A Review of the Repeat Offender Project of the Las Vegas, Nevada, Metropolitan Police Department

TECHNICAL ASSISTANCE REPORT

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A Review of the Repeat Offender Project of the Las Vegas, Nevada, Metropolitan Police Department

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4. Attempts to involve juveniles in the program should be delayed.

B. Interagency Coordination

5. Procedures should be established with the Intake Services Division to distinguish a ROP case from a Repeat Offender target.

6. The ROP team should inform witnesses in ROP cases of the importance of the case.

7. The District Attorney ROP coordinator should be notified if witnesses are not receiving subpoenas.

8. Consideration should be given to the Victim-Witness Bureau in the District Attorney’s office with respect to their assistance in civilian witness call-backs for ROP cases.

9. Notations of plea bargaining in Justice Court should be made by the ROP detectives.

10. The District Attorney ROP Deputy should monitor the results of ROP prosecutions.

11. Status checks on the delivery of subpoenas and the outcome should be made by the District Attorney ROP Deputy.

12. A District Attorney ROP Deputy should be designated for on-call status.

13. A Criminal Justice Coordinating Council (CJCC) should be established.

14. The District Attorney ROP Deputy should work with the District Court judges to establish procedures which will reduce the level of conflicts in scheduling.

15. Probation and Parole should study the possibility of designating a ROP liaison Probation and Parole officer.

16. The District Attorney should consider assigning a ROP Deputy to assist at the preliminary hearing.

17. The District Attorney should establish policies and procedures with respect to how ROP cases should be handled at each of the process steps.

IV. APPENDICES

A. Las Vegas Metropolitan Police Department Organization Chart
B. Detective Bureau Organizational Chart
I. INTRODUCTION

A. Technical Assistance Requested

The Las Vegas Metropolitan Police Department (LVMPD) requested technical assistance from the EMT Group's BJA-sponsored Adjudication Technical Assistance Project (ATAP) in December, 1988. The purpose of the request was to fine-tune a repeat offender program which had been in operation since March 14, 1988. As a result of the program, 51 offenders, and approximately as many associates and peripheral suspects, had been apprehended.

The LVMPD was pleased with the development and progress of the repeat offender program after 10 months of operation. They had sent representatives to the Repeat Offender Program training offered by the Police Executive Research Forum (PERF) in Eugene, Oregon in 1988. Sparked by this training program, they realized that technical assistance could help them improve and expand their present program.

Specifically, they were interested in an examination of the interface between the police and the prosecutor, and a discussion of techniques for expanding the involvement of the department's patrol officers with the repeat offender program.

The ATAP contacted Joan Jacoby, Executive Director of the Jefferson Institute for Justice Studies in Washington, D.C., and Major William Mayer of the Rochester, New York, Police Department to secure their consultation services for this assignment. Both Joan Jacoby and Major Mayer are recognized authorities in career criminal program operations. In addition, Major Mayer directs a nationally recognized focused prosecution program for the Rochester, New York, Police Department. The site visit took place on February 9-10, 1989.

B. Background of the Study

1. Crime and the Environment

Las Vegas is the major urban area in Clark County which spreads over 8,000 square miles. The county is one of the fastest growing counties in the United States with a current population of about 700,000 residents, and a new in-migration of around 4,000 residents, monthly. Tourism, of course, is the major industry and along with Nellis AFB, accounts for much of the economic base of the county.

In fiscal year 1988, LVMPD handled 288,000 matters, of which 268,000 became dispatched events. The crime in metro Las Vegas for 1988 consisted of 41,000 Part 1 offenses which resulted in 11,000 arrests for adults and 2,000 arrests for juveniles. 36,000 arrests were made for Part 2 offenses.
2. **Criminal Justice System and Operations**

(a) **Police**

In 1973 the Clark County Sheriff's Department and the Las Vegas Police Department were consolidated into a county-wide law enforcement agency (LVMPD). This agency operates under the Sheriff who is an elected county official. The department is directed by four Deputy Chiefs (Technical Services, Administrative Services, Investigative Services, and Field Services). The organization of the LVMPD is attached as Appendix A.

