

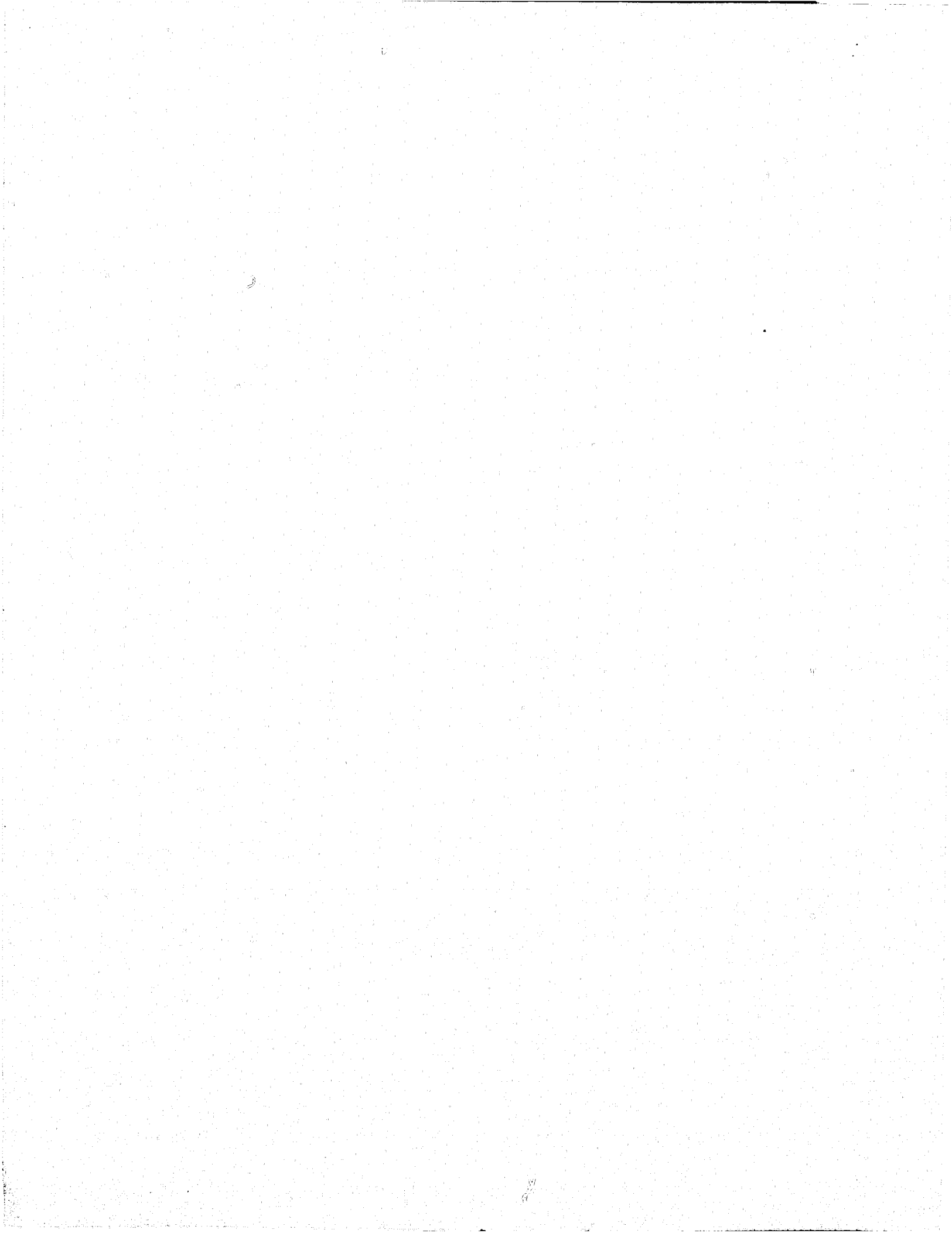
Improving the Criminal Processing of Misdemeanants

The Improved
Lower Court Case Handling Program:
Las Vegas (Clark County), Nevada

National Evaluation:
Final Report

Report of The METREK Division of The MITRE Corporation

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Improving the Criminal Processing of Misdemeanants

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ACQUISITIONS

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ABSTRACT

This document presents the national evaluation of the Improved Lower Court Case Handling Program in Clark County, Nevada. The program was an LEAA effort to provide resources to four sites for the operation of eight components designed to improve the case processing of misdemeanants. The process of program development is described; the development, operations, use, and effects of each component are assessed; and a summary of program results are provided.

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EXECUTIVE SUMMARY

Las Vegas (Clark County), Nevada, was one of four sites selected to demonstrate the LEAA's Improved Lower Court Case Handling (ILCCH) program. The program was designed to improve the processing of misdemeanor offenders through the implementation and operation of eight program components. Together these components offered alternative, less drastic methods for handling misdemeanants (police citation, court summons, pretrial release, and select offender probation); information-gathering mechanisms to improve decision-making regarding misdemeanor cases (case screening, PROMIS, short form presentence investigation reports); and a coordinating position, the Mass Case Coordinator (MCC), designed to foster cooperation amongst the components and across criminal justice agencies so that case flow might be better managed.

One of the reasons for Las Vegas' selection as an ILCCH site was the fact that most of the program components were already available, or were being developed or considered prior to the ILCCH program. Because of local familiarity with the component concepts, implementation was rapid; by August, 1975 (three months after the grant award), three components were operational and three others were being developed. Although the program was operated by the District Attorney's Office, responsibility for component development, implementation, and operation was delegated to specific criminal justice agencies or individuals. The MCC's role was primarily that of an administrator and trouble-shooter. Las Vegas' experience with each component is detailed below.

- Police Citation. Citations had been previously employed by the Las Vegas Metropolitan Police Department (LVMPD), but exclusively for petty larceny cases. As part of ILCCH, the LVMPD developed a new, uniform citation ticket for use by all police agencies in Clark County. Data collected indicated that, in contrast to component plans, there was almost no expansion in the number of citations issued from the past; that citations were still used exclusively for petty larceny; and that no savings in police time could be attributed to the component.
- Court Summons. Summons had been used by the City Attorney and District Attorney Offices for handling certain citizen-based misdemeanor complaints. As part of ILCCH, a new uniform summons was developed for use by all prosecutorial agencies in Clark County. However, plans to develop formal guidelines for issuance failed, because judges did not want to reduce their discretion in the use of summons. Although there was no increase in summons usage, data indicated that they were already being used in most eligible instances.

- Pretrial Release. A pretrial release program, run by a private, non-profit organization, operated as part of the ILCCH program for 13 months. During that period, the program interviewed 3,654 detainees; provided judges with verified information on which to base release decisions on these individuals; and was assigned over 900 individuals granted release on recognizance. Evidence from the program indicated that it brought substantially increased equity to pretrial release decisions in Las Vegas; demonstrated that a large number of offenders (including felons) could be released while assuring their appearance in court; and demonstrated that substantial cost savings could be realized by reducing detention time via pretrial release. The County Council voted against re-funding the program, however, at least partly due to a persistent effort by local bail bondsmen to discredit the program.
- Case Screening. The District Attorney's Office already had a formal screening unit prior to the ILCCH program. As part of ILCCH, procedural changes were instituted which gave the screening unit, rather than police, responsibility for filing charges in misdemeanor cases. This change, occurring late in the program, should increase consistency and accuracy in charging. Although there were plans to develop a misdemeanor charging manual, it was never developed.
- PROMIS. ILCCH funds were used to continue the development of a management information system for the District Attorney's Office which had begun in 1975. The proposed PROMIS system, which was developed and refined through the entire grant period, would be a fully automated, on-line real-time system, providing all of the capabilities of the prescribed PROMIS system. At the end of the grant period, the target date for full operation of the new system was January 1978.
- Select Offender Probation and Short Form PSI Reports. Because misdemeanor probation is not a legal option in Nevada, the probation and PSI components there were implemented as part of the court counseling (CC) program. The CC program was a deferred sentencing alternative, allowing judges to assign defendants to the program for counseling or referral services before final sentencing. During its first 12 months, the program was assigned 537 clients and presentence reports were executed on all of them to aid judges in final sentencing. The program has been institutionalized on a fee-for-service basis and seems likely to continue, given its widespread judicial support.

Because the Las Vegas ILCCH program was planned and evolved as a component-by-component affair, the MCC role never developed the

active coordinating/management functions envisioned by the program. No mechanisms, short or long term, were developed to analyze misdemeanor processing problems or to propose coordinated solutions. Instead, the ILCCH program resulted in some localized improvements during the grant period, mostly the result of the pretrial release and CC components. Additionally, procedural changes occurring as part of the police citation, court summons, and case screening components were institutionalized, and a PROMIS system neared completion; all of these hold potential for future improvements in misdemeanor processing.

1.0 INTRODUCTION

1.1 The Improved Lower Court Case Handling Program

The Improved Lower Court Case Handling Program (ILCCH) evolved from the efforts of LEAA's Office of Technology Transfer (OTT), to develop a demonstration program addressing the lower courts. Seven components of the program were selected from a previously compiled manual describing innovative and tested projects in the misdemeanor area. Taken together, these components affect the entire misdemeanor case handling process, from time of arrest to final disposition.

The seven components are:

- police citation
- court summons
- PROMIS
- prosecutor case screening
- pretrial release
- short form presentence reports
- select offender probation

To insure the implementation and operation of a lower courts program, rather than a series of discrete practices and procedures, an eighth program component--the Mass Case Coordinator (MCC)--was developed.

Four of the program components, while directed towards different stages in the lower court process, would all serve to provide law enforcement and judicial personnel with alternative, less drastic mechanisms for handling misdemeanants. Both police citation and court summons were to provide alternatives to the somewhat costly, traditional processing of alleged misdemeanor offenders, while seeking to ensure their appearance in court. Similarly, pretrial release would offer an alternative to traditional detention and bail practices for misdemeanants arrested and awaiting trial by allowing for release on personal recognizance (ROR). Select offender probation would

provide supervised probation to a select group of convicted misdemeanants in lieu of incarceration or unsupervised probation.

The other three program components were intended to encourage greater consistency and efficiency in the handling of misdemeanor cases. The prosecutor case screening component was to address inconsistencies and inefficiencies arising from unstructured charging policies and practices by developing and distributing a uniform charging manual and set of procedures. PROMIS (or some modification of the prototype Prosecutor Management Information System), was expected to promote systematic procedures for differentiating less serious from more serious cases, thus assisting decision-making regarding the allocation of prosecutorial resources. PROMIS was additionally intended to increase capabilities for generating consistent, reliable information across agencies and jurisdictions. Finally, the short form presentence report was designed to provide succinct and consistent offender information for use by judges in making sentencing decisions.

Coordination among these seven program components, as well as with established criminal justice agencies, was to be achieved through the eighth component, the MCC. Unlike the other seven program components (which are sets of activities focusing upon specific case flow procedures in the lower courts), the MCC is a person, with responsibilities for developing and coordinating working relationships among the agencies and organizations involved in the overall program.

Having developed the ILCCH concept, the OTT turned its attention toward the selection of sites for the demonstration program. At this time, OTT decided to select a total of ten demonstration sites for two program concepts--five sites for ILCCH and five sites for Team Policing. The ten LEAA regional offices were notified of the two programs, and

asked to submit site suggestions for one or the other program. Regions III, IV, V, VI, IX, and X nominated sites for participation in the ILCCH program which was scheduled to receive \$1 million in Federal funds. Assistance in making the site selection from among the seven nominees (Region V proposed two candidates) was obtained from the Institute for Law and Social Research (INSLAW). During the month of March, INSLAW visited each site for the purpose of assessing its potential for success as in ILCCH program demonstration site. Specifically, INSLAW evaluated each site's level of interest, system capabilities, and quality of interagency relations. The decision was made to solicit grant applications from Albuquerque, New Mexico; Columbia, South Carolina; Kalamazoo, Michigan; Las Vegas, Nevada; and Wilmington, Delaware. In the end, Albuquerque was not funded, because their grant application did not conform to the programmatic guidelines. Thus, \$250,000 in Federal monies was available for each of the remaining four sites.

During the months of July and August, the four grants were awarded. In the ensuing months, Mass Case Coordinators were hired in each site, and efforts to tailor and adapt the component concepts to the specific needs and interests of the individual sites were begun.

1.2 The National-Level Evaluation and the Purpose of This Document

In March 1976, the MITRE Corporation contracted to conduct the national-level evaluation of the ILCCH program. The evaluation was designed to address a broad range of information and knowledge needs.¹ To meet these needs, quantitative and qualitative data would be collected at each site in order to examine the program from three distinct perspectives:

¹ Eleanor Chelimsky, Gerrie Kupersmith, and Joseph Sasfy, The Improved Lower-Court Case Handling Program: Concept and Plan for the National-Level Evaluation, MTR-7352

- a. site perspective;
- b. component perspective; and
- c. program-wide perspective.

The first perspective is site-specific, providing the opportunity to individually summarize and evaluate the program experience in each of the four sites. The component perspective provides an inter-site examination of each of the seven components, thereby allowing an assessment of four variations on seven themes.² The program-wide perspective represents an integration of site and component assessments for the purposes of addressing assumptions underlying the ILCCH program concept, as well as transferability considerations.

This document presents the site evaluation of the ILCCH program in Las Vegas (Clark County). Three other documents will detail the evaluations of the ILCCH program in Wilmington (New Castle County), Kalamazoo (Kalamazoo County), and Columbia (Richland County), respectively. A final document will summarize the results of the national-level evaluation in terms of the component and program-wide perspectives.

