

OVERVIEW OF LAS VEGAS JUSTICE COURT'S PRETRIAL RELEASE PROCESSES

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3 Primary Reasons someone is arrested:

1. **Warrantless Arrest:** This is an arrest by a law enforcement officer who believes there is probable cause that a crime has been committed and the defendant committed it.
2. **Arrest Warrant:** A crime has already been formally charged by the DA and probable cause for the crime has been determined by a judge; the judge has issued a warrant for the person's arrest so that he/she can be brought before the judge to address the charge.
3. **Bench Warrant:** A judge has issued a warrant for a person's arrest, typically because the person has failed to appear in court at any stage of a criminal proceeding.

WARRANTLESS ARREST: ALLEGED NEW CRIME:

- ❖ A probable cause review must occur w/in 48 hours of arrest (this can be a paper review)
(If the judge finds *no* probable cause for the arrest, the arrestee is released)
- ❖ The arrestee must personally appear before a judge within 72 (judicial) hours of arrest
- ❖ A Complaint must be filed "forthwith"
- ❖ In LVJC, at the time of the initial booking of an arrestee, the arrestee is initially assigned a bail amount based upon the charges on which he/she is booked. At the same time the jail is completing the booking process, the LVJC's Pretrial Services Department is determining whether the arrestee is eligible for an administrative own recognizance release without being scheduled for Initial Appearance Court (as discussed below). If the person is *not* eligible for an administrative own recognizance release, he/she is then scheduled for Initial Appearance Court.

ARREST: ARREST WARRANT or BENCH WARRANT

- ❖ This arrestee does **NOT** go through Initial Appearance Court because he/she has a pending case with formal charges, and the judge that is assigned the case has already issued an Arrest Warrant or a Bench Warrant.
- ❖ Thus, the arrestee appears before the assigned judge on the next judicial day.

- *Exception:* First time BW on traffic or Community Court receives an Admin O/R (*see above*)

ADMINISTRATIVE OWN RECOGNIZANCE RELEASES IN LVJC

(4th Amd. Admin Order 18-04):

If qualified, an arrestee is released *administratively* by Pretrial Services within 4 hours of arrest with no conditions (other than to remain trouble-free) and *without* being scheduled for Initial Appearance Court:

- ❖ Most misdemeanors = O/R
(excludes BDV; DUI w/ priors; violation of protective order)
- ❖ Non-violent gross misdemeanors and felonies + LOW NPRA score
(excludes crimes of violence, gun offenses)
- ❖ Drug possession + LOW or MODERATE NPRA score
- ❖ 1st Bench Warrant on traffic or Community Court case
- ❖ Q cases (Animal Control)

❖ GENERAL EXCLUSIONS from an Administrative O/R Release:

- Category A Felonies; DUI related gross/F; Leaving the Scene Gross/F; Viol of Protection Order gross/F; Escape; Home invasion or residential burg; Firearms related offenses; Sex offender violations and sex-related offenses; Attempt murder.
- Arrestee has pending JC or DC case;
- Arrestee has a suspended jail sentence in a JC or DC case
- Arrestee has a bench warrant in another JC or DC criminal case
(traffic Bench warrants *excluded*)
- Arrestee is on probation or parole
- Arrestee has a fugitive warrant from another jurisdiction
- Arrestee has a conviction for escape or bail jumping
- Discretionary concern by pretrial screener = contact signing judge

- ❖ If arrestee does **NOT QUALIFY** for an Administrative O/R Release →
an IA COURT HEARING IS SCHEDULED

LVJC INITIAL APPEARANCE COURT:

The Las Vegas Justice Court's Initial Appearance Court was 3 years in the planning, and was the first priority of the Clark County Criminal Justice Coordinating Council. The Coordinating Council was loosely formed in 2015, has since become much more structured, and is modeled after other coordinating councils from around the nation. The Council is comprised of members from various community agencies including but not limited to County management, County leadership, law enforcement, the jail, the courts, the DA, the PD, probation and parole, and social service agencies. The Coordinating Council works on and adopts various strategies and projects relative to Clark County and its criminal justice system, and the LVJC Initial Appearance Court was one of the Council's first priorities. It is crucial to note that the Initial Appearance Court was a *joint* goal by *all* agencies involved.

The Initial Appearance Court commenced on January 7, 2019 and operates 7 days a week, 365 days a year. Two sessions are held each day at 9:00 a.m. and 1:30 p.m. In order to implement the LVJC Initial Appearance Court, additional staffing was required by all agencies involved, i.e. the jail, the court, the courthouse, the DA, the PD, and the office of appointed counsel.

Through the Initial Appearance Court, the Las Vegas Justice Court in essence combines the 48-hour probable cause review and the 72-hour personal appearance before a judge into **one** hearing. The Initial Appearance Court Hearing is held within 8-22 hours of arrest.

❖ Initial Appearance Court Hearing:

- The arrestee personally appears before the IA judge
- The hearing is a public hearing on the record
- Lawyers/parties are present (DA, PD, conflict/private defense counsel)
The PD is appointed to represent the arrestee at the hearing
- No formal charge(s) have yet been filed by the DA

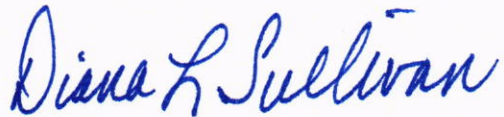
- Judge has: Booking sheet (Temporary Custody Record), Arrest Report, Financial Affidavit, and NPRA

In a written order referred to as the "Custody Determination Form," the IA judge makes 2 determinations:

- **Judge's determinations:** (1) probable cause for arrest (if any); and
(2) custody/release conditions
 1. Release O/R – no conditions
 - (arrestee is released and given a 30-day court return date for filing of formal charges)
 2. Release w/ any one or a combination of these conditions:
 - Monetary bail
 - Check-Ins with Pretrial Services Kiosk
 - Electronic Monitoring (this is a METRO program)
 - Other conditions (stay away, curfew, no alcohol, etc.)
 - (the arrestee is given a 2-judicial day court date for filing of formal charges)
 3. Detained:
 - Murder charge (may or may not be afforded release conditions)
 - Arrestee is on probation/parole in another case
 - Arrested for a felony while out on another case
 - Arrestee has a suspended jail sentence in another case
 - (the arrestee is given a 2-judicial day court date for filing of formal charges)

The Initial Appearance Court Subcommittee of the Coordinating Council continues to meet every other month to review its operations, address concerns, digest statistics, and strategize on ways to improve the Initial Appearance Court.

If you have any questions regarding this information, please do not hesitate to contact me.

A handwritten signature in blue ink that reads "Diana L. Sullivan". The signature is written in a cursive style with a large initial "D" and a stylized "L".

Judge Diana Sullivan