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JUDICIAL COUNCIL OF THE STATE OF NEVADA

"To unite and promote Nevada's judiciary as an equal, independent and effective branch of government."

Committee to Study Evidence-Based Pretrial Release

Summary Prepared by Sue Berget and Jamie Gradick

July 19, 2017

3:00 p.m. – 5:00 p.m

Videoconference (Carson City, Las Vegas)

Members Present

Justice James Hardesty, Chair
Judge Stephen Bishop
Judge Joe Bonaventure
Jeremy Bosler
Heather Condon
Judge Gene Drakulich
Judge Elizabeth Gonzalez
Judge Douglas Herndon
Chris Hicks
Judge Kevin Higgins
Judge Cedric Kerns (*Dana Hlavac, Proxy*)
Phil Kohn
Judge Victor Miller
Judge Michael Montero
Judge Scott Pearson
Judge Elliott Sattler
Judge Mason Simons (*Randall Soderquist, Proxy*)
Dagny Stapleton
Judge Diana Sullivan
Judge John Tatro
Judge Alan Tiras
Judge Ryan Toone
Judge Natalie Tyrrell
Anna Vasquez
Jeff Wells
Steven Wolfson

Guests

Jim Austin
John Boes
Jackie Bryant
Connor Cain
Tom Clark
Christy Croug
Tracy DiFillippo
Ozzie Fumo
Tom Green
Judge Pierre Hascheff
Amy Justin
Richard Justin
Steve Krimek
Mark Mathers
Thomas Pitaro
Amy Rose
Adella Ybarra

AOC Staff

Jamie Gradick
Hans Jessup
John McCormick
Kandice Townsend

- I. Call to Order - Justice Hardesty called the meeting to order at 3:00 p.m.
- Ms. Gradick called roll; a quorum was present.
 - Attendees approved the summary of the 3-20-17 meeting.
 - Opening Remarks
 - Justice Hardesty commented on recent correspondence sent to members of the judiciary from various bail bond agencies/representatives and explained that judges cannot, per the Nevada Code of Judicial Conduct, respond to or publically speak to these requests since these letters “advocate legal positions.” Justice Hardesty assured attendees that issues raised in this correspondence will be addressed as appropriate.
 - Public Comment
 - Carson City
 - Good afternoon, Justice Hardesty and committee. I am Steve Krimel from Nevada Bail Institution. I appreciate very much the explanation earlier, um, and I am looking forward to hearing what you have decided to do as a group with standardized bails that we have advocated on behalf of. With that comment, I just say thank you very much and if there is anything we can do to be of assistance, we will.
 - Good afternoon, Justice. My name is Richard Justin, and I own Justin Brothers Bail Bonds. I have been a licensed bail agent for 33 years, um, and I have some great concerns on the ability for my business to stay open as a result, whether intended, or unintended, as a result of this project’s work in Washoe County and uh I’m kinda here on an educational mission to you. I don’t know what to do, but I can tell you that at this point I’m at a very, uh, I’m at a turning point in my professional life, I’m 64 years old and, uh, I’ve spent my entire retirement, I’ve spent my savings, and I don’t have very much left in reserves and I feel the need to let you know that if things don’t change in Washoe County that I will be requesting some sort of assistance from this committee as far as the runoff of my liability and I don’t know how long I will be able to last, but the ... at some point in the future if I don’t get some assistance here I will have to ask a Federal Magistrate for, in bankruptcy court, for the assistance that I will need. I am at a dire place and I’ve never been here before, I’ve been successful, I’ve done over 20,000 pretrial service agreements, I’ve arrested personally over 1,000 people, I was mentored for the past 32 years by the gentleman you saw here before me, Steve Krimel. My family, I’m a second generation in the bail industry and right now I cannot afford to service my liability so I am letting this committee know and all the local judges, who have been so very gracious to me throughout the years, and still are giving me help when I needed it, extensions, I mean, you know, stuff that’s within the law, and . . . but I just don’t know where things are going to go, and I’m at that point, that turning point where I’ve got to make start making some decisions. The basis for which I can do my recovery depends on the amount of revenue that I have, the amount of bail that I’m not writing is skewing the actuarial for me to be able to perform my duty. I’ve had to lay all the personnel off, my daughter left college at CalPoly in California to come up and assist me, and I don’t know what’s going to happen, but I may end up asking this committee to dissolve my liability in this state so that I can shut this down