This site evaluation is based on a synthesis of qualitative and quantitative information. Site visits to each locale provided the opportunity to collect information directly from personnel associated with ILCCH and with other criminal justice system agencies. This information was supplemented by documentation supplied by the Mass Case Coordinators. The collection of quantitative data was the responsibility of the local evaluator in each site, although MITRE was to provide assistance and guidance regarding data. In many cases the

² Because of the nature of the Mass Case Coordinator (MCC) component, it is not assessed as an individual component. The position and role of the MCC is examined, however, as a part of the site assessments.

responsibility for specific data collection was delegated to ILCCH component personnel, criminal justice personnel, or the MCC. The final availability of data in each site was a function of the efforts of those individuals responsible for the data, the cooperation of local system personnel, and the availability of the data itself.

This report begins with a description of the nature of misdemeanor processing in Clark County prior to the ILCCH program. Next, the development of the program is described to the point of specific component implementation. Separate sections are devoted to a description of the design, implementation, and operation of each component. The final section analyzes the MCC role in terms of the program structure, and summarizes the experience and impact of the ILCCH program in Las Vegas. An appendix provides a brief overview of criminal justice system resources in Clark County.

2.0 PRE-ILCCH MISDEMEANANT PROCESSING

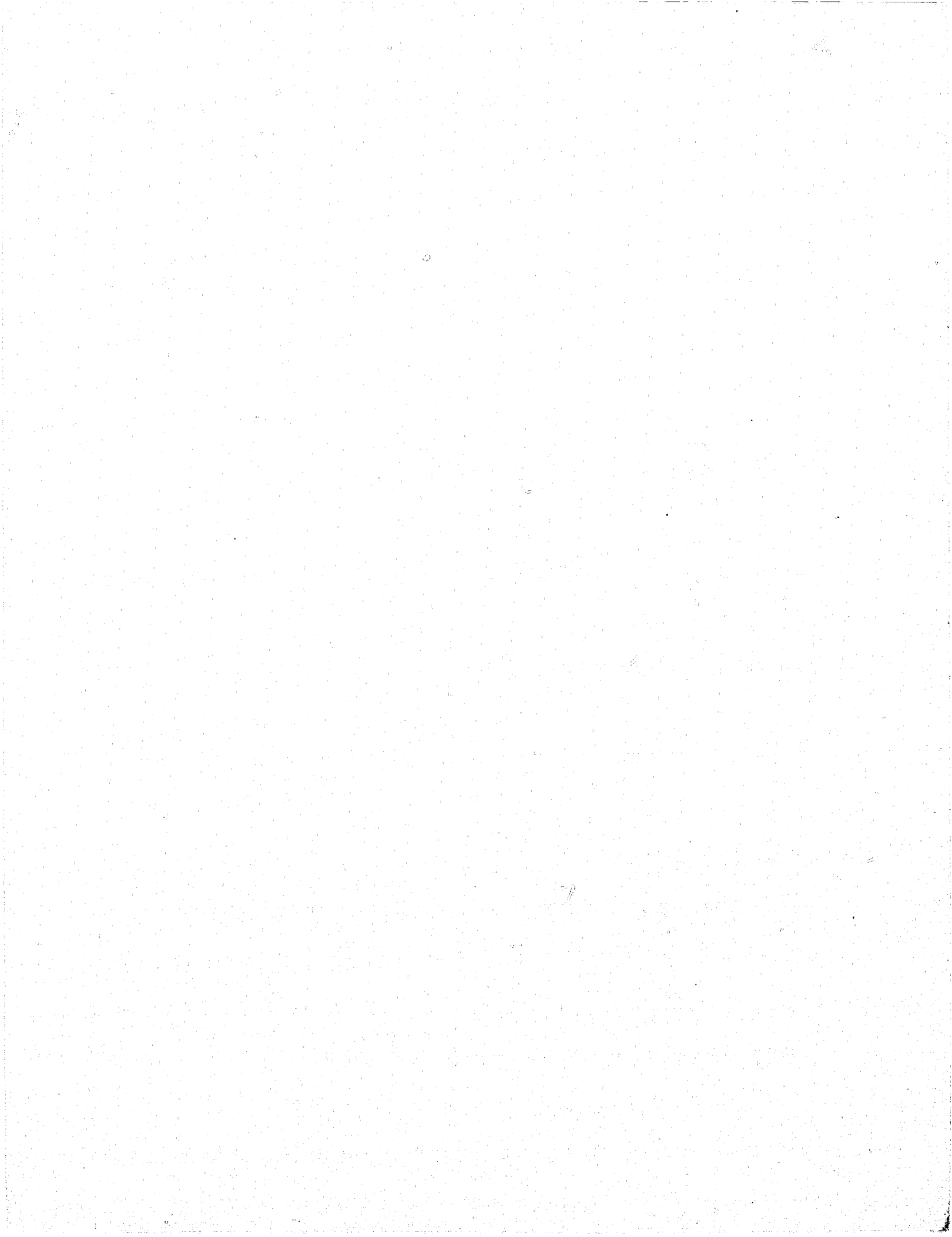
2.1 Arrest

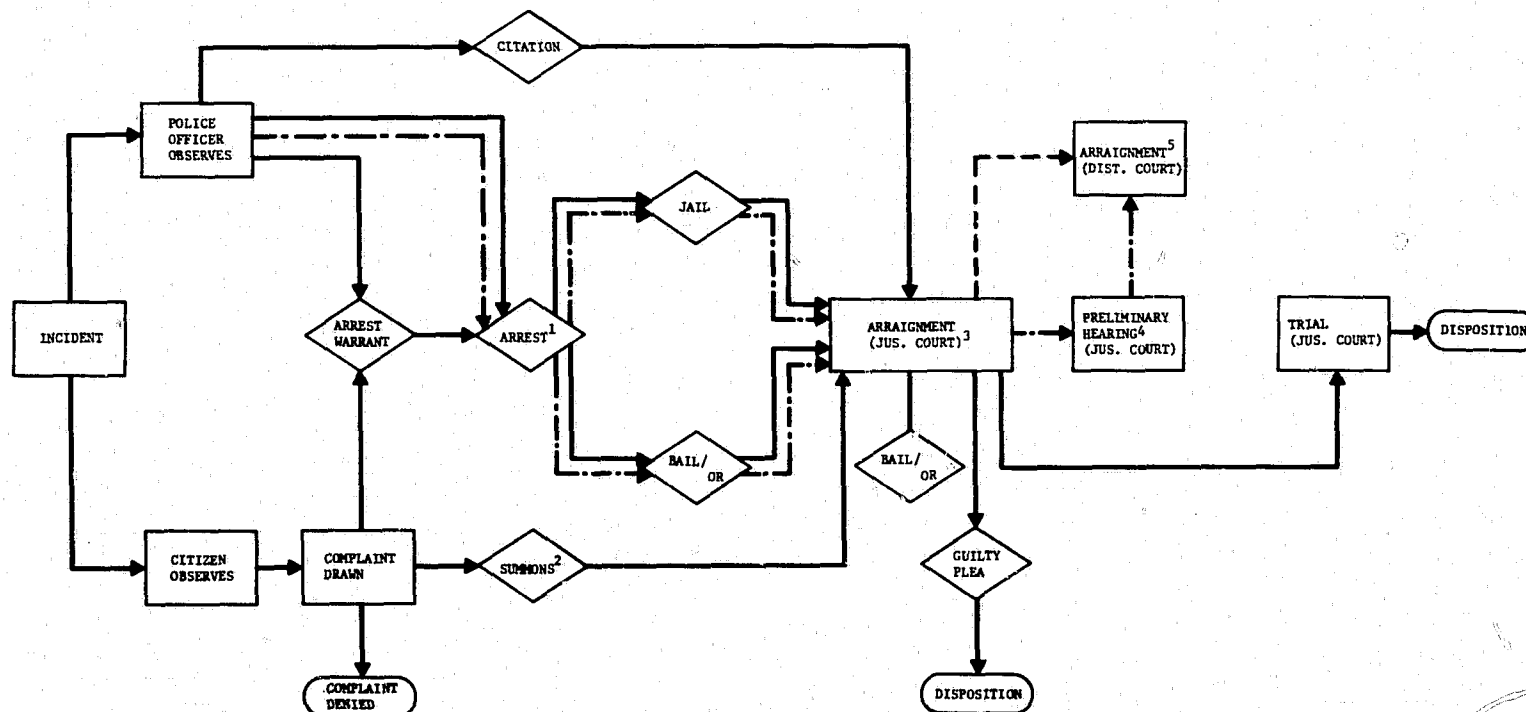
The procedure by which an offender and his case enter and are prosecuted in the criminal justice system in Clark County, Nevada, is depicted in Figure 1. This figure represents the major processing steps and the possible alternatives for a criminal offender for both the incorporated and unincorporated areas of Clark County.

Nevada law delineates two forms of misdemeanor offenses, and it is this distinction which causes the only major divergence in misdemeanor handling. There is a level of misdemeanor offenses that carries a maximum penalty of six months and/or \$500. The second level, gross misdemeanor offenses, carries a maximum penalty of one year and/or \$1000. Gross misdemeanors and felonies are identically processed. Figure 1 depicts misdemeanor, gross misdemeanor, and felony case flow.

Basic arrest and prosecutorial procedures for all areas of the county are the same. What does vary, and this is the major distinction to be made for arrest and prosecution between incorporated and unincorporated areas, is the agency or agent performing the function. This variation in performing agent is due to jurisdictional restrictions. Misdemeanants arrested in an incorporated area by a member of that city's police department are prosecuted by the City Attorney in that particular Municipal Court. (See the Appendix for a complete description of the various courts and their jurisdictions.) Gross misdemeanants and felons from incorporated areas are also arrested by that city's police department, but they are prosecuted by the County District Attorney in a Justice Court for eventual disposition in the District Court.

For the unincorporated areas, the arrest and prosecutorial procedures are the same for misdemeanants, gross misdemeanants, and felons





¹If a police officer makes an arrest at the time an illegal act is witnessed, a warrant is obtained after the actual, physical arrest.

²The decision to issue a summons or an arrest warrant or to deny the complaint in response to a citizen-initiated complaint is made by the prosecutor's office.

³For a misdemeanor arrested in an incorporated area, arraignment and trial would take place in Municipal Court.

⁴Preliminary hearings are for gross misdemeanors and felons only, to determine probable cause and if a case should be bound over to District Court. A defendant may waive this right to a preliminary hearing.

⁵Case processing is not depicted past arraignment for defendants tried in District Court.

----- OPTIONAL PROCESS

----- GROSS MISDEMEANOR AND FELONY PROCESSING

FIGURE 1
PRE-ARREST CASE PROCESSING—CLARK COUNTY, NEVADA

as previously noted. Only the Las Vegas Metropolitan Police Department may make arrests in the unincorporated areas of the county. All arrestees from these areas are prosecuted by the County District Attorney's Office; misdemeanor cases are heard in the Justice Court, while gross misdemeanor and felony cases are processed through a Justice Court for eventual disposition in the District Court.

Figure 1 represents the case flow for gross misdemeanor and felony arrests in the incorporated areas and all arrests in unincorporated areas.³ The figure will accurately represent misdemeanor processing for unincorporated areas by using City Attorney in place of District Attorney, and Municipal Court instead of Justice Court. Again, it is merely the performing agent and not the process that varies.

An alleged offender has three possible means of entering the criminal justice system in Clark County.⁴ First, a police officer, upon witnessing an illegal act, may either physically arrest the suspect or issue a citation. The Nevada Revised Statutes, Sections 171.177 through 171.179, allow for the issuance of citations for misdemeanor offenses (other than traffic violations) as an alternative to a physical arrest. Therefore, a police officer witnessing an illegal act has the option of issuing a citation. A suspect given a

³ Felony processing is only depicted until arraignment in District Court.

⁴ This discussion will follow the procedure for all arrests in Clark County but will refer specifically to the performing agencies involved in the processing of all arrestees from unincorporated areas and gross misdemeanants/felons from incorporated areas. Where these agencies vary for misdemeanants from incorporated areas, it will be specifically noted.

citation appears for the first time at arraignment. If the police officer arrests the suspect on the spot, the defendant is transported to the jail, and a warrant is subsequently obtained from a Justice of the Peace.⁵ Second, an officer, after witnessing an act, may obtain an arrest warrant first and then physically arrest the suspect and transport the defendant to the jail.

Third, a citizen can complain directly to the police department. The police department investigates the complaint and sends the complaint with the charge to the District Attorney's Office where it is screened to determine whether to issue a summons, an arrest warrant, or deny the complaint.⁶ Section 171.106 allows for the issuance of an arrest warrant in response to a citizen's complaint, at the discretion of the prosecutor.⁷ If a suspect is served a summons, his first court appearance is at arraignment. If an arrest warrant is issued, the suspect is arrested and taken to jail.

A misdemeanor screening officer within the police department, known as the Police Legal Advisor, does exist. This officer has no screening power where citations are involved, but does have screening power for both citizen and police complaints. Theoretically, the Legal Advisor accepts or rejects the charges and, if he accepts them, prepares the complaint for submission to the District Attorney's Office.

⁵For a misdemeanor in an incorporated area, this would be from the Municipal Court Judge.

⁶For incorporated misdemeanor arrests, this would be the City Attorney's Office.

⁷It is the prosecutor's decision; a judge must sign the warrant, re warrant, or issue a summons.

For all defendants arrested and taken to jail, release may be obtained at this time. Pre-trial alternatives are cash bail, surety bond, jail, or release on recognizance. A pre-determined bail schedule exists, and its directives are available for misdemeanants, gross misdemeanants, and felons alike. A judge may reduce or increase a defendant's bail at any point in the process and the District Attorney may ask for a bail hearing at any point in the process. Both police chiefs and judges have the right to grant release on recognizance. Typically, judges would base release decisions at arraignment on whatever information was available in court.

