

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator

JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services



RICHARD A. STEFANI
Deputy Director
Information Technology

VERISE V. CAMPBELL
Deputy Director
Foreclosure Mediation

MEETING NOTICE AND AGENDA
Committee to Study Evidence-Based Pretrial Release
VIDEOCONFERENCE

Date and Time of Meeting: Friday, February 12, 2016 @ 1:30 p.m.

Place of Meeting:

Carson City	Las Vegas
Supreme Court Law Library Room 107 201 S. Carson Street Carson City, Nevada	Regional Justice Center Supreme Court Courtroom 200 Lewis Avenue Las Vegas, Nevada
Teleconference Access: 1-877-336-1829, passcode 2469586	

AGENDA

- I. Call to Order
 - a. Call of Roll
 - b. Approval of 1-08-16 Meeting Summary * (Tab 1)
 - c. Opening Remarks
 - i. Chair's Invitation to Bail Bond Representatives (Tab 2)
 - ii. Bail Schedule Study
 - iii. CCJ/COSCA Western Region Pretrial Justice Reform Summit
 - d. Public Comment
- II. Guest Speakers' Presentation (Tab 3)
 - a. Dr. James Austin, *JFA Institute*
 - b. Ms. Angela Jackson-Castain, *Department of Justice, OJP Diagnostic Center*
 - c. Mr. Steve Rickman, *Department of Justice, OJP Diagnostic Center*
- III. Discussion of Outcome Measures (Tab 4)
 - a. Additions and/or Edits
- IV. Pilot Sites Discussion
 - a. Status Update
 - i. Second Judicial District Efforts - Ms. Heather Condon's Letter (Tab 5)
 - b. Risk Assessment Tools - Review and Preferences Discussion (Tab 6)
 - i. Kentucky
 - ii. Virginia
 - iii. Ohio

- iv. Arizona
- v. District of Columbia/Federal PTR
- c. Technology and Integration Concerns

V. Jail Statistics (Tab 7)

VI. Next Meeting Date: TBD

VII. Public Comment

VIII. Adjournment

- Action items are noted by * and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: jgradick@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030)
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nevadajudiciary.us; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: Regional Justice Center, 200 Lewis Avenue, 17th Floor.

TAB 1

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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 Jamie Gradick

January 8, 2016

1:30p.m. – 4:35 p.m.

Videoconference (Carson City, Las Vegas)

Members Present

Justice James Hardesty, Chair
Judge David Barker
Judge Joe Bonaventure
Jeremy Bosler
Heather Condon
Kowan Connolly
Judge Gene Drakulich
Judge David Gibson, Jr.
Joey Orduna Hastings
Judge Douglas Herndon
Chris Hicks
Judge Kevin Higgins
Judge Cedric Kerns
Judge Jennifer Klapper
Phil Kohn
Judge Victor Miller
Judge Michael Montero
Judge Scott Pearson
Judge Thomas Perkins
Judge Melissa Saragosa

Judge Elliott Sattler
Judge Mason Simons
Judge John Tatro
Judge Alan Tiras
Judge Ryan Toone
Judge Natalie Tyrrell
Anna Vasquez
Jeff Wells
Steven Wolfson
Judge Bitia Yeager

Guests

Lori Eville
Jim Halsey
Dana Hlavac
Kim Kampling
Spurgeon "Kenny" Kennedy

AOC Staff

Jamie Gradick
Raquel Rodriguez

- I. Call to Order
 - Justice Hardesty called the meeting to order at 1:30 p.m.
- II. Call of Roll
 - Ms. Gradick called roll; a quorum was present.
- III. Public Comment

- There was no public comment in Las Vegas or in Carson City.

IV. Approval of Prior Meeting Summary

- The summary from the December 3, 2015 meeting was approved.

V. Opening Remarks

- Judge Perkins introduced Captain Jim Halsey with the Douglas County Sheriff's Office; he has been involved in discussions regarding the work of the Committee. Justice Hardesty welcomed Capt. Halsey and thanked him for his attendance.
- Justice Hardesty welcomed representatives from Clark County Sheriff's Office attending in Las Vegas and thanked them for their attendance.
- Justice Hardesty informed Committee members that the courts participating in the pilot-site program have met to begin working on pilot program details and processes.
 - IT, court services, pretrial services are all participating in the discussion.
 - Any court wishing to participate in the pilot-site program is invited to do so; Douglas County and Las Vegas Muni Court have both expressed interest in participating in the program.
- Justice Hardesty informed attendees that the goal of today's meeting is to make "policy" decisions regarding:
 - What measurement outcomes will the pilot program use? (*See "Measuring What Matters..." in meeting materials*) What definitions will be used?
 - What risk assessment tool will be used by the pilot program courts?

VI. Guest Speaker Presentations

- Justice Hardesty introduced Ms. Lori Eville and Mr. Spurgeon "Kenny" Kennedy to those in attendance.
- Ms. Eville thanked the Committee for allowing the NIC to work with Nevada, praised the work the Committee has already completed, and provided a brief overview of the work the NIC has done in the pretrial release realm.
- Mr. Kennedy presented information on outcome and performance measures and selection of appropriate measures.
 - Measures matter because we need to be able to validate and quantify success for various reason including funding and validation efforts.
 - Suggested pretrial outcome measures and definitions include: (*See "Measuring What Matters..." in meeting materials*)
 - *Appearance rate* - percentage of supervised defendants that make all scheduled court appearances. This requires an appropriate definition of failure to appear and ability to track defendants.
 - *Safety rate* - the percentage of supervised defendants who are not charged with a new offense during the pretrial stage; how many remain "arrest free" while case still pending? This can be difficult to measure depending upon availability of criminal history and rearrest information. Discussion was held regarding looking to jurisdictional definition; local rules will have to provide clear definition/guidance. The safety rate should be based on a chargeable offense; discussion was held regarding prosecutorial behaviors and possibility of "papering" the case. Biggest concerns with the measure

are technology challenges and inability to track relevant criminal activity and identify charges. Mr. Kennedy discussed the JUSTIS system used in D.C for these purposes. Discussion was held regarding differences of filing practices in different jurisdictions and how variances will impact the safety rate measurement. Discussion was held regarding having court services available at booking and resource limitations in pretrial services and processes. In Washoe County, pretrial services currently indicate supervision status and rearrests to the judge.

- *Concurrence rate* - the ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct. Mr. Kennedy warned attendees that this measurement should be defined carefully in terms of low, medium, and high levels of supervision - these levels should appropriately correspond to risk level. Justice Hardesty informed Committee membership that he has asked Heather Condon and Anna Vasquez to formulate a list of conditions that could be used for pretrial release so that everyone is operating under the same set of specified conditions. Once these conditions are established, the Committee will be asked to define the level of risk for each, creating sets of specified conditions for each level of risk. Ms. Eville pointed out that this measurement also measures the judge's level of concurrence with the recommendations.
 - *Success rate* - The percentage of released defendants who (1) are not revoked for technical violations of the conditions of their release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision. This measurement requires development of clear definitions for "complaint defendant" and "infractions." Must be able to accurately track and report noncompliance back to the court.
 - *Pretrial detainee length of stay*- the average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release. This is an optional measurement; research shows significant harmful impact on low to moderate risk defendants who are detained pretrial - increases potential for reoffending. Discussion was held regarding the ability to identify pretrial population in terms of "time in" and "time out." Justice Hardesty suggested that this measure be adopted as one of Nevada's outcome measures; can be tracked in most jurisdictions.
- Discussion was held regarding jail statistics across the state; most counties can provide "snapshots" of this data - Heather Condon is currently finalizing the numbers for Washoe County; Jeff Wells provided a snapshot from Clark County (1473 inmates on 1/5/16).
 - Discussion was held regarding mental health and substance abuse issues/components of pretrial release programs and how much authority courts are willing to bestow upon pretrial services to address these matters and modify conditions of supervision when necessary.
 - Suggested performance measures (performance measures are not measures of program success, but are ways to evaluate program function) and definitions include: (See "*Measuring What Matters...*" in meeting materials)

- *Universal screening* - percentage of defendants statutorily eligible for release that are screened by pretrial program.
 - *Recommendation rate* - reflects how frequently the pretrial program follows its risk assessment criteria; assumes that programs make recommendations to the court, not all programs do.
 - *Response to defendant conduct* - measures how often staff responds appropriately (by recognized policy and procedure) to compliance and noncompliance with court-ordered release conditions. Research has demonstrated that a response time of 3-5 days, following a noncompliance event, has the greatest impact on the defendant's behavior.
 - *Pretrial intervention rate* - measures the pretrial program's effectiveness at resolving outstanding bench warrants, arrest warrants, etc. How quickly can you get them "back into court"?
- Mr. Kennedy briefly discussed suggested mission critical data (*See "Measuring What Matters..." in meeting materials*)

VII. Pilot Sites Discussion

- Justice Hardesty asked Committee members for opinions regarding "conceptually" adopting the outcome and performance measures presented by Mr. Kennedy for the pilot program and explained that adopting these may allow court and pretrial services staff participating in the pilot program to begin evaluating the measures for feasibility and applicability. Once the measures are adopted, the pilot sites could begin to assess what parts can and cannot be met and what resources are needed for each jurisdiction.
- Justice Hardesty discussed the value of these programs to public safety; a goal of the pilot site program is to dispel rumors and concerns regarding public safety.
- Mr. Wolfson asked for clarification regarding what a "pilot site" program would look like in Clark County; the motion on the table is for the adoption of the measures, not a risk assessment tool itself.
 - A motion was made (and seconded) to conceptually adopt the outcome and performance measures for use in the pilot site program.
 - A roll call vote was taken; the motion was passed.
- Upon approval of the motion, Justice Hardesty suggested that the Committee "pause" and take the information presented by Mr. Kennedy back to their staff for consideration and evaluation; Justice Hardesty directed Committee members to consult with staff (in-depth) regarding any concerns, possible changes, impediments, etc. If there are concerns or suggestion for amendments, this needs to be brought back before the committee.
- Justice Hardesty asked Ms. Condon, Ms. Vasquez and Ms. Connolly whether they could have the list of pretrial release of conditions prepared for the next Committee meeting. Ms. Condon stated that the Washoe County portion is currently being finalized; the consensus was that the list could be completed in the next few weeks.
- Risk Assessment Tools - Justice Hardesty informed Committee members that risk assessments can be specifically geared toward crime types and asked Mr. Kennedy to comment on this and to share what he thinks the Committee should be thinking about and asking questions about as it evaluates/considers known risk assessment tools.

- There’s a difference between “validating” a risk assessment and “operationalizing” it; Mr. Kennedy discussed the importance of using “validated” factors to assess risk and explained that there are “subsets” within the risk factors addressed by the tools. For example, demographic information is a subset of substance abuse risk factor. It’s also important to understand how each element (or substance, in this example) has been researched and weighted in terms of risk based on its impact on FTA.
- Also realize that there are different types of re-arrest and each carries varying level of predictability in terms of the risk the defendant poses.
- Discussion was held regarding tools that are in the public domain and already validated; Mr. Kennedy explained that the research and risk factors have become greatly standardized throughout the country. The big question is: Can you make the tool work for your own needs and program goals. Which risk assessment tool is going to be able to be consistently implemented, defined locally within own policies and systems, and “operationalized” successfully?
- Discussion was held regarding time requirements; there’s a difference between “administering” the tool and having the information compiled “in the background.” What about arrests without disposition where there’s a “hole” in the national criminal justice database - far more charges than there are dispositions. In DC, pretrial services will bring this to the attention of the judge but this isn’t directly used in risk assessment calculations.
- Discussion was held regarding the interview portion of the risk assessment tools and whether having an interview or not having an interview is best; concerns exist regarding self-incrimination and constitutional rights. Mr. Kennedy explained that interviews can be an important part of the process and give important insight into defendant mental processes/behaviors etc. The process is about “giving information to make good decisions,” not about just giving the judge a number.
 - Mr. Kohn agreed with the method DC uses.
 - Ms. Eville addressed the Kentucky tool “issue” and explained that Kentucky currently uses the PSA (no interview) which is not a “public domain” tool and, thus, not available to Nevada.
 - Discussion was held regarding the use of MOUs between the stakeholder to establish “rules” regarding how the risk assessment tool and interview can and cannot be used.
 - Judge Kerns shared concerns regarding interviews becoming a “drain” on resources and defendants providing incorrect answers/information. Concern was expressed regarding the pilot sites not having the resources to incorporate interviews into the process; should the pilot sites be working with the resources they currently have?
 - Discussion was held regarding the extent of the interview process and misconceptions regarding time required to conduct/complete pretrial interview and prepare reports. Mr. Kennedy asserted that this process could be completed in 10-20 minutes; criminal history is the most time-consuming portion.
 - Discussion was held regarding the interview questions on the Ohio and DC tools - very similar.

- Mr. Wolfson asked Ms. Vasquez how many people (approximately) would have to have an interview on a daily basis in Clark County. About 60-80; would be challenging to get the information to the judges within the 48 hour timeframe.
- Ms. Condon explained that Washoe County interviews take about 20 minutes and asserted that the purpose of the interview isn't to incriminate the defendant; the goal should be implementing a program using best practices. A suggestion was made that Las Vegas use smaller pilot sites for the pilot site program so that we can evaluate processes, resources, constraints, and success more accurately. Justice Hardesty asked Judge Kerns to consider whether all Las Vegas dept. would participate or only a few. Judge Kerns explained that, operationally, only having 2-3 participate would be a problem.
- Ms. Eville informed attendees that many of those jurisdictions that have tried the Arnold tool have gone back and added in "interview" style questions. The question to ask is which tool, operationally, fits best into Nevada's practices/processes? The task at hand is to take each potential tool and evaluate how to operationalize it.
- Remember that the tool is just a tool and can be adapted to each jurisdiction as needed; over the next few weeks, look at each potential tool and ask how it would impact pretrial release and jail rates in your jurisdiction 0- if it doesn't do what we need it to, then it's not the right tool.
- Judge Yeager discussed the importance of incorporating a "reminder system" into the process and explained that there needs to be a balance between efficiency of resources and amount/quality of information provided to the judges. Justice Hardesty supported the need for an automated court reminder system as part of the pretrial process.
- Justice Hardesty explained that one of the purposes of the pilot program is to help establish realistic goals and timelines. We should be evaluating the "best" assessment and testing it on processes to evaluate operational issues. It would be best to "think on this" and seek input from stakeholders not at the meeting before a decision is made.

VIII. Other Items/Discussion

- An email will be sent out with the next meeting date.
- Justice Hardesty thanked Mr. Kennedy and Ms. Eville for their attendance and input; Ms. Eville and Mr. Kennedy, once again, praised the Committee for the work it has already completed.
- Dr. Emily Salisbury from UNLV introduced herself to the Committee, provided a brief overview of her background and experience in this subject, and offered her assistance to the committee as it moves forward.
- Justice Hardesty asked the limited jurisdiction judges in attendance to reach out to their colleagues (while at the NJLJ Winter Conference) regarding the work the Committee has been doing.

IX. Additional Public Comment

- There was no additional public comment offered from either Las Vegas or Carson City.

X. Adjournment

- Justice Hardesty adjourned the meeting at 4:33 p.m.

TAB 2



January 5, 2016

Dear Chief Justice Hardesty and Members of the Committee:

I appreciated the opportunity to present to the Committee last month on behalf of the Coalition. I truly believe that when all parties work together, we can make the criminal justice system work better for everyone.

As part of our presentation, there were three questions and request for further information from the American Bail Coalition. I am writing to provide responses to those inquiries.

I. Bail Agents Are Overcharging Their Clients

I indicated I would look into issues of overcharging as their appeared some allegation that reached the Committee that bail agents overcharge for their services.

First, I could not identify any specific overcharging practices that have not either been addressed in the law or that have not previously been the subject of enforcement actions or directives by the Nevada Division of Insurance. The most recent example we are aware of was the practice of the charging of renewal fees. The Division stopped those practices by issuing a regulatory bulletin, which is attached.

One agent has speculated that perhaps confusion regarding filing fees that are being paid to the Courts as part of the bonds may be the issue raised, but the charging of those fees is governed by statute, payable to courts, and are then passed on to the consumer. *See* NRS 4.060(1)(p) (justice court); *See* NRS 5.073(2) (municipal courts collecting the fees prescribed in NRS 4.060). I am not aware of practices contrary to state statutes or any other rules or regulation when it comes to charging of filing fees paid to the courts.

Further, the insurance regulations are clear that bail companies/agents are only permitted to collect the premium and actual expenses incurred. *See* attached bulletin from the DOI (Bail companies and agents in most instances allow the premium to be made on a payment plan but they cannot collect interest or other late fees related to the payment plan).

II. Bail Review Procedures

The Equal Justice Foundation lawsuits that began in Clanton, Alabama focus on reviews in cases where the bail was set by a schedule. We would posit that using the scheduled versus non-scheduled bail is a key distinction for policy-making purposes in terms of the need for an expedited

review and may reduce the costs of providing expedited reviews if scheduled bail reviews are given priority.

We would suggest that all scheduled bail be reviewed within a matter of days, whereas if a judge sets a bail using the statutory factors and individual consideration, that a review not be required to be held as expeditiously and perhaps with other limitations in place.

A scheduled bail will take into account certain factors, most typically the charge or nature of the offense. A bail schedule is a substitution for a judge setting bail that is used as a *temporary* measure. Because most bails will be posted in a matter of days, if a person cannot get out in 48-72 hours, it does make sense to afford that person a *de novo* bail setting hearing. In addition, because judicial resources are scarce, it does not make sense to re-do a bail hearing already done by a judge unless there is a reason to do so, particularly when there is a right to appeal the bail setting.