without damaging myself anymore and the state anymore. So that's the position I have, I don't really know what to tell you other than that. I appreciate you listening and if you have any questions they have my contacts. Thank you. You know, your honor, I have been to all of them, I've been to most all of the meetings. I haven't been able to attend some because I had a case before the court, so I've been to most of them so I pretty much know what's going on. Thank you.

– Las Vegas

- My name is Thomas Pitaro. I've been following this bail issue and I've done a lot of independent reading on this, especially with the evidenced-based risk assessments, and what we are trying to do with that, and to that, I would like to make two comments concerning it. The idea of the evidenced-based risk assessment is, it appears to be, that the modern approach in a number of jurisdictions and has to be, I think it has to be developed here and used here. The problem I'm having as a practicing attorney that goes to on this is that we don't have an evidenced-based risk assessment problem, we don't have a problem with anything, save and except the judiciary. The biggest impediment to these programs is, in fact, the judiciary, especially that I deal with in Clark County, they don't appear to particularly care about this and they will ignore it, I've had courts look at it, and will flat-out ignore it, and doesn't tell me anything. The second thing is, and this, and in this respect maybe because maybe I've practiced longer than most people here, I've practiced for a number of years before the 1984 Bail Reform Act changed things, but everyone in the system seems to be absolutely obsessed that the only bail is money bail. These evidenced-based risk assessments is trying to change that so we can deal with the problems in a rational thing, and make rational decisions, rational decisions are not made in court by the judges, at least in Clark County, when it comes to bail. The major thing I would like to say concerning that, is the law, and Justice Hardesty knows this, because of his presentation at the Assembly Judiciary Committee he supplied a great deal of this research and what the law says is that bail determined is supposed to be individualized and based upon the individual, and if that's what the evidenced-based risk assessment is, but the idea of the financial aspect of it gets lost, and I think most people agree that the modern, the modern judicial view, is that you cannot use money bail to keep people in jail and Justice Hardesty as you may remember and, and in one of your power points, you put that comment in from one of the other courts and for the poor bail means jail, and that is true. So that's the thing, the difficulty with this, it's not putting the data together, it's not going through and finding these things because quite truthfully a lot of the social science have done this work in other states, in other jurisdictions as well as in Nevada. You better take the gavel, quite truthfully, and hit the judges over the head that the Supreme Court's supposed to supervise and make them follow the law on it, and have them look at it and have some sort of base understanding of what bail is or isn't. We had that bail increase in Clark County that were just pulled out of the air, and now that leads to the second thing I see is on the Agenda and the twist

