of the indigent individual who just can't pay it and the court has to be able to do that in order to avoid penalizing . Fettic said an ordinance framed like that would have this money isolated for a specific purpose. Waters said yes it would, that the ordinance could provide that. He said he could see two alternatives. He said you can simply authorize a grant of \$5M per quarter for this which doesn't require administrative record keeping, just a general fund grant. Secondarily, the step would be, with the Board's authorization, to adopt an ordinance to ratify an assessment program such as this an to implement it as soon as possible with a not to exceed \$50 assessment. Mayor Teixeira said his discussion with Willis was the standard fine on a first offense DUI is \$400. This would make it \$450 and he is going to get it up to \$500 so then we have a set aside of \$50 to go to fund this and it would be a retroactive deal. We will collect for a quarter earmarked dollars of new revenue sources because we are going to up the fine to \$500. \$50 is the set aside and then take that money and transfer up to \$20M per year to the detox center. Teixeira said anything in that set aside account becomes the perview of the judicial people and also the City to make use of that funding whether we continue to put more into detox or whether we want to put it into childrens programs or what have you becomes then a dollar amount to be

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discretionarily applied by the Board in working in conjunction with the judges. Could not think of a better way of doing it and let the people who are causing the impact in the community pay for it and take that money and keep it within that realm of use. Believed it would be in the best interest of the community as a whole. Allison ? spoke and said they were looking at 450 DUIS and looking at an increase every year. Teixeira said this is a prudent decision. Fettic wanted to know if it should be done by ordinance or on an informal basis. Waters said he would draft an ordinance which he felt was prudent simply to make it clear that this is available. It is already statutorily available and referenced Chapter 4 governing justice courts and Chapter 5 governing municipal courts. Basically if you suspend a sentence on an individual, offer them probation in lieu of imposing a sentence you can require them to take almost any reasonable action as a condition of probation. It is done all the time. Teixeira said this would be brought to the Board on Monday by Judge Willis. This thing also works in that regard. If it is \$50 additional that equates to another ten working community service or alternate sentencing hours. Believed there is enough slack in the hard dollars if we hold to last years numbers then increase the revenue stream is there from a \$50 impact fee. Waters said for his clarification any motion taken at this meeting had requested what the Board's intent is insofar as the categories of defenders they would like to have subject to that assessment. He could then draft something appropriate. Teixeira said his personal feeling is that if there is an altercation in a bar that requires police intervention that is alcohol related there is going to be a fine established - bump that \$50 too. Just because somebody gets caught with a 1.0 that doesn't make them less responsible than a person who has a 1.9 and busting heads in a bar. Believed they should carry some kind of a reasonable amount. Waters said 80 percent of his arrests are alcohol or drug related. Fettic said any drug related (including alcohol) offense that this is applied to. The only question is can you do that if its a felony. Does it have to be restricted to misdemeanors in the justice court. Waters believed the district or justice court can do it right now legally without offending anyone. However, because of the fact that the direction that these funds might go is properly a matter of legislative direction. He said the Board's authorization, support and perhaps guidance would be advisable. He believed a judge could do this right now if he wants. He has a wide latitude of action, at least under a suspended sentence, he can require a defendant to do. Guidance as to how much and where it ought to go is what he is looking for.

Kay Bennett asked Waters on clients statistics, wanted him to know she was totally in support of the program. She referred to what he had said about tending to see the same people over and over again. To what extent did he expect to be seeing the same over and over again at the detox center. ? said one of the center's goals is that 80 percent of the clients they serve will not require additional detoxification in the course of a year. Their whole agenda is to get these people in continuing treatment so they can stop the cycle that goes on with addition, which is that it perpetuates itself. One of