2.2 Prosecution

The District Attorney's Office has an official screening office for all gross misdemeanor and felony cases. The police send reports on gross misdemeanors and felonies to this liaison office for a determination by an attorney as to whether the evidence submitted supports the filing of a formal complaint. The liaison officer may request further investigation, file a complaint, or do nothing. For misdemeanor cases the police may file a formal complaint, in which case the liaison office may deny, approve, request further investigation, or reduce the charges.

Within the liaison office, there is a misdemeanor screener as well. Again, the screening powers for his office are limited to police arrests and citizen complaints, and do not extend to the screening of citations. For police arrests, the office is a conduit, rather than a screening agency. With other complaints, the office does perform some screening functions, as the decision to deny or issue a warrant or summons rests with the District Attorney's Office.

Arraignment in the Justice Court⁸ is the first appearance point for all arrestees from Clark County. At this point, in front of both prosecuting and defense attorneys, a defendant is told of the formal charges being brought against him, advised of his rights, and a trial date is set. A defendant must be given a trial within 15 days if he does not waive his right to a speedy trial. Cases for trial are assigned to courts at random, unless they involve a public interest or politically-sensitive matter. If a defendant goes on to trial and is found guilty, the case is continued for 30 days, and sentence is imposed at that time.

For gross misdemeanants and felons, the arraignment procedure is slightly modified. A defendant is told at arraignment in the Justice Court of the charges against him, advised of his rights, and given a date for a preliminary hearing, again in the Justice Court. A defendant has a right to this hearing within 15 days after arraignment. The preliminary hearing is used to determine probable cause and to bind the defendant over for a new arraignment in the District Court. He has a right to this arraignment within 60 days of his original arraignment in Justice Court.

A gross misdemeanor or a felon may, at his arraignment in Justice Court, tell the court he wishes to plead guilty. A Justice of the Peace cannot accept this plea but a defendant can waive his right to a preliminary hearing and be arraigned in the District Court within 10 days. He may enter a plea of guilty at that time. Any defendant, whether he wishes to plead guilty or not, may waive his right to a preliminary hearing and go straight from arraignment in the Justice Court to arraignment in the District Court.

⁸ Municipal Court for misdemeanors arrested in the four incorporated areas.

There is a provision in the law for a grand jury which is selected by the court. However, all crimes in Nevada may be charged by complaint by the District Attorney without the need of a grand jury indictment.

2.3 Sentencing

Whether a defendant pleads guilty at arraignment and is sentenced immediately, or is found guilty at a trial and sentenced 30 days later, the sentencing options in Clark County are the same. The major sentencing practices consist of a fine and/or a period of incarceration. For the majority of misdemeanants, fines are levied, while the majority of gross misdemeanants are incarcerated. There is no probation for misdemeanor offenses in the state of Nevada.

There are several sentencing alternatives available to defendants, prosecutors, and judges, but the use of the alternatives is minor in comparison to the use of fines and incarceration. When a sentencing alternative is used, the most often used is an informal deferral. This deferral is initiated by the District Attorney, and is a bargain between the prosecutor and the defense attorney. If the defendant stays out of trouble for a specified period of time, the charges will either be reduced (the defendant will plead guilty to a lesser charge) or the charges will be dropped altogether.

Another alternative is the TASC program for drug and alcohol offenders. At any time after a defendant has been arrested, he may enter the TASC program, provided the judge agrees to his enrollment in the program. The District Attorney may agree or disagree and may voice his opinion, but the final decision is the judge's. Participation in the program is in lieu of criminal prosecution.

2.4 Summary

This description of misdemeanor processing in Clark County prior to the ILCCH program indicates that three of the components were already in operation while a fourth, PROMIS, was being planned for. Although citations were being used by the LVMPD, their almost exclusive use for petty larceny cases suggests expansion was feasible. Additionally, a uniform citation ticket could be developed for use by all county law enforcement agencies. Similarly, although both the District Attorney's and City Attorney's office used summons, a uniform summons for the county could be developed.

The District Attorney's Office already had a formal screening unit for all cases and had been pursuing the development of PROMIS since early 1975. ILCCH would obviously provide funds to further develop PROMIS. The massive and growing caseloads in the District Attorney's Office--a function of the County's rapid growth and the large and growing tourist population attracted by casino gambling--made an automated, management information system like PROMIS a critical priority for the office.

Although misdemeanants and felons were granted release on recognition in Las Vegas, there was no formal program which could provide judges with verified information critical to sound release practices. Thus, a pretrial program was needed. Likewise, although misdemeanor probation was not an option in Nevada, any program that could offer services (if only of a referral nature) would be an addition to the limited sentencing alternatives of lower court judges.

Thus, Las Vegas seemed clearly to need some components, while others seemed less appropriate. It was somewhat unclear, however, how any of the components, alone or together, would directly address the problems engendered by the massive caseloads in the Justice

Courts of Las Vegas. This court, which disposed of all misdemeanor cases in unincorporated areas of Clark County and provided preliminary processing for all felonies in Clark County, had neither the prosecutorial nor judicial resources to handle its caseload and, thus, "assembly-line justice" was typical of misdemeanor processing.

3.0 PROGRAM DEVELOPMENT

3.1 ILCCH Initiation and Grant Development

Las Vegas was the only site nominated in Region IX for participation in the ILCCH program by the LEAA Regional Office. The INSLAW site selection team visited Las Vegas on April 7-8 in order to assess local interest in the program and to determine the capability for successful demonstration of the program. Their visit was coordinated by the Criminal Justice Planner for the Southern Regional District of Nevada. As the author of the Southern Region's annual criminal justice plan, the Regional Criminal Justice Planner was able to provide a thorough analysis of the needs and problems of Clark County with respect to the lower courts and of the local interest and capability for the ILCCH program. Additionally, during their visit, the INSLAW team met with the key individuals in the Clark County criminal justice system who would be involved in the program.

Almost immediately following the site selection visit, the OTT invited the Nevada SPA (Nevada Commission on Crime, Delinquency, and Corrections), the eventual grantee, to submit an application for the ILCCH program. The decision by the OTT to include Las Vegas in the program was based on three factors:

- the acceptability of the component concepts to local agencies and key personnel;
- the fact that most of the components were already available, being developed, or being considered prior to the site selection visit; and
- evidence that extremely capable and knowledgeable criminal justice personnel would be involved in the program.

In short, the OTT was convinced that Las Vegas could quickly and successfully implement and demonstrate the ILCCH program.

Interest in the ILCCH program by the criminal justice agencies of Clark County was based on the problems arising there from massive and increasing misdemeanor caseloads in these courts. The 1975

Comprehensive Criminal Justice Plan had already identified many of the problems and needs characterizing these lower courts and some developmental efforts related to the ILCCH concept had not only been specified but, in some cases, already initiated. Additionally, some of the agencies and jurisdictions not originally slated for program components supported the program because these components were to be transferred throughout the county following the initial demonstration.

The Las Vegas grant application, developed by the Regional Criminal Justice Planner, drew attention to the particular problems facing the lower courts of Clark County and the manner in which the ILCCH components could ameliorate these problems which, in large part, derived from the amount of crime in Las Vegas. In 1973, the Las Vegas SMSA had the third highest Part I crime rate in the nation and the reported incidence of these crimes had almost doubled in four years. Because of inadequate information systems, no incidence data were available on less serious offenses, but it was presumed that the increase in these offenses was proportional.

Because the Justice Court handles both felonies and misdemeanors, it has experienced a serious backlog problem resulting from the increase of crime in Clark County. In early 1976, this backlog was estimated at about 5,000 cases, with the misdemeanor caseload seriously affecting the time required for felony case processing (about two years). Similarly, the county jail was overcrowded; the jail population was consistently more than the jail capacity of 465 and this population was steadily growing. This was partly due to the fact that typical jail time for offenders not released on bail or on their own recognizance was 15 days to preliminary hearing and 60 days to trial.

The Las Vegas Municipal Court, which only handles misdemeanors, was not experiencing the backlog problem of the Justice Court. Instead, it was plagued by a lack of release and sentencing alternatives for use in the processing of misdemeanor cases. Finally, there was a general need for improved management in the prosecutor's office and courts. The development of records and case management information systems and an improved case screening capability were targeted in the 1975 Criminal Justice Plan and the ILCCH grant application.

The grant application, then, made it clear that the ILCCH program was well suited to address problems already identified and to further plans and innovations already developed and/or initiated. The citation and summons, both used prior to the ILCCH program in the county on a limited basis, would be expanded through the development of uniform forms for the county, the clarification of procedures, and instruction in their use; this expansion could save police manpower and possibly reduce the jail population. State block grant funds had already been allocated for the development of PROMIS and a case screening unit (\$50,000 and \$30,000, respectively) and the ILCCH program would provide the additional resources needed for the implementation of these new capabilities designed to address problems related to the management and evaluation of the caseloads of the District Attorney's Office. Pretrial release, which had begun in the Justice Court in May of 1975, was operated by Clark County Community Corrections (a non-profit organization) under limited funding from the county. The ILCCH program would provide the opportunity to expand pretrial services and, thereby, both reduce the jail population and provide the courts with reliable information on which to base release decisions. Finally, because misdemeanor probation is not a legal option for misdemeanors in Nevada, a court counseling program was proposed which would allow judges in the Municipal Court

of Las Vegas to defer sentencing while offenders received a variety of correctional services. Additionally, this program would provide judges with presentence information on which to base sentencing decisions.

There had been unanimous agreement in early planning meetings for the ILCCH program that both the program and the Mass Case Coordinator would operate out of the District Attorney's Office, since the District Attorney had regular involvement with all agencies except the municipal courts. The District Attorney's Office was therefore designated the subgrantee and its Administrative Officer was made project director. The individual component development, implementation, and operations were to be the responsibility of component development, implementation, and operations were to be the responsibility of component directors in specific agencies and offices, with the MCC providing over-all program coordination and organization. The MCC, who was to act as an administrator and consultant to the individual component directors, would have an advisory board made up of judges, the District and City Attorney, the Public Defender, a representative of Community Corrections, Inc., and the Regional Criminal Justice Planner.

3.2 Program Start-Up

The Las Vegas grant for the ILCCH program was awarded on June 30, 1975 in the amount of \$256,000; the award period was eighteen months, from the beginning of July 1975 until the end of December 1976. By the end of July, the MCC, Darryl Cropper, had been hired by the District Attorney. The MCC was a school administrator with an extensive background in the Clark County public school system, but with no formal criminal justice experience.

In July, efforts began to establish the MCC's advisory board and to select a local evaluator. The advisory board was selected in September, but the board never really became operational as a group. Because most of the members of the board were directly involved in one of the components, the MCC interacted with members on a one-to-one basis and mostly with reference to their specific components. In September, an RFP for the local evaluation was sent to four groups/individuals who had earlier indicated an interest in the position and three proposals were received. An educational researcher in the Clark County public school system was selected to serve as local evaluator on a part-time basis.

Because of the specific needs of the courts, the developmental efforts already underway, and the prior operation of some components, Las Vegas made considerable implementation progress in the first few months of the program. The pretrial release program, which won almost immediate acceptance in the Justice Court, had begun operations in May. By the time the ILCCH program began in July, pretrial was interviewing over 200 offenders per month and by the end of August, about 150 offenders had been granted ROR based on pretrial recommendations. The director for the court counseling component and a counselor were hired in August and twelve referrals were received from the Municipal Court in August, 65 in September. The rapid implementation and use of these two components by the Justice and Municipal Courts were strong evidence of the need for the information services and processing alternatives these components provided.

In July, the first month of the program, members of the Las Vegas Metropolitan Police Department were selected to prepare a uniform citation and an instruction manual. In the same month a paralegal in the City Attorney's Office, was selected to develop guidelines and procedures for the use of summons. Both citations and summons

were already in use in Clark County, thus, little time had to be devoted to "selling" agencies on their purposes and value. Instead, efforts could begin immediately on formalizing policies and procedures and developing a uniform form so that use could be expanded. Similarly, the District Attorney's Office had begun investigating the possibility of an automated information system in early 1975. When the ILCCH program began, specifications were already being developed for the PROMIS system. Thus, by the end of August, three components (pretrial release, court counseling, and short form presentence report) were operational and component development was underway for three others (citations, summons, and PROMIS). The case screening component was delayed until greater progress had been made in the implementation of PROMIS.

4.0 CITATION

As already mentioned, citations had been used for non-traffic misdemeanors in Clark County prior to the ILCCH program. (The Nevada Legislature extended citation provisions to include misdemeanors in 1973.) In December of 1974, the Las Vegas Metropolitan Police Department (LVMPD) began issuing misdemeanor citations, mostly for first-time petty larceny offenders. At about the same time that the Las Vegas ILCCH grant application was being developed (June 1975), the LVMPD had contacted the District Attorney's Office for clarification on the legal provisions regarding citations because of the interest of the LVMPD in expanding citation use in Las Vegas. Apparently, the LVMPD was already committed to the concept of the citation as a valuable arrest alternative which can result in resource savings. The District Attorney informed the LVMPD that the ILCCH program could provide funds for the development and printing of a county-wide uniform citation, and training in its use, with the goal of expanding that use throughout the county.

In July, the first month of the ILCCH grant, the LVMPD completed development of a uniform citation ticket for Clark County; this ticket was acceptable to the police departments in the county, including the LVMPD, and the police departments of Boulder City, Henderson, and North Las Vegas Police. Soon thereafter, the North Las Vegas Police withdrew from participation, claiming that the citation and its use would confuse citizens. At the same time that North Las Vegas withdrew, the University of Nevada-Las Vegas Security Police asked for permission to use the citation. (Later North Las Vegas decided to use the new uniform citation for juvenile arrests.)

In December, the LVMPD completed development of a pocket instruction manual and video tape training film for use in familiarizing police officers throughout the country in the procedures and policies

related to the issuance of citations. For four months (from December to March), the LVMPD ran a check on all citations issued in Las Vegas to insure that officers were using the citation properly and filling out the ticket accurately. During this period, training of officers was completed and the citation component was considered fully operational in the county as of April 1, 1976.