The Deputy Chief for Investigations supervises the Detective Bureau and the ROP program. The Deputy Chief for Field Services is in charge of the 470 patrol officers. Organizationally, the detective function is separated from the patrol function. Crime analysis is located under the Deputy Chief for Technical Services and is also separated from the detective division. The ROP detectives and officers do their own work up on the target, and are not integrated with crime analysis activities. However, they use crime analysis as an information source.

Staffing in the LVMPD is a problem because of a lack of qualified candidates and attrition. These factors, and the expansion of the police department in response to the rapid population growth, have left the department with many vacancies and reduced staffing levels. This includes the detective division as well as the patrol. The ROP program is important under these conditions, because with a young and relatively inexperienced department, the repeat offenders and how their operations are not known to the officers or detectives. This allows the repeat offender to move freely, unknown to the police, and minimizes his chance of being arrested.

Detective positions are not specialized positions or promotional positions in the department. In some instances, detectives may make more money than the sergeants who supervise them. During their assignment to the Detective Bureau, they receive a two-step incentive pay.

The LVMPD will start its accreditation process in June, 1989, at which time the resources of the department will be increasingly restricted.

(b) **Courts**

The Clark County court system is bifurcated between Justice and District Courts. The five justices in Justice Court processed about 6,800 felonies and gross misdemeanors last year, 7,500 misdemeanors, and 3,000 traffic cases. They also shared the caseload with approximately 5,000 landlord and tenant cases and 3,000 small claims cases.
Justice Court has jurisdiction over misdemeanors, and conducts probable cause hearings and preliminary hearings for gross misdemeanors and felonies. The probable cause hearing addresses the issue of pretrial detention. It is conducted as soon after arrest as possible by a Justice Court magistrate at the detention center. Arraignment is held within eight days (if detained) based on a complaint filed by the District Attorney. The preliminary hearing is held within 15 days (if detained) and determines whether there is probable cause to bindover for arraignment. The preliminary hearings in Justice Court are full adversary hearings.

Most cases are filed by a bill of information. The grand jury meets only once a week (on Thursday), and it is reserved primarily for corruption and narcotics cases. It is seldom available for repeat offender cases.

District Court has jurisdiction over felonies and gross misdemeanors. It is staffed by 16 judges including one chief judge, one judge assigned to juvenile, and two designated for civil cases but who also handle criminal case overflow. The criminal court is organized into four tracks. Each track has three District Court judges, one Justice Court judge and a back-up alternate District Court judge.

Cases are assigned to the tracks and departments randomly. This occurs when the District Attorney files a criminal case in the Justice Court. A tag is put on the corner of the criminal case which identifies the track and department to which the case is assigned. If the case starts in Justice Court, and the District Attorney decides because of the nature of the case to go to the Grand Jury, and if the Grand Jury finds a "true bill," then it goes back to the same court from which it was originally assigned. If there are co-defendants, then the court will consider a motion to consolidate.

There are also two criminal overflow courts; these courts process civil cases, but they alternate a half day for criminal cases. Generally, on Monday there is a calendar call which determines what cases will go to trial or to overflow.

The District Court calendar moves quickly, usually 60 days from arraignment to trial, unless waived. If the defendant is on release, then the time frame is usually 90 to 100 days. Calendar call is held by all judges but varies in timing. One judge conducts a calendar call the Wednesday before the Monday of trial, while other judges will wait until Friday for calendar call. Motions are put on the calendar generally a week before trial.

The chief judges of both the Justice and District Courts are appointed, but the position is not invested with strong administrative powers or responsibilities. The appointments are for one year.
The Juvenile Court has jurisdiction over juveniles under 18 years of age. The chief judge is assisted by referees. Nevada has a law which requires a juvenile to be certified as an adult for trial for every offense each time. One certification does not carry over to subsequent offenses unless the offense is murder. There is, however, a category of a chronic juvenile offender. This status permits the judge to sentence the juvenile to Elko, which is a minimum security institution, for about six months. Juvenile records are sealed and the Juvenile Court prosecutor decides whether to petition the juvenile to court.

(c) Pretrial Detention

There are two detention centers in the Metropolitan area. The City of Las Vegas Detention Center handled about 26,000 incarcerations which were for violations of city ordinances. The Clark County Detention Center is the primary pretrial detention center for felony offenders and was recently constructed at a cost of $40 million and a capacity for 1,000 inmates. In nine months it went over capacity. However, the county is not presently under court order.