that is the idea of standard bail. The recent development in courts, go back to Justice Hardesty of you putting those in your power point presentation and some of the other things when you spoke at the Assembly Judiciary is one of the major points is we have an equal protection argument. When you have a standard bail by charge that is bail based upon charge and not based upon an individual's ability to pay, and/or the evaluation of the person of whether he is going to be involved in the two factors that bail deals with, and that is flight on the one hand and danger on the other, that we build in an equal protection argument there that people will stay and not flee may not be able to make bail, and people who will flee can't make bail, likewise danger to the community is nothing brilliant, this is the basis of what these cases are; and so this concept when I saw it , heard this, and I wasn't aware it was there, and now we're talking about a standard bail schedule for the state that we walk ourselves into, it's an absolute equal protection argument because the poor can't make bail by these bail schedules. The average family in Clark County makes like \$50,000, but come down to the Justice Court you see that bail is \$100,000, \$200,000, \$300,000 are set, as the Court knows, and Justice Hardesty knows because you reference this once again in your power points, is one of the reasons these laws back in antiquity that the precursor of the Bill of Rights, the precursor of the absolute right to bail were based upon the fact that judges were setting bail so high to keep people in, and that the purpose of bail has become, quite truthfully, to keep people in, not to keep them out, and we a constitutional right, an absolute right to bail, and judges take an oath of office to protect and defend and to implement the Constitution then I think we have a serious problem when our problems of standard bails and keeping people in jail because they can't pay for it are ones, we are going to pay for it, it is going to come back and bite us in the rear and this committee is to be admired for going out there and trying to deal with it; but I think one of the things that has to be done is the implementation of this and make sure that the judiciary does it. The fear that the judiciary seems to have, and if I said it to let someone out of jail and something bad happens, it's going to affect me politically. Well, that may be, but then you probably shouldn't have taken the job because the job is to make the determinations effect. I applaud what you are doing save and accept a standard bail is a clear equal protection argument. Thank you.

- Good afternoon everybody, my name is Ozzie Fumo and I'm a criminal defense attorney and I've been practicing in Las Vegas for the last 20 years. I hate speaking after Mr. Pitaro because he is much more eloquent so I will just hit a couple of bullet points that I wanted to touch on. I mentioned this to Justice Hardesty up at the Legislature where we were discussing the risk assessment factor and he was educating me on the profits and how it worked. As I look around the table and have looked at the names of people who are on the committee and don't see any attorneys who have argued bail for a client in the last several years and I'd like to see the committee be a little more balanced. Secondly, the risk assessment factors, which may have changed since I last looked at it, gives no guidance to the judges, justice court judges, district court judges, who look at it and see let's say a low risk to reoffend and don't know what that

means. They don't know if that means automatic goare?, they don't know if that means the state and the Fed's attorney can argue for more bail, and if they think they can argue for more bail, they just throw the risk assessment out, which means why have the bail factor when there is no guidance for them. I'd like to see something in there, and I discussed this with Justice Hardesty, about non-violence, first time offenders should get a can get a non-cognizant release, or something to that effect, and not have to wait in custody. It costs us, as taxpayers, hundreds of dollars a day to keep someone in custody for a non-violent, first time offense when there should be an automatic owner cognizant release. Most of them, if not all, will definitely show up for court and the cases do get resolved. It's a waste of resources to keep them in there and have to undergo argue or post bail. I would also like to see you give judges more guidance to release defendants with non-monitor, look to a schedule, look to a pathway, so they can look to a non-monetary conditions first before they set the bail because, like Justice Hardesty said at the Assembly, and like Carl said, not only can we have people protection problems with poor being held in custody, bail means jail, the people can't afford it, the court can't afford it, and they just sit there longer, much more waste of resources, so if they look toward the non-monetary conditions for plenty out there that we discussed that would give the judges a little more guidance too. Thank you and I look forward to your presentation.

II. Pilot Site Program –Status Updates

- Justice Hardesty commented on the status of the pilot program and the significant amount of work the pilot sites are accomplishing.
 - Additional resources are needed; some pilot sites are struggling to keep up.
 - There is a need for additional training, not just for pretrial services staff but also for attorneys and the judiciary. There needs to be discussion on how to achieve a uniform approach to utilizing this program; this needs to be a priority if the Committee is going to move forward with this program.
- Ms. Anna Vasquez provided a status update on the pilot program in Clark County.
 - Out of approximately 534 cases, there were 100 releases, and very few FTAs or rearrests. Most of those not released via the tool are currently in jail; for many (approximately 200), bail was set but they were not able to post bail.
 - Dr. Austin explained that FTA and rearrest rates are well below where they were before the implementation of the current version of the tool; this is promising.
 - Ms. Vasquez commented that she would like to expand the program to all criminal departments. Discussion was held regarding the resources needed for expansion; Judge Bonaventure explained that these needs have been discussed with the county, nothing has been agreed upon.
 - Mr. Jeff Wells explained that the county's goal is to get enough staff in place (8 positions) to expand the program; this is a "staff recommendation" at this point and has yet to be approved by the Commission.
 - This may go before the Clark County Commission in August.
 - Discussion was held regarding why so many people are sitting in jail, unable to pay bail.