The citation in Clark County can be used in lieu of arrest for certain misdemeanor offenses (no gross misdemeanors or misdemeanors involving a crime of violence), for traffic offenses, and for juvenile misdemeanor offenses. Officers have total discretion in the issuance of citations, but typically do not issue them in cases involving any of the following:

- the person has a prior record for the same offense;
- the person resides outside the County;
- physical force is used to detain or arrest; or
- there is a possibility the offense may resume unless an arrest is made.

The LVMPD has mobile computer terminals in their vehicles so that record checks can be made quickly via SCOPE, a computerized criminal history data system. Citations may be issued by officers who witness an offense or may be issued on the basis of a citizen arrest (e.g., petty larceny in commercial establishments).

Data collection on the issuance of citations by the LVMPD (Table I) indicate that the introduction of the uniform citation and the related training have not yet resulted in any substantial increase in the number of citations issued or expansion in the type of offenses for which citations are issued. The average citations per month was 60.0 for the pre-uniform citation period (January - December 1975) and 65.0 for the post-uniform citation period. Because of the lack of a significant expansion of usage, it is impossible to attribute any savings in police resources via the citation to the ILCCH Program.

TABLE I
CITATIONS ISSUED BY LVMPD

DATE	MISDEMEANOR ARRESTS	CITATIONS ISSUED ¹
JANUARY 1975	1301	57
FEBRUARY	1226	50
MARCH	1239	56
APRIL	1221	70
MAY	1250	74
JUNE	1321	43
JULY	1353	34
AUGUST	1274	57
SEPTEMBER	1160	48
OCTOBER	1233	80
NOVEMBER	1117	71
DECEMBER	1259	80
JANUARY 1976	1070	56
FEBRUARY	1070	79
MARCH	1366	88
APRIL	1318	60
MAY	1220	74
JUNE	1245	46
JULY	1392	58
AUGUST	1317	65
SEPTEMBER	1217	68
OCTOBER	1427	80
NOVEMBER	1280	68
DECEMBER	1283	90
JANUARY 1977	1233	58 (0)
FEBRUARY	1131	36 (1)
MARCH	1193	49 (1)

¹ CITATIONS ISSUED ARE ONLY FOR PETTY LARCENY. NO DATA WAS MAINTAINED ON NON-LARCENY CITATIONS BY THE POLICE RECORDS SUPERVISOR BECAUSE THE OCCURRENCE OF THESE CITATIONS WAS RARE. TO INSURE VALIDITY, DATA ON NON-LARCENY CITATIONS WERE COLLECTED FOR JANUARY-MARCH (1977); NUMBERS IN PARENTHESES REPRESENT THESE CITATIONS.

Citations have been used since their introduction in Clark County almost exclusively for petty larceny. In fact, this phenomenon was so consistent that the records supervisor collecting citation data only recorded petty larceny citations. A check of a three-month period (January - March 1977) revealed that two citations were issued for offenses other than petty larceny. There is no doubt that the ILCCH program originally targeted an expansion of citation usage; indeed police officials concurred with this objective and even indicated (in April, 1977) that this was their goal. Yet, it is clear that (explicitly or implicitly) the police have adopted an operating policy of using citations almost solely for petty larceny cases.

Because of the complexity of criteria for citation eligibility, it was impossible to determine the number of misdemeanor arrests where citations could have been issued. Police estimate that about half of all misdemeanor arrests are for petty larceny and that officers are on the scene in about 25 percent of all misdemeanor arrests. This, in addition to the fact that police can issue citations based on citizen arrests, suggests that there remains considerable room for citation expansion in Clark County. At the same time, it should be noted that the in-County residence requirement excludes a large number of detainees from consideration, given the large transient population of Las Vegas.

Although there has not yet been an expansion in usage, local system personnel, including police, feel that eventually use will increase as police become more confident and secure with citations. The citation component, in fact, may have been hampered by the prior use of citations in Clark County, since it had been introduced originally as a technique for specifically dealing with first-time larceny offenders. It appears that the key factor involved in the expansion of citations is the adoption of a more flexible policy on

citation use by police officials and the transmittal and acceptance of this policy by regular police officers. This did not occur as a result of the change to the uniform citation and the related training.

5.0 SUMMONS

As with the citations, summons had been used in Clark County (mostly by the District Attorney and City Attorney of Las Vegas) prior to the ILCCH program, typically for first-time, minor offenders. ILCCH funds would be used to develop a county-wide uniform summons and, more importantly, to develop uniform policies and procedures across jurisdictions, for the issuance of summons. It was anticipated that both of these could contribute to an increase in the use of summons and, thus, a reduction in the jail population. It was decided that the lead agency would be the Las Vegas City Attorney's Office and that a paralegal person would assume responsibility for developing a form and guidelines. In July 1975, a paralegal was hired to assume the responsibilities of component director.

The component director encountered problems immediately in terms of developing a form agreeable to the bailiffs in the various courts. Discussions were held with judges in the courts and it was decided that various forms would be presented to the judges and their suggestions would be integrated into the forms until one form was acceptable to all of them. By the end of 1975, a final draft of the uniform summons was prepared. The new summons was letter-size with all information on one side of the sheet; this represented a paper savings of about 20 percent in comparison to previous forms and it was anticipated that savings in microfilm costs could be as high as 60 percent. All agencies involved in issuing summons agreed to the use of the new form by February.

The next few months were to be spent trying to develop guidelines for issuance of a summons and to prepare a booklet with these guidelines. The judges, however, insisted on maintaining their discretion with regard to the issuance of a summons and, thus, formal guidelines were not feasible. Some consensus was reached that summons should be used.

for almost all first-time misdemeanants, explicitly excluding repeat offenders or those offenses where violence was involved. Funds that were to be devoted to preparation and printing of the summons guideline booklet were instead spent in involving North Las Vegas, Henderson, and Boulder City in the program and printing forms for them. Forms were distributed to all jurisdictions in June and they were to be used when the supply of old summons forms was depleted.

MITRE attempted a number of times to implement data collection procedures for summons via the MCC, the local evaluator, and finally, in the City and District Attorneys' Offices. These attempts failed, resulting in an absence of data on the use of the uniform summons. The component director had collected data (Table II) on the issuance of summons and warrants in the City Attorney's Office for March-October, 1975 (prior to the development of the new form). As indicated by this data, summons were issued in 74 percent of the cases where there was an option to issue warrants or summons. Of the 107 summons, the most common charges were battery (N=33, 31 percent) and violations involving dogs (N=17, 16 percent).

The high percentage of summons being issued indicates that they were finding broad usage prior to the ILCCH program. Individuals in the City and District Attorneys' Offices, including the MCC, have estimated that there has been no change in summons usage because of the ILCCH program; essentially, summons were being used to their full potential prior to ILCCH. The procedures for issuance of summons in the Municipal and Justice Courts of Las Vegas have not changed at all (see Section 2.1 for a description of the summons procedure). Additionally, it should be noted that, because all summons are hand-delivered by a bailiff, the use of summons in Las Vegas does not result in the manpower savings that derive from using mail summons in lieu of arrest warrants. The summons component of the ILCCH

TABLE II

MISDEMEANOR SUMMONS AND WARRANTS
(CITY ATTORNEY'S OFFICE)

YEAR	SUMMONS	WARRANTS
MARCH	20	5
APRIL	12	3
MAY	5	3
JUNE	12	2
JULY	16	3
AUGUST	15	7
SEPTEMBER	15	6
OCTOBER	12	8
TOTAL	107	37

program in Las Vegas has primarily resulted in the development and adoption of a county-wide uniform summons. This new summons form may result in savings in paper costs, microfilm costs, and in time spent by court clerks in preparing the form. However, because summons were used heavily in the past, it has been estimated that there has been no expansion in use because of the distribution of the new form. In fact, a pre-program analysis of summons data would have probably revealed the low potential for expansion of summons' usage and, therefore, the inappropriateness of summons as a target area for ILCCH funds.

6.0 PRETRIAL RELEASE

The pretrial release program began interviewing defendants and providing information to the Justice Courts in May of 1975; the first few months of operation prior to ILCCH were funded by the county as a test of the concept. The program was operated by the Clark County Community Corrections, Inc. (a private, non-profit organization with an advisory board consisting of representatives of community organizations and of the criminal justice system). ILCCH funds provided an opportunity to expand the staff of the pretrial program and, with the assignment of two positions by the county, the total staff reached twelve by the end of the program in June of 1976.

The goal of the program was to make use of an objective screening mechanism in order to identify those offenders who can be recommended for release on their own recognizance (ROR) with a minimum risk of their subsequent non-appearance in court. The screening mechanism and eligibility criteria employed were slight modifications of the Vera form,⁹ which uses verified information on length of residence in the community, family ties, employment, and criminal record to determine whether an individual is a "good risk" for release on recognizance. This information was presented to the Justices of the Peace of the Justice Court with an indication, where appropriate, that the individual qualified under program criteria. The decision to release an individual (and assign him to a follow-up supervision by the pretrial program) was totally at the discretion of the Justices of the Peace.

Prior to the pretrial program, defendants had been released on their own recognizance based on information their lawyers provided

⁹Vera Institute of Justice, Fair Treatment of the Indigent: The Manhattan Bail Project, Programs in Criminal Justice Reform. (1972)

to the judge at arraignment or later in the judicial process. Because indigents would not receive a public defender until about seven days after arrest, they would necessarily remain in jail during this period with no possibility of release on recognizance. In this sense, the pretrial program was an information service for the Justice Court. By providing verified information and using empirically-validated criteria, it was hoped sounder and more equitable decisions (that is, decisions not dependent on the ability to retain a private lawyer) could be made, fewer individuals would need to be incarcerated and, thus, the jail population could be reduced and savings realized.

The only categories of defendants not eligible for interview were defendants arrested on bench or fugitive warrants, capital murder, or non-indictable traffic offenses. Thus, most gross misdemeanants and felons were eligible. The major constraint on the program had to do with access to eligible defendants which was limited to two hours a day. Because of this constraint on the conduct of interviews in the jails, most eligible defendants typically had posted some form of bail prior to access by a pretrial interviewer; thus, the pretrial program served mostly indigent defendants.

6.1 Program Results

Table III summarizes by month the number of individuals interviewed by the pretrial program but not granted ROR. These individuals have been divided into three categories: a) those qualified for release on the basis of project criteria, but denied release; b) those who received no recommendation because of lack of points or references as defined by project criteria; and c) those who received no recommendation for any other reasons.

Table IV summarizes by month the number of individuals interviewed and granted ROR. These individuals fall into two categories:

TABLE III
INDIVIDUALS INTERVIEWED BUT NOT RELEASED ON RECOGNIZANCE

CATEGORY MONTH	QUALIFIED ¹				NO RECOMMENDATION ²				OTHER NO RECOMMENDATION ³	TOTAL
	M ⁴	GM	F	TOTAL	M	GM	F	TOTAL		
MAY '75	3	-	15	18	14	-	45	59	112	189
JUNE '75	1	1	25	27	14	4	47	65	90	182
JULY '75	3	1	19	23	7	2	30	39	136	198
AUG '75	-	-	17	17	8	-	31	39	138	194
SEPT '75	1	-	22	23	3	2	38	43	110	176
OCT '75	-	-	12	12	3	2	56	61	123	196
NOV '75	3	2	22	27	8	8	51	67	114	208
DEC '75	-	-	28	28	9	2	68	79	79	186
JAN '76	3	-	27	30	10	2	51	63	96	189
FEB '76	-	-	12	12	3	5	64	72	105	189
MAR '76	2	1	29	32	16	6	82	104	112	248
APR '76	3	-	16	19	22	9	91	122	108	249
MAY '76	5	-	27	32	19	10	84	113	118	263
TOTALS	24	5	271	300	136	52	738	926	1,441	2,667

¹ THESE CASES QUALIFIED UNDER PROGRAM CRITERIA, WERE RECOMMENDED FOR RELEASE IN THE COURT AND DENIED RELEASE.

² THESE CASES RECEIVED NO RECOMMENDATION BECAUSE THEY WERE UNQUALIFIED ON THE BASIS OF THE LACK OF SUFFICIENT POINTS OR REFERENCES.

³ THESE CASES RECEIVED NO RECOMMENDATION FOR ANY OF A VARIETY OF REASONS: A) NON-RESIDENCY; B) CHARGES WERE NOT FILED; C) INDIVIDUAL HAD BAILED OUT; D) PROBATION OR PAROLE HOLDS; E) PROTECTIVE CUSTODIES; OR F) FEDERAL CHARGES

⁴ M = MISDEMEANOR
GM = GROSS MISDEMEANOR
F = FELONY

TABLE IV
INDIVIDUALS RELEASED ON RECOGNIZANCE

CATEGORY MONTH	QUALIFIED ROR				COURT-ORDERED ROR			
	M ¹	GM	F	TOTAL	M	GM	F	TOTAL
MAY '75	4	4	14	22			1	1
JUNE '75	5	3	24	32				
JULY '75	11	5	39	55	2		9	11
AUG '75	5	1	32	38			2	2
SEPT '75	8	2	47	57	1		7	8
OCT '75	9	6	49	64		1	5	6
NOV '75	10	4	49	63	1		3	4
DEC '75	18	6	74	98			4	4
JAN '76	17	3	78	98	1	1	6	8
FEB '76	16	3	54	73	2		8	10
MAR '76	28	5	75	108	4		6	10
APR '76	18	6	73	97	4	2	9	15
MAY '76	15	4	78	97	1	1	6	8
TOTALS	164	52	686	902	16	5	66	87

¹ OFFENSE CATEGORIES REPRESENT MOST SERIOUS CHARGE FACING INDIVIDUAL AT TIME OF ROR.