(d) District Attorney’s Office

The District Attorney, Rex Bell, has been in office for a year and one-half. He directs an office of 70 attorneys, 16 of whom are assigned to civil cases and 46 of whom are assigned to trials. The office also has 12 investigators.

The trial attorneys are organized into a team and track system which aligns itself with the District Court’s docketing system. There are, generally, five to six attorneys assigned to each team. With three departments within each track, it is possible to switch teams among departments if needed. Cases may be assigned to the attorneys on the team, but, in general, the office does not use vertical prosecution except for sexual assault cases, white collar cases, and fraud.

A few years ago, the District Attorney had a habitual juvenile offender program which tracked juveniles through the system, but that was abandoned because of a lack of manpower and the absence of a workable program design.

(e) Probation and Parole

Probation and Parole are organizationally located within the same department. They view their role as that of a law enforcement agency, not a supervisory department, although they do have an intensive supervision unit within the agency. The department has the power to arrest.
Probation and Parole conduct all the presentence investigations (PSIs), which are quite lengthy, file revocations and petitions, and ensure compliance. Clark County has a house arrest program, but, at this time, repeat offenders are not placed in it. The presentence investigation is conducted by the Probation and Parole Office who have twenty writers for this task. They average about 15 PSIs per month. The PSI stays with the jacket, moving all the way through the system to classification, prison, and parole. The fact that the individual is a repeat offender is noted in the jacket, and the report is prepared with this knowledge.

There is a close working relationship between the police and Probation and Parole. Information flows freely between the two agencies. If the repeat offender is already known to Probation and Parole, then his status is known to supervision. Violations of status are reported to the police. The agency also publishes, on a monthly basis, a list of persons scheduled for parole hearings for the police department, who may oppose parole if they desire.

The county and state view sanctioning strictly. There are no furloughs, no community treatment programs, no halfway houses, or early release programs in the county. However, there are rehabilitation programs within the agencies for those whose potential is promising.

(f) Information Systems Support

The police department has an extensive automated system which is currently being updated. The county is purchasing a computerized system, an IBM 4381, which will link the Justice Courts, the District Attorney and, hopefully, the detention facility. The installation is expected to occur somewhere in the last six months of 1989. There is still a question whether the detention facility will be a part of this new system.

3. The Repeat Offender Program in Las Vegas

The Repeat Offender Program (ROP) in Las Vegas is a pre-arrest, targeted program. This means that the identification of repeat offenders is known to the police prior to their arrest, and that proactive measures are taken to apprehend the targeted repeat offenders.

Directed by Captain Paul Conner, Detective Bureau Commander, the ROP is organized into two units; a Target Committee and an Action Committee. Overseeing the two units is Lieutenant Steve Raeder. The Target Committee consists of Sergeant Tom Lozich and three other officers who are responsible for all of the collection and analysis of information relating to active repeat offenders. Their output is the designation of the repeat offender as a priority one or priority two candidate.
To complement this activity is the ROP Action Committee, which consists of Sergeant Curtis Tucker and four detectives. This team is responsible for the apprehension of the suspect. The strategies employed will vary by suspect and will include surveillance if necessary. Coordination with other departments or bureaus within the department who may be working the same suspect is part of the action team’s duties. Also important is the liaison with a Deputy District Attorney who reviews potential targets prior to selection, and assists in preparing search and arrest warrants on a 24 hourly basis.

The roots of the ROP came from the Albuquerque Police Department which developed a complex weighting scale for offenders as part of their selection criteria. The main thrust of the ROP program is repeat offenders involved in property crimes, and offenders already known to the system.

The targeted crimes involve those that deal with economic motivation, (e.g., burglary, robbery, grand larceny, auto thefts). Sexual assaults are not included and narcotics is used only as a modifier of the behavior.

The ROP unit reviews jail bookings and felony arrests (this involves approximately 3,000 names a month). Background checks are run on those defendants who meet the targeted offenses and who have lengthy criminal records. Approximately five names a day are selected from the jail bookings. It takes about 10 to 15 minutes to work up the background checks on these targets. In addition, the ROP unit also screens warrants from the District Attorney’s office for ROP candidates. It welcomes referrals on a voluntary basis from other members of the department (such as patrol) or from other agencies (e.g., Probation and Parole).