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their goals is to do that as well. In terms of the civil protective custody traditionally civil protective custodies have simply been warehoused in detox centers. They are given a bed and a bucket and they are not really given services. Carson Detox is doing something different in that stead. They are earmarking and targeting those people to get them into detoxification. They are not required to stay longer than approximately 4 to 8 hours, simply to sober up and then they are released on the streets. At this point they are running at 25 percent of the clients transferring from civil protective custody to detox. The goal is to get people who are picked up by the authorities over and over again, instead of simply letting them walk out the door, to say to them the center wants to do something different and offer service and people are responding. They have only been open since March 27 so it is difficult to track but she had started doing some exit surveys and exist analysis on clients who have gone through the center's program and the center is running at some decent numbers - 40% are going into follow-up care. If they add the number of people who are in AA and NA the number increases to about 80 percent so they are doing some basic frontline intervention. She could not give the Board long term numbers but could say that already they are doing things differently and are making an impact. She would also like to put out that they have been approached by Probation and Parole to use the people who come in on the 305 program (DUI) and go through Indian Springs are then put on house arrest and monitored by the machine. If they test positive for alcohol they will be taken to the detox center at \$10 a head for the night as opposed to simply sending them back to prison and starting the cycle all over again. They are trying to intervene on as many different levels as they can. For the sole purpose of stopping the cycle that then places the burden on the community. Bennett said next year ? have a much better measurement of success as well as having established the center after going over the hurdles.

Waters said there is no quick fix. The rescitivism rate in the area is high. There is not going to be great success in the long term but certainly over the course of two years if you can keep people free of alcohol and drugs (40 percent would be tremendous). In terms of lifelong sobriety it is a worthwhile thing. It is tough to make it work. People have to have a basic willingness and part of that is awareness and education and introducing people to alternative ways of living. Bennett asked about 13 people of the 22 clients are homeless. ? said it is correct. It runs about 64 percent of all clients list themselves as having no permanent living situation. Some of them are independent living where they are in a transitional home trying to find placement somewhere or they had been living with friends and the final straw was that they were kicked out, picked up by the authorities and brought to Carson Detox. The numbers are apparently not uncommon. She had checked with NESACK in Reno and they are running at about the same numbers. What they are getting in Carson are late stage alcoholism and addiction people who have started to love everything and are simply burdening the system and the community because they are not able to hold down jobs and they are not able to support themselves and they are not able to pull themselves up but

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with intervention the center is giving them back the energy and the skills to be able to start making some changes and different choices. Teixeira said he would entertain a motion from the Board that they go forward with the program and establish a minimum of \$50 as an impact fee and to direct the D. A. to bring back an ordinance to support this working with District Attorney and the ? in the formation of that ordinance. Waters said Teiexira mentioned a cap of \$20M and then the other monies would be available either for detox or whatever else the Board wanted to do. It would still stay in the realm of treatment. Teixeira said maybe they want to reach down for some kind of a program that works best and continue to work with the youth and put in programs and fund more in that area as a deterrent for future problems so they might take it both ways. Said lets take care of the people that are on the street today and build a real good program underneath it to eliminate the problem in the future. He said for them as a Board to try to establish exactly what that parameter of dollars are would be premature at this time. He thought the revenue, if directed to maybe reach beyond the DUI area will be a good funding element there that could be used in the future. Waters said when Teixeira mentioned expanding the fine and saying we could really have quite a fund. He felt the Board could be held up to scrutiny by the public at large and everybody in the business looking at it as a revenue stream to do other than fix the problem. Said the Board would not do anything contrary to that.

FETTIC MOVED THAT THE BOARD DIRECT THE D. A. TO PREPARE AN ORDINANCE TO INCREASE BY \$50 ALL ALCOHOL AND DRUG RELATED OFFENSES IN CARSON CITY. UP TO \$20M OF THAT MONEY IS TO GO TOWARD CDC AND OTHER DRUG RELATED TREATMENT AND/OR EDUCATION. SUPERVISOR SMITH SECONDED THE MOTION.

? asked what about if you collect \$30M. Where would the other \$10M go? Fettic said other drug related treatment or education programs. Fettic said the money would be confined to drug related treatment or education programs. ? asked what the \$20M is limited to. Reply was to the CDC and the rest goes into the pot. Fettic said maybe down the road they would need \$30M they would have a legitimate claim on the \$30M. Teixeira said if this fund grows he wanted to make sure the Board could come back and request and have to justify that they get more than that. Tatro thought it ought to be specified in the ordinance that it be used for alcohol and drug abuse prevention and intervention, not for a particular program, and then go ahead and spend that money through the budget cycle every year. Fettic said the only problem he saw with that is that all these other programs, whatever they may be, equally compete with CDC for the money and assumed the direction here was to get the money to CDC first and anything that is over and above that be used for other drug related programs, whether it be intervention, education, etc. Bennett said she would be more comfortable with that approach. Teixeira asked Kiyoshi to take the roll. Results: Bennett - Yes; Tatro - No; Fettic - Yes; Smith - Yes; Teixeira - Yes. Motion carried 4-1.