Although we argue for the application of this distinction in hearing rights based on scheduled versus judge-set bail, and believe it is an important one for purposes of making good bail policy, most state statutes or court rules do not embrace this distinction.

Model Policy

We think one *de novo* hearing of a bail set by a judge should be available and occur within 7-14 days of a motion having been filed by a defendant for such a hearing.

We think a *de novo* hearing of a bail set by a schedule should occur on the next business day when Court is in session, or, no later than three days after arrest. That should either be automatic or upon request of a defendant.

We believe that defendants and prosecutors should be able to file motions at any time for increases or decreases in financial bails, but that Courts should not be required to hold a hearing in any particular motion except in the case of a motion that triggers a *de novo* hearing.

The New York statute allowing for a *de novo* hearing is as follows:

A defendant is entitled to one de novo bail review before a Supreme Court (the trial court in NY) judge on the grounds that the local criminal court (in NYC, the criminal court that handles misdemeanors and other non-felonies):

- (1) Lacked authority to issue an order, or
- (2) Denied an application for bail or ROR, or
- (3) Ordered bail that was excessive

NY CPL § 530.30

The New York statute, however, does not contain any particular time frame as to when the *de novo* hearing should occur, which we believe is an inadequacy.

The New Mexico Supreme Court recently issued a proposed rule draft where bail would have to be reviewed, upon a request of a defendant, within 48 hours. Due to issues regarding the noticing of

victims, it is believed that the Supreme Court will ultimately adopt a rule that all reviews of bail must occur within 7 days.¹

Colorado's statutes do not distinguish on how bail is set, but allow the following two forms of review: (1) if a defendant has a money bail set, and cannot post that bail 7 days after it has been set, the defendant may file a motion for reconsideration, which must be heard within 14 days of filing²; and, (2) an unlimited number of motions for increases or decreases in bond by the District Attorney or the Defendant, which require notice, and may be denied or granted without a hearing.³

Many states require that a person's bail be reviewed "forthwith" or at the next session of Court. Often, this is due to the fact that imposing a hard deadline ignores scarce judicial resources. The Massachusetts law is one example where the review shall be "forthwith" at the next general session of the District Court.⁴

Finally, we note that in the Clanton, Alabama case and other cases regarding bail review procedures, all of the cases settled with alteration of procedures so that the cases would be reviewed in 48-72 hours. A copy of the Court administrative order that was approved as part of the settlement agreement in Clanton is attached.

Question of Automatic Review

Chief Judge Lippmann recently enacted automatic reviews in New York. California also has automatic reviews.⁵ We do not believe automatic reviews are necessary, and that the defendant's counsel should request a hearing. Nonetheless, the Committee should certainly be aware that there are jurisdictions that have automatic reviews, and the Committee should consider whether automatic reviews are appropriate.

III. Reasons Someone May Remain in Jail After a Financial Bail is Imposed Other Than Inability to Pay

¹ See https://nmsupremecourt.nmcourts.gov/rules/pdfs/Proposal_55.pdf, proposed section 5-401(F)

² If a person is in custody and the court imposed a monetary condition of bond for release, and the person, after seven days from the setting of the monetary condition of bond, is unable to meet the monetary obligations of the bond, the person may file a written motion for reconsideration of the monetary conditions of the bond. The person may only file the written motion pursuant to this section one time during the pendency of the case and may only file the written motion if he or she believes that, upon presentation of evidence not fully considered by the court, he or she is entitled to a personal recognizance bond or an unsecured bond with conditions of release or a change in the monetary conditions of bond. The court shall promptly conduct a hearing on this motion for reconsideration, but the hearing must be held within fourteen days after the filing of the motion. However, the court may summarily deny the motion if the court finds that there is no additional evidence not fully considered by the court presented in the written motion. § 16-4-107, C.R.S. (2014).

³ See § 16-4-109, C.R.S. (2014)

⁴ A person aforesaid charged with an offense and not released on his personal recognizance without surety by a clerk or assistant clerk of the district court, a bail commissioner or master in chancery shall forthwith be brought before the next session of the district court for a review of the order to recognize in accordance with the standards set forth in the first paragraph of this section. Section 58, General Laws.

⁵ When a person is detained in custody on a criminal charge prior to conviction for want of bail, that person is entitled to an automatic review of the order fixing the amount of the bail by the judge or magistrate having jurisdiction of the offense. That review shall be held not later than five days from the time of the original order fixing the amount of bail on the original accusatory pleading. The defendant may waive this review. Section 1270.2.

The studies conducted on jail populations and the causes of current jail populations are so inconsistent and surface-level that policy-makers have a difficult time sorting out what is really going on. Policy-makers are then easily persuaded that if a money bail is set and not posted that: (1) there was no need to impose that bail; and, (2) that the inability to pay money is the “sole” reason the accused are in jail. We also fail to look at a litany of other legal or administrative barriers to release that drive pretrial detention that have absolutely nothing to do with money.

Most jail studies are just bulk pulls of data—amount of time in jail, charge, bond. As criminal justice professionals, we then make various assumptions about macro-level data, that it certainly appear, are not assumptions that would hold up if a more thorough and complete level of analysis were to take place. This is driven by those in bail reform who focus on money as the sole and only problem in bail, which prevents more comprehensive study of the systems of arrest and release from custody. If we look just at money as the main driver, we simply build a case against money without realizing other often more significant and irreversible barriers to pretrial release that may be worth revisiting.

Thus, we often hear general statistic that 60% of persons in jail are merely accused of a crime. Some percentage of that population sit in jail, as the talking point goes, “simply because the accused cannot afford their bail.” In New York City, the Mayor’s office says it is 47,000 persons accused are held simply because they “cannot afford their bail.”

Yet, we know that there while there are people in jail for whom a financial bail has been set but not posted that also we cannot conclude that when a bail is not posted it is due to lack of financial resources. Further, more comprehensive analyses of these questions are critical to determining what barriers *other than money* keep people in jail. It should not be a money versus all other conditions of release debate in the first place because that line of thinking poisons objective research and injects a research design with a specific agenda.

What are some of those reasons that we have identified nationally, and may apply to Nevada. Only up on a full study of a jail population at a meaningful level could we understand what the problems may be and what we may do about such problems. They are as follows:

- (1) Legal strategy—upon advice of counsel, a defendant may plan to remain in jail for several reasons—the damage of incarceration (job loss, etc.) has been done, it may lead to a better deal, the person may avoid prison and serve time in jail, the person may avoid probation on which they may fail, the person may get less hard-time under time served;
- (2) Probation or parole holds—many state laws will preventatively detain someone who is charged with a new crime while on probation or parole;
- (3) Multiple pending cases—often folks have several cases. For example, if a person has three cases, all with a \$10,000 bond, if we do a bulk data pull we will conclude they cannot afford their bail. It may be in many of these cases, they can afford one or two of the bonds, but not three.
- (4) Administrative delays—the time from arrest to release in all cases adds to the total population incarcerated and to the average length of pretrial jail stay. If we take a snapshot in time, we will not know who will get out quickly, and many will.
- (5) ICE detainer or hold—bail will be set on the underlying state criminal charges but the person will be detained due to an ICE detainer. In some jurisdictions, this accounts for a significant portion of the jail population. The person may or may not be able to afford their bail, but we can’t know because they are not bailable.
- (6) Burning of community ties—inherently, bail requires community involvement—someone on the outside must do something for someone on the inside. When that person has burned all of their

community ties through continuing criminality and substance abuse, then persons on the outside will refuse to act, even though the person may be able to “afford” their bail.

- (7) Statutory bails—bails set by a state statute that may later be lowered by a judge.
- (8) Pretrial Holds—in some jurisdictions failure to pay previous fees charged by a pretrial agency may serve to detain after a bond has been set, as may delays due to needed administrative action by a pretrial agency after a bond has been posted.

I will continue to monitor the activities of the Committee. If we may be of any further assistance to the Committee in their work, we would be glad to provide it.

Again, we appreciate the consideration of our viewpoint, and we wish you the best as you continue through your process.

Sincerely,

Jeffrey J. Clayton

Policy Director

American Bail Coalition

303-885-5872

jclayton@americanbail.org

Nevada Bail Statutes

NRS 4.060 Fees for justice of the peace; disposition; special account for justice court; report to board of county commissioners.

1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500.....	\$50.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	100.00
If the sum claimed exceeds \$5,000 but does not exceed \$10,000.....	175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255.....	225.00
In all other civil actions.....	50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000.....	\$45.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	65.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	85.00
If the sum claimed exceeds \$5,000 but does not exceed \$7,500.....	125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions.....	\$50.00
For every additional defendant, appearing separately.....	25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... \$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution..... \$25.00

(g) For the issuance of any writ of restitution..... \$75.00

(h) For filing a notice of appeal, and appeal bonds..... \$25.00
One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court \$25.00

(j) For preparation and transmittal of transcript and papers on appeal..... \$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk \$75.00

(l) For entering judgment by confession..... \$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page \$.50

(n) For each certificate of the clerk, under the seal of the court..... \$3.00

(o) For searching records or files in his or her office, for each year..... \$1.00

(p) For filing and acting upon each bail or property bond..... \$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

↪ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer

pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

[12:94:1865] + [13:49:1883; BH § 2354; C § 2478; RL § 2015; NCL § 2946] + [13:49:1883; A 1885, 129; 1887, 76]—(NRS A 1959, 707; 1969, 408; 1973, 1677; 1975, 501; 1979, 1723; 1981, 468; 1983, 438; 1985, 1620; 1987, 496; 1989, 378, 581; 1991, 324, 1016, 1867, 1868, 1869; 1993, 1353, 1378, 1464; 1995, 563, 566; 1999, 2408; 2001, 2130, 2906, 3213; 2003, 227, 847; 2007, 885; 2011, 139; 2013, 1197, 2204)

NRS 5.073 Conformity of practice and proceedings to those of justice courts; exception; imposition and collection of fees.

1. The practice and proceedings in the municipal court must conform, as nearly as practicable, to the practice and proceedings of justice courts in similar cases. An appeal perfected transfers the action to the district court for trial anew, unless the municipal court is designated as a court of record as provided in NRS 5.010. The municipal court must be treated and considered as a justice court whenever the proceedings thereof are called into question.

2. Each municipal judge shall charge and collect such fees prescribed in NRS 4.060 that are within the jurisdictional limits of the municipal court.

(Added to NRS by 1989, 903; A 1991, 455; 1997, 115)

NRS 178.518 Payment of forfeited deposits to county treasurer or State Controller. Money collected pursuant to NRS 178.506 to 178.516, inclusive, which was collected:

1. From a person who was charged with a misdemeanor must be paid over to the county treasurer.

2. From a person who was charged with a gross misdemeanor or a felony must be paid over to the State Controller for deposit in the State General Fund for distribution in the following manner:

(a) Ninety percent for credit to the Fund for the Compensation of Victims of Crime; and

(b) Ten percent for credit to the special account established pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs.

(Added to NRS by 1967, 1453; A

NRS 178.4853 Factors considered before release without bail. In deciding whether there is good cause to release a person without bail, the court as a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;

2. The status and history of employment;

3. Relationships with the person's spouse and children, parents or other family members and with close friends;

4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release; and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

(Added to NRS by 1981, 1584; A 1985, 809; 1997, 3360)

1981, 1672; 2001, 2922; 2003, 2105)



DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE
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Bulletin 11-006

August 29, 2011

BUSINESSES RELATED TO BAIL

The Nevada Division of Insurance ("Division") has noticed an increase in the number of consumer complaints regarding certain transactions related to the business of bail. Therefore, the Division is issuing this Bulletin to remind and clarify the laws related to those subjects as they pertain to bail agents, bail enforcement agents, bail solicitors, bail agencies, and general agents.

1. Permitted Collections and Charges

NRS 697.300 and 697.310 specifically identify what a bail agent may and may not charge in connection with a bail transaction. NRS 697.300 and 697.310 provide, in their entirety:

NRS 697.300 Collections and charges permitted.

1. A bail agent shall not, in any bail transaction or in connection therewith, directly or indirectly, charge or collect money or other valuable consideration from any person except for the following purposes:

(a) To pay the premium at the rates established by the insurer, in accordance with chapter 686B of NRS, or to pay the charges for the bail bond filed in connection with the transaction at the rates filed in accordance with the provisions of this Code. The rates must be 15 percent of the amount of the bond or \$50, whichever is greater.

(b) To provide collateral.

(c) To reimburse himself or herself for actual expenses incurred in connection with the transaction. Such expenses are limited to:

(1) Guard fees.

(2) Notary public fees, recording fees, expenses incurred for necessary long distance telephone calls and charges for telegrams.

(3) Travel expenses incurred more than 25 miles from the agent's principal place of business. Such expenses:

(I) May be billed at the rate provided for state officers and employees generally; and

(II) May not be charged in areas where bail agents advertise a local telephone number.

(4) Expenses incurred to verify underwriting information.

(5) Any other actual expenditure necessary to the transaction which is not usually and customarily incurred in connection with bail transactions.

(d) To reimburse himself or herself, or have a right of action against the principal or any indemnitor, for actual expenses incurred in good faith, by reason of breach by the defendant of any of the terms of the written agreement under which and pursuant to which the undertaking of bail or bail bond was written. If there is no written agreement, or an incomplete writing, the surety may, at law, enforce its equitable rights against the principal and his or her indemnitors, in exoneration. Such reimbursement or right of action must not exceed the principal sum of the bond or undertaking, plus any reasonable expenses that may be verified by receipt in a total amount of not more than the principal sum of the bond or undertaking, incurred in good faith by the surety, its agents, licensees and employees by reason of the principal's breach.

2. This section does not prevent the full and unlimited right of a bail agent to execute undertaking of bail on behalf of a nonresident agent of the surety he or she represents. The licensed resident bail agent is entitled to a minimum countersignature fee of \$5, with a maximum countersignature fee of \$100, plus expenses incurred in accordance with paragraphs (c) and (d) of subsection 1. Such countersignature fees may be charged in addition to the premium of the undertaking.

(Added to NRS by 1971, 1914; A 1997, 3390; 2003, 3336)

NRS 697.310 Prohibited charges. Except to the extent permitted by paragraphs (c) and (d) of subsection 1 and subsection 2 of NRS 697.300, a licensee shall not make any charge for the services of the licensee in a bail transaction in addition to the premium or the charge for a bail bond at the rates filed in accordance with the provisions of this Code.

(Added to NRS by 1971, 1915; A 1997, 3391)

Examples of expenses which are not authorized include, but are not limited to:

1. Fees for the services performed contained within a bail enforcement agreement that are excessive;
2. Time charged by the bail agent for services the agent personally conducted, such as "investigative services";
3. Minimum fees assessed for a failure to appear but charged before the expenses have actually been incurred;
4. Excessive, ambiguous or duplicative fees;
5. Fees that are not itemized with specificity; and
6. Any fee charged by the bail agent that does not correspond to an expense actually incurred by the bail agent.

2. Collateral

Pursuant to NRS 697.320:

1. Collateral must be reasonable in relation to the face amount of the bond;
2. Collateral may not be transferred to another person other than a bail agent or surety;
3. The bail agent and any other person who receives the collateral holds it in a fiduciary capacity; and
4. A receipt for the collateral must be given in accordance with Nevada Administrative Code (“NAC”) 697.460, and it must include a full and detailed accounting of the collateral received.

NRS 697.320 and NAC 697.460 provide, in their entirety:

NRS 697.320 Collateral; limitations on transfer of collateral; fiduciary capacity; requirements for receiving title to real property as collateral; written receipt for collateral.

1. A bail agent may accept collateral security in connection with a bail transaction if the collateral security is reasonable in relation to the face amount of the bond. The bail agent shall not transfer the collateral to any person other than a bail agent licensed pursuant to this chapter or a surety insurer holding a valid certificate of authority issued by the Commissioner. The collateral must not be transported or otherwise removed from this state. Any person who receives the collateral:

(a) Shall be deemed to hold the collateral in a fiduciary capacity to the same extent as a bail agent; and

(b) Shall retain, return and otherwise possess the collateral in accordance with the provisions of this chapter.

2. The collateral security must be received by the bail agent in his or her fiduciary capacity, and before any forfeiture of bail must be kept separate and apart from any other funds or assets of the licensee. Any collateral received must be returned to the person who deposited it with the bail agent or any assignee other than the bail agent as soon as the obligation, the satisfaction of which was secured by the collateral, is discharged and all fees owed to the bail agent have been paid. The bail agent or any surety insurer having custody of the collateral shall, immediately after the bail agent or surety insurer receives a request for return of the collateral from the person who deposited the collateral, determine whether the bail agent or surety insurer has received notice that the obligation is discharged. If the collateral is deposited to secure the obligation of a bond, it must be returned immediately after receipt of the request for return of the collateral and notice of the entry of any order by an authorized official by virtue of which liability under the bond is terminated or upon payment of all fees owed to the bail agent, whichever is later. A certified copy of the minute order from the court wherein the bail or undertaking was ordered exonerated shall be deemed prima facie evidence of exoneration or termination of liability.

3. If a bail agent receives as collateral in a bail transaction, whether on the bail agent's or another person's behalf, any document conveying title to real property, the bail agent shall not accept the document unless it indicates on its face that it is executed as part of a security transaction. If the document is recorded, the bail agent or any surety insurer having possession of the document shall, immediately after the bail agent or surety insurer receives a request for return of the collateral from the person who executed the document:

(a) Determine whether the bail agent or surety insurer has received notice that the obligation for which the document was accepted is discharged; and

(b) If the obligation has been discharged, reconvey the real property by delivering a deed or other document of conveyance to the person or to the heirs of the person, legal representative or successor in interest. The deed or other document of conveyance must be prepared in such a manner that it may be recorded.