The selection criteria is based upon a scoring system that evaluates crimes by their impact on the community, then stratifies them by the type of offense, whether an escape was involved, and establishes priority levels. The LVMPD weights were modified from the Albuquerque model to include "danger to society" as another criteria. The weighting scale is based on arrest, conviction, parole and probation status, with the arrest carrying the greatest amount of weight. The risk to the police department and parole and probation revocations are also included in the weighting system.

The program defines two categories of repeat offenders: priority one and priority two. The priority one offender is the active repeat offender. Priority two was established to allow young offenders who are active but do not have a serious criminal history yet to be selected for the program.

All the targets in the program are listed weekly and the selection criteria relative rankings are updated every five weeks. Approximately 300 individuals are targeted at this time.
The Target Committee makes a determination about which targets are most "arrestable," and refers these repeat offenders to the action team. The action team generally imposes some surveillance on the individual until he or she commits a crime. Surveillance is curtailed if it appears that the suspect is inactive and has shifted to another target. The average turn-around time is three to five days.

Upon apprehension, the detectives in the ROP unit work up the case and provide as much information to the District Attorney's office as possible. They conduct the additional investigation and draw up the papers. If the arrest was made by patrol, the ROP team takes over the case.

The team is pleased with its progress to date, and looks forward to strengthening its relationship with the prosecution aspects of the program and gaining more involvement and support from patrol. The program has the support of the department and has been fortunate to be able to draw on outside expertise available at the University of Nevada, Las Vegas.

C. Study Methodology

The purpose of this technical assistance visit was to examine the existing Repeat Offender Program after almost a year in operation; and to suggest areas where refinements and modifications could be made to improve the program, with particular emphasis on the interfaces between the prosecutor and patrol.

Captain Paul Conner, the Commander of the Detective Bureau, was the on-site coordinator of the technical assistance visit and made the arrangements for the schedule. The technical assistance team met with or interviewed the following personnel:

Sheriff John Moran

Parole and Probation
Senior Officer - Jim Young (ISU)
SUB Unit Supervisor - Ed Henderson (ISU)
District Supervisor - Chuck Cline

Justice Court, Intake Services Division
Supervisor Russ Eaton

Justice Court Judges
Judge Dan Ahlstrom
Judge Kelly Slade

Clark County District Attorney
District Attorney Rex Bell
Deputy District Attorney Chris Owens
District Court Judge
Judge Earl White
Judge Donald Mosley

University of Nevada, Las Vegas Professor of Criminal Justice
Dr. Dallas Reed

LVMPD
Deputy Chief John Sullivan
Detective Bureau Commander - Captain Paul Conner
ROP - Lt. Steve Rader
ROP - Target Committee Sgt. Tom Lozich
ROP - Action Team Sgt. Curtis Tucker
ROP - Detective David Peterson
ROP - Detective Jim McLaughlin
Clerk/Typist - Susan McCombs

In each interview, the technical assistance team first obtained the opinions of the current operational value of the ROP and recommendations about ways by which the program could be improved. After these meetings, the technical assistance team met with Captain Conner and the ROP team to discuss the comments and critiques of others and to present findings and ideas for the ROP unit’s reactions.
II. FINDINGS AND PROBLEM AREAS

The LVMPD ROP, as currently operating, is a very successful program. Part of this is due to the dedication of its staff and leadership, part is due to a supportive criminal justice environment which has tightened the net around the repeat offender and provides little opportunity for his release or return to the community. This section will examine two sets of problems: as the ROP relates to interagency coordination, and, internal relations within the police department.

Like all new programs, once the initial shakedown has taken place, and the program has survived, it is time to re-examine the goals and objectives of the program in light of its initial results, to review procedures for improvements, and to fine-tune the engine to keep it in top condition. Therefore, the findings and problem areas outlined below should be read in this context -- as recommended next steps after having taken the first ones successfully.

A. LVMPD Repeat Offender Program Internal Coordination

Some of the fine-tuning was needed within the police department itself and was recognized by the ROP team. This is evidenced by their participation in training programs and their request for technical assistance. The purpose of this internal evaluation was to examine how, working from within, the program could increase its performance and bring economies to the program. Another issue was how to handle the increasing number of juvenile cases.