- A comment was made that the judges are setting high bails and not releasing; departments are releasing at different rates.
- There has also been issues with risk assessment tools not being fully completed; some judges are doubting the accuracy of the information and waiting for the 72 hour hearing to make a decision.
- Mr. Phil Kohn asked how many of the cases scored low risk and commented that he has seen several instances where bail is set for a low risk defendant, he/she cannot pay and the judge will not let him/her out. Mr. Kohn offered to provide documentation of this and commented that he does not believe it is a training issue; there are some judges who just refuse to OR defendants. This is something the Committee needs to look into.
 - Justice Hardesty commented that, regardless of how low bail is set, if defendants cannot pay bail, the bail agencies cannot make money. This is not an issue with the program.
 - Justice Hardesty commented that the question of why low-risk offenders are not being released need to be addressed; we need to “drill into” the numbers.
- Attendees discussed the need to be able to look at jail populations by risk level and length of stay in order to study this issue.
- Ms. Heather Condon provided a status update on the pilot program in Washoe County. (*See meeting materials for PowerPoint*)
 - Washoe County-specific changes to the current system include:
 - Judicially imposed bail – removed uniform bail schedule
 - Required PC narratives at time of arrest
 - Shared drive for secure document transfer
 - Judges assess pretrial paperwork 7 days a week (PC review, PD appointment, bail assessment)
 - Praxis to decide who can be released and at what supervision level; this provides guidance and what pretrial officers can and cannot do.
 - Overrides for May are at 12% compared to 26% in February.
 - FTA rate has increased to 17%; rearrests decreased to 6%.
 - Pending issues include staffing concerns and outdated case management systems that do not communicate with one another; Ms. Condon is currently working with the county and other courts to secure additional resources and to address case management system concerns, this is an on-going effort.
 - DAS supervision and supervision fees can also be problematic; this is a Washoe-specific issue that Ms. Condon is working to address.
 - Attendees discussed inconsistent setting of bail in Washoe County; some judges OR more than others. Initial discussions regarding the implementation of a bail magistrate system are taking place in the county.
 - Attendees discussed nuisance arrests and the impact on Washoe County’s data.
 - There is a difference between one defendant being arrested repeatedly versus several defendants each being arrested once – this needs to be reflected in the data for accuracy.
 - Dr. Austin commented that studies show that texting reminders to defendants can reduce FTA.

- Mr. Chris Hicks asked for clarification regarding the difference between “rearrest” and “revocation” and commented that it would be valuable to know revocation rates.
- Mr. Hicks commented that the failure to abide by conditions of release should be taken into consideration; Dr. Austin explained that the NPRA tool does not measure this. Ms. Condon tracks this information so it would be useful to look at.
- Judge Bishop provided a status update on the pilot program in White Pine County.
 - The program is running smoothly in Ely, there have been a few “weird” instances but no patterns; OR motions are helpful for sorting some of these situations out.
 - There have been a few issues with released defendants reoffending, particularly with drug cases. Judge Bishop is working with the drug court to develop a solution using a “life skills” approach for appropriate cases.
 - Overall, better release decisions are being made; this program could be particularly useful in the rural courts because of the smaller caseloads.
 - Attendees discussed dependence upon law enforcement participation; Judge Bishop commented that this has not been an issue so far.
- Dana Hlavac provided a status update on behalf of Las Vegas Municipal Court.
 - Of the 776 defendants screened in the last quarter, 581 were low risk and 169 were moderate.
 - The court has a standing judicial order to release defendants who meet criteria; 10% didn’t meet the criteria but were released because the tool indicated they were low risk.
 - 70% bonded, but not clear whether that was before the PC hearing.
 - Under the NPRA tool, the appearance rate for the low risk group has increased to 98% (from 89% on the judicial order).
 - Of the moderate risk group, 20% release under prior judicial order, 3% released under tool and 76% bonded and 93% of those appeared.
 - Mr. Hlavac explained that Las Vegas Municipal Court continues to support the program but has some concerns regarding when defendants bonded and why certain defendants bonded but remained in jail.
 - Attendees discussed the data breakdown in terms of justice courts versus municipal courts; Ms. Condon commented that, at this time, her case management system does not allow for this level of analysis.