4. If the amount of any collateral received in a bail transaction exceeds the amount of any bail forfeited by the defendant for whom the collateral was accepted, the bail agent or any surety insurer having custody of the collateral shall, immediately after the bail is forfeited, return to the person who deposited the collateral the amount by which the collateral exceeds the amount of the bail forfeited. Any collateral returned to a person pursuant to this subsection is subject to a claim for fees, if any, owed to the bail agent returning the collateral.

5. If a bail agent accepts collateral, the bail agent shall give a written receipt for the collateral. The receipt must include in detail a full account of the collateral received.

(Added to NRS by 1971, 1915; A 1997, 3391; 2003, 3337)

NAC 697.460 Receipts for collateral.

1. Receipts for collateral must be issued and maintained in numerical order. A master collateral receipt book must remain permanently at the principal place of business of the licensee.

2. A licensee may keep a duplicate book of collateral receipts on his person away from the principal place of business. If a duplicate book is maintained, it must be clearly designated as such.

[Comm'r of Insurance, M-8 § XII, eff. 11-22-78]

PLEASE NOTE: IF A BAIL AGENT WANTS TO TAKE SECURITY TO SECURE THE BAIL TRANSACTION, HE/SHE MAY ONLY TAKE COLLATERAL AS SPECIFIED IN NRS 697.320. A GENERAL POWER OF ATTORNEY IS NOT A LEGAL SUBSTITUTE FOR SPECIFIC COLLATERAL. A GENERAL POWER OF ATTORNEY MAY NOT BE USED, IN ANY MANNER, AS SECURITY FOR THE BAIL TRANSACTION.

3. Filing of Forms

NAC 697.440 requires every bail agent, bail enforcement agent, bail solicitor, bail agency, and general agent to file a sample copy of each form used. NAC 697.440 provides:

NAC 697.440 Filing of sample copies of forms. Each licensee shall file with the Commissioner a sample copy of each form used in his business.

[Comm'r of Insurance, M-8 § XXVI, eff. 11-22-78]

Such forms include, but are not limited to:

1. Contracts for bail;
2. Contracts for collateral;
3. Contracts for bail enforcement services; and
4. Power of Attorney forms.

4. License Required

As defined in the statutes and regulation set forth below, only properly licensed individuals may perform the acts so designated in the below statutes. Using a non-licensed individual to surrender custody of a defendant violates Nevada law.

NRS 697.040 “Bail agent” defined. “Bail agent” means any individual appointed by an authorized surety insurer by power of attorney to execute or countersign undertakings of bail in connection with judicial proceedings and who receives or is promised money or other things of value therefor.

(Added to NRS by 1971, 1906)

NRS 697.055 “Bail enforcement agent” defined. “Bail enforcement agent” means a person who has contracted with or is employed by a surety or bail agent as a special agent to enforce the terms and conditions of a defendant’s release from custody on bail in a criminal proceeding, to locate a defendant and to apprehend a defendant or surrender a defendant to custody, or both, if appropriate.

(Added to NRS by 1997, 3380)

NRS 697.060 “Bail solicitor” defined. “Bail solicitor” means a person employed by a bail agent to solicit bail transactions as a representative of the bail agent.

(Added to NRS by 1971, 1906; A 1997, 3383)

NRS 697.070 “General agent” defined.

1. “General agent” means any individual or person appointed by an insurer to supervise or manage the bail bond business written by bail agents of such insurer.

2. A general agent shall not solicit or negotiate undertakings of bail or bail bonds unless licensed as a bail agent by this state.

(Added to NRS by 1971, 1906)

NRS 697.090 License required; administrative fine; general restrictions on licensing.

1. A person in this state shall not act in the capacity of a bail agent, bail enforcement agent or bail solicitor, or perform any of the functions, duties or powers prescribed for a bail agent, bail enforcement agent or bail solicitor under the provisions of this chapter, unless that person is qualified and licensed as provided in this chapter. The Commissioner may, after notice and opportunity to be heard, impose an administrative fine of not more than \$1,000 for each act or violation of the provisions of this subsection.

2. A person, whether or not located in this state, shall not act as or hold himself or herself out to be a general agent unless qualified and licensed as such under the provisions of this chapter.

3. For the protection of the people of this state, the Commissioner shall not issue or renew, or permit to exist, any license except in compliance with this chapter. The Commissioner shall not issue or renew, or permit to exist, a license for any person found to be untrustworthy or incompetent, or who has not established to the satisfaction of the Commissioner that the person is qualified therefor in accordance with this chapter.

(Added to NRS by 1971, 1906; A 1997, 3384; 1999, 2818; 2001, 2252)

NAC 697.130 Unlicensed persons: Limitations. No person other than a licensee may:

1. Complete an application for a bail bond, other than filling in the initial statistical information.

2. Execute the surety contract, other than clerical preparation of a surety contract under the direct and immediate supervision of the licensee.

3. Execute a collateral receipt, other than clerical preparation of the receipt under the direct and immediate supervision of the licensee.

4. Post a bond with a court or with a jail in which a defendant is confined or have any communication with defendant while he is confined, except to obtain statistical information sufficient to refer the matter to the licensee. Any natural person may post a bond on behalf of a defendant if the person is not regularly engaged in the business of providing bail bonds.

5. Appear on behalf of the licensee at a court proceeding for the purpose of obtaining continuation, exoneration or reduction of a posted bond, or obtaining other court action on it.

6. Solicit bail bond business on behalf of a licensee.

7. Perform any other function of a licensee.

[Comm'r of Insurance, M-8 § VII, eff. 11-22-78]

When individuals or entities fail to comply with the above listed laws, both consumers and the bail industry are harmed. For any questions concerning reporting requirements, please contact Ben Gillard, Chief Investigator, at (775) 687-0709.


AMY L. PARKS
Acting Commissioner of Insurance



DEPARTMENT OF BUSINESS AND INDUSTRY
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Bulletin 13-006

September 19, 2013

Bail Agents May Not Collect or Charge Consumers to “Renew” Bail Bonds

The Division has learned that some bail agents may be charging consumers annual renewal premiums, fees, or rates for bail bonds that courts hold open for more than one year. As explained below, Nevada law prohibits bail agents from charging consumers to “renew” bail bonds.

Under the Nevada Insurance Code,

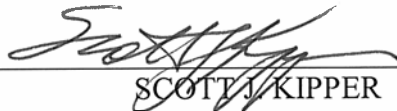
A bail agent shall not, in any bail transaction or in connection therewith, directly or indirectly, charge or collect money or other valuable consideration from any person except . . . [t]o pay the premium at the rates established by the insurer, in accordance with chapter 686B of [Nevada Revised Statutes (“NRS”)], or to pay the charges for the bail bond filed in connection with the transaction at the rates filed in accordance with the provisions of this Code. The rates must be 15 percent of the amount of the bond or \$50, whichever is greater.

Nev. Rev. Stat. § 697.300.1(a) (2003) (emphasis added). In addition to charging 15 percent of the amount of the bond or \$50, whichever is greater, bail agents may reimburse themselves for actual expenses incurred. Nev. Rev. Stat. § 697.300.1(c)–(d). The Insurance Code otherwise prohibits “any charge for the services of the [bail agent] in a bail transaction in addition to the premium or the charge for a bail bond at the rates filed . . .” Nev. Rev. Stat. § 697.310 (1997).

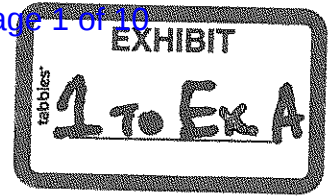
Nevada law is specific as to what bail agents may collect or charge in bail transactions, and it specifically limits what may be charged for a bail bond to 15 percent of the bail bond amount or \$50, whichever is greater. No additional charges are allowed. Bail contracts or agreements

cannot require consumers to pay annual renewal premiums, rates, fees, or charges when the law clearly prohibits any such charge for the bail bond. Moreover, Nevada law clearly establishes that a bail bond remains in effect until it is ordered exonerated or forfeited by a court regardless of how long the bail bond is pending. Thus, a bail bond is not subject to renewal terms or payments. As a result, collecting or charging, attempting to collect or charge, or claiming a right to collect or charge a “renewal” premium, rate, fee, or other payment under the guise of renewing a bail bond is prohibited.

See Nev. Rev. Stat. §§ 697.300, -.310; Op. Att’y Gen. BGA 2013-06 (July 24, 2013). See also Nev. Rev. Stat. § 178.502.



SCOTT KIPPER
Commissioner of Insurance



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PEGGY JONES, as Administrator of the)
Estate and Personal Representative of)
Christy Dawn Varden, et al.,)

Plaintiff,)

v.)

Case No.: 2:15-cv-34-MHT

THE CITY OF CLANTON,)

Defendant.)

SETTLEMENT AGREEMENT

Plaintiff Peggy Jones, as Administrator of the Estate and Personal Representative of Christy Dawn Varden (“Plaintiff”) in the above-styled matter and the City of Clanton (“the City”), hereby enter into this Settlement Agreement (“Agreement”) as a full and final settlement of all Jones’ claims, with the exception of attorney’s fees, and hereby agrees as follows:

1. That the City and all of its officers, employees, and agents will comply with the Order of the Municipal Court attached hereto as **Exhibit 1** for not less than three years from the effective date of this Agreement, so long as the order is in place.

2. That the City represents that it has no current expectation that said **Exhibit 1** will be altered and the Municipal Court Judge (who serves by appointment of the City for a renewable term provided by statute) has represented to the City that it is his current intention to keep **Exhibit 1** in place for the three-year period referenced in ¶1.

3. Notwithstanding the above provisions, that, to the extent that **Exhibit 1** is altered in any material respect during the three-year period referenced in ¶1, the City will, upon any agent of the City learning of said alteration, provide notice to the Plaintiff’s counsel, Alec

Karakatsanis at the following telephone number and email address: (202) 681-2409, alec@equaljusticeunderlaw.org, within seventy-two hours of the agent learning of such event.

4. That if an event described in ¶3 above occurs, the City represents that the City will petition the Court within seven days to reinstate **Exhibit 1** or its material equivalent, or provisions otherwise agreed upon with Plaintiff's counsel.

5. That the City represents that it will ensure that the material provisions set out in **Exhibit 1** will be posted at the Chilton County Jail for the period referenced in ¶1 above such that anyone arrested by the City of Clanton Police Department and taken to jail will be able to view said posting.

6. That for the same time period referenced in ¶1 above, the City agrees to comply with the provisions set out in the Order attached hereto as **Exhibit 2** and to provide the monetary support to the Municipal Court of Clanton to ensure that the provisions set out therein are practicable.

7. That the City represents that it has no current expectation that said **Exhibit 2** will be altered, but, to the extent that it is altered in any material respect during the period referenced in ¶1 above, the City's attorney will, upon any agent of the City learning of said alteration, provide notice to Plaintiff's counsel, Alec Karakatsanis, at the following telephone number and email address: (202) 681-2409, alec@equaljusticeunderlaw.org, within seventy-two hours of the agent learning of such event.

8. That the City represents that should an event occur as referenced in ¶7 above, the City will petition the Court to reinstate **Exhibit 2** or its material equivalent, or provisions otherwise agreed upon with Plaintiff's counsel.

9. That Plaintiff agrees to waive, and to release the City of and from, any and all (known and unknown) complaints, and specifically that certain cause in the United States District Court for the Middle District of Alabama, Northern Division, styled as *Peggy Jones, as Administrator of the Estate and Personal Representative of Christy Dawn Varden, et al. v. The City of Clanton*; Case No.: 2:15-cv-34-MHT, and all other claims, causes of actions, actions, damages, law suits, counterclaims, dues, accounts, agents, promises, expenses, liabilities, punitive damages, compensatory damages, and any and all other claims of every kind (known and unknown) and nature specifically, but not limited to, such claims arising out of, but not limited to, the arrest and/or detention of Christy Dawn Varden, up to and including the Effective Date of this Agreement.

10. That Plaintiff agrees to the dismissal of her Motion for Class Certification and to forego her request for class certification and agrees not to file a Motion for Class Certification of any kind in the future in connection with this case or any claim that could have been brought in this case.

11. That Plaintiff and Plaintiff's counsel agree to notify counsel for the City immediately upon the discovery of any alleged material breach of the foregoing agreement. This notice shall include the specific nature of said breach and, if available, the time and date of said breach, the City, County or court personnel involved in the breach, and any other details necessary to identify the case or proceeding in which the said breach occurred to the extent the information is available. Said notice shall be conveyed both through email and telephonically to Shannon Holliday or Lee Copeland at the following telephone number and email addresses: (334) 834-1180, holliday@copelandfranco.com, copeland@copelandfranco.com and Jim Porter at the following telephone number and email address: (205) 322-1744, jwporterii@pphlaw.net

with copies sent to the attention of the City Attorney for the City of Clanton, via the City Clerk's office, at dorange@cityofclanton.org. Plaintiff agrees to give the City a reasonable opportunity to remedy the alleged breach before seeking relief from the United States District Court and will only notify the United States District Court if the action constituting the alleged material breach has not been corrected within a reasonable period of time.

12. That Plaintiff agrees that her heirs, personal representatives, successors and assigns will be bound by the terms of this Agreement.

13. That the Parties agree to file a Joint Motion for Entry of Final Judgment as to all Matters Excluding Attorney's Fees within ten days of the Effective Date of this Agreement. Said Joint Motion is attached hereto as **Exhibit 3**.

14. That the Parties agree that this Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

15. That each party hereto recognizes and acknowledges that the making of payment set forth herein does not constitute any admission of liability of any sort.

16. That Plaintiff hereby recognizes that she will not be able to initiate administrative or legal proceedings against or otherwise sue those hereby released with respect to any matters herein released and that this Agreement is all compromising and is not limited by the specification of specific claims or specific injuries or damages, all of which are only partial subjects of this Agreement, which Agreement is intended to release all claims that Plaintiff has, or may have had against any of the released parties up to and including the Effective Date of this Agreement.

17. That all obligations, agreements, releases and covenants not to sue contained herein and in all documents delivered hereunder shall survive the execution of this Agreement and continue in full force and effect.

18. That this Agreement may not be amended, modified or supplemented, except in writing executed by the party or parties which is or are to be bound by such amendment, modification or supplement.

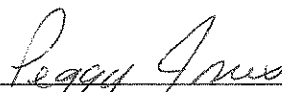
19. That each party hereto shall use its best efforts and shall take all action and do all things necessary and proper in order to consummate and make effective the transactions contemplated herein.

20. That this Agreement shall be binding upon and inure to the benefit of the parties referenced herein and their respective successors, assigns, heirs and representatives.

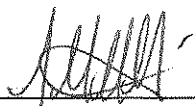
21. That whenever and so often as requested by a party hereto, the other parties will promptly execute and deliver, or cause to be executed and delivered, all such other and further instruments, documents or assurances, and promptly do or cause to be done all such other and further things as may be necessary and reasonably required in order to further and more fully vest in such party all rights, interest, powers, benefit, privileges and advantages conferred or intended to be conferred upon it by this Agreement.

22. That the Parties acknowledge and agree that this Agreement has been written in a manner understood by them and that they, in fact, understand this Agreement and entered into this Agreement knowingly and voluntarily.

23. That the effective date of this Agreement is the date that all parties have signed this Agreement and/or a counterpart of this Agreement.




Peggy Jones, as Administrator of the Estate and
Personal Representative of Christy Dawn Varden





J. Mitchell McGuire
Alec Karakatsanis
Matthew Swerdlin
William M. Dawson

Counsel for Plaintiff – Peggy Jones

CITY OF CLANTON


By: Billy Joe Driver
Its: Mayor


James W. Porter, II
R. Warren Kinney
Counsel for Defendant - City of Clanton


Lee H. Copeland
Shannon L. Holliday
Counsel for Defendant - City of Clanton

IN THE CITY OF CLANTON MUNICIPAL COURT

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**STANDING ORDER REGARDING BAIL AND
INDIGENCY DETERMINATIONS**

Per the authority vested upon the Clanton Municipal Court pursuant to the Code of Alabama (1975), the Alabama Rules of Criminal Procedure, and the Alabama Rules of Judicial Administration, the Court hereby issues the following Order regarding bail for persons arrested on criminal charges to be tried within its jurisdiction:

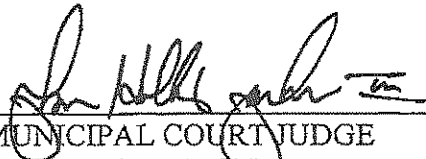
As reflected through the previously existing schedule for setting bail for persons charged with municipal ordinance violations, all such violations, with the exception of Driving Under the Influence, shall have bail set at \$500.00. Persons charged with Driving Under the Influence shall have bail set at \$1,000.00. This dollar bail amount shall be referred to as the City of Clanton's "bail schedule." All persons charged with violations of an Ordinance of the City of Clanton, who have no outstanding warrants from the City of Clanton for failure to appear, shall be released pursuant to an unsecured appearance bond in the amount established by the bail schedule. The unsecured appearance bond form which should be used is attached hereto as Addendum A. Any individual with an outstanding failure to appear arrest warrant from the City of Clanton must post a cash bond, commercial surety bond, or the signatory bond of an owner of real property within the State of Alabama in the amount established by the bail schedule. All such bonds shall be in an amount reflecting the total bail figure for all charges pending against a particular person. It is the opinion of the Clanton Municipal Court that the bail schedule for persons charged with Ordinance violations represents the least burdensome manner in which to reasonably ensure a

criminal defendant's future appearance in court. Furthermore, utilization of such a bail schedule "provides speedy and convenient release for those who have no difficulty in meeting its requirements." *Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978).