One of the primary purposes of the site visit and the technical assistance request was to assess ways for developing coordination with the patrol function. However, no one from patrol was made a part of the site visit. Additionally, limited information was presented on how patrol functions within LVMPD. Captain Conner arranged a meeting with Captain Frank Barker, North Area Commander, to discuss ways to involve patrol in the ROP project. This interview was conducted by Major William Mayer.

1. Organization of the LVMPD

In relation to the ROP, one of the most significant problems facing the program stems directly from the department's organization. Without major reorganization, (and this is unlikely) the program will have to find informal accommodations and creative solutions to overcome the handicaps imposed by the organization.
As noted before, the detective division is separated organizationally (and physically) from the patrol division and the crime analysis unit. This isolation works against the coordinated response which the program should have within a department. As a result, the program has been essentially designed, developed and implemented by detectives for detectives. The power of patrol to enhance the effectiveness of the program has been largely ignored, perhaps more because of separate organizational divisions and lack of resources, than from a lack of support for the program. Similarly, the ability of crime analysis to enhance the program by providing trend and pattern information is also lacking.

2. Procedures

Patrol is a vital source of information and intelligence; on a volunteer basis, they send target referral cards into ROP. But they are effectively cut off from the detective division and need to be integrated into a workable set of procedures. The ROP team needs to plug into the patrol operation procedures at each of the substations. This can be done in a number of ways. The ROP team is already considering adding a bulletin board to each substation, and conducting classes at the Academy.

During the visit, the consultants were shown the draft of a Repeat Offender Procedural Order. This Order should be rewritten to: (1) define the Priority I, II and III categories being established (not just outline the actions to be taken); and (2) include a policy statement to explain who is being targeted, why they have been selected, and why it is important to the goals of the department. The Order is symbolic of the detective focus given to ROP; it addresses the detective response and does not address the uniform patrol function.

The ways in which patrol can be of value can be divided into three areas. The first is providing intelligence about targets, referrals, and recommendations for targeting. The second is their role in the arrest and apprehension area. The third is their involvement in the probable cause/preliminary hearing and bail enhancement. Each of these areas need more significant input from patrol.

The first step in bringing patrol into the program as a partner is to actively involve them in all of these areas. Presently, they are only peripherally involved.

As a source of intelligence as to who is in the areas and who is most active, the input of the patrol officers should be given much more weight than it is now. This type of intelligence should be built into the target criteria which now is statistically based. There should be room for qualitative criteria and, in some instances, it should carry the final weight in the targeting decisions.
The same approach applies to apprehension and arrest activities. Procedures need to be developed and promulgated for handling unplanned or accidental arrest of ROP targets. This includes booking procedures, notification of ROP duty detectives, and even involvement in the decision whether the case should be certified for ROP prosecution. For those arrests which result from surveillance or other planned tactics, it is important that patrol be aware of the operations, and impending arrest, and that procedures be established whereby they can communicate field intelligence directly to the ROP detective. If ROP wants patrol's cooperation, they will have to allow them to enjoy the excitement of the program's operations (like arrests) along with its administrative requirements.

The arresting police officer, as a court witness, should be an active participant in the case; assisting the ROP detective in case preparation, witness notifications, and providing him with up-to-date field intelligence about the defendant. The benefits from this "buy-in" is an extension of the work of the ROP detectives into areas where their resources simply do not permit them to go.

Finally, if possible, both patrol and the ROP detectives should conduct post-conviction interviews with the defendants which will provide them with more insight about this repeat offender population, its activities and associates. This is especially important if ROP defendants can be linked to gang activity, which seems to be a growing problem in Las Vegas.

B. Interagency Coordination

The examination of the connecting points between the police, the ROP unit and other parts of the criminal justice system which have a relationship with ROP, is made to see where, and if, additional coordination is required. The primary purpose of this examination is to facilitate the smooth processing of the case by the other agencies and not let the repeat offender slip through the cracks.

1. Bail hearings, arraignment and probable cause

The starting point begins with the probable cause hearing for release conducted at the detention center by the Intake Services Division. This division is provided with a computerized list of arrestees which includes their identification as repeat offenders. The judges are also made aware of ROP status for bail and ROR.

