

STATE OF NEVADA
EIGHTH JUDICIAL DISTRICT COURT

TRACK AND TEAM CALENDAR SYSTEM
EVALUATION

LEAA GRANT # 77-DF-090014

FINAL REPORT
March 30, 1978

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EVALUATION REPORT on the LAS VEGAS TRACK and TEAM CASE
MANAGEMENT SYSTEM

PREFACE:

This is a final report prepared under a federal grant and is therefore subject to the Freedom of Information Act. The author has delivered three copies to the Track and Team Project Director, Mr. Wayne Blacklock, with the expectation that appropriate distribution will be made.

Under the terms of the contract for this evaluation, the report may be rejected for reasons relating to format, completeness or accuracy but not because of a disagreement as to the findings or recommendations.

The Author/Evaluator expresses his appreciation to all those who gave their time and thoughts to help in the evaluation. There was absolute cooperation from everyone interviewed and there was no indication of any attempts to withhold information or opinions. Although there was different perception as to why the Track and Team System worked, the project had universal support.

INTRODUCTION:

Background: This report presents a description of the evaluation of Nevada's Eighth Judicial District's LEAA Grant #77 DF09-0014, (Better known as the Las Vegas Track and Team Project). The evaluation and this report is being done by Maurice D. Geiger, Esq., a Justice Systems Specialist from North Conway, New Hampshire. Mr. Geiger was selected for the task through a competitive bidding process.

Methodology: The evaluation was through the use of interviews, personal observations, data collection and analysis. The Evaluator interviewed over thirty (30) people related to the Track and Team Project, (see Appendix A) during two on-site visits in late January and early February, 1978.

Observations were made in several courts at both the Justice Court and District Court level as well as in the administrative areas of the courts. Observations were also made in the intake area of the Clark County Jail.

Since to some extent, the evaluation requires a comparison between case management before and after the project, it was necessary to obtain data relating to such things as:

1. The numbers of cases filed and disposed of;
2. The mean and median times from filing to disposition of cases;
3. The number of cases disposed of by type of disposition;
4. The number of cases needing continuances; and;
5. The number of conflicts of attorney assignments.

The data relating to conditions existing before the project was implemented was generally incomplete or unavailable. Therefore,

much of that data had to be obtained through sampling or extrapolation.

Scope: The scope of the evaluation includes both the direct and indirect impact of the project. It examined both the internal and external aspect of the effect on case movement. It considers and discusses the effect of the project on the Courts, Prosecution, Public Defender, Private Bar, Police, Probation and bail practices.

Format: The remainder of this report is separated into four sections:

- I. Internal Impact;
- II. External Impact;
- III. Related Issues; and,
- IV. Findings and Recommendations.

PART I - INTERNAL IMPACT

This section sets out the impact of the Track and Team Project on the:

1. Movement of Cases;
2. Intake procedure;
3. The Justice Court;
4. The District Court;
5. The Prosecution;
6. Public Defender; and,
7. Administrative Practices.

Case Movement: It should be stated at the outset that case movement has greatly improved during the last year. The length of time from filing a criminal case until it was closed through a plea or trial was around two years before the Track and Team system and presently it averages 151 days. (District Court time being 65 days).

A large measure of that reduced delay is a result of the Track and Team system. However, some of the delay reduction may have resulted from a new state statute which changes the procedure relating to petitions for Writs of Habeas Corpus. Also the dramatic reduction in case delay is a tribute to the dedication and hard work of the Judges handling criminal cases.

In terms of comparing the movement of cases before and after Track and Team, the Evaluator examined both the times and types of dispositions. Although the data for an absolute comparison is not available, sampling offered a valid conclusion regarding both time for and the nature of case disposition. There was a drastic decrease in the amount of time to process a case. Using a sample of one hundred cases closed under the Track and Team (cases opened since May 15, 1977) it was found that the mean time from filing to disposition was 65 days. Using a sample of sixty closed cases which were opened in May, 1976, it was found that the average time from filing to disposition was 270 days.

The major change in the type of dispositions under Track and Team seems to be a significant increase in the number of cases going to trial. The number of jury trials in 1974, 1975 and 1976 remained very static. There were 104 jury trials in 1974, 105 in 1975 and 105 again in 1976. In 1977 with Track and Team, there were 195 jury trials. Along with the increase in jury trials there was also an increase in the rate of acquittals. This relationship is not surprising since the defense would naturally be more willing to try a case if the acquittals are increasing. The most likely explanation is that the prosecutor does not have time to properly

screen cases thus allowing "weaker" cases to linger in the system.