Nothing in this Order, though, shall inhibit the ability of a judicial officer to eliminate bail as an option to a person arrested for violations of Ordinances of the City of Clanton in order to obtain his or her release if that person poses a danger to himself, herself or others in the community. Furthermore, the judicial officer shall adhere to all statutory requirements governing release of persons charged with certain offenses, *e.g.* domestic violence or driving under the influence of alcohol, which may preclude, for instance, the arrestee's immediate release.

For those individuals who do not obtain release pursuant to the bail schedule as outlined above, the Court will, within forty-eight hours of their arrest, hold a hearing either to arraign the arrestee or otherwise hold the proceeding to which the arrestee failed to appear (unless that proceeding was a trial or other matter requiring the setting of a new court date) and to determine, if necessary, what conditions, if any, should be placed on the arrestee pending release. At this time, the arrestee will be given the opportunity to object to the bail amount set for him or her. In the unlikely event that no hearing can be held within the forty-eight hour time frame, the arrestee shall be released pursuant to an unsecured bond. The jailing authority for the City of Clanton (the Sheriff's Department of Chilton County) shall inform the Municipal Court of any such arrestees in a timely fashion and will facilitate their appearance via teleconference with the Municipal Court of the City of Clanton at the time set by the Court.

DONE, this the 15 day of May 2015.


MUNICIPAL COURT JUDGE
CITY OF CLANTON

IN THE CITY OF CLANTON MUNICIPAL COURT


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STANDING ORDER REGARDING ACCESS TO COURTROOM

Per the authority vested upon the Clanton Municipal Court pursuant to the Code of Alabama (1975), the Alabama Rules of Criminal Procedure, and the Alabama Rules of Judicial Administration, the Court hereby issues the following Order regarding access to the Clanton Municipal Courtroom during court sessions:

As space is limited in the courtroom to sixty pursuant to the authority of the fire marshal, defendants whose cases are on the docket, their representatives and witnesses as well as prosecutors and their witnesses will be permitted entry into the courtroom first. To the extent that, after all such persons have taken their seats in the courtroom, there is any remaining seating available, it will made available to others. The proceedings, however, will be accessible to all others in the lobby of the courtroom by live video and audio feed.

DONE, this the 9 day of March 2015.


MUNICIPAL COURT JUDGE
CITY OF CLANTON

ACTION ANNIE'S

B A I L B O N D S

Honorable Chief Justice James Hardisty
Nevada Supreme Court
C/O Ms. Jamie Gradick
Administrative Office of the Courts
201 S. Carson Street, Suite #250
Carson City, NV 89701

RE: Bail Bond Industry Forms Utilized in Risk Assessment of Arrestees, etc.
Endorsed Based Pretrial Release Committee

Dear Chief Justice Hardisty:

Mr. Steve Krimel, the owner of Action Bail Bonds and Annie's Bail Bonds, has requested that I provide you with a variety of documents we utilize in the bail underwriting, bailee monitoring and the curing of breached (FTA) bail bonds. The subject forms are transmitted with this letter for your review.

Primary among the forms are:

- (1) Defendant's application for bail
- (2) Indemnitor information sheet
- (3) Waiver of Extradition Form

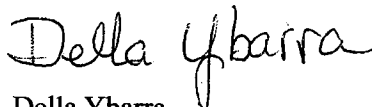
As you can see, these forms focus on defendant's family and close friends...persons who have reason to assist defendant in successfully completing his/her obligations to the court and avoiding re-offending. This release and monitoring system, which is without cost to the public treasury, is integral to the success of surety bail in getting our clients to court. In fact, Action and Annie's paid over \$25,000 in \$50.00 per bond fees over a 10 month period in 2014, not \$2,500.00 as Mr. Krimel stated before your committee in early December.

Lastly, enclosed please find the U.S. DOJ 1998 State Court Processing Statistic questionnaire, which at questions 13-52 inquiries regarding pre-trial release related factors and history. Mr. Krimel thought you may find it interesting and/or helpful to see:

- (1) What information the DOJ may already have since it was sought out by DOJ, and
- (2) In the event your committee decides to survey detained arrestees to ascertain why they remain incarcerated days after their arrest, this 1998 form may be a good place to start.

Should you have any questions, we are at your disposal seven days a week.

Most respectfully yours,



Della Ybarra
Agency Manager

CC: encls.

Reno: (775) 322-7997
575 E. Parr Blvd. • Reno, Nevada 89512
Toll free 866-307-2245 • Fax (775) 674-2249

www.ActionAnniesBailBonds.com

**Waiver of Right To Extradition Proceedings
By Criminal Defendant on Bail Bond**

Date: ____ / ____ / ____ Bond # _____ Bond Amount: \$ _____
Defendant: _____ DOB ____ / ____ / ____ SSN: ____ - ____ - ____
Agency: _____ Ht. _____ Wt. _____ Hair: _____ Eyes: _____
Court: _____ County: _____ Case# _____

I, _____, having been released from jail on a bail bond supplied by Action Annie's Inc., and Surety Accredited Surety & Casualty Co., Inc., in a pending criminal matter against me by the state of Nevada, do hereby voluntarily waive any and all right(s) I may have to oppose my return to Nevada through an extradition proceeding in any jurisdiction in which I may be found, and do consent to my arrest and return to the jurisdiction of my bond by my Surety or its agents.

I further acknowledge that since release on bail with Action Annie's, Inc., my custody has transferred from the law enforcement agency by whom I was incarcerated to the agents of Action Annie's, Inc., doing business as Action Bail Bonds and Annie's Bail Bonds, and that they are entitled to arrest me if I have breached any term or condition of my bail, including but not limited to failing to appear in court as required. I understand this waiver applies whether I am arrested within the United States or in a foreign country.

Prior to executing this waiver of extradition I was advised by my bail agent of my absolute right to consult with an attorney of my choosing concerning the legal issues involved in waiving my right to an extradition hearing, and I do hereby acknowledge my signing of this waiver is done freely, voluntarily and intelligently, with full understanding of the legal issues and consequences.

By my signature below I do further indemnify and hold harmless my surety and its agents, as well as any and all private or public persons or entities that may assist in my apprehension and arrest by my surety or its agents. I fully consent to such arrest and return regardless of whether the charge(s) against me on the bond at issue constitute a felony, a misdemeanor, or an infraction.

Defendant's Printed Name

Defendant's Signature

State of _____
County of _____

On this _____ day of _____ 20____ before me, a Notary Public for said jurisdiction, personally came _____, known to me to be the individual described herein and who executed the foregoing Waiver of Right to Extradition Proceedings and duly acknowledged to me that s/he voluntarily executed the same.

My Commission expires: _____

Notary Public

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

PRIVACY WAIVER AUTHORIZING DISCLOSURE TO A THIRD PARTY

Use this form to authorize the U.S. Department of Homeland Security ("DHS") to disclose information and/or records about you to a third party. Taking this action is entirely voluntary; you are under no obligation to consent to the release of your information to any third party. **Authority:** Privacy Act of 1974 (5 U.S.C. § 552a); DHS Privacy Act Regulations (6 C.F.R. § 5.21(d)).

STEP 1 Provide information about yourself and identify the third party that you intend to receive your information and/or records (the "Recipient").

Your Full Name:	Your Alien Registration Number (if applicable):
Your Current Address:	Date of Birth: Country of Birth:
Recipient's Name:	Recipient's Phone Number:
Recipient's Mailing Address (required if requesting disclosure by mail):	
Recipient's Organization, if the waiver will apply to it (e.g. news media, congressional office, law firm):	

STEP 2 Specify what information and/or records DHS is authorized to share with the Recipient.

- | | | |
|---|--|---|
| <input type="checkbox"/> Identifying Data (Date of Birth, etc.) | <input type="checkbox"/> Family Data | <input type="checkbox"/> Travel/Border Crossing |
| <input type="checkbox"/> Immigration Case | <input type="checkbox"/> Detention Information | <input type="checkbox"/> Medical Information |
| <input type="checkbox"/> Alien File (A-File) | <input type="checkbox"/> Criminal History | <input type="checkbox"/> Criminal Case |

AND/OR

The following information/records (describe): _____

OR

ALL information and/or Records Requested by the Recipient

For Aliens Only: If you have applied for or received any of the immigration benefits below, you are legally entitled to confidentiality. (See reverse for more information.) If you want DHS to share information about these benefits with the Recipient, you must waive your confidentiality rights by checking the appropriate boxes below. Waiver of these rights is not required; however, if you do not waive these rights DHS may be unable to disclose to the Recipient some or all of the information you identified above.

I waive my right to confidentiality and authorize disclosure to the Recipient regarding these immigration benefits:

- | | | |
|--|--|---|
| <input type="checkbox"/> Temporary Protected Status (TPS) | <input type="checkbox"/> T Visa (for trafficking victims) | <input type="checkbox"/> U Visa (for victims of certain crimes) |
| <input type="checkbox"/> Seasonal Agricultural Worker | <input type="checkbox"/> Battered Spouse/Child Seeking Hardship Waiver | <input type="checkbox"/> Violence Against Women Act (VAWA) |
| <input type="checkbox"/> Asylum
(confidentially applies even if petition is denied) | | |

STEP 3 Sign the statement below authorizing DHS to disclose your information and/or records to the Recipient.

I certify under penalty of perjury that the information above is accurate. I authorize DHS, its components, offices, employees, contractors, agents, and assignees, to disclose the information or records specified above to the Recipient. I understand this may include and is not limited to reports, evaluations, and notes of any kind, contained in any record keeping system maintained by or on behalf of DHS; that DHS retains the discretion to decide if particular records or information are within the scope of this Waiver; and that DHS has no control over how the Recipient will use or disseminate my information. I agree to release and hold harmless DHS, its components, offices, employees, contractors, agents, and assignees, from any and all claims of action or damages of any kind arising from, or in any way connected to, the release or use of any information or records pursuant to this Waiver.

Your Signature:	Witness Signature:
Date:	Witness Name:

*Privacy Waiver is valid for 90 days from date of signature

*Witness may not be the Recipient or employed by Recipient's employer

Filing Date: ___/___/___

County Code: _____

SEQUENCE #: _____

CASE INFORMATION

1. Case Number: Lower Court _____
Upper Court _____

2. Date of Offense ___/___/___ Unknown

3. Date of Arrest ___/___/___ Unknown

4. Total # of Charges (Felony & Misdemeanor) _____ Unk.
(Include Counts as Separate Charges)

If Only 1 Felony Charge Only Fill Out #5; If More Than 1 Charge Fill Out #5 & #6)

5. Most Serious FELONY Charge Type (PSRC Only): _____
Statute Number _____

Offense Name _____
Attempt 1. Yes 2. No 9. Don't Know

6. Second Most Serious Charge Type (PSRC Only): _____
Statute Number _____

Offense Name _____
Attempt 1. Yes 2. No 9. Don't Know
Type 1. Felony 2. Misdemeanor

7. Relationship to Adult Criminal Justice System at Time of Arrest
(Check all that apply)
1. None 5. On Parole
2. Released on Pending Case 6. In Custody
 Open FTA Warrant 7. Fugitive
3. On Diversion 8. Other _____
4. On Probation 9. Don't Know

DEFENDANT INFORMATION

8. Defendant's Criminal Justice Identification Number _____

9. Date of Birth ___/___/___ Unknown

10. Sex
1. Male 2. Female 9. Don't Know

11. Race (Check All That Apply)
1. American Indian or Alaska Native (Having Origins in any of Original Peoples of North & South America)
2. Asian (Having Origins in any of Original Peoples of Far East, Southeast Asia or Indian Subcontinent)
3. Black or African American (Having Origins in any of the Black Racial Groups of Africa)
4. Native Hawaiian or Other Pacific Islander (Having Origins in any of Original Peoples of Hawaii, Guam, Samoa, or Other Pacific Islands)
5. White (Having Origins in any of Original Peoples of Europe, Middle East or North Africa)
9. Don't Know

12. Hispanic/Latino Origin
1. Hispanic or Latino (Person of Cuban, Mexican, Puerto Rican, South or Central American or Other Spanish Culture or Origin, Regardless of Race)
2. Not Hispanic or Latino
9. Don't Know

1998 STATE COURT PROCESSING STATISTICS

A Project of the Pretrial Services Resource Center and the U.S. Department of Justice, Bureau of Justice Statistics

PRIOR RECORD INFORMATION

13. Does the Defendant Have Prior Adult Arrests or Convictions?
1. Yes (Answer #14 - #18) 2. No (Proceed to #19)
9. Unknown (Proceed to #19)

If #13 is Yes, but #15 through #17 are Unknown, Use 99)

14. Total # of Prior Adult Arrest Charges
Total Felony Arrest Charges _____
Total Misdemeanor Arrest Charges _____

15. Total # of Prior Adult Felony Convictions _____
Of Above Total, Number of Convictions for:
Violent Offenses _____ Drug Offenses _____

16. Total # of Adult Misdemeanor Convictions _____

17. Number of Prior Adult Incarcerations Resulting from Conviction: Prison _____ Jail _____

18. Has the Defendant Ever Failed to Make a Court Appearance?
1. Yes 2. No 9. Don't Know

RELEASE/DETENTION INFORMATION

19. Was Defendant Released Pending Adjudication or Sentence?
1. Yes DATE: ___/___/___ Date Unk. (Proceed to #20)
2. No (Proceed to #20)
3. Case Closed at or Before Bail Hearing (Proceed to #24)
9. Don't Know (Proceed to #24)

20. If NO, How was Defendant Detained?
1. Couldn't Make Bail: AMOUNT \$ _____ Amt. U
2. Held Without Bail
3. Held on Another Charge
4. Other _____
9. Don't Know

21. If YES, How was Defendant Released? (Check all that Apply) Nonfinancial

1. ROR (No Other Conditions Listed Below)
2. Citation
3. Conditional/Supervised Release (Check all that Apply):
a. drug monitoring/treatment c. other _____
b. pretrial program d. unk. condition
4. Unsecured: AMOUNT \$ _____ Amt. Unknown
5. Unknown Nonfinancial
Financial
6. Deposit Bail 9. Property Bail
7. Commercial Surety Bail 10. Other Financial
8. Full Cash Bail 11. Unk. Financial
AMOUNT: \$ _____ Amt. Unknown
Other

12. Emergency Jail Release
13. Released, Conditions Unknown
14. Other _____

22. If #19 is Yes, was the Defendant's Release Ever Revoked?
1. Yes 2. No (Proceed to #24) 9. Don't Know
If YES, was release revoked due to:
3. Technical Violation 6. Pending Sentence
4. FTA on Pending Case 7. Other (Civil, etc.)
5. Arrest on New Charge 8. Reason Unknown

23. If #22 is Yes, was the Defendant Released Again?
1. Yes 2. No 9. Don't Know

- 1. Yes, Drug Court
- 2. Yes, Other Special Court _____
- 3. No (Proceed to #28)
- 9. Don't Know (Proceed to #28)

25. Did the Special Court Require Certain Conditions as Part of the Special Adjudication Process?
 1. Yes 2. No (Proceed to #28) 9. Don't Know (Proceed to #28)

If YES, Check all that Apply

- 1. Substance Treatment/Counseling
- 2. Alcohol/Drug Monitoring
- 3. Obtain High School Diploma/GED
- 4. Seek/Maintain Employment
- 5. Other _____
- 6. None of the Above (Expedited Processing Only - Proceed to #28)
- 9. Don't Know

26. Transfer Date to Special Court ___/___/___ Date Unk.

27. Was the Case Terminated from the Special Court and Referred Back to Traditional Adjudication Process?
 1. Yes 2. No 3. Pending as of 5/1/99 (Proceed to #38)
 9. Don't Know

ADJUDICATION INFORMATION

28. Date of Final Adjudication on Current Charges
 ___/___/___ Unk. Pending as of 5/1/99 (Proceed to #38)

29. Was the Defendant in Pretrial Detention on the Above Date?
 1. Yes 2. No 9. Don't Know

30. Court Level Where Case was Adjudicated
 1. Lower 2. Upper 9. Don't Know

31. Type of Adjudication
 1. Nolle Prosequi/Withdrawn by State
 2. Prosecutorial Diversion
 3. Deferred Adjudication/Adjudication Withheld
 4. Dismissal - Special Court Adjudication
 5. Dismissal
 6. Not Guilty - by Judge
 7. Not Guilty - by Jury
 8. Guilty Plea/Nolo Contendere
 9. Guilty - Bench Trial
 10. Guilty - Jury Trial
 11. Other _____
 99. Don't Know

32. Most Serious Adjudicated Charge Type (PSRC Only): _____

Statute Number _____

Offense Name _____
 Attempt 1. Yes 2. No 9. Don't Know
 Type 1. Felony 2. Misdemeanor
 Lesser Included Offense 1. Yes 2. No 9. Don't Know

33. Type of Attorney at Adjudication
 1. Public Defender 4. Self-Representation
 2. Private Attorney 5. Other _____
 3. Assigned Counsel 9. Don't Know