(a) those qualified for release on the basis of project criteria and granted ROR; and (b) those not qualified for release, but granted ROR by the judge and assigned to the project. Both of these groups are divided into three categories on the basis of the most serious charge facing them when granted ROR.

In 13 months of operation the project interviewed 3,654 individuals or an average of 281 per month. In order to estimate the percentage of the total population eligible for interview who were interviewed, an estimate of the eligible population was derived from the metropolitan police booking sheets for one month. Based on an estimate of 13,858, the project interviewed approximately 26 percent of all those eligible for interview. Of the total population interviewed (3,654), 1,200 (32.8 percent) were considered qualified and presented to the court for ROR. Of the 1,200 presented to the court for ROR, 900 (75.0 percent) were granted ROR indicating a high degree of acceptance of the project "qualifieds" by the judges. If this acceptance rate is analyzed in terms of three time periods, we find progressively higher acceptance rates by the judges of project "qualified":--63.0 percent for the first 4 months, 75.2 percent for the second 4 months, and 79.5 percent for the last 5 months. In short, it appears the judges became more and more confident of the quality of services offered by the project.

In addition to the 900 individuals qualified by the project and granted ROR, there were 87 individuals who were granted ROR by the judges and assigned to the project, although they did not qualify under project criteria. Thus, in the 13-month period, the project performed follow-up services for 987 individuals who were granted ROR. Of these 987 cases, 563 (57.0 percent) are still open and 424 (43.0 percent) are closed.

There is little doubt that the most significant and widely used criterion employed in the evaluation of pretrial programs is the failure-to-appear (FTA) rate. Despite methodological problems in the definition of FTA rates, virtually every evaluation of a pre-trial program includes some measure of failure-to-appears. In these analyses, which of course target only the population found qualified for ROR by the project (in this case, 900 defendants), the FTA rate was based on all cases failing to show for any appearance prior to adjudication. Two failure-to-appears were discarded from the analysis because at the time scheduled for their court appearance in Las Vegas they were incarcerated in other jurisdictions. For the other 898 who qualified and were granted ROR, there were 16 failure-to-appears yielding a rate of 1.78 percent at the time the project ended. Two of these FTA's missed their court appearances because they were stranded in their vehicles. Since they presented themselves the following day, they cannot be considered willful FTA's. Additionally, another two of these FTA's should not normally have been interviewed under project criteria (one was a fugitive and one had an outstanding bench warrant); however, the court ordered them interviewed and because they had sufficient points, they received ROR. Thus, the willful FTA rate for which the project should be held accountable for would be 1.34 percent (12/894) as of the end of the project.

One does not have to be an expert on pretrial programs to see that this FTA rate is very low, indicating that the criteria and follow-up services employed by the project were highly effective. A thorough evaluation of a pretrial program, however, should provide relevant comparison data if project effectiveness is to accurately gauged. Typically, FTA rates from two types of comparison groups are employed: (a) individuals released on bail in the same jurisdiction; and (b) individuals released on personal recognizance in other

jurisdictions. A survey¹⁰ of pretrial programs in 20 cities found FTA rates ranging from 4 percent to 17 percent with an average FTA rate of about 9 percent. The only project found with an FTA rate comparable to that of the Las Vegas program is the famous Manhattan Bail Project which reported an FTA rate of 1.2 percent. This project was the original original test program for the Vera eligibility scale (which the Las Vegas program employs) and has served as a model for pretrial programs across the nation.

Although FTA data could not be collected on individuals released on cash bail in Las Vegas, it might be useful to consider the results of other comparisons of FTA rates for individuals released on ROR or bail. A survey¹¹ of nine pretrial programs which reported both project and bail FTA rates indicated that in eight cases out of nine the bail FTA rate exceeded that of the pretrial program. The average FTA rate for the bail projects was 8.5 percent, while the average rate for the pretrial programs was 4.3 percent. Likewise a review¹² of 16 programs reporting project and bail rates indicated that there were 10 cases in which the bail FTA rate was higher than the project, one case where they were equal, and five cases where the project had a higher FTA rate. Overall, the literature supports the conclusion that bail FTA rates generally tend to be the same or higher than those of pretrial programs in the same jurisdiction.

¹⁰ Wayne Thomas, The Current State of Bail Reform: Bail Projects. Davis, California: Center for the Administration of Criminal Justice, 1970.

¹¹ Pre-Trial Services: An Evaluation of Policy-Related Research. Abt Associates: Cambridge, Massachusetts; 1975.

¹² The Pre-Trial Release Program. Office of Economic Opportunity, July 1973.

Interestingly enough, there is one natural comparison group available within the population of cases who were assigned to the project--this is the group of 87 individuals (see Table IV) who were not qualified under project criteria but were granted ROR and assigned to the project by the judges anyway. Because both groups depicted in Table IV received ROR and follow-up services, the major difference between them is whether they qualified under project criteria. For the 87 individuals not qualified but receiving a court-ordered ROR, there were 9 FTA's for an FTA rate of 10.34 percent. A statistical comparison between this rate and the rate for project qualified (1.34 percent) yields a significant difference ($t=5.56$, $df=979$, $p < .001$), indicating that the project criteria constituted an effective screening tool.

Because the objective of most release programs is to provide the courts with information and services which will insure a defendant's court appearances, arrest and conviction data are not typically considered valid measures of project effectiveness. There is no pretrial release program that has rehabilitation as an objective. Nonetheless, it is important to collect recidivism data during the release period as one measure of the social risk entailed in securing release. In order to collect this data in Las Vegas, a random sample of 94 individuals granted ROR was selected and criminal history data was gathered on them through the computerized data system, SCOPE, available in the L. V. Metropolitan Police Department. For the 94 cases, the average release period was 131.4 days. In this period, 20 (21.3 percent) were rearrested; of these, 10 (10.6 percent) had charges filed against them. For the twenty rearrested, approximately 8 (40 percent) were rearrested on felony charges.

Typical comparison groups for recidivism data are: (a) individuals released on bail in the same jurisdiction; and (b) individuals granted

ROR in other jurisdictions. In addition to the fact that few of these comparisons have been conducted (generally, because recidivism is not considered a target of pretrial programs), when data is presented it often matches neither defendant characteristics nor, more importantly, length of release period. Three studies¹³ which contained comparative data indicated that the type of release does not make any difference in the likelihood of rearrest. Likewise a study¹⁴ of pretrial release in Santa Clara statistically showed no increase in the risk of recidivism for individuals released on ROR as compared to bail. Finally, the only study¹⁵ found reporting both rearrest data for individuals on ROR and also the exact release period indicated a rearrest rate of 26 percent for a 90-day release period. In the area of recidivism rates, the study by Abt Associates concluded that project defendants do not seem to differ much from other populations traditionally released by the criminal justice system. In fact, the high intensity screening of many pretrial programs may succeed in differentiating defendants less prone to recidivism than those traditionally released by bail or other methods.

The pretrial program in Las Vegas probably resulted in significant savings in detention costs by releasing individuals who might not have obtained release otherwise and by releasing individuals sooner than they would have otherwise been released. Although it is impossible to determine the size of the former group, almost all

¹³ An Evaluation of Policy Related Research on the Effectiveness of Pretrial Release Programs. National Center for State Courts, October 1975.

¹⁴ Ronald Obert, Final Report: Santa Clara County Pretrial Release Program, 1973.

¹⁵ Michael Gottfredson, "An Empirical Analysis of Pre-Trial Release Decisions," Journal of Criminal Justice, Vol. 2, pp. 287-304 (1974).

900 individuals ROR'ed would fall into the latter group since those ROR'ed were almost all indigent. Prior to the pretrial program, these individuals would have remained in jail approximately eight days before receiving a court-appointed lawyer (who could then make bail or ROR motions to a Justice of the Peace). They were released via pretrial interviews in approximately two days, resulting in a minimum average saving of six days of detention costs per individual. Employing a detention cost of \$15.00/day,¹⁶ a conservative estimate of detention cost savings would be \$81,000.00 (900 ROR's x 6 days x \$15.00/day). Of course, in addition to the cost savings, the pretrial release of indigents brought substantial equity to the release process since the ability to retain a private lawyer was no longer critical to rapid release on recognizance.

An attempt was made to analyze jail population data to see whether the impact of the pretrial program could be determined.

Unfortunately, for the Clark County jail, jail population data maintained by the LVMPD does not distinguish charged detainees from sentenced detainees until April 1976. Thus, this data was only available for the last two months (April and May 1976) of the pretrial program. Table V lists the average monthly population of charged detainees for April 1976 - January 1977, the number of arrests by the LVMPD, and the population of charged detainees as a percentage of arrests.

The data indicate a rise in daily jail population since June 1976, the time at which the pretrial program ended. The average daily population for the last two months of the pretrial program was

¹⁶ Fifteen dollars is the national average; Clark County is estimated to be higher.

TABLE V

CLARK COUNTY JAIL POPULATION AND ARREST DATA
APRIL 1976 - JANUARY 1977

MONTH VARIABLE	APRIL 1976	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 1977
AVERAGE DAILY POPULATION OF CHARGED DETAINEES	346	364	394	420	398	474	428	494	466	481
ARRESTS	2,362	2,454	2,246	2,420	2,521	2,331	2,618	2,247	2,462	2,304
% $\frac{\text{DETAINEES}}{\text{ARRESTS}}$	14.6	14.8	17.5	17.4	15.8	20.3	16.3	22.0	18.9	20.0

355; for the subsequent eight months it was 442. This analysis, however, should also take into account increases in arrests during this period. Thus, the proportions of charged detainees to arrests were calculated. For the last two months of the pretrial program this percentage was 14.7 percent; for the subsequent eight months it was 18.5 percent. Thus, since the last two months of the pretrial program, there has been an increase in the proportion of arrestees detained in the Clark County Jail. This statistic becomes particularly significant in light of the overcrowding and resultant conditions in the jail. Although this data is suggestive of the program's impact, the more complete jail data needed for a thorough and reliable assessment were unfortunately not available.

6.2 The Bail Bondsmen and Struggle for Refunding

From its inception, the pretrial release program had encountered strong and vocal opposition from the 17 bail bondsmen operating in Clark County. These bail bondsmen do approximately \$10 million worth of business a year. In the late summer of 1975, the bondsmen contacted a U.S. Senator from Nevada in an attempt to discredit the pretrial release program with charges of falsification of data, lack of access to the data, and conflict of interest (the project director's wife serves on the executive board of Clark County Community Corrections, Inc.). The MCC contacted the Senator to address these charges in November 1975.

The pretrial program's funding under the ILCCH grant ran out in June 1976. It was during the month of May, immediately preceding the local funding decision by the Clark County Commissioners, that the bail bondsmen renewed their attack on the program and the question of its merits became a topic of intense debate in the local media. Although it is difficult to summarize all of the editorials, articles, and letters in the local press regarding the pretrial program, much

of it clearly sided with the point of view of the bail bondsmen and much of it was characterized by misconceptions, distortions of fact, and errors.

One article,¹⁷ purporting to discuss the upcoming vote on the program by the County Commissioners, crystallized the nature of much of this press coverage. The opening sentence of the article describes the program as a "Federally funded program that springs criminal suspects from jail without them having to post bond..." The article goes on to describe the point system employed and states that "...judges...glance at the number of points a prisoner has, and if he or she has five, a release from jail pending trial becomes automatic" (emphasis supplied). The next sentence states, "It is not hard to accumulate the five desired points." The notion that the pretrial program recommended release to the judges and that the judges automatically released defendants on this basis seemed to one of the most typical misconceptions surrounding the program (despite repeated letters to the newspapers refuting this characterization). Of the total population interviewed by the pretrial program, only one-third qualified for release. Of those qualified, the judges released 75 percent and in point of fact, the pretrial program, as a matter of policy, never recommended any defendant for release.

The same article disputed claims by the project director that the project's FTA rate was approximately one percent. Instead, the newspaper claimed that its own investigators picked 41 Justice Court cases released via the program and found 15 FTA's. A check with those in charge of records at the Justice Court revealed that no one from the newspaper had ever examined any records. Additionally, the MITRE

¹⁷ "No-Bail Renewal Faces Battle on Funds," Harold Hyman, Las Vegas Sun, May 28, 1976.

data analysis and audit of the project's records revealed 18 FTA's out of the 900 individuals granted ROR. The likelihood of selecting 41 cases and finding 15 out of 18 FTAs is nearly zero. An information packet sent to the commissioners by a bondsman stated inaccurately that the national FTA rate for misdemeanants was 20 percent, for felons, 6 percent. The concept of "revolving doors of justice," the continuous false attributions of a high FTA rate, and few well-publicized instances of releases committing offenses were all part of efforts to discredit the program.

One editorial invoked the Federal bogeyman and his ubiquitous "attached strings" as the real problem with the program.¹⁸ The editorial states, "Under the federal terms, the program director was only accountable to an advisory board of citizens from private social agencies." Yet, in fact, the administrative structure of the program was locally determined with no Federal input. Equally significant, the board had representatives from the Justice and District Courts and from the Offices of the District Attorney, Public Defender, and Federal Prosecutor. Later, in reference to the desirability of having a pretrial program only for minor offenders, the editorial states, "once again the federal mandate must prevail and that dictates that the felons must be given the opportunity for an early release too." Again, the population targeted for interview was entirely a local prerogative.

In early June, the County Commissioners met to hear the case of the pretrial program, which required a \$24,086 county match for the \$41,334 of block grant funds already allocated. In an over two-hour presentation, the Chief Judge and Assistant Chief Judge of the

¹⁸"Commission Should Stick By Its Guns," Las Vegas Review-Journal, June 24, 1976.