Before Track and Team, the scheduling problems and related conflicts were extensive and complex. There were nine (9) District Judges and four (4) Justice Court Judges that heard criminal matters. There were numerous defense attorneys and prosecutors who needed to coordinate their activities with not only the Judges but also with each other. The possible permutations certainly ran into the millions. Under Track and Team there is rarely a conflict. The Evaluator spent several days examining and analyzing the issue of case movement with special emphasis on delay caused by continuances, especially those caused by conflicts of schedule. (This is an important aspect of Track and Team because it represents a reduction in delay without a high degree of danger to due process or quality of a case.) Although the data was limited, it did indicate that there was a drastic reduction in the number of continuances because of conflicts. It is estimated that the reduction is in the range of 60% to 70%. There are several factors which bear on the shorter time frame for the processing of criminal cases in the Las Vegas courts, however, it is indisputable that the Track and Team project is a primary cause.

Intake Procedures: Prior to the Track and Team project, when someone was arrested for a felony or a gross misdemeanor, he was held in jail until the Justice Court held the next mass arraignment. This was usually done on Monday, Wednesday and Friday. The mass arraignment was held in the Police Auditorium. It met the needs of a first judicial appearance if only in a very mechanical way. Aside from the human problem related to the area type arraignments,

this process also lacked the ability to tell the accused when they should appear for the next step. Furthermore, if a prisoner made bail before this mass arraignment (and many did) he had no "first judicial appearance."

Under Track and Team an Intake Officer generally sees the defendant in jail within a few minutes from arrest. Since the Intake Officer is a judicial officer, the assumption is that this interview satisfies the requirement that the accused see a judicial officer as soon as possible. The Intake Officer advises the accused of their rights, makes a determination that they understand the charges, advises them of the amount of the bail and makes a preliminary inquiry into their need for appointed counsel. This work is done in the holding area for this intake interview. The Evaluator watched several interviews and found them to be adequate. The problem common to most intake programs existed here. Namely, often the accused are so bewildered (especially first offenders) that they don't perceive what is happening or being said. Normally the arraignment is set for eight days from intake. (See page 11 note for a discussion of the basis and appropriateness of this time length.) During the waiting period many cases are "closed" because the police decline to file charges. Since bail is set by a schedule, the Intake Officer does not gather information related to a bail decision. (The issues of NCF's, present bail practices and the need for a court supervised bail system are discussed under Section III.)

Justice Court: In those cases where the police decide to file charges, the District Attorney's Office presents the case in

the Justice Court. Upon filing, the case is assigned to a Justice Court Judge (one of four) through the use of a blind draw. (The Evaluator observed this operation and found it to be proper.) The assignment of the case placed the case into a specific "Track" and thus determines which "Team" (Justice Court Judge, District Judge, Prosecutor Team and Public Defender Team) will have the case.

The arraignment in Justice Court takes place eight (8) days after arrest. (The basis for eight days being set is that METRO requires five days to prepare the case and the District Attorney's office requires three days to complete their case preparation.) Unless waived the preliminary hearing is scheduled for two weeks from the arraignment.

At the preliminary hearing the State must show some basis for their case. The test is far short of "beyond reasonable doubt" thus some cases which could never survive that test can endure this hearing. However, if a Justice Court Judge does not find sufficient evidence to support a finding of probable cause, he or she will dismiss the case. Different Judges have different levels of evidence required. It is important to recognize from a case movement point there are cases which reach the state of preliminary hearing that should not go any further. It seemed to the Evaluator that the Prosecutor was either; 1) hoping the court would "wash out" their weak cases, thus enabling the District Attorney's office to avoid the political cost of dismissing a case; or, 2) failing to adequately screen cases before preliminary hearing.

The Evaluator interviewed and observed several Justice Court Judges and one former Judge and found them all to be knowledgeable and

aware of the issues relating to Track and Team. They all strongly support the program.

District Court: Extensive data showing the effect of Track and Team on the movement of cases in the District Court was gathered and analyzed. However, that data does little more than reinforce the finding that cases move much faster under Track and Team than before.