SENTENCING INFORMATION

4. Was the Sentence Deferred? 1. Yes (Proceed to #38) 2. No

5. If NO, Date of Sentencing ___/___/___
 Date Unknown Pending as 5/1/99 (Proceed to #38)

5. Sentence Imposed on Current Charges (Check all that apply)
 1. Fine \$ _____ Amt. Unknown
 2. Formal Probation _____ (# of Months) Term Unk.
 Summary Probation _____ (# of Months) Term Unk.
 Restitution \$ _____ Amount Unknown

- Electronic monitoring
- Treatment
- Other _____
- 3. Time Served (No Additional Jail Time)
 _____ Years _____ Months _____ Days
- 4. Jail Sentence _____ Years _____ Months _____ Days
- 5. Jail Time Suspended
 _____ Years _____ Months _____ Days
- 6. Prison Sentence Minimum
 a. _____ Years _____ Months _____ Days
 Prison Sentence Maximum
 b. _____ Years _____ Months _____ Days
- 7. Prison Time Suspended/Deferred
 _____ Years _____ Months _____ Days
- 8. Other _____
- 9. Don't Know

37. Was the Defendant Given Credit for Pretrial Detention?
 1. Yes _____ Years _____ Months _____ Days
 2. No 9. Don't Know

COURT APPEARANCE INFORMATION

- 38. Did the Defendant Make all Court Appearances?
 1. Yes (Proceed to Item #44) 2. No 9. Don't Know
- 39. Date of First Failure to Appear in Court on Current Charges
 ___/___/___ Date Unknown
- 40. Date Defendant was Returned to Court
 ___/___/___ Date Unknown
- 41. How Was the FTA Resolved?
 1. FTA Warrant Served 4. Self Surrender
 2. Warrant Quashed 5. Other: _____
 3. Bondsman Surrender 9. Don't Know
- 42. Did the Defendant Fail to Appear More Than Once?
 1. Yes 2. No 9. Don't Know
- 43. Did the Defendant Remain a Fugitive as of 5/1/99?
 1. Yes 2. No 9. Don't Know

REARREST INFORMATION

- 44. Was the Defendant Arrested for an Offense(s) Committed Between Arrest Date (#3) and Date of Sentencing?
 1. Yes 2. No 9. Don't Know
- 45. Date of First Re-Offense ___/___/___ Date Unknown
- 46. Date of First Rearrest ___/___/___ Date Unknown
- 47. Most Serious Rearrest Charge Type (PSRC Only): _____
 Statute Number _____
 Offense Name _____
 Attempt 1. Yes 2. No 9. Don't Know
 Type 1. Felony 2. Misdemeanor
- 48. Total Number of Charges _____ Don't Know
- 49. Was the Defendant Released Pending Adjudication of Rearrest Case as of 5/1/99?
 1. Yes DATE: ___/___/___ Date Unknown
 2. No (Proceed to #51)
 9. Don't Know (Proceed to #52)
- 50. If YES, Specify What Type of Release (Use Terms From #21)
 Type (PSRC Only): _____

If Financial Release, AMOUNT: \$ _____ Amt. Unk.

- 51. If NO, was Defendant Released Because Rearrest Case was Disposed as of 5/1/99? 1. Yes 2. No 9. Don't Know
- 52. # of Times Defendant Rearrested for Offense(s) Committed Between #3 Arrest & Sentencing Date? _____ Don't Know

Initial Telephone Qualifying Sheet

Date _____ Time _____ a.m. /p.m. Agent _____

DEFENDANT

JAIL LOCATION

Name _____

Date of Birth _____

Bail Amount \$ _____

Social Security # _____ - _____ - _____

Booking#/Case# _____

Address _____

When Arrested? _____

Charges: _____

Length at Address? _____ YRS _____ MOS

Phone #'s: Home - _____

Who can we call? _____

Cell - _____

Phone # _____

Employer _____

Relationship? _____

Phone # _____

Length of Employment _____

INDEMNITOR/COSIGNER

Name _____

Relationship to Def? _____

Phone #'s: Home - _____

Cell - _____

Home Address _____

Length at Address? _____ YRS _____ MOS

Own _____ Rent _____

Employer _____

Length of Employment? _____

Phone # _____

Position _____ Salary _____

Collateral Available if needed (Auto Titles, Mobile Home Titles, Trust Deeds, Cash, etc.):

Other Info or Remarks:



www.accredited-inc.com

Accredited Surety and Casualty Company, Inc.
P.O. Box 140855 • Orlando, FL 32814-0855
4798 New Broad Street • Suite 200 • Orlando, FL 32814
A Randall & Quilter Group Company

BAIL BOND APPLICATION AND AGREEMENT
(Please answer each question in full. Please print answers)
THIS IS A 2 PAGE DOCUMENT - Read Both Sides Carefully

You, the undersigned Defendant ("Defendant" or "you"), hereby represent and warrant that the following declarations made and answers given are true, complete and correct and are made for the purpose of including Accredited Surety and Casualty Company, Inc. ("Surety") to issue, or cause to be issued, bail bond(s) or undertaking(s) for you (singularly or collectively the "Bond"), using power of attorney number(s)

(\$ _____) in the _____, in the total amount of _____ Dollars
_____ Court of _____

1. DEFENDANT'S NAME AND ADDRESS
Name _____ Nickname/Alias _____
Home Phone _____ Cell Phone _____ Work Phone _____
Email _____
Current Home Address _____ City _____ State _____ ZIP _____
How Long _____
Former Home Address _____ City _____ State _____ ZIP _____
How Long _____
How Long Resided In Current City _____ How Long In Current State _____

2. PERSONAL DESCRIPTION
Date of Birth _____ Where Born _____ Sex Male Female Race _____
Social Security # _____ Driver's License # _____ Issuing State _____
Height _____ Weight _____ Eye Color _____ Hair Color _____ Scars, Marks, Tattoos _____ Complexion _____
How Long in U.S. _____ U.S. Citizen Yes No Nationality _____ Alien # _____
Any Medical Conditions/Disabilities _____
Union _____ Local # _____ Military Service Branch _____ Active Yes No Discharge Date _____

3. ARREST INFORMATION
Date of Arrest _____ Booking Name (if different) _____ Arresting Agency _____
Jail Location _____ Booking # _____
Charges _____ DATE _____ WHERE _____
Previous Arrests: CHARGES _____ DATE _____ WHERE _____

Pending Charges in Other Counties _____
Are You On Probation Yes No Parole/Probation Officer Name And Phone # _____
Are You Now Under Any Bond Yes No Have You Ever Failed To Appear In Court Yes No
Bonded Before By _____ When _____

4. EMPLOYMENT
All Occupations For The Past 5 Years _____
Current Employer Name _____ How Long _____ Position _____
Supervisor's Name _____ Work Phone _____
Most Recent Former Employer Name _____ How Long _____ Position _____
Supervisor's Name _____ Work Phone _____
Next Most Recent Former Employer Name _____ How Long _____ Position _____
Supervisor's Name _____ Work Phone _____

5. MARITAL STATUS/CHILDREN
 Married Divorced Separated Widowed Single Cohab
Spouse/Girl/Boyfriend's Name _____ How Long Married/Together _____
FIRST MIDDLE LAST

6. VEHICLE
Describe Auto: Year _____ Make _____ Model _____ Color _____ Plate # _____ State _____
Where Financed _____ Amount Owed _____
Insurance Agent's Name _____ Insurance Agent's Phone _____

7. ATTORNEY
Name And Firm _____ Phone # _____

8. RELATIVES AND FRIENDS
Father's Name _____ Address _____ Home Phone _____
Cell Phone _____ Work Phone _____ Employer _____ Email _____
Mother's Name _____ Address _____ Home Phone _____
Cell Phone _____ Work Phone _____ Employer _____ Email _____
Other Relative/Friend's Name _____ Relation _____ Address _____ Employer _____ Email _____
Cell Phone _____ Work Phone _____ Employer _____ Email _____
Other Relative/Friend's Name _____ Relation _____ Address _____ Employer _____ Email _____
Call Phone _____ Work Phone _____ Employer _____ Email _____

9. OTHER CONDITIONS - Refer To Item 3j on Reverse Side

BAIL PRODUCER [include: name, address, phone no. and license no.]
Action Bail Bonds (775) 322-7997
575 E. Parr Blvd., Reno, NV 89512

FLORIDA RESIDENTS Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.
NEW YORK RESIDENTS must also sign Page 2 (back) of this Agreement.

I AGREE TO THE TERMS SET FORTH ON PAGE 1 (FRONT) AND PAGE 2 (BACK) OF THIS AGREEMENT.
Signed, Sealed And Delivered at _____ this _____ day of _____ 20____
Signature of Witness _____ Print _____
Signature of Defendant _____ Print _____



www.accredited-inc.com

Accredited Surety and Casualty Company, Inc.
P.O. Box 140855 • Orlando, FL 32814-0855
4798 New Broad Street • Suite 200 • Orlando, FL 32814
A Randall & Quilter Group Company

INDEMNITOR APPLICATION AND AGREEMENT

(Please answer each question in full. Please print answers.)

THIS IS A 2 PAGE DOCUMENT - Read Both Sides Carefully

You, the undersigned Indemnitor ("Indemnitor" or "you"), hereby represent and warrant that the following declarations made and answers given are true, complete and correct and are made for the purpose of inducing Accredited Surety and Casualty Company, Inc. ("Surety") to issue, or cause to be issued, bail bond(s) or undertaking(s) for you (singularly or collectively the "Bond") for

(\$ _____) in the _____, in the total amount of _____ Dollars
("Defendant") using power of attorney number(s) (if known)

1. INDEMNITOR'S NAME AND ADDRESS
Name _____ Nickname/Alias _____
Home Phone _____ Call Phone _____ Work Phone _____
Email _____
Current Home Address _____ City _____ State _____ ZIP _____
How Long _____ Rent or Own Landlord _____ Phone _____
Former Home Address _____ City _____ State _____ ZIP _____
How Long _____ Rent or Own Landlord _____ Phone _____

2. PERSONAL DESCRIPTION
Date of Birth _____ Where Born _____ Sex Male Female Race _____
Social Security # _____ Driver's License # _____ Issuing State _____
How Long in U.S. _____ U.S. Citizen Yes No Nationality _____ Alien # _____
Union _____ Local # _____ Military Service Branch _____ Active Yes No Discharge Date _____

3. EMPLOYMENT
Occupation _____ Employer _____ Work Phone _____
How Long _____ Employer Address _____ Supervisor's Name _____

4. MARITAL STATUS/CHILDREN
Married Divorced Separated Widowed Single Cohab
Spouse/Girl/Boyfriend's Name _____ How Long Married/Together _____
Address (if different) _____ City _____ State _____ ZIP _____
Email _____ Social Security # _____
Home Phone (if different) _____ Call Phone _____
Occupation _____ Employer _____ How Long _____

5. AUTOMOBILE
Year _____ Make _____ Model _____ Color _____ Plate # _____ State _____
Where Financed _____ Amount Owed \$ _____

6. REFERENCES
Name _____ Relation _____
Address _____ City _____ State _____ ZIP _____ Employer _____
Home Phone _____ Work Phone _____ Cell Phone _____
Name _____ Relation _____
Address _____ City _____ State _____ ZIP _____ Employer _____
Home Phone _____ Work Phone _____ Cell Phone _____
Name _____ Relation _____
Address _____ City _____ State _____ ZIP _____ Employer _____
Home Phone _____ Work Phone _____ Cell Phone _____

7. FINANCIAL STATEMENT/CREDIT INFORMATION
Cash On Hand \$ _____ Cash In Bank \$ _____
Real Estate Value \$ _____ Real Estate Mortgage \$ _____
In Whose Name Is Title _____ Monthly Salary Or Wages \$ _____

BAIL PRODUCER [include: name, address, phone no. and license no.]
Action Bail Bonds (775) 322-7997
575 E. Parr Blvd., Reno, NV 89512

FLORIDA RESIDENTS Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

I AGREE TO THE TERMS SET FORTH ON PAGE 1 (FRONT) AND PAGE 2 (BACK) OF THIS AGREEMENT.

Signed, Sealed And Delivered at _____ this _____ day of _____, 20____
WITNESS INDEMNITOR SIGNATURE
SIGN SIGNATURE

TAB 3

Nevada Standardized Pretrial Risk Assessment Pilot Study Proposed Task and Time Frame

1. Presentation and Sign-Off From Committee to Study Evidence-Based Pretrial Release (February 12, 2016)
2. Pilot Test and Finalize Prototype NPRA Data Form with Three Counties (Completed March 1, 2016)
3. Draw Random Samples of Released Defendants from Three Counties in 2015 (Completed March 1, 2016)
 - a. 500 sample for Clark County
 - b. 500 sample for Washoe County
 - c. 250 sample for Third County
4. Submission of Completed Data Forms/Spreadsheets for Statistical Analysis (Completed by April 4, 2016)
 - a. Formatted spreadsheet prepared by DOJ Contractor
 - b. Data forms submitted weekly to check for completeness
 - c. Data entered on spreadsheets
 - d. Preliminary analysis completed
 - e. Conduct reliability checks
5. Conduct Validation Analysis (Completed by April 15, 2016)
 - a. Bivariate analysis
 - b. Multivariate analysis
 - c. Reset Factors
 - d. Reset Scale
 - e. Finalize instrument and instructions manual
6. Present results to Committee to Study Evidence-Based Pretrial Release (Completed the week of April 18, 2016)
 - a. Validation Results
 - b. Recommended Implementation Plan
 - i. Pretrial and Court Training
 - ii. Automation
 - iii. Follow-up evaluation
 1. Scoring results
 2. Use by the Courts
 3. Impact on pretrial population
7. Implementation of NPRA (May 2, 2016)

Draft Interim Diagnostic Analysis



January 2016

OJP Diagnostic Center Technical Assistance Update for the Las Vegas Metropolitan Police Department

Opportunities for Evidence-based Technical Assistance

Deliberative and Pre-decisional

-- DRAFT DOCUMENT --

DISCLAIMER: This draft is intended solely for review and use by the U.S. Department of Justice and Las Vegas Metro Police Department and its partners is not for redistribution or public consumption

Preface: OJP Diagnostic Center Confidentiality Policy

This document is confidential and is intended solely for the use and information of the U.S. Department of Justice (DOJ) and The Las Vegas Metropolitan Police Department and its partners as part of an intergovernmental engagement between these entities.

The DOJ Office of Justice Programs (OJP) Diagnostic Center considers all information provided to the Diagnostic Center by the requesting state, local or tribal community or organization to be confidential in nature, including any materials, interview responses and recommendations made in connection with the assistance provided through the Diagnostic Center. Information provided to OJP is presented in an aggregated, non-attributed form and will not be discussed or disclosed to anyone not authorized to be privy to such information without the consent of the state, local or tribal requesting executive, subject to applicable laws.

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--- DRAFT DOCUMENT ---



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Per the preface disclaimer, points of view or opinions in this document do not necessarily represent the official position or policies of the U.S. Department of Justice. **--- DRAFT DOCUMENT ---**

Preface: About this Document

- ▶ This document is part of the technical assistance (TA) package provided by the DOJ OJP Diagnostic Center in response to a request for assistance from the Las Vegas Metropolitan Police Department and Clark County Detention Center
- ▶ Through services provided across OJP's many programs, the Diagnostic Center aims to fulfill a nationwide call from the criminal justice community to improve access to information on what works in preventing and controlling crime, as well as provide guidance on how to implement data-driven programming. Diagnostic Center services are customized for each community's criminal justice challenges
- ▶ The purpose of this document is to:
 - *Identify and analyze factors* that contribute to the challenges identified in the request from the Las Vegas Metropolitan Police Department and Clark County Detention Center
 - *Recommend evidence or practice-based solutions and model practices* that address the factors contributing to the public safety challenges identified. The community is responsible for evaluating and selecting the practices they deem best fit to implement in their community
 - *Inform development of a response strategy*, in close coordination with the requesting community leaders for implementing the recommended data-driven solutions

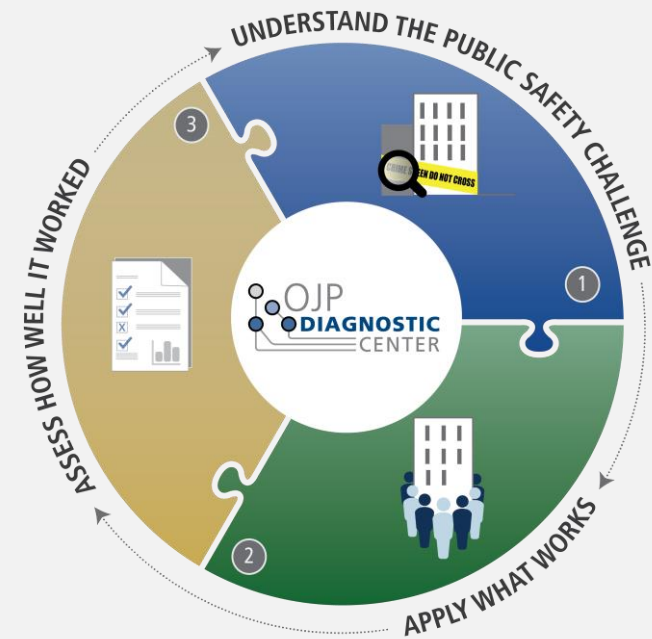


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- ▶ Training and Technical Assistance Request Overview
- ▶ Key Observations and Contributing Factors
- ▶ Discussion Questions and Next Steps
- ▶ Appendix



The Diagnostic Center's defining characteristic is its data-driven approach to tackling persistent crime and public safety challenges