8th Judicial District Court, three Justices of the Peace, the District Attorney, the Public Defender, the Criminal Practices Committee of the Nevada Bar Association, the League of Women Voters, the ACLU, the Legal Aid Society, and three other community groups appeared on behalf of the program. The only opposition was from the local bail bondsmen who made a 15 minute presentation. The outcome vote was 5-2 against continuation of the pretrial program. Later, Clark County Community Corrections, in an effort to win the support of the County Commissioners, agreed to delimit the interviewed population (no serious or violent felonies) and change their administrative structure. When it became evident that neither these changes nor the complete quantitative analysis of the project's accomplishments could win a majority, the decision was made not to present their case to the County Commissioners for another vote.

One particularly unfortunate aspect of the debate regarding the pretrial program and its subsequent defeat was that the opportunity for an objective, public consideration of the benefits and costs of such a program was clearly missed. Instead a tone of hysteria prevailed in the media, accompanied by distortions of fact about pretrial release in general and the project specifically. The local press did not provide a clear account of the project, its purposes, its accomplishments, and its possible liabilities or costs for the community. It was rare to see any mention of the detention cost savings related to reducing the jail population; of the value of an empirically-validated set of criteria to aid judges in release decisions; or of the most important social goal of the project--equity in terms of pretrial release.

There is little doubt that the Justices of the Peace who made use of the services of the project found it invaluable as a guide to pretrial decisions during its 13 months of operation. They spoke

often and strongly of the need for such a project and for release on recognizance in Clark County. Without the pretrial program, substantial equity has been lost in the pretrial release procedures of Clark County. Indigent individual, who would have been released in two days, now remain in jail seven or eight days before any possibility of pretrial release; others remain in jail until their cases are disposed. Fewer individuals are now ROR'ed in Clark County and less reliable information is used to make release decisions. Both the project director of the ILCCH Program (the District Attorney's Administrator) and the MCC agreed that the pretrial program was the most significant and useful of the ILCCH components in Las Vegas.

7.0 CASE SCREENING

Misdemeanor case screening, under ILCH funding, was to be part of a larger effort directed towards improved case evaluation and screening in the District Attorney's Office. Federal funds had already been obtained for the development of a felony/gross misdemeanor charging manual and the ILCCH funds were to be used for developing a misdemeanor charging manual. Eventually, all screening would be performed by a screening unit which would make use of the data capabilities of the planned PROMIS system.

In January 1976, an attorney was hired to work under the Chief Deputy of the Liaison Section, and was assigned the responsibility of developing the misdemeanor charging manual. Before beginning the development of this manual, however, their attention turned to a number of problems characterizing the screening of misdemeanor complaints in the District Attorney's Office.

Typically, the LVMPD arrests an individual and then issues a misdemeanor complaint through their Records Division. This complaint is filed with the Liaison Section of the District Attorney's Office where charging assistants would approve or deny the complaints. If approved, they would be filed in Justice Court for issuance of a summons or arrest warrant. Because of the large number of complaints filed (200-300/week) and the rotation of charging assistants, there was a great deal of inconsistency in the screening process. More importantly, there were major problems if the charging assistant decided to return the complaint for reinvestigation or to change the charge. To return the complaint for reinvestigation meant considerable delay while the arrestee remained in jail. To recharge a complaint created tremendous paperwork problems. In many cases, charging assistants tended to deny complaints rather than initiate either of these alternatives.

Neither of these problems arose in felony screening because the District Attorney has initial responsibility for filing complaints (and, thus, determining charges). For this reason, it was decided that the most efficacious solution would be for the District Attorney's Office to assume similar responsibilities for misdemeanor cases. The LVMPD was in complete accord with this shift of responsibilities. The only problem with implementing this change was a lack of funds for the personnel to staff a complaints unit and for the necessary space. A proposal was made in July 1976 to the District Attorney to effect these changes but a lack of resources prevented enactment of the proposal until July 1977. With charging responsibilities for misdemeanors now in the District Attorney's Office, charging should be more consistent. Additionally, the logistical and paperwork problems mentioned above should be resolved.

A misdemeanor charging manual was thus never developed for use by the Liaison Section. The earlier-funded felony/gross misdemeanor manual was completed in early 1977; however it was not yet printed as of May 1977. Serious misdemeanant cases are still informally "flagged" by the Liaison Section to insure that they receive extra prosecutorial attention. As a whole, it appears that the misdemeanor screening function has improved as of July, 1977 (although no data were available), because the charging responsibility for misdemeanors has been shifted from the police to the prosecutor.

8.0 PROMIS

The need for a management information system which would provide the capability for case evaluation and data aggregation had been identified in the 1975 Criminal Justice Plan and, thus, PROMIS had been included in the 1975 Regional Plan. Planning funds had been allocated in 1975 for the study of appropriate information systems, including PROMIS. During attendance at a PROMIS user's meeting in Washington, D.C., members of the District Attorney's Office explored the ways in which an automated PROMIS could be used in Las Vegas. The decision to develop PROMIS was also influenced by the fact that other jurisdictions were already using it or developing it and, thus, Las Vegas could draw on their experience. These planning funds also provided for a paper-flow analysis of the District Attorney's Office by an outside consultant.

Block grant and ILCCH funds were to be used to develop and implement PROMIS. Block grant funds would be used to hire a consultant to determine system requirements, and to complete the system design and computer specifications. When this phase was completed, ILCCH funds would be used to purchase the necessary hardware and to install it. The system would be a fully-automated, on-line real time system using the county's IBM 370 computer and would provide all of the capabilities of the prescribed PROMIS system. All cases in the District Attorney's Office would be entered.

The development of a management information system has had the complete support of the District Attorney from the initial planning efforts. Numerous problems related to case tracking and data aggregation and analysis had arisen in the District Attorney's Office over the years, partly due to the growing misdemeanor and felony case-loads. Some of the problems that it was expected PROMIS would address included:

- the lack of a formal case-evaluation system for use by the screening unit in prioritizing cases; this function had been conducted informally in the past on a "we know he's a bad one" basis;
- lengthy clerical time and costs involved in calendar preparation, generation of subpoenas, witness lists, etc.;
- the inability to rapidly and accurately aggregate statistics related to the performance of the D.A.'s Office;
- the lack of an ability to determine whether defendants have pending cases and are out on bail; PROMIS allows the identification of these cases so that bail can be revoked and better case preparation can occur; and
- the inability to provide police with specific case disposition data for entry in their SCOPE file (the master computerized file of criminal histories in the region).

From the beginning the Administrative Officer to the District Attorney has supervised the development of PROMIS. During July and August, 1975, efforts focused on system design and program specification, tasks being funded by block grant funds. A systems analyst was employed to perform these functions. In October, 1975, the specification of hardware requirements began and by the end of December a decision had been made to purchase the equipment under a sole-source procurement. The MCC prepared the procurement, but a three month delay by the Regional Office in approving the procurement delayed purchase until June. The equipment was purchased and installed during June and July, 1976. The fall and winter of 1976 were spent redesigning the PROMIS program to fit the special needs of the District Attorney's Office in Clark County. The use of an in-house analyst/programmer resulted in substantial cost savings but, because of other programming duties of this individual, the analysis of the problems and the subsequent reprogramming was a lengthy process. In February - March 1977, test data were produced to simulate program operations and debugging began. Since April, testing and debugging has continued to "live" data in a variety of modes. As of May 1977, the anticipated date for full implementation of PROMIS was late summer, 1977.

When completed, the development and implementation of PROMIS in Las Vegas will have taken over 2 years, much longer than originally expected by the District Attorney's Office. The major causes of the delays in implementation involve the substantial technical redesign of the standard PROMIS program and the use of an in-house analyst/programmer, who could devote only part of his time to this redesign phase. The use of the in-house analyst resulted in cost savings for the District Attorney's Office, however.

There was little internal resistance to the development of PROMIS in the District Attorney's Office, partly because of the District Attorney's full support for PROMIS and partly because of the capabilities the system was to offer. The police were initially reluctant to make some paper-work changes necessitated by PROMIS but eventually made these changes; PROMIS would offer the police case disposition data for entry in their SCOPE files.

PROMIS will provide numerous capabilities that can result in time and resource savings for the District Attorney's Office. These include the generation of subpoenas, calendars for the Justice and District Courts, witness notification forms, workload and case status reports. These capabilities, however, are hardly specific to misdemeanor processing; they will mostly involve felony processing in the Justice and District Courts. It is expected that PROMIS will tie in with the LVMPD's SCOPE system and that PROMIS will provide disposition data for entry in SCOPE. It is also hoped that data from the correctional centers (now recorded manually and somewhat inconsistently) will also eventually be entered so that computerized data will be available from arrest through prosecution to corrections.

It is clear that, while ILCCH funding provided impetus for the development and implementation of PROMIS in Las Vegas, nothing has thus far resulted in terms of improvements in misdemeanor case handling. (Because of implementation delays, PROMIS could not facilitate the misdemeanor case screening process as anticipated.) Given a realistic appraisal of the amount of time necessary to implement PROMIS and the short start-up period for ILCCH, it was highly unlikely that PROMIS could have contributed to the goals of the ILCCH Program in the designated time period.

9.0 SHORT FORM PRESENTENCE INVESTIGATION AND COURT COUNSELING

Because formal probation cannot be granted to misdemeanants in Nevada, the ILCCH select offender probation component was developed in Las Vegas as a deferred sentencing project called court counseling (CC). It was anticipated from the beginning that CC would provide the basis for a formal probation program if a proposed constitutional amendment to institute misdemeanor probation were ratified in the general election of November, 1976. The CC program was designed as a community-based, volunteer counseling program to begin operating in the Municipal Courts of Las Vegas, with later expansion to the Justice Courts. Additionally, a presentence investigation (PSI) form would be developed for use before and after deferred sentencing, at the judge's request.

In July 1975, the director of CC and a counselor were hired and began developing methods to be employed for referrals, the PSI form and the volunteer program. By the end of August, 12 referrals had been received from the Municipal Court. During September, a budget revision was submitted to the Regional Office that would allow the hiring of two additional counselors in January for the planned expansion to the Justice Courts. Additionally a PSI form was developed; essentially it was a short (one-page) narrative-type report. Also in September, criteria to be employed for referrals were finalized and it was decided that CC would focus on first offenders, minor offenders, and youthful offenders. Felons would not be eligible.

The CC director visited the Volunteer Probation Counselor Program in Lincoln, Nebraska, for three days in September in order to study the procedures used there in the development of volunteers. During this month, the CC director began actively recruiting volunteers in the community; this effort was facilitated by publicity in the local media. The Lincoln model involves three stages in the use

of volunteers--critical screening, intensive training, and careful matching of volunteers and clients. All of these became formalized features of CC. In all cases assignment of volunteers was on a one-to-one basis; criteria employed in matching were sex (no opposite sex pairings), age, and interests. Either party is allowed to terminate the relationship at any point in time. At the end of June, 1976, CC had 15 active volunteers.

Throughout late 1975, referrals to the CC program from the Municipal Court steadily increased. At the same time plans for the expansion to the Justice Courts were made and in September, 1975, a budget revision to allow the hiring of two more counselors was submitted to the Regional Office. By January 1, 1976, two counselors were selected and the Justices of the Peace agreed to the concept of the CC program. However, the budget revision was not approved by the Regional Office as of January 1, 1976 and a continuing delay in gaining this approval became a source of friction between the MCC and the CC director. The director of CC felt the MCC should have been more aggressive in dealing with the Regional Office on the matter of the revision. However, the MCC wanted to maintain positive relations with the Regional Office on the matter of the revision, and in general, since these relations could affect the successful course of the whole program. Although this was a relatively small incident within the framework of the program, it raises important questions about the nature and scope of the MCC role and points to the need for greater clarification. The CC program did not get its first referral from the Justice Courts until March and it was after this (in April) that the revision was finally approved by the Regional Office and two more counselors hired. Thus, the Regional Office had taken about seven months to approve the revision. The impact of the expansion to the Justice Courts is reflected by the fact that referrals for the April - June time period (320) were almost double those of January - March (167). The program quickly established itself in the Justice Courts.

From April to June, preparations were made for the solicitation of local refunding. A statistical summary of the program was prepared by the local evaluator and a presentation was made to the City Commissioners. In order to facilitate refunding, the program demonstrated that, by charging fees for its services (\$25 or \$50 per client depending on services rendered), it could generate the \$60,000 needed to operate for a year; these fees would be returned to the local government. In early July, the City Commission agreed to fund the program until November to assess the validity of the fee-for-service system and to see whether the misdemeanor probation amendment passed. The amendment did not pass. Funding is now provided jointly by the city and county (\$30,000). The present fee-for-service system will easily generate enough money to repay the city and county.

From July, 1975 to June, 1976 (the ILCCH Funding Period), the CC program was assigned 537 individuals under the deferred sentencing provision; 106 of these were referred by the Justice Court. About half of the referrals received three-month deferred sentences and about half received six-month deferred sentences. Although deferred sentencing had been used in the past, it was employed on an ad hoc, informal basis with no supervision or counseling available. It should be noted that assignment to the CC program is not in lieu of incarceration since misdemeanants are rarely incarcerated in Clark County. Instead it represents a sentencing option that allows judges to offer counseling and other services to an individual and defer final sentencing (usually fines) while an assessment of the individual's progress can be made.

All of the clients assigned to CC received some type of direct or indirect services. Many (about 50 percent) of the clients were referred to the Alcohol Offender's Program in Las Vegas or other

local service agencies. The CC staff offered direct counseling or assignment to a volunteer counselor to about 20 percent of its clients. During April, the CC program developed a petty larceny program designed to help those individuals in CC charged with petty larceny to understand and deal with their problems. A six-hour education and counseling program was developed and offered, for the first time, in April. A high percentage (25 percent) of CC clients were unemployed and special efforts were made to assist the individuals in locating employment; local employment agencies were contacted and some agreed to charge lower fees for CC clients. The CC program, because of its small staff, has had to offer an eclectic mix of counseling and services, depending heavily on the resources of the local community. Yet, these services have been individualized in terms of the specific needs of clients.