The original idea of Track and Team was that a case would be assigned to a Justice Court Judge and with that assignment, the case would also become assigned to a Team of four Prosecutors, four Public Defenders and a District Court Judge, and the case would stay in that Track with the Team until final disposition. There was an "Overflow" Judge to handle those cases set on the calendars of the four "Team" Judges, if for some reason they were unable to reach them during the week scheduled. However, the overflow process works somewhat differently than originally conceived, and to some extent ignores the "Track" aspects of the program. Under the present practice, the "overflow" Judge operates much like a master calendar Judge. On any week, each Judge determines what cases he can reach and all the rest of his cases go to the "Overflow Judge". The "Overflow Judge" keeps these cases and either tries them himself, takes pleas or sends them to another Judge. There is an established criteria for this process and even though it is not what is normally meant by "overflow", the process being used seems to be getting the desired results. The major advantage of the present practice is that it keeps the pressure of going to trial on the parties and encourages serious negotiation.

The Evaluator interviewed all but one of the District Court Judges involved in the Track and Team program. One Judge had

criticisms of the assignment process and the overflow practice. However, on balance, all of the Judges support the concept and operation of the project.

Prosecution: The District Attorney's office is an excellent operation, well staffed and well administered. There are sixteen prosecutors assigned to Track and Team (four teams of four each). The Prosecutor's office strongly endorses the Track and Team project. There are two initial observations of the Prosecutor's operation. They are:

1. There is not the planned rotation of attorneys between the Justice Court and the District Court. Thus, the less experienced attorneys get assigned to the Justice Court and tend to become "stale".
2. The lack of experienced prosecutors at the Justice Court level impairs the ability of the Prosecutor's office to screen out the weak cases early.

The apparent argument against the first situation is that the placement of the junior attorneys in the Justice Court gives them more varied cases and more volume and thus is a better learning experience.

These two observations are, of course, obviously related, since the more experienced screener the better the screening. The better screening means less volume which means better case preparation.

There are weak cases that are lingering in the system, this means either screen more or prepare better.

Defender: A majority of the cases are represented by the Public Defender, however, a significant number are represented by either appointed or retained private counsel. The Public Defender's office appeared to be well managed and committed. If there is any

criticism of the Public Defender by the Evaluator it would be that there seems to be a passive acceptance rather than a challenge of such policies as allowing eight days between arrest and arraignment. However, the Public Defender's office is doing a good job in individual cases and is strongly behind the Track and Team project.

Administrative Practices: Since the Evaluator was neither required nor competent to perform any financial audit in regards to this project, the review of the administrative practices were limited to such factors as, the Project Director's knowledge of the project, accounting the time of project personnel, awareness of EEO issues and the general administrative posture of the project. In all of these areas, the project was found to be conforming with good administrative practices. Two items are worthy of special note:

1. The County Manager takes the position that under state law, all county personnel come within the jurisdiction of the county personnel system and subject to it's rules. The Court in general takes the position that it does not come within the executive branches jurisdiction in any way. However, this issue remains somewhat unresolved and at present the Court Administrator's office is developing a set of personnel procedures for the Court's approval thus allowing the Court to have it's own personnel system. Whatever happens, the personnel on this project will be effected by the outcome of this question. At least the County's position is causing the Court to establish some sort of rational personnel policy which it needs regardless of who administrates it.
2. As of the time of this report the Court had voted to dismiss the present Court Administrator (Wayne Blacklock). There are no specific plans as to how or when he would be replaced. Since the Court Administrator is also the Project Administrator of this extensive grant, it would seem unwise to leave that office with the project's full administrative responsibilities during a time of uncertainty. Furthermore, since Mr. Blacklock's dismissal appears to be more capricious than based on any rational criteria there is little reason to expect a stable administrative posture during the next several months.

There are two levels of concern presented by Blacklock's dismissal. First is the concern related to an effective administrative structure in which the Track and Team project grant would operate. The second, and perhaps more important, is the concern over administrative integrity of the Court and the willingness on the part of the Court to be publicly accountable.

The role of the Court Administrator is still emerging. There are those who believe that the Court Administrator should serve the Judges. The more enlightened view is that the Court Administrator should serve the public. Hopefully, the two roles would be the same. However, when Judges do not want public accountability, or when the Judges wish to have a puppet administrator, the role of serving the public is destroyed.