III. NPR Assessment Results Update (*See meeting materials for PowerPoint*)

- Dr. James Austin provided an overview of the data collected from the pilot sites since the last Committee meeting.
 - The tool is performing as expected.
 - Tracking FTA and rearrest data needs to be more comprehensive among the pilot sites; Dr. Austin will work with the pilot courts to address this.
 - Jail population has decreased in Washoe County but this could be a seasonality link; population in Clark County appears to be stable but this could change as the program expands to more departments.
 - Two observations/ideas have arisen:
 - Judges questioning why offense severity is not included in the tool – this is because it has very little predictability on FTA and/or re-offense rates. However,

some courts have developed a matrix to help guide this. Dr. Austin is open to moving in this direction if this is something the Committee would like to do.

- A supervised release program could aid in reducing the long-term jail population.

IV. Pilot Site Program – Concerns, Recommendations, and Next Steps (*See meeting materials for additional information*)

- Ms. Condon commented on the need for additional training for all stakeholders, including the private attorneys.
 - Discussion was held regarding Ms. Condon’s ability to request supplemental budget resources; Mr. Jeremy Bosler explained that the budget is flat for all county departments.
- Mr. Bosler expressed concerns regarding an increase in cash bail, inconsistency among judges, confidentiality of tool information, and possible design flaws in the program.
 - Concern was expressed regarding Sparks Justice Court requiring written motion for a bail/ bail hearing; Mr. Bosler commented that this defeats the purpose of the program and extends the timeframe.
 - Mr. Bosler commented that the inclusion of first time domestics and exclusion of first time DUIs is not scientifically supported; some of these instances could be handled by court services (ORs).
 - A suggestion was made that individualized bail decisions be made earlier in the process.
 - Ms. Condon clarified that DUI/domestic first are considered serious misdemeanors in Washoe County and pretrial services can release low and moderate level offenders.
- Ms. Vasquez and Judge Bonaventure commented on the efforts being made to speed up the process and improve PC and initial appearance reviews. The goal is to streamline the process. This approach is modeled after the process used in Maricopa County; Ms. Condon commented that Washoe County is also taking steps to shorten the process time.
- Judge Bishop commented on staffing issues and informed attendees that he is working with the District Court to address the concerns.

V. Subcommittee to Study Bail Schedules – Update/Presentation on Proposed Guidelines (*See meeting materials for additional information and proposed guidelines*)

- Judge Scott Pearson presented the proposed bail guidelines on behalf of the Subcommittee.
 - Attendees discussed the benefit of this in the rural jurisdictions that don’t have pretrial services to provide information.
 - There is a lack of consistency and uniformity across the state, this document can provide guidance and mitigate that
 - Judge Bishop commented that it is not feasible for the smaller, rural jurisdictions to follow a process like what Washoe County and Clark County use.
 - Justice Hardesty commented that defense counsel complain that judges are inconsistent in bail setting after reviewing the assessment tool; would it be helpful to offer uniform bail amount guidelines?
 - Justice Hardesty discussed the argument that the defendant should be able to bail out if he/she has the ability to pay and wants to do so; this is a reasonable argument.