The time limits set for these hearings will always be able to create problems because, if not met, the defendant is released to the community and resumes his or her active career. This can occur if the defendant is in custody and an arraignment is not held with eight days, based upon a complaint which is filed by the District Attorney, or a preliminary hearing is not scheduled within 15 days. Because of these deadlines, the ROP
detectives and the District Attorney’s office will have to maintain tight controls on the calendared dates, so that the defendant is not released because of a failure to comply with the scheduled hearing dates. The present operating procedures appear to have worked well to date; however, the ROP team must be constantly vigilant in this area.

Of more importance is the nature of the cases being designated as ROP cases. Interviews with the justices made it clear that the court did not believe it should give ROP attention to trivial cases. This situation arises because the computer system identifies a person as a repeat offender (not a case), while the goals of the program include conviction and incarceration for a long term. As a result, when repeat offenders are apprehended for an offense which was trivial or for circumstances with questionable legal sufficiency, the justices are reluctant to proceed with the case designated as a ROP case.

Their discussion was convincing. It seems clear that the ROP will have to distinguish between targeted repeat offenders and cases which are certified for ROP treatment by the criminal justice agencies. With this distinction, certified ROP cases can satisfy the goals of the ROP and take into consideration the concerns of the justices.

It is important that the ROP team work closely with the District Attorney’s office at the preliminary hearing stage. The justices noted three problems which happened (not regularly, but often enough to be noted) and which degraded the prosecution of ROP cases. The first was the failure of some witnesses to appear; the second related to the inexperence of the deputy District Attorneys at preliminary hearing; and, the third was the practice of the deputy District Attorneys to negotiate pleas at the preliminary hearing, thereby avoiding a bindover for trial. Since pretrial detention and bindovers for felony prosecution are interim measures of the success of this program, they are areas which need careful and continual monitoring by ROP detectives.

All of these problems are likely to happen in high volume courts. However, they point to an area which the ROP team should investigate and then develop techniques for minimizing losses to their program.

2. Prosecution

The District Attorney is supportive of the ROP and its goals. He has made a decision to change the Major Violators Unit (MVU), which was originally formed under a grant to pick up high profile cases such as homicide, into a Repeat Offender unit within a week. This change will significantly strengthen the prosecution of these cases. The District Attorney stated that he would add an additional attorney to the three already in the unit, bringing the attorney staff to four; and he hoped to add another clerical assistant to the one already there. He also stated his intention to have the ROP cases within the unit assigned for vertical prosecution.
If cases are vertically assigned in the ROP unit, then it will be necessary for the supervising deputy to monitor the trial assignments among the departments to avoid conflicts in hearing and trial dates.

Presently two District Attorney investigators are assigned to the MVU. They serve subpoenas, conduct case preparations, and follow up on witnesses. The District Attorney has subpoena power which is an important tool for the ROP. However, problems with the delivery of subpoenas to both police and civilian witnesses were mentioned. This is an activity that should be examined because of its importance to the successful prosecution of cases.

When this reorganization occurs, the ability to prosecute ROP cases at their initially charged levels (without plea negotiation) should be strengthened since the control and accountability over these cases will be increased. Additionally, the ROP deputy District Attorneys will be able to argue vigorously at sentencing for the maximum sentences and in opposition to probation.

All of the above assumes, however, that there are timely management reporting controls over the status and disposition of these cases. At the present time, disposition reports are made on a quarterly basis, and the office reviews the sentences imposed. Preparing disposition memos for the files is not the practice in this office. Since the goals of the program include successful prosecutions and the imposition of the maximum sentences possible, deviations from these outcomes should be noted. This should not be a difficult task since only about 50 cases are prosecuted annually with this status.

Since out-of-state certifications for previous convictions, violations of conditions, or failures to appear are important to increasing the sanctions on repeat offenders, especially in terms of habitual offender laws, it is important that responsibility be assigned to some unit or person to collect this information. The information is usually collected by either the police or the prosecutor's office. Since ROP resources are so limited, one should look to the prosecutor for assistance.

If the newly formed ROP unit cannot absorb this function, then it might be interesting to examine the District Attorney's Victim Witness Bureau. Staffed with four people, one of these currently handles out-of-state witnesses. This experience in dealing with out-of-state matters may be transferable to the certification needs. Additionally, this Bureau may be able to provide some additional services to the civilian witnesses involved in ROP cases.