Exactly what conclusions can be drawn from Blacklock's dismissal are not yet clear. However, Blacklock does enjoy a good reputation in his profession. He is a graduate of The Institute for Court Management, he has experience as a Trial Court Administrator (in New Jersey), and was on the staff of The National Center for State Courts. The Evaluator found nothing in his abilities or style which would justify his dismissal. Thus, it would appear that the dismissal was motivated by a conscious or unconscious desire by some Judges to avoid managerial accountability.

The project has been effectively administered under the Court Administrator's office. It is a good project and it would be a shame to allow the criminal justice system in Las Vegas to suffer because of actions of a few Judges whatever their motives. (see

recommendation #2.)

NOTE: The policy of allowing eight days between arrest and arraignment is so unusual and harmful that it warrants special attention. The Nevada Statute clearly states that an arrested person will be arraigned without unnecessary delay. The case law is not so clear. The key word in interpreting the statute is "unnecessary". There is a case where the Nevada Supreme Court said that under the circumstances of that case a period of about thirty days was not unnecessary. Furthermore, there was a case which arose in the Las Vegas District Court in the form of a petition for a Writ of Habeas Corpus. In that case, a defendant was held for twelve days before being arraigned, Thomas Clark Bryant v. Sheriff, 1977, (not reported). The case may have involved circumstances which may have well justified a finding that twelve days was not an unnecessary delay. However, this should not lead to a conclusion that in routine cases eight days is an acceptable waiting period. The jail is in Las Vegas and the Justice Court Judges who hear arraignments are readily available. Therefore, it would seem that there is no valid reason why an accused could not be arraigned within a few hours under most circumstances. It is surprising that defense counsel have not challenged the eight day policy. Even without a challenge, the court should not continue to structure a procedure which institutionalizes a practice which is inconsistent with the principle of due process.

PART II - EXTERNAL IMPACT

The Private Bar: The Track and Team project has had an effect on the private bar in the area of criminal practice. However, exactly

what effect, is a matter of dispute. The Evaluator interviewed two very active criminal defense attorneys. They both agreed that Track and Team was causing the cases to move through the system much faster. One believed that on some occasions the cases may move so fast that the defendant could not get the money to pay the attorney fee. The other attorney believed that if a client can't get the money within a few weeks, they probably should have a Public Defender or appointed counsel. So the private bar is clearly affected by faster moving cases. They have fewer continuances and this means less "wasted time" but also less "billable time". Whether or not it "helps" or "hurts" private attorneys seems to be a matter of how they practice. There was also concern expressed that if a case moves too fast there is not adequate time to work out a proper settlement. (Thus related to a higher number of cases going to trial.)

Police: As mentioned earlier there are a large number of "cases" where even though there is an arrest, no charges are filed (NCF's). The police appear to be making such arrests as a matter of "administrative punishment". The Track and Team system allows eight (8) days from arrest to arraignment and this process may encourage the NCF practice. (The subject of NCF's is discussed under part III - Related Issues.)

Since there are fewer continuances under Track and Team, the police "waste" less time in court or preparing for court appearances. Also since the cases get to trial faster, they have "fresher" cases and therefore their ability to recall events or facts relating to the cases has improved. Finally, the Track and Team project has saved the Metro Police Department approximately forty (40) hours per

week by Court Intake Officers interviewing people in the jail, thus avoiding the need for the police to transport and guard prisoners to and from court for the initial judicial appearance.

Probation: This is the external area most affected by Track and Team. Probation is a state run operation in Nevada and is responsible for the preparation of pre-sentence investigation reports for convicted felons. Since the number of cases disposed of through trials or pleas has increased rapidly under Track and Team, the number of requests for PSI's has had a corresponding increase. However, once the "backlog" is reduced, this increase should level off, and will probably even lower some.

During the interview with the two top people in the Las Vegas probation office, it was clear that their greatest problem was a shortage of people to do PSI's. To some extent this is caused by an increase in cases needing PSI's but is aggravated by probation officers waiting court for several hours to make a very short report, or to find that the case is continued or settled in chambers without any need for the Probation Officer. (see recommendation #12).