- Justice Hardesty commented that he wants the Committee to ask the Nevada Supreme Court to adopt, by rule, the proposed guidelines for statewide use and asked attendees for input.
 - This will not be in lieu of an OR release.
 - Judge Pearson commented on the wide range and inconsistencies of bail practices across the state but expressed concern regarding judges “blindly following” the guidelines rather than making individualized bail decisions.
 - Judge Pearson commented that, should the Nevada Supreme Court make a rule, it should require judges to articulate reasoning behind the money bail they set.
 - Mr. Kohn echoed Judge Pearson’s concerns and expressed concern regarding bail stacking; bail needs to be individualized to each defendant or it will lead to a lawsuit. Mr. Kohn commented that he cannot support the proposed bail guidelines without additional safeguards.
 - Judge Higgins commented that this issue presents an opportunity for training and guidelines for use need to be developed.
 - Judge Sattler asked for clarification regarding whether law enforcement will be allowed to modify the bail amounts and explained that there should be a more focused analysis of the defendant between law enforcement, a judge, and the DA; we can’t give too much authority to law enforcement with the document’s “catch-all” statement. Judge Pearson explained that this “catch-all” applies to those rural counties that do not already have a process for bail review in place and reminded attendees that this document is just a guideline.
 - Jeremy Bosler commented that, given the overly inclusive list of Category B felonies in this state, a bail schedule seems counterintuitive to the theories/goals of the NPRA tool and program.
 - Mr. Bosler commented that there could be efficiencies gained and suggested that attendees read the law review article on the bail project in Marilyn County.
 - Ms. Condon commented that she could provide a list of lawsuits in which bail, fines, and fees issues have been addressed.
 - Judge Tatro commented that a bail schedule can be useful when the judge has little information on the defendant; attendees briefly discussed this process.
- Justice Hardesty expressed concern regarding the inconsistency of bail amounts and practices across the state and commented that what is missing from the discussion is the statutorily imposed obligation on judges to make an assessment on why defendant are not being released. Judges need to articulate reasoning, on the record, in every case; this may significantly impact calendars but it is a statutory requirement.
 - Mr. Kohn expressed concern regarding cases being “pushed through” too quickly.
- Justice Hardesty commented that this document needs additional work; the Committee needs to be thinking about the bail statutes.
- Attendees, in the interest of time, agreed to defer further discussion of this topic until the next meeting.

VI. Other Items/Discussion

- AB136 – Justice Hardesty provided a brief overview of the legislative history of AB136 and commented “on the record” that he was not involved with the Governor’s decision to veto the bill, nor did he (or Mr. Graham) speak with the Governor, or the Governor’s staff, regarding this bill.
- Continuation of the NPRA Pilot Site Program

- Justice Hardesty asked for a motion to continue the pilot program through December 31, 2017.
- Chief Judge Gonzalez made the motion; Judge Sattler seconded the motion.
- Discussion on the motion:
 - Mr. Hicks reminded attendees of his concerns regarding the state’s criminal history database and the NPRA tool’s use of conviction data when it should be using arrest data. If the program is to continue with the current tool, he will be reluctant “no”. This is a serious discussion that the Committee needs to have.
 - Judge Tatro will vote “yes” but shares Mr. Hicks’ concerns.
 - Chief Judge Gonzalez and Judge Sattler clarified that motion was made based on the use of the current tool.
 - Steve Wolfson commented that he is in support of the continued use of the tool in the pilot program but he has concerns regarding the accuracy of the information being gathered; the missing criminal history information is a problem.
 - Justice Hardesty informed attendees that the Advisory Commission on the Administration of Justice made a recommendation that the Nevada Legislature enact a statute requiring all criminal history database used within the state to address and fix these data issues. As such, a working group was created to analyze these issues and report to the legislature during the 2019 Legislative Session. In the meantime, this Committee needs to discuss on its own how to better report accurate conviction data.
 - Justice Hardesty suggested a new subcommittee for this Committee to address this concern; membership would include Committee members, pretrial services representatives, and criminal history database technicians/ representatives. Justice Hardesty asked Mr. Hicks and Mr. Wolfson (or their designated representative) to serve on the subcommittee; Justice Hardesty will reach out to others regarding their participation in this subcommittee.
- Ms. Gradick took a roll-call vote on the motion.
 - 23 members were in favor
 - 1 member was against
 - Motion passed
- Mandatory Training
 - Justice Hardesty proposed a motion in which the Committee asks the Nevada Supreme Court to set mandatory education for judges, lawyers, and staff with respect to the use of the NPRA tool.
 - Ms. Vasquez made the motion; the motion was seconded by Mr. Kohn.
 - Discussion on the motion:
 - Mr. Kohn suggested that all groups (attorneys, judges, staff) be included in the same training sessions.
 - Judge Herndon commented on the “cultural shift” of this topic for the judges.
 - Ms. Gradick took a roll-call vote on the motion.
 - 23 members were in favor
 - 1 member abstained
 - Motion passed
- The next meeting will be scheduled for September or October; additional details will be provided at a later date.