The District Attorney noted that his office was not notified when a sentence was commuted. As a result he was unable to oppose commutations if warranted. He also decried the good credit time which is allowed prisoners, at a 50 percent rate, and the early paroles which are allowed. The District Attorney believes that there should be more
legislative involvement so that the sentencing problems are corrected. He would like to see determinate sentencing introduced.

The consultants agree with the need to resolve these problems and strengthen the ROP program legislatively. This is a proper role for the prosecutor and the police and prosecutor should work together to support these common goals. It seems apparent that with the combined efforts of ROP detectives and ROP prosecutors, the arguments and data to support legislative change can be readily produced by this program.

3. **Accusatory Process**

   The predominant form of accusation is by bill of information issued after a finding of probable cause. This jurisdiction is fortunate, however, to have an alternate form, the grand jury. The grand jury meets only once per week on Thursday, and it primarily hears corruption and narcotics cases.

   If the Justice Courts continue to increase their workload, and if giving special attention to ROP cases becomes a problem, then the county may want to consider establishing a second grand jury, or extending the present one's meeting days, to handle repeat offender and other specially selected cases.

4. **District Court**

   The court process is extremely fast; generally it takes four to six weeks to disposition. There is very little backlog and few continuances.

   A discussion was held about the feasibility of establishing a separate court for ROP cases. However, in light of the present team and track docketing system, adding a separate court could not be accomplished without setting up another track. The size of the ROP simply cannot justify this.

5. **Probation and Parole**

   Probation and Parole is very supportive of the goals and objectives of ROP and they have worked well together in establishing procedures and notifications. A disadvantage of this working relationship, however, is the physical separation of Probation and Parole from ROP and the Detective Bureau. Some attention might be given to assigning a Probation and Parole officer to act as a liaison to ROP, especially with respect to the preparation of presentence investigations, and locating the liaison at the central office. The judges accept the presentence investigations and generally conform to their recommendations.
Probation and Parole also can make recommendations about targets to the ROP target committee. Since sentencing is indeterminate for probationers, they have the power to recommend early termination for probationers. This is done mainly to control the caseload; but it also can be used to monitor repeat offenders' activities when they are placed on probationary status.

C. Other Areas

1. **Juveniles**
   Although the original request cited an interest in juvenile ROPs, there was little sense of urgency to pursue discussion in this area. The police recognize that there are lower expectations for the juveniles in terms of having them come into the ROP. With limited resources, they do not spend much time on juveniles. The juvenile court is also limited by having to certify a juvenile each time for each offense. These are major disincentives which will take quite a bit of work to overcome.

2. **Criminal Justice Coordination**
   It is almost a maxim today that jurisdictions have a criminal justice coordinating council (CJCC). This council sets overall policy for criminal justice, acts as a coordinating body for the development and introduction of new programs that affect more than one agency within the system, provides guidance and direction to the legislative and budgetary processes, and, establishes task forces or ad-hoc committees to study the issues and problems surrounding areas which do not need the entire council's attention.

   It was, therefore, surprising to find that the high level of coordination and cooperation observed existed without such a body. It is a compliment to the dedication of the participants. However, this is not sufficient. Holes can be observed in this coordinating network, many of which are discussed in this report. Clark County could benefit from the establishment of this type of coordinating council.

3. **Case Management**
   Finally, although it was not officially a part of this technical assistance visit, comments about case screening and case management are appropriate especially since the department is approaching accreditation in June, 1989.

   LVMPD has a case screening process, but after that there is no formal case management system for any investigations. Case management is an informal system where section supervisors have the responsibility to monitor their subordinates but accountability is not visible. Since the department is in the process of preparing for accreditation and is
researching a MCI process it is not possible, at this time, to assess case management or make any recommendations.
III. RECOMMENDATIONS

The following recommendations are related to and derived from the discussion of findings presented in the previous section.

A. Internal

1. Priority should be given to increasing the resources for the Action Committee and for integrating their operations with patrol. The two are mutually supportive but the lack of resources in both sectors has limited the potential of this program. Consideration should be given to augmenting the Action Committee either by short-term patrol assignments on a rotating basis from the area commands, or by specific term assignments to the Action Committee.