One of the most valuable contributions of the CC program has been the presentence information it provided to judges to guide decisions regarding assignment to CC and to use in sentencing after completion of CC. PSI's were completed for 84 individuals prior to decisions regarding the use of deferred sentencing; most clients were assigned directly to the program without a PSI. When a client finishes the program, a PSI is completed which summarizes the client's performance in the program and recommends a sentencing action. The director of CC has stated that the judges usually follow the CC recommendation.

It should be noted that the CC program was not a correctional program in the sense of targeting the reduction of client recidivism. Its clients were almost all first-time, minor misdemeanor offenders. The program served the purpose of determining if these clients needed any services, providing services in some cases, and informing the court of the proper disposition.

The CC program is the only new misdemeanor processing alternative developed solely as part of the ILCCH program in Las Vegas. Although deferred sentencing was used occasionally in the past the CC program combined deferred sentencing with assignment to a structured program offering a variety of counseling and referral services for misdemeanants. The need for this type of sentencing mechanism was borne out by the program's immediate acceptance and use by the Justice Courts. Judges in both courts have found the CC program particularly useful for first-time petty larceny and driving-under-the-influence (DUI) offenders.

In addition to counseling and referral, the CC program provided judges with presentence reports to use in making assignments to the program or in final sentencing. Like pretrial release, the presentence investigation and report are valuable methods for providing judges with more complete and reliable information to use in judicial decision-making. By restricting itself to misdemeanants and by instituting a fee-for-service system when ILCCH funds ran out, the CC program avoided the political and fiscal problems that ultimately doomed the pretrial program. The fee-for-service system virtually assured institutionalization of the program. With broad support in the courts and financial self-sufficiency, the CC program is likely to remain a permanent feature of the criminal justice system in Las Vegas.

10.0 PROGRAM STRUCTURE AND THE MASS CASE COORDINATOR

The nature of the MCC role in Las Vegas largely reflects the structure of the program as developed in the initial grant application. Each of the components was to be developed, implemented, and operated by a key agency/individual with the MCC serving primarily as administrator of the program. Thus, CC, PSI, and pretrial release were supervised by specific directors; citation was the responsibility of the LVMPD; summons was assigned to the City Attorney's Office; and PROMIS and case screening were assigned to individuals in the District Attorney's Office. In this sense, it could be expected that the MCC position in Las Vegas would not develop into the type of active coordinating role inherent in the ILCCH concept and, indeed, it never did.

The limited role that the MCC would play in the ILCCH program in Las Vegas was underscored by the selection of the MCC. The individual chosen by the District Attorney had neither general criminal justice experience, nor specific experience in the Clark County system. Instead, the MCC possessed the kind of administrative and counseling background that would allow him to effectively administer the grant and work with the variety of individuals involved with the components.

The disintegration of the Coordinating Council very early in the program reflects the component-by-component nature of the program and the fact that there was very little planned interaction between components or agencies. In those cases where interagency cooperation was needed (the development of the uniform citation and summons), the MCC effectively played the role of spokesman for the component concept and argued successfully for the necessary cooperation. With the exception of the director of CC, every component director indicated the MCC had done a great job, and in some cases, that meant simply "staying out of my hair."

Because of the program structure and the restricted role of the MCC, there never developed any awareness in the Clark County criminal justice system of the ILCCH program, its nature or purposes. No mechanisms, short or long term, were developed to continually assess misdemeanor processing problems and potential solutions. There were no attempts to address the questions of coordination and inter-agency cooperation in pursuit of greater efficiency and effectiveness in the handling of misdemeanants. Instead the story of the Las Vegas ILCCH program is the story of the individual components, their specific uses and effects.

11.0 COMPONENT AND PROGRAM SUMMARY

The ILCCH components in Las Vegas met with varying degrees of success in implementation, utilization, and impact on case processing. Probably the most important factor underlying and controlling these component processes was the need or demand for the component in the local criminal justice system. Table VI summarizes information on the seven ILCCH components in Las Vegas.

The pretrial and court counseling (CC) components were the most successful ILCCH components in terms of providing new and needed services and gaining rapid acceptance for those services. Both components were designed to meet specific needs in the lower courts of Las Vegas. The Municipal Court (which handles all misdemeanors within the City of Las Vegas) had no diversion or correctional alternatives available to it prior to ILCCH. Primarily because Nevada Law does not allow misdemeanor probation, judges had to use fines, jail sentences, or some combination of the two. Court counseling, as a deferred sentencing option, allowed judges to suspend sentence while assigning defendants to a program that offered counseling and a variety of referral services. Upon completion of the CC program, the judge would make a decision regarding sentencing; this decision was usually based on the presentence recommendation of the CC staff. Thus, the CC program offered a diversion alternative, counseling and referral services, and presentence information to the Municipal Court for the first time.

The pretrial release program began as an information service to the Justice Courts to aid judges in making release decisions for misdemeanants and felons. Using Vera-based procedures, the program gathered and verified information on defendants and provided it to judges with an indication as to whether the individual was "Qualified" for release under program criteria. In the past, judges made release decisions based on unsubstantiated information from attorneys;

TABLE VI
COMPONENT SUMMARY
CLARK COUNTY

COMPONENT	PRE-ILCCH STATUS	IMPLEMENTATION *	USE	INSTITUTIONALIZATION	OTHER COMMENTS
POLICE CITATION	PERMITTED BY STATE LAW. USED BY LVMPD MOSTLY FOR PETTY LARCENIES	TRAINING COMPLETED AND UNIFORM TICKET FOR COUNTY IMPLEMENTED APRIL, 1976	65 PER MONTH - NO INCREASE FROM PAST. STILL USED ALMOST EXCLUSIVELY FOR LARCENIES	CITATIONS WILL CONTINUE TO BE USED WITH THE POSSIBILITY OF EXPANDED USE	THERE WAS LITTLE ROOM FOR EXPANSION OF SUMMONS USE IN CLARK COUNTY
COURT SUMMONS	PERMITTED BY STATE LAW. USED BY CITY AND DISTRICT ATTORNEY'S OFFICE	UNIFORM SUMMONS FOR COUNTY IMPLEMENTED IN FEBRUARY - MARCH, 1976	10-15 PER MONTH BY CITY ATTORNEY. NO INCREASE FROM PAST	SUMMONS WILL CONTINUE TO BE USED	
CASE SCREENING	FORMAL SCREENING UNIT IN DISTRICT ATTORNEY'S OFFICE	MISDEMEANOR CHARGING MANUAL NOT DEVELOPED. RESPONSIBILITY FOR FILING MISDEMEANOR CHARGES SHIFTED FROM POLICE TO D.A. IN JULY 1977	ALL MISDEMEANOR CHARGES NOW FILED BY D.A.'s OFFICE	PROCEDURAL CHANGE WILL BE INSTITUTIONALIZED	
PROMIS	PLANNING AND SOME ANALYSIS FOR PROMIS COMPLETED	FULL IMPLEMENTATION IN DISTRICT ATTORNEY'S OFFICE SCHEDULED FOR LATE SUMMER, 1977	ALL CASES IN DISTRICT ATTORNEY'S OFFICE WHEN COMPLETED		
PRETRIAL RELEASE	PROGRAM BEGAN ON TRIAL BASIS 3 MONTHS PRIOR TO ILCCH	FULL IMPLEMENTATION MAY 1975	281 INTERVIEWS PER MONTH AND 70 ROR's PER MONTH BETWEEN MAY 75 - JUNE 76	NO. COUNTY COMMISSION VOTED AGAINST REFUNDING IN JUNE 1976	
SHORT FORM PRESENTENCE	NO PRESENTENCE INVESTIGATIONS FOR MISDEMEANANTS CONDUCTED PRIOR TO ILCCH	SEPTEMBER 1975 AS PART OF COURT COUNSELING PROGRAM	84 PSI'S COMPLETED FOR PERIOD BETWEEN SEPTEMBER 1975 AND JUNE 1976	YES. WILL CONTINUE AS PART OF COURT COUNSELING PROGRAM	
SELECT OFFENDER PROBATION	NO MISDEMEANANT PROBATION ALLOWED UNDER NEVADA LAW	JULY 1975 - THE COURT COUNSELING PROGRAM, A DEFERRED SENTENCING OPTION, BEGAN IN MUNICIPAL COURT. BEGAN IN JUSTICE COURT IN MARCH, 1975	537 MISDEMEANANTS ASSIGNED BETWEEN JULY 1975 AND JUNE 1976	YES. REFUNDED BY CITY AND COUNTY WITH FUNDS TO BE RETURNED AS PART OF FEE-FOR-SERVICE SYSTEM	

* ILCCH Grant Awarded June 30, 1975.

defendants without attorneys had little chance for release on recognizance. By assisting and formalizing the process by which defendants were granted release on recognizance, the pretrial program:

- brought substantial equity to pretrial release decisions in Clark County, because the ability to retain private counsel was no longer critical to obtaining rapid release on recognizance;
- demonstrated that a large number of serious offenders (felons) could be released on recognizance while guaranteeing their appearance in court; and
- demonstrated that substantial cost savings could be realized by reducing detention time for defendants via pretrial release; there was also some evidence that the program reduced the Las Vegas Jail population.

In addition to the need for these components, both components benefited from strong leadership which enabled them to offer their services to the courts at the beginning of the program and quickly establish their credibility. Both components were able to provide services to a large number of clients and both were able to expand their services to include both lower courts in Las Vegas (the Justice and Municipal Courts).

The failure of the pretrial program to gain the support (and funds) it needed from the County Commission so that it could continue operations reflects, among other factors, the political/economic dimensions of the pretrial release program. First, the program represented a direct economic threat to the well-established bail bond business in Las Vegas. Second, by releasing mostly felons, some who were rearrested while on release, the program was susceptible to a variety of charges regarding the propriety of these releases in terms of public safety. These two factors, in addition to a series of misrepresentations about the program and its effects in the local press, created a political environment which resulted in the local decision not to refund.

By its very nature, the CC program avoided the kind of issues which confronted pretrial release. By dealing only with misdemeanants (mostly first-time offenders) who would not be sentenced to jail, the program avoided any questions regarding the release of "dangerous" offenders. Additionally, the program was able to initiate a fee-for-service system which has rendered it financially independent of local support, this, guaranteeing its immediate future as a sentencing option for the lower courts.

The citation and summons components accomplished little in terms of affecting misdemeanor case flow. In both cases, ILCCH funds were used to develop uniform forms for Clark County. However, neither citations nor summons were used more frequently than in the past. The data indicated that summons were already being used in the vast majority of cases based on citizen-initiated misdemeanors complaints, thus allowing little room for expansion in use. An attempt to formalize criteria for summons issuance was resisted by judges, who did not want their discretionary powers affected. On the other hand, the failure of citations to find greater use resulted from the reluctance of the LVMPD to issue citations for charges other than petty larceny.

The case screening and PROMIS components were intended to be part of an integrated effort directed towards improved case screening, evaluation, and management in the District Attorney's Office. The major problems with the misdemeanor screening function derived from the fact that police, rather than the District Attorney's Office, file misdemeanor charges. A procedural change which gave misdemeanor charging responsibility to the prosecutor (as with felonies) was delayed until July, 1977, because of a lack of necessary resources in the District Attorney's Office. In sum, then, although the case screening component failed to result in any rapid changes in the screening function, the assumption of charging responsibility by the District

Attorney's Office should bring more consistency to the process and should eliminate those problems created when the police filed original charges.

Efforts directed at the development of PROMIS had begun prior to the ILCCH Program. ILCCH funds were used to continue what has proven to be the lengthy process of designing and implementing a new information system for the District Attorney's Office. When PROMIS is operational (perhaps late summer 1977), it will provide a number of data aggregation and information capabilities that should aid felony and misdemeanor case management in the Justice and District Courts.

It is clear that the ILCCH Program in Las Vegas did not result in the kind of integrated approach to misdemeanor problems and coordinated impact on case processing envisioned at the outset. The organization of the components, the selection of the MCC, and the lack of any coordinating group all signaled a component-by-component approach effectively precluding the ongoing analysis of system-wide problems and solutions.

The local criminal justice planner pointed out that even during grant development, it was obvious that these components could not be tied together in the simplistic fashion outlined in the original ILCCH concept, because the components were at least nominally unrelated. Since only a month or two was available to examine the misdemeanor system and its problems and to specify the application of ILCCH components, the Las Vegas plan involved delegation of component responsibility to the relevant agencies or individuals. Misdemeanor case flow problems couldn't really be identified in a system sense, nor could system-wide solutions be identified. Moreover, given the nature of the lower court problems in Las Vegas, it is not clear that the ILCCH components offered the kinds of solutions needed for system-wide impact.

Most lower court problems in Las Vegas are attributed to the Justice Courts which also have responsibility for preliminary felony case processing. Because of the large case flow, the priority accorded felonies, and the lack of adequate judicial manpower, misdemeanor processing has taken on "assembly-line" characteristics in this court. About two-thirds of the misdemeanor cases are dismissed; about half of all appearances result in continuances; and average case processing takes about nine months to a year. There are so many misdemeanor witness subpoenas that they are served by mail, resulting in frequent nonappearances, and, thus, dismissals. One judge remarked that if more misdemeanor trials were requested, the court would be crippled.

There is some belief in the District Attorney's Office that, despite the fact that felonies are the priority and that more judges are needed, the Justice Court has been lax in its treatment of misdemeanor cases. This may be a function of a philosophy operational in the courts and reflected in public sentiment that, given the serious crime problems in Clark County, misdemeanors are trivial. One individual in the District Attorney's Office summarized the situation by saying simply, "There is no misdemeanor justice in Las Vegas."