VII. Additional Public Comment

- Carson City

- Thank you, Justice Hardesty, Richard Justin – I’m sorry, I know you all had . . . I had comments all along, but obviously I can’t participate because I’m not one of the judges. The first thing I would like to say, if you need a Magistrate in Washoe County I’m probably going to be available; I’ll be looking for a job. Secondly, when Anna was talking about the people and you were discussing what questions weren’t being asked and what questions were, the first 100 that she let go, those were the ones that we bailed, and if, the next 200, if we had bailed the first 100 we probably could have bailed half of the second 100. The first question that should be asked by Heather and her group is, are you going to bail? I am deeply opposed to the fact that you’re moving this, deferring the bail schedules off, I can’t address that in the middle of your meeting because it is only for public comment and it needed to be addressed at that moment. But the bail schedules, and my understanding of their history, are only unconstitutional, or, um, difficult, if you don’t address them at the 72-hour period if they haven’t bailed. Now all of our clientele are available to come back for this assessment study at any given time during this process and we do that in most of the smaller counties, except Washoe County, and you know, even the courts will call me and say “Hey, I want to see your client.” You know, that’s not a problem. We’re not a part of this process so it is very difficult for you to get the 100 years or so experience that we have. This is going to, this deference is, until December may put me out of business and I know that is not your intent, but that’s just the effect of the program. So, like I said, I’m kind of at a loss for, because I can’t jump in in the middle. I was listening to some of the judges and what they said . . . bail, when Heather said I was going to bail I have to pay \$50 as a bond fee. When Heather lets someone go she doesn’t get charged anything. Where is my equal justice? When, um, so for the 1,000 people that you let go in May, or 1,500, that costs the courts, the local courts, \$75,000 because they didn’t get my \$50 bond fee for those 1,500 people. When bail is set, I understand that’s the whole picture so when OR is the same as bail, and then she has to pay for supervision, that’s money bail. So what’s the difference between my money bail and her money bail? I’m kind of confused with that. The . . . we’ve had some problems with warrants being set and then they go to jail and the rest of the bail is set and we post the bail and then somebody comes down and changes it after the bail has been set. There is an Eighth Amendment there that isn’t being addressed on all warrants and I think it was Judge Tatro who brought it up. If you are addressing the bail on 3rd DUIs they handle that problem in Carson by ordering a mandatory scam before release prior to a . . . on a 3rd DUI. So, like I said, I couldn’t write all this down and I wasn’t prepared to do it in order the way it should have been. I wish I could have been able to say something at the time when things were coming up, so I’m sorry for that confusion. I haven’t been able to participate because of the inherent conflict I had prior to this. This is the first time that I have been able to, or second time I’ve been available to actually make public comment. Thank you again, Justice Hardesty.

VIII. Adjournment

- Justice Hardesty adjourned the meeting at 5:45 p.m.