



JOHN L. ARRASCADA, WASHOE COUNTY PUBLIC DEFENDER
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The Impacts Are Real

1. The Bail Project, *After Cash Bail: A Framework for Reimagining Pretrial Justice* 3, 2020.
2. **Arnold Foundation Research:**
 - A. Lowenkamp, VanNostrand, & Holsinger, *The Hidden Costs of Pretrial Detention*, LJAF, Nov. 2013.
 - B. Lowenkamp, VanNostrand, & Holsinger, *Investigating the Impact of Pretrial Detention and Sentencing Outcomes*, LJAF, Nov. 2013.

The Impacts Affect the Entire Community



Need for Consistency

Dramatic inconsistencies in the early court appearance process between:

- Different counties within Nevada;
- Different courts within the same county; and
- Different judges within the same court.

| | Clark County | | | Washoe County | | Statewide |
|---|--------------------------------|--|--|---|---|---------------------------------------|
| | Las Vegas Justice Court | Henderson Justice Court | Northtown Justice Court | Reno Justice Court | Sparks Justice Court | Municipal Courts/Rural Justice Courts |
| Judge Reviews Probable Cause and Risk Assessments for New Arrestees | 12-24 hours after arrest | Within 48 hours | Within 48 hours | 12-24 hours after arrest (twice per day, including weekends and holidays) | 12-24 hours after arrest (twice per day, including weekends and holidays) | ? |
| Existence of Some Kind of Early Appearance Court | Yes | No | No | Yes | No | ? |
| Early Appearance Court Hours | 7 days/week, 365 days per year | N/A | N/A | Monday-Friday, except holidays | N/A | ? |
| First Opportunity to Address the Court | 12-24 hours after arrest | Third business day after arrest (weekends and holidays excluded) | Third business day after arrest (weekends and holidays excluded) | Next business day after arrest (weekends and holidays excluded) | Third business day after arrest (weekends and holidays excluded from three-day count) | ? |
| Defense Permitted to Address Custody Status at First Court Appearance | Yes | Sometimes (at 72-hour hearing) | Sometimes (at 72-hour hearing) | Sometimes (if the same judge that reviewed the PC sheet and NPRA is on the bench) | Sometimes (at 72-hour hearing) | ? |
| Defense Has Same Documents Judge Relies On | Yes | ? (hasn't implemented risk assessment) | ? | Yes | No (only risk assessment, no probable cause sheet) | ? |
| District Attorney Present | Yes | Yes | Yes | No | No | ? |
| Pretrial Services Present | No | No | No | No | No | ? |



Need for Legislation

1. Recategorize non-aggravated traffic offenses as citations, not punishable by jail time.
2. Mandatory citation in lieu of arrest for certain misdemeanor crimes.
3. **Presumption of release** for arrestees.

Need for Legislation

4. Conditions of release must be the **least restrictive conditions** necessary to *reasonably* prevent imminent threat of serious bodily harm and *reasonably* ensure return to court, based on **individualized** determination in each case.

- Need to ensure that we don't convert from an incarceration state to a supervision state.

5. **Burden on the State** to seek preventive detention where appropriate.

Need for Legislation

6. Hearing to take place ideally 12-24 hours after arrest, or within 48 hours of arrest at the most, for anyone for which the State seeks preventive detention, with due process protections for the accused:

- A. Assistance of counsel;
- B. Right to present evidence;
- C. Right to cross-examine witnesses;

Need for Legislation

6. Hearing to take place ideally 12-24 hours after arrest, or within 48 hours of arrest at the most, for anyone for which the State seeks preventive detention, with due process protections for the accused (Con't):

- D. State must establish by clear and convincing evidence that preventive detention is the least restrictive condition that will *reasonably* prevent imminent threat of serious bodily harm and *reasonably* ensure return to court;
- E. Court must make specific factual findings on the record to justify preventive detention.

Need for Legislation

7. 48-hour grace period after a missed court date to give a defendant an opportunity to reschedule without a warrant being issued.

Contact us!



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