Bail: The entire bail practice in Las Vegas is related to the police practice of arresting persons with no intent of filing charges and the absence of any court supervised pre-trial service program. This matter is somewhat separate from the Track and Team project, however, since Track and Team allows eight days between arrest and arraignment, it encourages defendants to seek bail. It also encourages more unprosecutable arrests which widens the problem. It is a problem which needs judicial attention. (see recommendation #5 & #10). This subject is also discussed in Section III.)

PART III - RELATED ISSUES

This Section discusses four issues that are related to, but not directly involved with, the Track and Team project. Two of these issues are relevant to the project's evaluation because the project is funded in a large part by Federal money and there is a question as to whether Federal funds should be used to help perpetuate a questionable practice in the justice system. These issues are:

1. The extremely high rate of NCF's in Las Vegas, and,
2. The lack of an adequate bail program.

(At any time there are approximately five hundred (500) people in the Clark County Jail awaiting adjudication).

The third issue is relevant because it involved the administration of the project. If the Court does in fact dismiss the present Court Administration, two sub-issues arise. First, why is he being dismissed and what does that say about responsible Court Management. Secondly, and a more practical matter, where should the project be placed.

The fourth related issue is the quality of "justice" in the cases under the Track and Team system.

The Practice of NCF: As stated earlier, there is a practice in Las Vegas of arresting people, holding them or allowing them to make bail and then not filing any charges. Such a practice is common and even perhaps necessary in most busy police departments. What makes it worthy of attention in Las Vegas is the extremely high rate of NCF's especially in some types of cases. In two areas (prostitution related charges and controlled substances charges) the rate of NCF's is so high that there can be no conclusion other than

that the police had no intention of filing charges. This means the arrests were merely "rousts" or a means of getting some people off the streets and inflicting "administrative punishment". Although the unusual nature of Las Vegas may make it necessary to use some unusual police practices, the high rate of NCF's is unnecessary and therefore improper under our legal system.

A closer look at what is happening will help describe the problem. In 1977 there were approximately 2,700 arrests for the possession of controlled substances (PCS). Of these, in less than 300 were charges actually filed. While in some cases the police may have chosen not to file cases where the evidence was present, it is the conclusion of this Evaluator that most of the 2400 NCF's were because there was not sufficient evidence to proceed and in fact in many cases there was no basis for the arrest.

In the area of prostitution related cases there are charges of transporting a prostitute and living off the earnings of a prostitute. Although there are "only" a few hundred arrests of this type each year, the ratio of arrest to charges filed is even less than in the PCS cases. The Evaluator asked judges, prosecutors, and private attorneys about these charges and none of them could recall one case where charges were actually filed in this type of arrest. It would seem therefore that the police are making such arrests with no intentions of pressing charges. If that is true the question arises, why are these people being arrested? How can their arrest be reconciled with our system of justice? (see recommendation #10).

Even though the general attitude in Las Vegas is that NCF's are a police matter, the court cannot close its eyes to such a

widespread and continuous disregard of due process. It appears that each year over two thousand people are arrested, they are locked up, they are forced to post bail or spend several days in jail, and all of this when there is never any intention of bringing this person before a judge. Putting aside the question of what is the duty of the Prosecutor and Public Defender, it does seem clear that the court, with its traditional duty to be a buffer between the citizen and the arbitrary use of power by the government, should act to discourage this outrageous practice. (see recommendations #5 & #10).

Lack of An Adequate Bail Program: Las Vegas had no comprehensive bail policy or program. Last year persons arrested were required to post approximately \$12,000,000 in bail. Nearly all of this was posted through Las Vegas bail bondsmen, and they were paid premiums of approximately \$1,200,000. Considering that a large amount (perhaps \$500,000) were NCF's and that many were persons who could have been released on their own recognizance, some troublesome questions emerge.

A few years ago there was a limited pre-trial services program. The Evaluator interviewed numerous persons related to this program and found everyone except some police officers favored and supported the program. However, the County Commission refused to refund the program as a result of what appeared to be a clear concession to the bail bondsmen's economic interest.