- ▶ Over the course of several months, Diagnostic Center staff will work with the Las Vegas Metropolitan Police Department (LVMPD), Clark County Detention Center (CCDC) and other local stakeholders to “diagnose” increases in the inmate population as related to detention capacity constraints to identify best fit solutions
- ▶ To ensure a comprehensive solution is developed, the Diagnostic Center will analyze the factors that are most relevant to the request
- ▶ The Diagnostic Center's data-driven approach to diagnosing the issue and mapping it to customized models will maximize the investment made by LVMPD to effect meaningful change

	Diagnose		Implement	Assess
	Understand the Criminal Justice Problem	Find What Works in the Community	Do What Works in the Community	Assess How Well It Worked
ACTIVITIES	1.1 Identify the need for an intervention 1.2 Generate initial hypotheses on criminogenic contributing factors 1.3 Identify and interview stakeholders 1.4 Collect and synthesize data to identify baseline indicators 1.5 Refine hypotheses and prioritize criminogenic contributing factors	2.1 Understand what makes a program practice- or evidence-based 2.2 Identify practice- or evidence-based program options 2.3 Evaluate and select the “best fit” practice- or evidence-based model 2.4 Assess community and organizational readiness	3.1 Determine necessary program adaptations (if needed) 3.2 Develop program implementation and sustainability plans 3.3 Build or engage community coalitions 3.4 Begin implementation and training activities	4.1 Develop an evaluation strategy and tools 4.2 Implement evaluation strategy and collect data 4.3 Conduct periodic reviews of evaluation results and program fidelity 4.4 Share success stories and lessons learned
OUTPUTS	✓ Problem definition and scope ✓ List of contributing factors and baseline indicators ✓ Hypotheses for how each factor contributes to the problem	✓ Identification of “best fit” practice- or evidence-based model(s) and program design ✓ Best practices on how to implement the model ✓ Feasibility of implementing the model in your community	✓ Delivery of interventions to target population ✓ More informed community ✓ Increased staff skills ✓ More efficient and effective criminal justice system	✓ Evaluation results, lessons learned, best practices, and measurement of change against baseline indicators ✓ Documentation of program accountability and integrity ✓ Recommendations for future program modifications and improvements
IMPACTS	✓ Understanding and data-driven diagnosis of problem	✓ Selection of “best fit” practice- or evidence-based model	✓ Successful implementation of practice- or evidence-based programs and practices, with fidelity and integrity ✓ Immediate improvement in mission area	✓ Reduction or elimination of criminal justice problem ✓ Results that inform future management and funding decisions

The LVMPD requested technical assistance to manage Clark County's inmate population in order to minimize overcrowding

Overview of the Request from the Las Vegas Metropolitan Police Department

- ▶ The Clark County Detention Center (CCDC) has experienced an increase in its average daily inmate population and average length of stay; thereby exceeding its current operational capacity and posing a safety issue for inmates and staff
- ▶ LVMPD considers the recent economic downturn, changes in the bail schedule and increases in bail bondsman fees to be potential factors contributing to the rising inmate population, particularly pretrial inmates
- ▶ The LVMPD seeks technical assistance (TA) to improve inmate population management through the evaluation of the inmate classification system and the exploration of pretrial analysis framework, while leveraging existing reentry and social service programs to reduce recidivism



Basic Stats*:

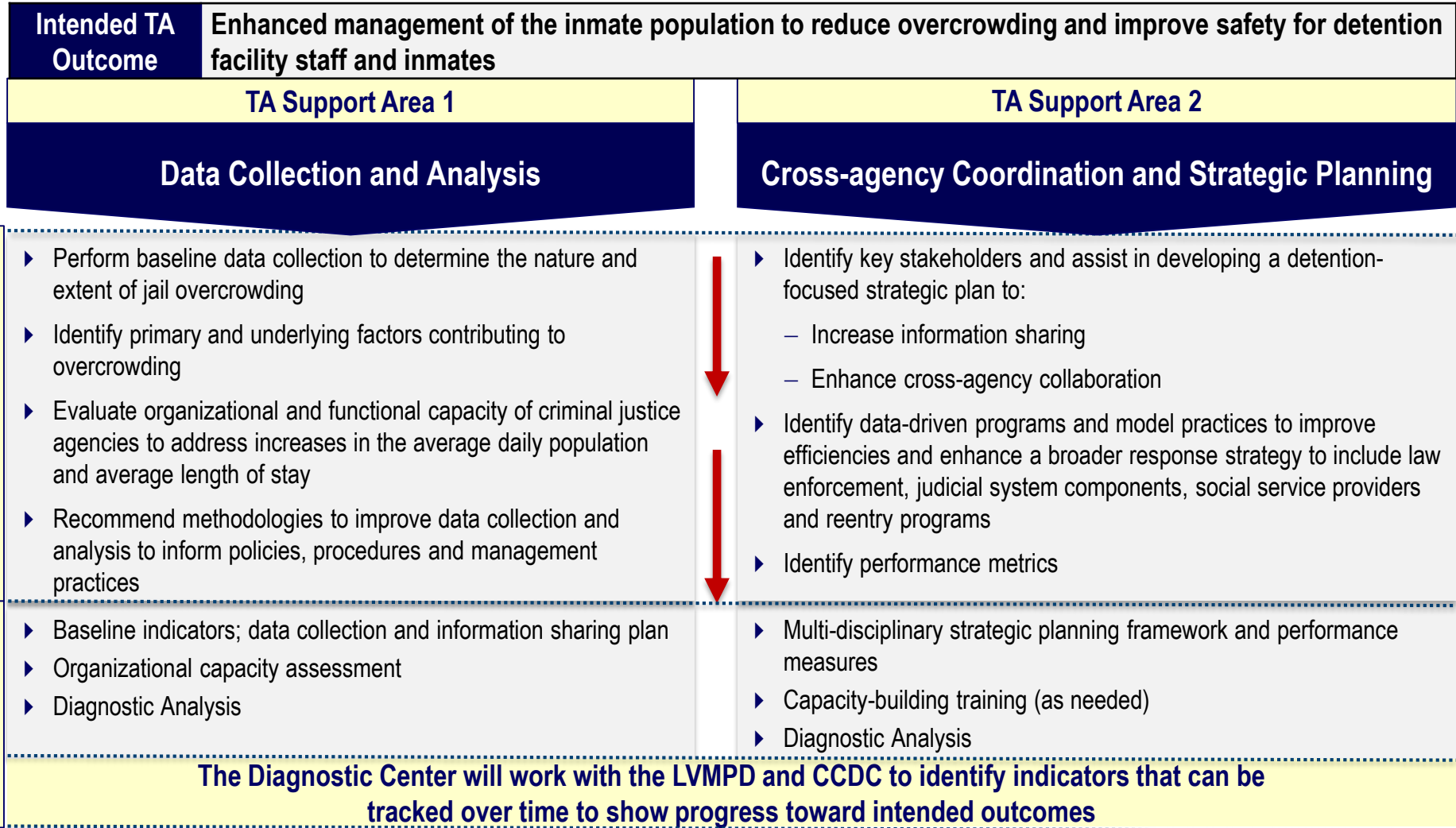
- ▶ CCDC's detention population as of December 31, 2015 is 3,517
- ▶ 83% of the current population is male, 39% African-American and 37% white

Legal Status	Inmate	%
Pretrial	2,575	73%
No Bail	1,166	33%
Sentenced - Local	812	23%
Sentenced - State	112	3%
Not In Custody	18	1%



*Source: Las Vegas Metropolitan Police Department, as noted on OJP Diagnostic Center Community Profile: Background Questionnaire

The request for assistance will be fulfilled through two support areas that enable progress toward intended outcomes



The Diagnostic Center technical assistance model uses a coordinated approach to support progress toward measurable outcomes

Preliminary Work Plan and Timeline*

A workgroup of subject matter experts and consultants are lending expertise to provide direct support to the LVMPD/CCDC in fulfillment of the identified support areas and intended outcomes

Action	Estimated Timeline			
	January	February	March	April
Recurring Conference Calls with Diagnostic Center	[Red bar spanning all months]			
Support Area 1: Data Analytics				
1.1 Develop data request and conduct pre-site visit meetings, as needed	Completed			
1.2 Site visit to conduct initial interviews and collect data	Completed			
1.3 Data analysis and identification of potential TA	[Red bar spanning Jan and Feb]			
1.4 Develop Interim Diagnostic Analysis	[Red bar in Jan]			
1.5 Conduct follow up site visit and additional data collection	[Red bar in Jan]			
1.6 Develop final Diagnostic Analysis; recommend training and conduct additional site visits, as needed		[Red arrow spanning Feb, Mar, and Apr]		
Support Area 2: Cross-agency Coordination and Strategic Planning				
2.1 Identify key justice partners and stakeholder groups	Completed			
2.2 Conduct initial site visit and interviews	Completed			
2.3 Develop strategic plan framework		[Red arrow spanning Feb and Mar]		
2.4 Determine indicators and outcome measures, track them over time				[Red arrow in Apr]



*Preliminary timeline; subject to change

Data gathered to date indicate eight potential factors contributing to prison overcrowding

LVMPD seeks data-driven strategies to better manage increases in CCDC's inmate population



Applicable Contributing Factors

Sentencing Processes

1. Presentence Investigations
2. Sentenced Offender Incarceration
3. Probation Violations

Pretrial and Incarceration Decisions

4. Pretrial Risk Assessment
5. Bail Schedule
6. Drug Court Defendant Incarceration

Agency Coordination and Information Management

7. Management Coordination
8. Data/Information Gathering

Preliminary recommendations include the following

Preliminary

Sentencing Processes

- Align sentencing practices to match severity of offence; graduated sanctions within existing statutory provisions
- Assess and establish additional sentencing alternatives
- Establish a misdemeanor probation and case management system
- Identify and establish a new evidence-based presentencing investigation system that utilizes comparative sentencing data

Incarceration Decisions

- Adapt an evidenced-based model for risk assessment to the existing pretrial bail system
- Evaluate case disposition timelines
- Evaluate and/or establish drug court system in accordance with national standards and promising practices; and other specialty courts, as needed

Agency Coordination and Information Management

- Leverage model practices to establish a Criminal Justice Coordinating Council
- Identify key data elements to be shared across the system to enhance a coordinated response strategy



Discussion Questions for LVMPD/CCDC

- ▶ What is the overall plan for public safety in Las Vegas?
 - What are the immediate-, short- and long-term (3 months, 6 months, 1 year, 5-year) goals for inmate management?
 - What data sources can be leveraged to validate and/or evaluate current practices?
- ▶ Do these findings align with the challenges recognized by LVMPD?
- ▶ Based on the preliminary contributing factors identified, is there a priority among them?
- ▶ Do you foresee any immediate challenges to implementing the preliminary recommendations identified?
- ▶ What law enforcement and/or criminal justice agencies, groups and stakeholders could be at the table that are not yet engaged?
- ▶ Is there potential for ongoing evaluation of pretrial misdemeanor cases (e.g. Project Second Change)?

Next steps and contact information for the OJP Diagnostic Center

Next Steps

Thank you for working with the Diagnostic Center

The Diagnostic Center will continue to coordinate with LVMPD/CCDC and local justice partners to collect outstanding data and relevant information

Diagnostic Center next steps include:

- ▶ Continue to collect and analyze data
- ▶ Validate preliminary contributing factors and receive LVMPD/CCDC feedback and input
- ▶ Identify potential recommendations, evidence-based programs and model practices targeted toward contributing factors
- ▶ Develop Diagnostic Analysis and final recommendations

Contact Information for the OJP Diagnostic Center

Your Community Leaders:

Joe Lombardo, Sheriff

Richard Suey, Deputy Chief

Marcie McMahill, Director of Detention Records

Your Diagnostic Specialist:

Angela Jackson-Castain, Angela@OJPDiagnosticsCenter.org



Main Telephone Number:

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www.ojpdiagnosticscenter.org



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Key Data Elements – CCDC Population Snapshot (December 31, 2015)

Attribute	Inmates	%
Total Inmates	3,517	100%
Gender		
Male	2,913	83%
Female	604	17%
Race		
White	1,312	37%
Black	1,358	39%
Hispanic	691	20%
Asian	133	4%
Other	23	1%
Gang Member	537	15%
Legal Status		
Pretrial	2,575	73%
No Bail	1,166	33%
Sentenced - Local	812	23%
Sentenced - State	112	3%
Not In Custody	18	1%
Residence		
Nevada	3,305	94%
California	103	3%
Other	109	3%
LOS To Date In Days		
7 days or less	443	13%
8-30 days	805	23%
31-90 days	993	28%
91-180 days	625	18%
181-365 days	337	10%
366+ days	314	9%

Attribute	Inmates	%
Prior Bookings		
None	666	19%
1	548	16%
2	374	11%
3 to 5	741	21%
6 +	1,159	33%

Type of Crime	Inmates	%
Crime Category		
Crimes against person	1,156	33%
Crimes against property	750	21%
Warrants or other holds	586	17%
Controlled substances crimes	351	10%
Traffic, vehicle and watercraft	223	6%
Miscellaneous crimes	152	4%
Crimes against public decency	105	3%
Crimes against public health, safety and welfare	100	3%
Crimes relating to the judiciary	94	3%
Class Level		
A	308	9%
B	1,142	32%
C	239	7%
D	113	3%
E	66	2%
Gross Misdemeanor	254	7%
Misdemeanor	702	20%
Warrant	568	16%
Unknown	121	3%

TAB 4



NATIONAL INSTITUTE OF CORRECTIONS

Measuring What Matters

Outcome and Performance Measures
for the Pretrial Services Field

**U.S. Department of Justice
National Institute of Corrections
320 First Street, NW
Washington, DC 20534**

Morris L. Thigpen
Director

Thomas J. Beauclair
Deputy Director

George M. Keiser
Chief, Community Corrections Division

Lori Eville
Project Manager

National Institute of Corrections
www.nicic.gov

NATIONAL INSTITUTE OF CORRECTIONS


Measuring What Matters

Outcome and Performance Measures
for the Pretrial Services Field

The National Institute of Corrections
Pretrial Executives Network

NIC Accession Number 025172

August 2011



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Acknowledgments

The National Institute of Corrections' (NIC) Pretrial Executive Network includes directors of established pretrial service programs nationwide. Its mission is to promote pretrial services programming as an integral part of state and local criminal justice systems. Its goals are to make pretrial programming relevant in national criminal justice funding, training, and technical assistance; encourage expanded research in the pretrial field; and identify best and promising practices in the pretrial release and diversion fields.

The Network would like to recognize and thank the following individuals for their contribution to this monograph:

Peter Kiers, President, National Association of Pretrial Services Agencies

Barbara Darbey, Executive Director, National Association of Pretrial Services Agencies

Tara Klute, Manager, Kentucky Pretrial Services

Barbara Hankey, Manager, Oakland County, MI, Community Corrections Division

Thomas McCaffrey, Director, Allegheny County, PA, Adult Probation

Michael Jones, Senior Project Associate, Pretrial Justice Institute

Penny Stinson, Division Director Pretrial Services Maricopa County, AZ, Adult Probation

William Penny, District Manager, Multnomah County, OR, Adult Services Division Pretrial Services Program

Elizabeth Simoni, Executive Director, Maine Pretrial Services Inc.

Spurgeon Kennedy, Director, Research, Analysis and Development, Pretrial Services Agency for the District of Columbia

Foreword

This monograph presents recommended outcome and performance measures and mission-critical data for pretrial service programs. It is hoped that these suggested measures will enable pretrial service agencies to gauge more accurately their programs' effectiveness in meeting agency and justice system goals. The contributors to this monograph believe the recommended elements are definable and measurable for most pretrial service programs and are consistent with established national pretrial release standards and the mission and goals of individual pretrial programs. The monograph defines each measure and critical data element and identifies the data needed to track them. It also includes recommendations for programs to develop ambitious but reasonable target measures. Finally, the monograph's appendix lists examples of outcome and performance measures from three nationally representative pretrial service programs.

SUGGESTED OUTCOME MEASURES AND DEFINITIONS

Appearance Rate: The percentage of supervised defendants who make all scheduled court appearances.

Safety Rate: The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.

Concurrence Rate: The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct.

Success Rate: The percentage of released defendants who (1) are not revoked for technical violations of the conditions of their release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision.

Pretrial Detainee Length of Stay: The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.

SUGGESTED PERFORMANCE MEASURES AND DEFINITIONS

Universal Screening: The percentage of defendants eligible for release by statute or local court rule that the program assesses for release eligibility.

Recommendation Rate: The percentage of time the program follows its risk assessment criteria when recommending release or detention.

Response to Defendant Conduct: The frequency of policy-approved responses to compliance and non-compliance with court-ordered release conditions.

Pretrial Intervention Rate: The pretrial agency's effectiveness at resolving outstanding bench warrants, arrest warrants, and capiases.

SUGGESTED MISSION CRITICAL DATA

Number of Defendants Released by Release Type and Condition: The number of release types ordered during a specified time frame.

Caseload Ratio: The number of supervised defendants divided by the number of case managers.

Time From Nonfinancial Release Order to Start of Pretrial Supervision: Time between a court's order of release and the pretrial agency's assumption of supervision.

Time on Pretrial Supervision: Time between the pretrial agency's assumption of supervision and the end of program supervision.

Pretrial Detention Rate: Proportion of pretrial defendants who are detained throughout pretrial case processing.

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Introduction

Performance Measurement: *Assessing progress toward achieving pre-determined goals, including information on the efficiency with which resources are transformed into goods and services (outputs), the quality of those outputs and outcomes, and the effectiveness of operations in terms of their specific contributions to program objectives.*

—National Performance Review, *Serving the American Public: Best Practices in Performance Measurement* (Washington, D.C.: Executive Office of the President, 1997).