This situation is not only a function of the low priority accorded misdemeanors in the Justice Court, but also of inequities in misdemeanor processing between this court and the Municipal Court. The Municipal Court, which handles all misdemeanors within the incorporated limits of Las Vegas, has been able to handle its exclusively misdemeanor caseload in an efficient manner. Its treatment of cases is characterized by the "individualized, neighborhood justice" concept. Thus, in contrast to the Municipal Court, misdemeanants coming before the Justice Court are more likely to incur dismissals, plea bargains and more lenient sentences as a result of the large caseloads and limited attention accorded misdemeanor cases.

It is also noteworthy that both courts have administrative problems. Without a unified lower court system and with no chief judges, administration and budgeting remain fragmented in these courts. The Justice Court particularly suffers in these respects. In addition to a lack of judicial manpower, the Justice Court has inadequate facilities, a lack of support personnel, and an archaic record-keeping system.

The most obvious solution to many of these problems (and the one voiced by local criminal justice personnel) was an increase in resources devoted to misdemeanor cases. The Justice Court needs more judges and, perhaps, should establish a separate misdemeanor court and judge. Alternatively, misdemeanor cases could be transferred to the Municipal Court for processing. This option might occur naturally as a result of further annexation of parts of Clark County by Las Vegas. Misdemeanor cases that would have been processed in Justice Court would then be under the jurisdiction of the Municipal Court.

At the same time, it seems likely that ILCCH could have accomplished more in Las Vegas if additional time had been allocated for planning and there could have been a more flexible program approach. It was felt that with more components and with a flexible program approach, Las Vegas might have been able to individually prescribe a set of needed and applicable components. Resources might not have been ineffectually expended on summons and screening if a thorough analysis of the need for these components had been conducted. Another diversion alternative, in addition to court counseling, could have been designed as an added resource for the courts. The interest of the LVMPD in expanding citation usage could have been more critically assessed before development of a uniform form.

In summary, the ILCCH Program in Las Vegas resulted in some localized improvements, mostly a result of two components - pretrial

release and court counseling. Unfortunately, the pretrial program, the most significant component in terms of systems impact (at least as determinable through data collected), was not refunded. ILCCH will probably result in some longer term improvements as a result of the development of uniform forms for citation and summons and the possibility of expansion of citation use in the future. PROMIS should eventually contribute to improved operations in the District Attorney's Office, while the shift of charging responsibilities to the District Attorney's Liaison Office should bring greater consistency to this process.

At the same time, the critical dimensions of the ILCCH concept-- interagency coordination and case management in pursuit of more efficient and effective misdemeanor case processing-- were never tested (much less demonstrated) in Las Vegas. The proposed coordinating mechanisms - an active MCC and council-- never evolved and components were "given" to whatever agency or program seemed appropriate and willing. Component outcomes, then, reflected the plans and operations of these agencies/programs rather than any specific initiative for overall improvements in lower court case handling.

APPENDIX I

CLARK COUNTY CRIMINAL JUSTICE SYSTEM DESCRIPTION

POLICE

There are four police departments in Clark County--Las Vegas Metropolitan Police Department, North Las Vegas Police Department, Henderson Police Department, and Boulder City Police Department.

The Las Vegas Police Department and the Clark County Sheriff's Office were merged by legislative action as of July 1973, creating the Las Vegas Metropolitan Police Department (LVMPD). The LVMPD, headed by an elected sheriff, serves the city of Las Vegas, as well as all the unincorporated areas of Clark County.

The LVMPD is governed by the Las Vegas Metropolitan Police Commission which is comprised of seven members of the Clark County Board of Commissioners. On the basis of informal agreements, the LVMPD provides criminalistic services to other local police agencies. The LVMPD has a total complement of 948 permanent positions. Of these, 691 are uniformed personnel (ratio: 2.26 per 1000 population).

The police departments of North Las Vegas, Henderson, and Boulder City each receive authorization from the respective city charters. Jurisdiction of these police departments is limited to the incorporated area of the city served. Each is headed by an appointed chief.

North Las Vegas Police Department has a specialized Crime Reduction Team which concentrates on the target crimes of burglary, larceny and robbery. Additionally, this department has a "crisis prevention" effort. The Department has a total staff of 133, with 103 commissioned personnel.

The Henderson Police Department has a commissioned staff of 40, of a total staff of 57. The Department has an informal agreement with the LVMPD to serve the industrial plants located near Henderson.

Boulder City's Police Department has a commissioned staff of 10.

PROSECUTION

The responsibilities and duties of a District Attorney for a Nevada County are outlined in Nevada Revised Statutes, Chapter 252. He acts as the chief public prosecutor at the county level, draws indictments when required by the grand jury, and defends suits brought against the county.

In Clark County, the District Attorney is elected at large and serves a four-year term. (In the last 30 years, no District Attorney has succeeded himself.) The District Attorney is responsible for prosecution of all felony and gross misdemeanor offenses that occur within the county, and the prosecution of misdemeanor offenses occurring in the unincorporated areas of the county. Additionally, he prosecutes all traffic citations issued in the unincorporated areas, and all traffic citations issued within Clark County by the Nevada Highway Patrol.

The District Attorney's Office in Clark County has a staff of 114. There are 31 attorneys assigned to the adult criminal division, and 8 assigned to the civil division. In 1975, there were 4,679 new felony and gross misdemeanor submissions, and 3118 new misdemeanors (an average of 251 cases per attorney).

All the members of the District Attorney's Office serve full-time and are precluded from engaging in private practice. Until recently,

attorneys were allowed to engage in private practice on a part-time basis.

Each of the four incorporated cities (Las Vegas, North Las Vegas, Henderson, and Boulder City) has a City Attorney. The District Attorney for the county and the four City Attorneys function independently of each other, as well as of the state's Attorney General. City prosecutorial functions are supported entirely by local government.

The City Attorney of Las Vegas is elected at large within the city. He prosecutes all misdemeanors occurring within the city limits, as well as traffic citations issued by the Las Vegas Metropolitan Police Department within the city.

Las Vegas' City Attorney's Office has a permanent staff of 21. There are nine attorneys, three of whom are assigned to the criminal division and six to the civil division. The City Attorney's staff, with the exception of the City Attorney himself, is allowed to engage in private practice in addition to the public practice associated with their appointed position.

In 1974, the Las Vegas City Attorney's Office filed 6,960 non-traffic criminal misdemeanor cases. There were 6,783 total dispositions, including 5,231 convictions and 1,552 dismissals or acquittals.

City Attorneys for the remaining three incorporated areas are all appointed by the respective City Council. The duties of these three City Attorneys are essentially the same as those cited for the Las Vegas City Attorney. North Las Vegas has three City Attorneys, with one assigned to the criminal division, and two working for the civil division. Henderson and Boulder City each have one City Attorney, with the former's being assisted by a secretary and the latter's having one-quarter of the City Clerk's time at his disposal.

In conjunction with the Henderson Police Department, the Henderson City Attorney has a legal advisor program. The advisor reviews arrest reports, issues subpoenas to both officers and witnesses, attends trial sessions and assists in the formulation of questions for witnesses. This program is funded by LEAA.

PUBLIC DEFENDER

Nevada Revised Statutes, Chapter 260, authorizes the Office of the Public Defender. This office is responsible for providing representation to indigent clients charged with felonies, and gross or criminal misdemeanors. Public Defenders are involved at all critical stages of criminal proceedings, from arraignment through post-conviction applications, if necessary.

In Clark County, public defenders are appointed by the Eighth Judicial District Court. Created in 1967, the Public Defender's Office has a total staff of 40, including 20 attorneys and six investigative personnel.

When circumstances warrant it (such as cases with co-defendants), the court may appoint defense counsel from the private bar.

COURTS

Nevada does not have a unified court system. Each court throughout the state functions independently, thus administrative practices vary from court to court, and court management is a function of individual judges acting with limited managerial or administrative guidance.

The Supreme Court of Nevada, established by Article VI, Section 1, of the State Constitution, is the highest court in the state judicial system. The Supreme Court may sit as a quorum of the Justices to hear arguments only and pronounce judgments.

The Supreme Court has appellate jurisdiction in all civil cases of equity and of law (except cases involving \$300 or less) and in all other civil cases when such jurisdiction is not specifically given to a lower court. Its criminal jurisdiction is limited to the question of law alone in criminal cases for which the offense charge is within the original jurisdiction of District Courts (see below).

Five Justices make up the Supreme Court, one of whom acts as the Chief Justice. The position of Chief Justice is held on a rotating basis, with each court member holding the position for a two-year term. Justices are elected by the voters of the state during the state general election and serve a term of six years. A Justice of the Supreme Court must be a licensed attorney, admitted to practice in all courts of the state. The Supreme Court appoints a Clerk of the Court, as well as all other personnel.

Directly below the Supreme Court are the eight District Courts, also established by Article VI, Section 1, of the Nevada Constitution. Each district consists of one to five counties, and in the multi-county districts, court is held in each county.

District Courts are courts of general jurisdiction, with original jurisdiction in all civil cases of equity and of law (as well as probate and other legal areas) and in all criminal cases not otherwise designated by law. The District Courts have appellate jurisdiction over Justice and Municipal Courts, and have original jurisdiction to issue any writs necessary to exercise its other areas of jurisdiction. All appeals are heard de novo, and trials by jury are available in all civil and criminal cases.

District Courts may have a juvenile department which sits separately from the District Court, though it may have the same presiding judge. Further, counties with a population of 200,000 may create a Family Court Division of the District Court.

Judges for District Courts are elected by voters of the respective district, and serve a term of four years. Requirements for District Court Judges are the same as for Supreme Court Justices.

Funding for District Courts comes jointly from the state and local governments. The County Clerk serves as clerk for the District Court.

The Eighth Judicial District of the State of Nevada is coterminous with the boundaries of Clark County. The District Court has eleven departments, and each department is presided over by a District Judge.

The District Court for Clark County includes a criminal bench where four judges sit, a civil bench to which five judges are assigned and one judge who acts as a juvenile judge. The juvenile judge is elected by a majority of the District Court Judges and serves a two-year term. The Chief Judge is also elected by the members of the court, and he holds this position for one year.

There is a full-time appointed Court Administrator for the District Court. In addition, there is an appointed, full-time Probate Commissioner. The number of court staff, including 11 judges, is 44.

Justice Courts, also established by the Nevada Constitution, have limited civil and criminal domain. Civil jurisdiction is limited to cases involving amounts of \$300 or less. Criminal jurisdiction is restricted to misdemeanor offenses which are punishable by imprisonment of six months or less and/or \$500 or less. Justice Courts have no juvenile jurisdiction.

Justice Courts hear all misdemeanor and traffic cases that occur in the unincorporated areas of their respective townships (the area outside municipal boundaries). Additionally, they serve as the preliminary hearing court for all felony and gross misdemeanor cases. (A gross misdemeanor is an offense punishable by up to a year imprisonment and/or \$1000.) If probable cause is found in either a felony or gross misdemeanor case, the Justice Court holds the case over for trial in the District Court.

The civil jurisdiction of Justice Courts extends to cases involving amounts of up to \$300 and traffic citations issued by the Nevada Highway Patrol. Additionally, Justice Courts issue search warrants, summons, and arrest warrants. The Boulder City Justice Court handles only misdemeanors and refers all felony preliminary hearings to the Henderson Justice Court.

There is no recourse in misdemeanor trials in Justice Courts, but records are kept in preliminary hearings in felony cases. Misdemeanors are appealed to the District Court and receive a trial de novo by right.

The presiding officer in a Justice Court is a Justice of the Peace. Justices of the Peace are elected by the voters of the township and sit for a four-year term. An individual need have no specific qualifications to serve as a Justice of the Peace.

In Clark County, there are 13 Justices of the Peace, representing 11 townships. Las Vegas Township (including the city and unincorporated urban areas) has three Justices of the Peace, while the remaining townships have one justice each. Funding for Justices of the Peace and Justice Courts comes from the Board of County Commissioners.

The final component of the Nevada court system is the Municipal Court. Geographical jurisdiction of Municipal Courts is restricted to the area encompassed by the city limits of the respective city or town. The Municipal Courts have judicial jurisdiction in all cases involving violations of municipal ordinances, and criminal offenses which are punishable by a fine of \$500 or less and/or imprisonment for six months or less. These courts have no civil jurisdiction. Municipal Courts can issue writs and warrants needed to exercise their powers.

Municipal Court Judges are elected by the voters of the respective cities, and serve a one-year term. No specific qualifications are required of an individual to be elected Municipal Court Judge.

There are four Municipal Courts in Clark County--one each in the incorporated cities of Las Vegas, North Las Vegas, Henderson, and Boulder City. The Las Vegas Municipal Court has three full-time elected judges. There is a staff of seven bailiffs and 16 clerical and administrative personnel, including the office of the Clerk of the Court. In 1975, 6,960 non-traffic criminal misdemeanor cases were tried; of these 5231 went on for eventual sentencing.

The North Las Vegas Municipal Court has one judge and a staff of 13 full-time personnel and two pre-paid warrant officers. Henderson Municipal Court has one judge, as does the Municipal Court of Boulder City; this judge also serves as the Justice of the Peace for Nelson Township. Boulder City also has an assistant judge who sits as needed.

CORRECTIONS

Clark County has one jail which is used for both adult pre-trial defendants and adults sentenced for less than one year. The County

Jail and the detention services come under the jurisdiction of the Sheriff of Clark County, In addition to serving the detention requirements of the LVMPD, the County Jail houses prisoners from other jurisdictions within the county.

The City Hall has an additional jail facility, but this is not used presently. A third facility, for sentenced adult males, is the Rehabilitation Farm on the eastern edge of Las Vegas. One additional facility is the Boulder City Jail, which has a holding capacity of nine.

Daily population for all facilities in 1975 was 430.8.