From everything this Evaluator could find on this subject, the Judges, Prosecutor, Public Defender and some police officers favored some pre-trial release program. To be able to operate such a program there is a need for a staff to provide the court with information upon which bail decision can be made. The data available indicates

that the "no show" rate was lower from the O/R defendants than among the bailed defendants. It is therefore misleading to conclude or assume that the Las Vegas criminal justice system is opposed to a bail program. Quite the contrary. They see the need for and value of such a program. The opposition is from the bail bondsmen, and some police. Notwithstanding all the reasons given to justify the County Commission's position, it seems clear that the real reason is simple . . . Under the present system the Las Vegas bondsmen make \$1,200,000 a year in premiums . . . and as one judge put it, "in this town money talks."

The issues of NCF's and Bail are related and this relationship deserves special attention. Perhaps the best way to present the point involved is to suggest that the present bail practice creates a condition that is fraught with ethical dangers. The police are making many arrests which they have no intention of filing in Court. Meanwhile, since there is no pre-trial release program, the vast majority of these people arrested will desire to post bail. This places the bail bondsman in a position of talking to the police about the case. It is very easy for the bondsman to determine that they have a case which will never be prosecuted. What is the ethics of taking a premium when it is known that no charges will be filed? (see recommendation #10).

Administrative Posture of the Court: At present the Track and Team project is under the administrative control of the Court Administrator. Recently the Court voted (6 to 5) to dismiss the Court Administrator, Mr. Wayne Blacklock. From what the Evaluator was able to observe, Mr. Blacklock was performing his job quite well.

There was no indication that the Court had ever explained its expectations to Blacklock or made any attempt to set out an evaluation of Blacklock in objective terms. Therefore his dismissal would appear to be based on some arbitrary reasons. In the opinion of the Evaluator, the action of the six judges voting for Blacklock's dismissal resulted from some frustration on their part coupled with their lack of understanding about the role and function of the Court Administrator.

The Court Administrator is not an extension of the judges, or a special employee of the Chief Judge. The Court Administrator must be concerned about the mass of cases. To do this there must be an accounting and accountability of the resources of the court. This includes judges and judge time. It is probable that the dismissal of Blacklock is rooted in an unconscious desire to avoid administrative integrity in the Court.

The court administration profession is a relatively close knit community. Most court administrators know each other on a personal level. Blacklock enjoys a reputation of being both competent and compatible in his profession. Thus it will probably be difficult for the Court to attract an experienced person to replace him. What is more likely is that the judges that voted to dismiss Blacklock will seek an administrator which fits their model or expectations. This means they are likely to select someone with whom they will be comfortable. In one sense it is no concern of the federal government if the Eighth Judicial District does not want enlightened court administration, however it is an appropriate concern to have adequate control over the federally aided project.

Therefore, although Blacklock's dismissal is an "internal affair" in one sense it is a factor for consideration when deciding on the best place to put the administrative responsibility of the project. (see recommendation #2).

The Quality of Justice: In the Criminal Justice System it might be said that the process is the product. That is that "justice" is not merely something that falls out at the end of a case, it is also what goes on during the processing of the case. Both in terms of end product and in process, the Eighth Judicial District appears to do very well. All judges involved in the Track and Team project would be rated "excellent" when evaluated on the quality of justice in their cases. It should be noted that this evaluation has been critical of such things as NCF and bail policies as well as the lack of a rational approach to court administration, but in terms of adjudication (the treatment of individual cases), the Court is doing an excellent job. This is a tribute to the individual judges as well as a credit to the prosecutors and defense counsels.

PART IV - FINDINGS AND RECOMMENDATIONS

The format used in this section is to present a finding followed by the recommendation relating to that finding. The Evaluator believes all of the recommendations are important but some are more important than others. They are listed in the order of importance given to them by the Evaluator.

1. Finding: The Track and Team project is highly successful and is achieving its stated goals.

Recommendation: The project should be continued.

2. Finding: The dismissal of the Court Administrator who was the Project Manager raises serious questions about the administrative stability of the project.

Recommendation: Place the project under the Track and Team Advisory Committee with the committee chairman as the Project Director and the Senior Intake Officer as the Project Manager.

3. Finding: In most cases the Public Defender does not become involved as early as desirable. The arguments against earlier involvement are not valid as a general rule.

Recommendation: The Intake Officers should make an effort to identify those cases which will "probably" need a Public Defender and establish a routine of advising the defender's office of such cases within a few hours after intake.

4. Finding: The Prosecutor does not adequately screen cases at an early stage.

Recommendation: The District Attorney's office should make an attempt to have an early evaluation and/or screening of cases before they reach the District Court.