The National Institute of Corrections' (NIC) Pretrial Executive Network includes directors of established pretrial service programs nationwide. The Network's mission is to promote pretrial services programming as an integral part of state and local criminal justice systems. Its goals are to make pretrial programming more prominent in national criminal justice funding, training, and technical assistance; encourage expanded research in the pretrial field; and identify best and promising practices in the pretrial release and diversion fields.

In 2010, the Network identified the need for consistent and meaningful data to track individual pretrial services program performance. Current information on pretrial programming is limited and usually does not describe individual program outcomes.¹ National data specific to pretrial program outcomes and performance would help individual programs measure their effectiveness in achieving their goals and objectives and in meeting the expectations of their justice systems. Consistent with public- and private-sector best practices,² pretrial services program outcome measures, performance measures, and mission-critical data would tie into the individual agency's mission, local justice system needs, state and local bail laws, and national pretrial release standards.

In October 2010, the Network commissioned a working group to develop suggested pretrial release outcome and performance measures and mission-critical data. This included identifying performance indicators based on the above-mentioned factors and recommending strategies for programs to develop ambitious but attainable measure targets. The working group relied on the Network's accepted definitions of outcome and performance measures and mission-critical data. They are presented here as follows:

Outcome measure: An indicator of an agency's effectiveness in achieving a stated mission or intended purpose.

Performance measure: A quantitative or qualitative characterization of performance.

Mission-critical data: Supporting data in areas strategically linked to outcome and performance measures. These data track progress in areas and on issues that supplement specific measures.

Scope of Outcome and Performance Measures

A central issue for the Network is whether certain recommended measures—such as appearance and safety rates—are indicators more of overall justice system performance than of the performance of individual programs. Appearance rates depend as much on the number of released defendants, their degrees of risk, and the number of court appearances (potential failure points) set as on the pretrial program's risk assessment and supervision protocols. Moreover, a pretrial services program's recommendation for release

or detention is not binding. In making pretrial release or detention decisions, courts consider other factors (such as strength of the evidence) that are not included in most risk assessment models. None of these external factors is fully under a pretrial program's control. However, the Network believes the measures identified are critical measures of pretrial program success and should be considered as individual agency indicators. Programs should use target measures to recognize and offset these external factors.

Supporting Business Practices

Outcome and performance measures require an organizational structure that supports critical function areas, includes adequate resources for risk assessment and risk management, and fosters strong collaborative relationships within the local criminal justice system and the broader community. For the suggested measures, the Network recommends the key organizational elements for pretrial services programs identified by national standards promulgated by the American Bar Association (ABA)³ and the National Association of Pretrial Services Agencies (NAPSA).⁴ These include:

- Policies and procedures that support the presumption of release under the least restrictive conditions needed to address appearance and public safety concerns.
- Interviews of all detainees eligible for release consideration that are structured to obtain the information needed to determine risk of nonappearance and rearrest and to exercise effective supervision.
- Risk assessment schemes that are based on locally researched content and applied equally and fairly.
- Recommendations for supervision conditions that match the defendant's individual risk level and specific risks of pretrial misconduct.
- Monitoring of defendants' compliance with release conditions and court appearance requirements.
- Graduated responses to defendants' compliance and noncompliance.
- Tracking of new arrests occurring during supervision.
- Court notification of program condition violations and new arrests.
- Timely notice to court of infractions and responses.
- Monitoring of the pretrial detainee population and revisiting release recommendations if defendants remain detained or if circumstances change.

Outcome Measures

Appearance Rate

Appearance rate measures the percentage of supervised defendants who make all scheduled court appearances. This is the most basic outcome measure for pretrial service programs. Nearly all such programs have as part of their mission the goal of maximizing appearance rates among released and supervised defendants. Program assessment and supervision strategies seek to minimize each defendant's risk of nonappearance. Further, state and local bail statutes and provisions encourage court appearance to promote the effective administration of justice and to bolster public confidence in the judicial system. Finally, national standards on pretrial release identify minimizing failures to appear as a central function for pretrial programs.

The recommended data for this outcome measure are cases with a verified pretrial release or placement to the pretrial program and the subset of this population that have no bench warrants or capiases issued for missed scheduled court appearances. Depending on its information management system, the program may also track the appearance rate of various defendant populations—such as those charged with violent crimes or those released conditionally, financially, or on personal recognizance—although the primary group targeted should be defendants released to the agency's supervision.

Pretrial programs should count all cases with issued bench warrants and capiases under this outcome measure, including instances when defendants subsequently return to court voluntarily and are not revoked. The recommended *pretrial intervention* performance measure allows programs to gauge their efforts in resolving warrants. As a supporting business practice, pretrial

services programs may also calculate and keep an adjusted appearance rate that considers defendant voluntary returns and warrant surrenders that the program brings about.

Safety Rate

Safety rate tracks the percentage of supervised defendants who are not charged with a new offense during the pretrial stage. A *new offense* is defined here as one with the following characteristics:

- The offense date occurs during the defendant's period of pretrial release.⁵
- It includes a prosecutorial decision to charge.
- It carries the potential of incarceration or community supervision upon conviction.

At least 36 states and the federal judicial system factor a defendant's potential threat to the public or to specific individuals into the pretrial release or detention decision. National pretrial release standards also identify public safety as a legitimate pretrial concern for local justice systems.

The recommended data for this outcome measure are the number of defendants with a verified pretrial release or placement to the pretrial program and the subset of this population with no rearrests on a new offense. Depending on the program's information capabilities, the outcome measure should include recorded local and national arrests. As a supporting business practice, pretrial programs also may track separate safety rates by charge type (for example, misdemeanors, felonies, or local ordinance offenses), severity (violent crimes, domestic violence offenses, or property crimes), or by various defendant populations.

Concurrence Rate

Concurrence rate is the ratio of defendants whose supervision level or detention status corresponds to their assessed risk of pretrial misconduct. Conditions of supervision recommended and imposed do not have to match exactly; however, the overall supervision level should be comparable. For example, a recommendation for release on personal recognizance with no conditions and a subsequent conditional supervision release with a requirement to report to the pretrial services program weekly would not be defined as concurrent. This measure counts only defendants eligible by statute for pretrial release⁶ and is presented in the following matrix (exhibit 1):

Exhibit 1. Matrix of Assessment Versus Release Level

ASSESSED LEVEL	RELEASE LEVEL			
	Low	Medium	High	Detention
Low	X			
Medium		X		
High			X	
No Release				X

Concurrence rate is an excellent measure of success in helping courts apply supervision levels that match the defendant’s identified risk level. This is a recognized best practice in the criminal justice field. (It is assumed that the individual pretrial program does not overtly attempt to fit its release/detention recommendations to a perceived court outcome.) The measure also complements appearance and safety rates by allowing pretrial programs to track subsequent failure by defendants originally recommended for detention.

The recommended data for this outcome measure are the number of release and detention recommendations and subsequent release and detention outcomes.

Success Rate

Success rate measures the percentage of released defendants who are (1) not revoked for technical violations due to condition violations, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision. The measure excludes defendants who are detained following a guilty verdict and those revoked due to non-pretrial-related holds.

The recommended data for this outcome measure are the total number of defendants released to the program and the subset of this population that experiences no condition violations, failures to appear, or rearrests. Depending on the pretrial program’s information system, revocations may show up as subsequent financial release or detention orders.

Pretrial Detainee Length of Stay

Detainee length of stay represents the average length of jail stay for pretrial detainees who are eligible by statute for pretrial release. This is a significant outcome measure for the estimated 27 percent of pretrial programs that are located within corrections departments⁷ and that have missions to help control jail populations, and it is a performance measure for other pretrial programs.

The recommended data for this outcome measure are admission and release dates for all pretrial-related jail detentions. *Release* as defined here is the defendant’s full discharge from jail custody.

Performance Measures

Universal Screening

Universal screening reflects the percentage of defendants eligible for release by statute or local court rule that a program assesses for release. *Screening* includes any combination of pretrial interview, application of a risk assessment instrument, or measurement against other established criteria for release recommendation or program placement.

This measure conforms to national standards that encourage full screening of release-eligible defendants⁸ and state bail statutes that mandate release eligibility for certain defendant groups. When measuring screening, jurisdictions should go beyond initial arrest and court appearance and consider all detainees who become eligible for pretrial release consideration at any point before trial. (These screens may occur at initial arrest or court hearings and be submitted to the court once the defendant becomes eligible for release.)

The recommended data for this performance measure are the total number of release-eligible defendants and the subset of this population that the pretrial program screened.

Recommendation Rate

Recommendation rate reflects how frequently the pretrial program follows its risk assessment criteria when recommending release or detention. There are two potential data sources for this performance measure:

1) The pretrial program's total number of recommendations during a specific time frame and the number of these recommendations that conform to the release or detention level identified by the risk assessment.

2) The percentage of overrides to the risk assessment scheme.

Response to Defendant Conduct

Response to defendant conduct measures how often case managers respond appropriately (by recognized policy and procedure) to compliance and noncompliance with court-ordered release conditions. This measure conforms to national standards for pretrial supervision⁹ and evidence-based practices in criminal justice for swift, certain, and meaningful responses to defendant and offender conduct.

Response to defendant conduct requires pretrial programs to have in place clear definitions of compliance and noncompliance with conditions of supervision and procedures outlining appropriate case manager responses. The recommended data for this measure are the number of identified technical violations and the percentage of these violations with a noted appropriate staff response. This includes administrative responses by staff and recommendations for judicial action.

Pretrial Intervention Rate

The *pretrial intervention rate* measures the pretrial program's effectiveness at resolving outstanding bench warrants, arrest warrants, and capiases. The measure tracks the percentage of:

- Defendants with outstanding warrants who self-surrender to the pretrial program, court, or law enforcement after being advised to do so by the pretrial program.
- Arrests brought about by pretrial program staff of supervised defendants with outstanding warrants.

Mission-Critical Data

Number of Defendants Released by Release Type and Condition

The *number of defendants released by release type and condition* tracks the number of defendants released by court-ordered release type, for example, personal recognizance, conditional supervision, or unsecured bond. For releases to the pretrial program, the data also track the frequency of individual release conditions.

Caseload Ratio

The *caseload ratio* is the number of supervised defendants divided by the number of case managers. The data include the pretrial program's overall caseload rates and rates for special populations such as defendants in high-risk supervision units, under specialized calendars, or under high-resource conditions such as electronic monitoring and global positioning surveillance.

Time From Nonfinancial Release Order to Start of Pretrial Supervision

Time from nonfinancial release order to start of pretrial supervision tracks the time between a court's order of release and the pretrial program's assumption of supervision. Data collected include the jail release date for cases involving initial detention or the actual date of the judicial order for defendants already in the community, and the first contact date with the pretrial program following release or the new judicial order.

The issuance of the judicial order is the most accurate indicator of the official start of pretrial agency supervision. However, evidence shows that too few pretrial programs receive timely notification of orders from the court to make this a practical indicator of when the agency first exercises supervision authority over the defendant. Therefore, the Network recommends the first contact date with the pretrial agency as a more realistic data source.

Time on Pretrial Supervision

The *time on pretrial supervision* is measured by the length of time between the pretrial program's assumption of supervision authority and the end of program supervision. Supervision begins with the defendant's first contact with the pretrial program and terminates following case disposition or the issuing of new release or detention requirements.

Pretrial Detention Rate

The *pretrial detention rate* is the proportion of pretrial defendants who are detained throughout pretrial case processing.

Setting Targets

Performance goal: A target level of an activity expressed as a tangible measurable objective, against which actual achievement can be compared.

—National Performance Review, *Serving the American Public: Best Practices in Performance Measurement* (Washington, D.C.: Executive Office of the President, 1997).

A performance target is a numeric goal for an outcome or performance measure; for example, an appearance rate of 90 percent for all released defendants. It is a specific gauge of performance achieved against performance expected. Well-defined, ambitious, and attainable performance targets can help organizations deliver expected services and outcomes and identify needed programmatic and system strategic changes. Conversely, static or unreasonable targets can encourage lower expectations, thereby minimizing the program's influence as a system partner, or burden organizations with objectives that are inconsistent with its mission and resources.

Adopting the SMART Method

Given variances nationwide in defendant populations, court operations, and justice system practices, the Network believes recommended universal targets for each stated measure is impractical. Instead, the Network recommends that individual programs adopt the SMART (specific, measurable, achievable, realistic, and time-bound) method of setting effective targets.

SPECIFIC

Specific targets are clear and unambiguous. They describe exactly what is expected, when, and how

much. For example, a specific target for universal screening would be: "Interview 95 percent of defendants eligible by statute for pretrial release." Because the targets are specific, the pretrial program can easily measure progress toward meeting them.

MEASURABLE

An effective target answers the questions "how much" or "how many." Each target must be a set number or percentage that can be *measured*. Further, each target must be based on existing and retrievable data. Programs must assess their information management capacity to determine a target's feasibility.

ACHIEVABLE

Targets must be within the capacity of the organization to *achieve* while challenging the organization to improve its performance. They should be neither out of reach nor below an acceptable standard. Targets set too high or too low become meaningless and eventually worthless as indicators. The organization's most recent past performance (approximately the past 2 years) usually is a good indicator of what is feasible—at least as a beginning target.

REALISTIC

Realistic targets consider an organization's resources and the areas it actually can influence.

TIME BOUND

Effective targets have *fixed durations*—for example, a calendar or fiscal year—that allow time to achieve or calculate the outcome or performance measure.

Other Recommendations for Targets

- When establishing initial targets, set a minimum target and a stretch target. The minimum target should be one the program believes is the most manageable, whereas the stretch target would serve as the rate the program would strive to accomplish. Programs also can set a minimum target for the first year or two of performance measurement and a stretch target for future years.
- Consider trends to establish a target baseline. If past data exist for performance on a particular measurement, examine those data for trends that can serve as a baseline for setting targets for future performance.
- Use “SWOT” analysis to gauge the program’s internal *strengths* and *weaknesses*, as well as its external *opportunities* and *threats*. Consider target rates that can help build on strengths and leverage opportunities as well as minimize weaknesses and threats.
- Get feedback from stakeholders; their expectations can yield insights in setting appropriate targets.
- If available, consider the performance targets of comparable pretrial programs. The appendix to this monograph includes sample outcome and performance measures.
- Consider current or planned internal or external initiatives that may affect established or potential targets.

Notes

1. For example, see T. Cohen and T. Kyckelhahn, *State Court Processing Statistics Data Limitations* (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2010).
2. National Performance Review, *Serving the American Public: Best Practices in Performance Measurement* (Washington, D.C.: Executive Office of the President, 1997); National State Auditors Association, *Best Practices in Performance Measurement: Developing Performance Measures* (Lexington, KY: National State Auditors Association, 2004); Center for Performance Management, *Performance Measurement in Practice* (Washington, D.C.: International City/County Management Association, 2007); National Center for Public Performance, *A Brief Guide for Performance Measurement in Local Government* (Newark, NJ: Rutgers University, 2001).
3. American Bar Association, *Criminal Justice Standards on Pretrial Release: Third Edition* (Washington, D.C.: American Bar Association, 2002).
4. National Association of Pretrial Services Agencies, *Standards on Pretrial Release: Third Edition* (Washington, D.C.: National Association of Pretrial Services Agencies, 2004).
5. This excludes arrest warrants executed during the pretrial period for offenses committed before the defendant's case filing.
6. This excludes defendants detained on statutory holds, probation or parole warrants, or holds and detainers from other jurisdictions.
7. J. Clark and D.A. Henry, *Pretrial Services Programming at the Start of the 21st Century: A Survey of Pretrial Services Programs* (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Assistance, 2003).
8. NAPSA Standard X-3; ABA Standard 10-4.2 (A)
9. NAPSA Standard 4.3; ABA Standard 10-1.10 (f)

Appendix A: Examples of Pretrial Release Program Measures

Pretrial Services Agency for the District of Columbia

OUTCOME MEASURES

- Rearrest rates: overall and for violent and drug crimes, for drug users and nonusers.
- Failure to appear (FTA) rates overall and by drug users and nonusers.
- Percentage of defendants remaining on release at the conclusion of their pretrial status without a pending request for removal or revocation due to noncompliance.

PERFORMANCE MEASURES

Risk Assessment

- Percentage of defendants who are assessed for risk of failure to appear and rearrest.
- Percentage of defendants for whom the Pretrial Services Agency (PSA) identifies eligibility for appropriate appearance and safety-based detention hearings.

Supervision

- Percentage of defendants who are in compliance with release conditions at the end of supervision.
- Percentage of defendants whose noncompliance is addressed by PSA either through the use of an administrative sanction or through recommendation for judicial action.

Treatment

- Percentage of referred defendants who are assessed for substance abuse treatment.
- Percentage of eligible assessed defendants placed in substance abuse treatment programs.
- Percentage of defendants who have a reduction in drug usage following placement in a sanctions-based treatment program.
- Percentage of defendants connected to educational or employment services following assessment.
- Percentage of referred defendants who are assessed or screened for mental health treatment.
- Percentage of service-eligible assessed defendants connected to mental health services.

Partnerships

- Number of agreements established and maintained with organizations and/or programs to provide education, employment, or treatment-related services or through which defendants can fulfill community service requirements.

Note: Outcome and performance measure targets are being revised for fiscal years 2011–13.

Multnomah County (Portland, OR) Pretrial Services

OUTCOME MEASURES

- Percentage of interviewed defendants released on their own recognizance who return to court.