2. The Target Committee should be expanded to include representatives from the patrol division.

3. The selection criteria should be reviewed to determine how well its recommended targets are the same as those which would be recommended by patrol officers. The criteria may have to be modified to include qualitative factors in addition to measurable ones.

4. Based upon ROP's present workload and resources, and their priorities, it is recommended that attempts to involve juveniles in the program be delayed for at least another year.

B. Interagency Coordination

5. Procedures should be established with the Intake Services Division so that a ROP case can be certified to distinguish it from a Repeat Offender target. In this way, the Justice Court and the prosecution would not focus resources on trivial cases involving ROP targets. These guidelines should be developed jointly between the prosecutor and the police and disseminated to patrol and the Intake Services Division.

6. The ROP team should inform witnesses in ROP cases of the importance of the case and the need for their appearance at court hearings. This procedure should be systematized and records kept of non-appearances with the reasons
ascertained. A simple memo submitted to the ROP secretary will be sufficient for further analysis.

7. If it appears that the witnesses are not receiving subpoenas because of inadequate service by the District Attorney's investigators, then the District Attorney ROP coordinator should be notified so that the notifications can be improved. With difficult or reluctant witnesses and victims, one option which should be considered is to utilize ROP detectives and/or case detectives who already have a pre-established rapport with the individual. Attorney's office with respect to their ability to assist in civilian witness call-backs for ROP cases; and to assist in obtaining out-of-state certifications required for the habitual offender laws.

9. Because plea bargaining in Justice Court is deleterious to the goals of this program, notations should be made by the ROP detectives when this occurs and forwarded to the District Attorney ROP coordinator for information and action.

10. In order to assess the results of ROP prosecutions, the District Attorney ROP Deputy should monitor these cases, and provide outcome information to the police as it is obtained. They should also note which cases were prosecuted under habitual offender laws. The ROP team should work with the District Attorney's office to develop mutually satisfactory disposition reporting forms and procedures for these few cases.

11. Status checks on the delivery of subpoenas and the outcome should be made by the District Attorney ROP Deputy to determine whether a delivery and notification problem exists or whether it is just perceived to be a problem.

12. A District Attorney ROP Deputy should be designated for on-call status or duty status so when the ROP detectives need a search warrant, they will have someone who will be available to them on an ongoing and assigned basis. As it is now, the detectives tend to call those deputies with whom they are familiar and friendly. This is not a good management practice.
13. A Criminal Justice Coordinating Council (CJCC) should be established that represents the courts and all criminal justice agencies in the county. For the ROP, the CJCC should assess the legislative environment for changes which might address sentencing, commutations and good time credit practices. Examine the feasibility of another grand jury to hear ROP and other selected cases, or consider an increase in meeting times for the first.

The CJCC should also have the power to form ad hoc working groups or task forces to look at interagency programs, policies and procedures. With this in mind it is recommended that a standing committee for the ROP be established to ensure its future and on-going success.

Finally, the CJCC should be empowered to attract block grant funds, which are available from the state or federal government, for experimental or demonstration programs.

4. Attempts to involve juveniles in the program should be delayed.

14. The District Attorney ROP Deputy should work with the District Court judges to establish procedures which will reduce the level of conflicts in scheduling which might occur as a result of vertical prosecution assignments in the ROP unit.

15. Probation and Parole should study the possibility of designating a ROP liaison Probation and Parole officer so the ROP detectives can assist in the preparation of the presentence investigations for repeat offender defendants, and monitor the status of repeat offenders under Probation and Parole supervision. This liaison may be strengthened by relocating the officer to the central ROP location.

16. As part of its ROP function, and to avoid case attrition at the Justice Court due to inexperienced deputies, the District Attorney should consider assigning a ROP Deputy to assist at the preliminary hearing for these cases.

17. The District Attorney should establish policies and procedures with respect to how ROP cases should be handled at each of the process steps, with special attention on preliminary hearings and sentencing recommendations.
A. LAS VEGAS METROPOLITAN POLICE DEPARTMENT ORGANIZATION CHART

B. DETECTIVE BUREAU ORGANIZATIONAL CHART

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DETECTIVE BUREAU ORGANIZATIONAL CHART

Appendix B