5. Finding: The present NCF practice and bail program are inconsistent with responsible criminal justice management.

Recommendation: The grantee should, by the end of the first six months of the project (by December 1978), report to LEAA and to the Nevada State Court Administrator as to:

- a. Why the County cannot have a pre-trial release program rather than the present money bail system; and,
- b. What the NCF rate is, by type of charge and arresting unit with an explanation as to why there are so many arrests where no charges are filed.

6. Finding: There is a new calendaring system in effect beginning in March 1978. This system will spread the criminal cases among all the District Judges. The system could work well, however, it may result in a breakdown of the Track and Team system.

Recommendation: The District Attorney should report each month to the Project Director the following:

- a. Cases pending by Judge;
- b. Cases over 60 days old by Judge;
- c. The estimated number of continuances caused by an attorney needing to be before two District Court Judges at the same time.

7. Finding: The acceptance of the policy which allows or

tolerates eight days between arrest and arraignment appears unnecessary and creates an unwholesome situation. It encourages unfounded arrest and questionable bail practices.

Recommendation: The Court should review this matter and issue an explicit rule or statement and not rely on the ruling in a case which allowed twelve days under the circumstances of that particular case. If the Court does not, the Public Defender should continue to challenge the validity of the eight day policy.

8. Finding: It was not clear how the "overflow" aspects of this project would work under the new calendaring system but even in the previous Track and Team there was some ambiguity in the "overflow" procedure.

Recommendation: The "overflow" aspects of Track and Team should be retained, and there should be a clarification as to which judge has control over reassignment and who takes the plea in a case "held" by the overflow judge.

9. Finding: There is some indication that the Track and Team program has caused an increased layer of prosecutorial supervision thus resulting in added difficulties for private attorneys.

Recommendation: The Prosecutor's office should study this matter, and discuss it with some of the active private bar and take corrective action if warranted.

10. Finding: Most people arrested in Las Vegas would not realize the high rate of NCF's in PCS and prostitute related cases. Accordingly, they are not able to make informed decisions regarding their bail.

Recommendation: Until the NCF and/or bail practices are changed, the Intake Officer should inform accused of the NCF rate for the offenses for which they were arrested.

11. Finding: The information interchange between the Prosecutor and Defense is somewhat lacking especially at earlier stages. This seems to be caused by delays in investigation reports.

Recommendation: Steps should be taken by the Prosecutor to see if it is possible to get the investigation reports sooner.

12. Finding: The probation officers are carrying an excessive work load with heavy demands to prepare PSI's. It is therefore harmful for them to "waste" time waiting in court.

Recommendation: The court and probation office should meet to develop a process to minimize the need for probation officers to appear and wait in court.

13. Finding: The rotation of Track and Team personnel (Prosecutors and Public Defenders) is not taking place. There appears to be reasons why the original plan for rotation is not being followed.

Recommendation: The Track and Team Advisory Committee should review the policy of rotation and determine if it should be changed.

14. Finding: The most important skill required in an Intake office is the ability to communicate with people who are under stress.