PERFORMANCE MEASURES

- Number of days from court referral to the Pretrial Services Program (PSP) to PSP's decision to accept supervision (Target = 7 Days).
- Rate of negative case closures—new arrests or FTA warrants.
- PSP rate of acceptance or denial of defendant supervision.

Kentucky Pretrial Services Department

OUTCOME MEASURES

- Appearance rate (Target=90%).
- Public safety rate (Target=90%).
- Supervision compliance rate (Target=85%).

PERFORMANCE MEASURES

- Investigation rate (Target=85%).
- Verification rate (Target=85%).
- Release rate by risk level:
 - Low (Target=85%).
 - Moderate (Target=75%).
 - High (Target=50%).

- Affidavit of indigence completion rate* (Target=95%).
- 24-hour reviews (Target=100%).

* The Pretrial Department is mandated by statute to complete affidavits on all defendants that request a public defender.

MISSION CRITICAL DATA

- Number of pretrial interviews.
- Pretrial interview rate.
- Pretrial release rate.
- Number of defendants who are placed on conditional release.
- Number of defendants who report to the department.
- Number of defendants who are drug tested.
- Risk levels of supervised defendants.
- Defendant-to-case manager ratio.
- Savings to individual counties for department services.
- Number of defendants who receive pretrial diversion.
- Number of diversion community service hours completed.
- Amount of restitution paid to victims through diversion placements.

Appendix B: National Institute of Corrections Pretrial Executive Network

Penny Stinson, Maricopa Co. Adult Probation

Tara Boh Klute, Kentucky Pretrial Services

Greg Johnson, U.S. Pretrial Probation

Frank McCormick, Los Angeles County Probation
Department

Susan Shaffer, District of Columbia Pretrial
Services Agency

Cyndi Morton, Alachua County Department of
Court Services

Thomas McCaffrey, Allegheny County Pretrial

Elizabeth Simoni, Maine Pretrial Services

Sharon Trexler, Montgomery County Department
of Corrections

Barbara Hankey, Community Corrections,
Oakland County

Mary Pat Maher, Ramsey County Pretrial Services

Barbara Darbey, Pretrial Services Corporation

Jerome E. McElroy, New York City Criminal
Justice Agency

Daniel Peterca, Cuyahoga County Court of
Common Pleas

Wendy Niehaus, Department of Pretrial Services

Carol Oeller, Harris County Pretrial Services

Bill Penny, Multnomah County Community
Corrections

Sharon Jones, Virginia Beach Pretrial/Community
Corrections

Peter Keirs, President, National Association of
Pretrial Services Agencies

Tim Murray, Executive Director, Pretrial Justice
Institute

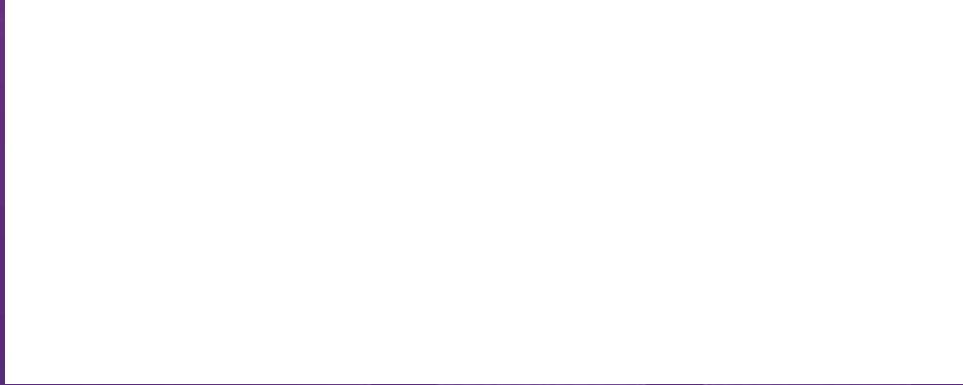
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TAB 5



SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
WASHOE COUNTY

JACKIE BRYANT, J.D.
DISTRICT COURT ADMINISTRATOR
CLERK OF THE COURT

75 COURT STREET
RENO, NEVADA 89501
(775) 328-3119
FAX (775) 328-3206

January 29, 2016

Justice James Hardesty
Supreme Court of Nevada
201 South Carson Street
Carson City, NV 89701

Dear Justice Hardesty:

Below is a summary of the Supreme Court Working Group for local stakeholders held on January 21, 2016.

In addition to me, those in attendance included:

Judge Sattler
Judge Pearson
Chris Hicks
Craig Franden
Jackie Bryant
Chris Hicks
Jeremey Bosler
Scott Sosebee
Chief Deputy Pedersen
Captain Lee
Lieutenant Gil

Flow chart

We decided the Second Judicial District Court Pretrial Services Division (“Pretrial”) will strive to complete paperwork within 48 hours, even though we will probably be able to accomplish it in the current 24 hour time frame. The District Attorney’s Office will continue to strive for the 72 hour time frame knowing we will shorten that as we become more fluent in the process. All agreed we would prefer to see the Probable Cause (PC”) review, Risk Assessment Tool (“RAT”) review, and bail imposition at the 48 hour mark. When we can address the uniform bail schedule, and at some point not use it, those individuals facing serious crimes who are not a good candidate for release will be held without bail until that time (48 hours). However, this is a long term goal that will require legislation.

Supervision

The paperwork I provided on this is purely informational. I wanted everyone to know what we are currently doing, and based on our current practice and past experience, grouped conditions into a low/med/high risk category so everyone could get an idea of the goal. Supervision condition for each level would have to be agreed upon by the judges/courts in advance and would need to be consistent and applied appropriately. This was not a major discussion at the meeting.

Data measurement

We reaffirmed we have adopted data measurement standards. However, we are currently not collecting some of this data. The sheet I provided was just to let everyone know what I'm currently capable of capturing and that I'm doing it manually. Scott Sosebee advised we could possibly create a data warehouse on a smaller scale than what was discussed in the NIC report. However, it would take time and money. Additionally, we would need to determine a single point of contact for the project. We also briefly discussed the price quote I received from Odyssey. Odyssey would allow better communication between the courts and Pretrial, increased data collection, and streamline the paperwork. We discussed whether other courts/agencies would be willing to contribute to the purchase price. Some believed that although Odyssey is not the best system, it would be an improvement because Pretrial could then communicate with the courts who have Odyssey.

Risk Assessment Tools

Most agreed an interview was best and that more information is better. The issue of judges not having criminal histories at sentencing was discussed. We decided the Pretrial team would try to provide a criminal history synopsis in the Assessment report, and we all agreed due to the incomplete data entry in the NCIC/NCJIS systems (dispositions) that we would try to advise on violent crimes, alcohol related offenses, etc. (i.e., things that could actually be mitigating and/or override factors), so the judges would have a better idea of who was in front of them, no matter what stage of the judicial process they were in. The RAT called the COMPAS was mentioned, and Judge Pearson advised that this is similar to the ORAS, cradle to grave, but it is proprietary and would cost money. He also stated it was more thorough and a good product. In the end, some felt we could pilot the ORAS and Las Vegas could pilot the one they want, but I don't think we would be comparing apples to apples, nor do I think that is the intent. I think we will offer to start with the ORAS because it's free, has cradle to grave option, support if we need it, and we can start at any time because we have the training on video in hand. I am working with the WCSO to figure out if we can legally use their criminal histories so that will decide our timeframe too. Hopefully, this will allow us to keep a tight schedule and get the necessary paperwork to the court so we can implement the 24-48 hour time frame in the future.

Miscellaneous

Overall, the meeting went well. The stakeholders in attendance provided good participation and seem to be on board with moving forward. They are willing to work together to reach the end goal. I've included members of the Washoe County Sheriff's Office so that they are aware of our plan/progress and so they have an opportunity to speak up if they see any issues pertaining to the detention side of things. Monetary concerns were raised in the data measurement discussion and all agreed it will be difficult to communicate due to the fact every court is on a different case management system at this time. I have received word from Odyssey/Tyler Host with a new quote and I'm still working toward this system to provide better/faster communication with my

stakeholders. I am pleased with the progress from the Washoe County group and believe we are working hard to be the best pilot site for our state.

Lastly, and as a side-note, I met with WCSO, and we are very close to finishing the report that shows a 24-hour snapshot of the jail population. We worked out a few kinks, so I should have it by the next Supreme Court meeting. If I have it beforehand, I'll forward it to the local group and to you.

As always, thank you for your continued support and guidance.

Respectfully,

A handwritten signature in cursive script that reads "Heather Condon". The signature is written in black ink and is positioned above the typed name.

Heather Condon,
Pretrial Services Manager
Second Judicial District Court

Cc: Judge Elliott Sattler

TAB 6

- “Tab 6” materials include the following risk assessment tools:
 1. Kentucky
 2. Virginia
 3. Ohio
 4. Arizona
 5. District of Columbia/Federal PTRAs

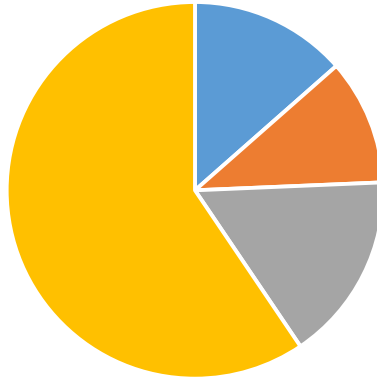
- These tools have been distributed to Committee members on several occasions as part of previous meeting materials and are also available via the Committee’s webpage at:<http://nvcourts.gov/AOC/Templates/documents.aspx?folderID=19312>

TAB 7

White Pine County Jail Population (Oct. 8, 2015)

Total Population = 37

Percentage of County Population Incarcerated = 0.3%

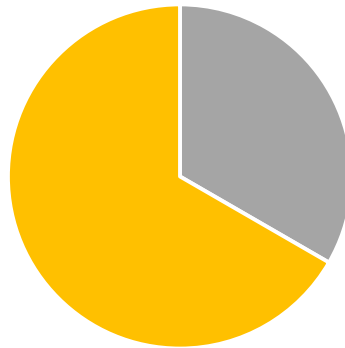


- Serving Misd. Sentence (5)
- Serving GM Sentence (4)
- Awaiting Disposition on Misd. (6)
- Awaiting Disposition on Fel./GM (22)

Eureka County Jail Population (Oct. 8, 2015)

Total Population = 3

Percentage of County Population Incarcerated = 0.1%



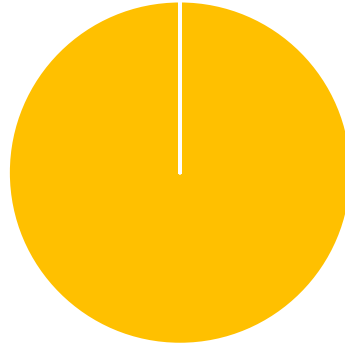
- Serving Misd. Sentence (0)
- Serving GM Sentence (0)
- Awaiting Disposition on Misd. (1)*
- Awaiting Disposition on Fel./GM (2)

*Inmate had just been arrested prior night, was having first appearance and indicated he would be posting bail shortly

Esmerelda County Jail Population (Oct. 9, 2015)

Total Population = 4

Percentage of County Population Incarcerated = 0.4%

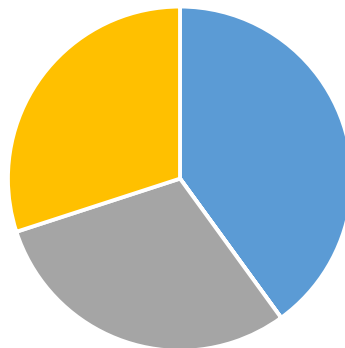


- Serving Misd. Sentence (0)
- Serving GM Sentence (0)
- Awaiting Disposition on Misd. (0)
- Awaiting Disposition on Fel./GM (4)

Lander County Jail Population (Oct. 12, 2015)

Total Population = 10**

Percentage of County Population Incarcerated = 0.1%



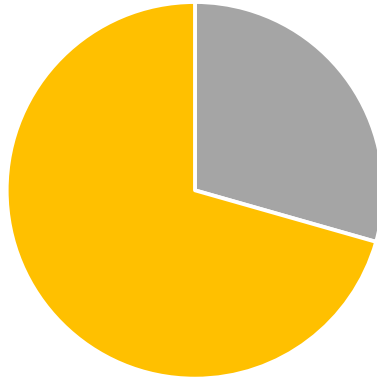
- Serving Misd. Sentence (4)
- Serving GM Sentence (0)
- Awaiting Disposition on Misd. (3)
- Awaiting Disposition on Fel./GM (3)

** Does not include two inmates being held on tribal 48 hours holds

Humboldt County Jail Population (Oct. 9, 2015)

Total Population = 34***

Percentage of County Population Incarcerated = 0.2%



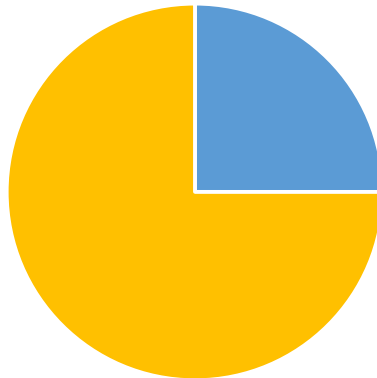
- Serving Misd. Sentence (0)
- Serving GM Sentence (0)
- Awaiting Disposition on Misd. (10)
- Awaiting Disposition on Fel./GM (24)

*** Does not include 3 inmates awaiting evaluations at Lakes Crossing

Lincoln County Jail Population (Oct. 14, 2015)

Total Population = 4****

Percentage of County Population Incarcerated = 0.08%

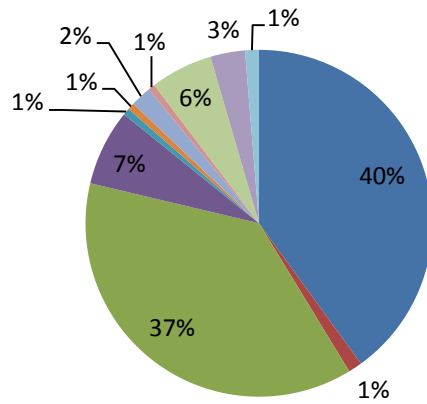


- Serving Misd. Sentence (1)
- Serving GM Sentence (0)
- Awaiting Disposition on Misd. (0)
- Awaiting Disposition on Fel./GM (3)

****Does not include 3 inmates held on probation violations and 1 inmate awaiting transportation to NDOC

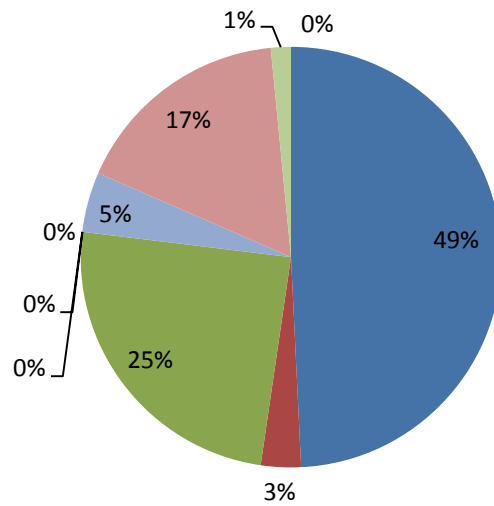
Mineral County Jail Population (December 20, 2015)

- Pretrial (62)
- Sentenced (58)
- Ice hold (1)
- Violation and new arrest (3)
- P & P (9)
- Waiting for outside agency (2)
- Pled, pending sentencing (2)
- Pending violation (11)
- Juvenile (1)
- Warrant, waiting arraignment (1)
- New charge only/waiting arraignment (5)



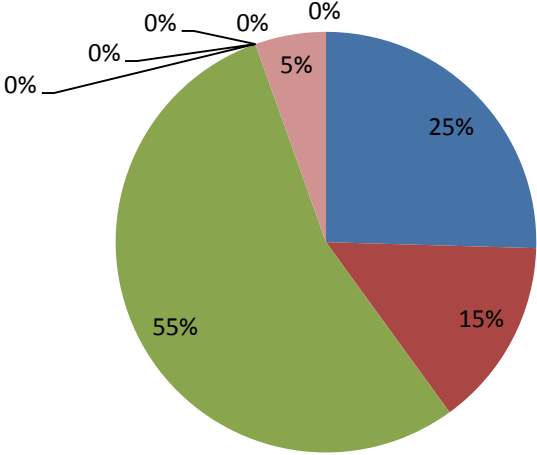
Churchill County Jail Population - January 15, 2016

- Pretrial (32)
- Sentenced (16)
- Ice hold
- Warrant, waiting arraignment (3)
- New charges only/waiting arraignment (1)
- Pled, pending sentencing (2)
- Pending violation
- Juvenile
- P & P (11)
- Waiting for outside agency



Douglas County Jail Population - January 15, 2016

- Pretrial (14)
- Sentenced (30)
- Ice hold
- Warrant, waiting arraignment
- Waiting for outside agency
- Pled, pending sentencing (8)
- Pending violation
- Juvenile
- P & P or alternative sentencing violation (3)



Mineral County Jail Population (December 20, 2015)

- | | |
|--------------------------------|---|
| ■ Pretrial | ■ Pled, pending sentencing (1) |
| ■ Sentenced (2) | ■ Pending violation (8) |
| ■ Ice hold | ■ Juvenile |
| ■ Violation and new arrest (1) | ■ Warrant, waiting arraignment |
| ■ P & P (1) | ■ New charge only/waiting arraignment (2) |
| ■ Waiting for outside agency | |