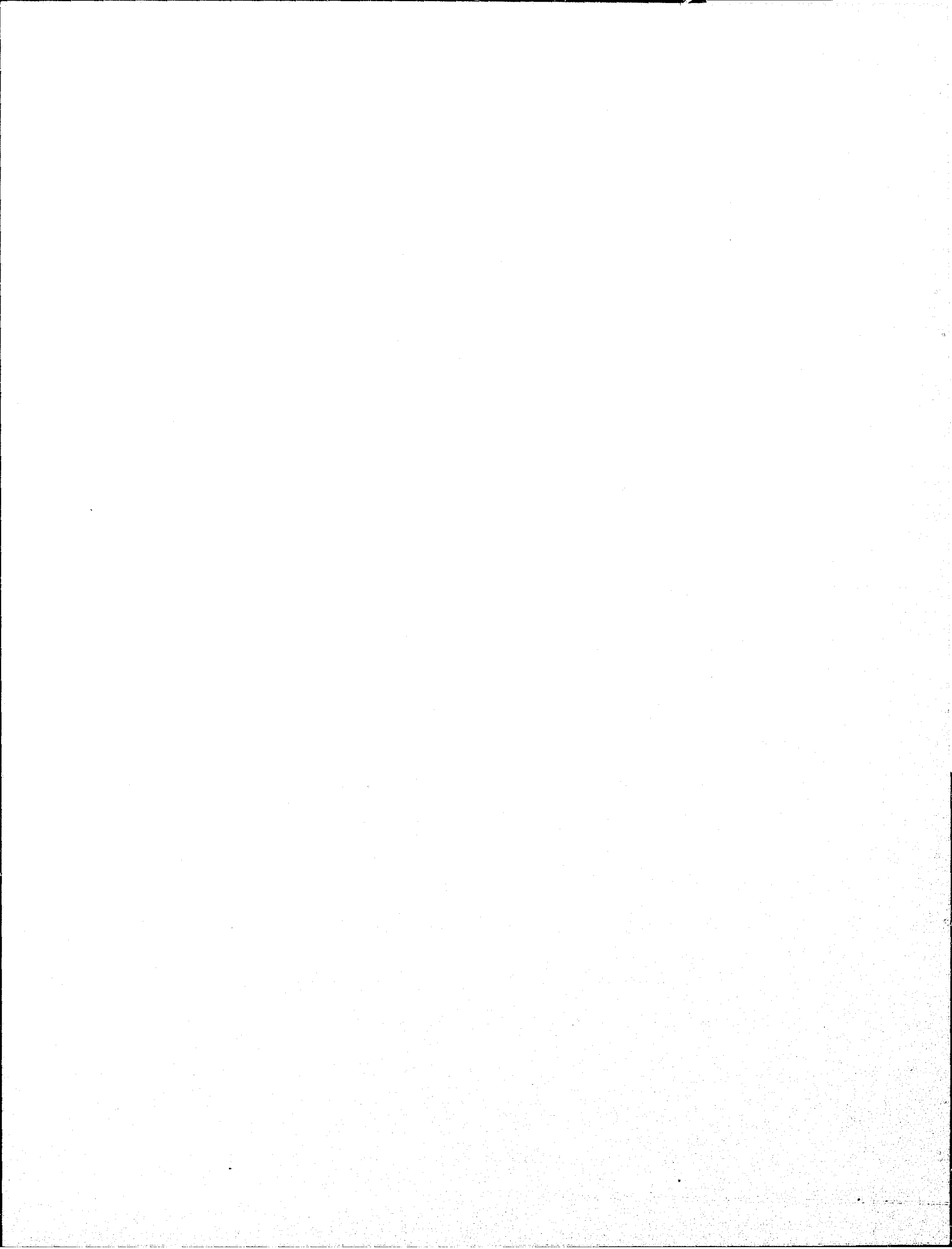
Recommendation: The Track and Team project should consider using one full time intake supervisor and several part time officers rather than a few full time officers. This would allow the recruitment of graduate students studying in the Las Vegas area.

Appendix A

Names and Positions of Persons Interviewed

<u>NAME</u>	<u>POSITION</u>
1. R. Alswede	Public Defense Office Attorney
2. T. Beatty	Assistant District Attorney
*3. W. Blacklock	Court Administrator
4. S. Blake	Court Administrator's Office
5. G. Brown	Court Administrator's Office
6. M. Brown	U. S. Attorney for Nevada
*7. M. Cherry	Private Attorney
8. E. Carson	Justice Court Clerk
9. C. Christensen	Judge District Court
10. E. Des Armier	Probation Director
11. H. Ecker	Private Attorney
12. S. Ellington	Assignment Clerk Justice Court
13. P. Goldman	Judge District Court
*14. M. Harris	Public Defender
15. D. Jones	Court Administrator's Office
16. W. Kassel	Probation Deputy Director
17. J. McCune	Small Claims Clerk
*18. J. Mendoza	Judge District Court
*19. R. Miller	Justice Court Judge
20. J. Morris	Metro Police Court Services
21. A. Peterson	Court Administrator's Office
22. D. Richards	District Court Clerk's office
*23. R. Rovere	Intake Supervisor (Track & Team)
*24. M. Shearing	Justice Court Judge
25. T. Tait	Former Director Pre-trial Services
26. C. Thompson	Judge District Court
*27. D. Wadsworth	District Attorney's Office
28. V. Weber	Justice Court Clerk's Office
29. R. Will	Court Administrator's Office
*30. G. Yach	METRO

* - Members of Track and Team Advisory Committee



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