

# Clark County (NV) Pretrial Services Workload Analysis

**Submitted to:**

Hon. Judge Melissa Saragosa

*Presiding Judge*

*Las Vegas Justice Court*

Jessica Gurley

Justice Court Administrator

Cary Leavitt

Court Division Administrator

Pretrial Services Division

**Submitted by:**

Spurgeon Kennedy

*Program Director*

*Justice Management Institute*

Thomas Eberly

*Program Director*

*Justice Management Institute*

**February 2022**

**The Justice Management Institute**

3033 Wilson Boulevard, Suite 700

Arlington, VA 22201

[www.jmijustice.org](http://www.jmijustice.org)



# Summary

This report presents findings of the Justice Management Institute's workload assessment of Clark County, NV Pretrial Services Division. Local justice and governmental stakeholders requested this assessment to determine Division staffing and resources needed to accomplish mission-critical work tasks for all county Justice Courts and the District Court. Of particular interest to stakeholders is Pretrial Services' ability to support new judicial requirements under Assembly Bill 424, which requires lower courts to hold prompt, individualized pretrial release hearings.

JMI's workload analysis focused on Pretrial Services' Intake and Intensive Supervision Unit (ISU) components. JMI assessed staffing resource needs in these units through a *Delphi Technique* and a workload diary sample of five line staff. To better distinguish work tasks among staff and to improve our work and caseload estimates, JMI staff arranged work among "Pretrial Services Officer" and "Assistant Pretrial Services Officer" positions. JMI developed these position descriptions from input received from directors of pretrial services agencies that are regionally close to Clark County and located administratively within their court systems. JMI determined supervision calculations using a differential supervision model with structured case management that coordinates monitoring and supervision levels with assessed risk levels.

Based on our analysis, JMI estimates the Intake Unit requires one Pretrial Services Officer per every 14 criminally-charged defendants processed daily. The Unit also requires one full-time Assistant Pretrial Officer per every 48 defendants processed and, optionally, one part-time Assistant Pretrial Services Officer to handle calendar preparation and collateral contact support. Assuming an average 77 cases processed in the Las Vegas Justice Court daily, the Division would need six Pretrial Services Officer positions and 1.5 Assistant Pretrial Services Officer positions for its current intake functions.

Based on our simulation of a differential supervision case management model, we recommend several suggested staff-to-defendant ratios for general supervision (from six to eight case managers) and a specialized electronic surveillance unit with a hard capped 1:20 caseload ratio.

This assessment was made possible through funding by the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge (SJC).

# Table of Contents

Summary .....	i
Introduction .....	1
Las Vegas Justice Court Pretrial Services Division .....	2
Workload Analysis Design.....	3
Delphi Technique .....	3
Workload Diary .....	5
Final Workload Tasks and Timelines .....	5
Time per Staff Calculation.....	6
Staffing Ratios.....	8
Intake .....	11
ISU.....	13
Differential Supervision Approach .....	13
Conclusion and Recommendations .....	18

# Introduction

As part of its technical assistance to Clark County (Las Vegas), NV under the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge, the Justice Management Institute (JMI) conducted a workload analysis of the Las Vegas Justice Court's Pretrial Services Division. Local stakeholders requested this assessment to determine the staffing resources needed for the Division to accomplish its mission-critical work functions for all county Justice Courts and the District Court. Of particular interest to stakeholders is Pretrial Services' ability to support new judicial requirements under Assembly Bill 424, which requires lower courts to hold prompt, individualized pretrial release hearings.

This report presents findings from the workload and resource analysis and recommendations for caseload ratios for supervision staff and workload ratios for intake staff.

# Las Vegas Justice Court Pretrial Services Division

Pretrial Services is a division of the Las Vegas Justice Court. Its primary functions are to investigate and compile information on persons charged with criminal offenses to assist judicial officers with pretrial release decisions and to monitor and enforce defendant compliance with certain court-ordered conditions of pretrial release. These functions adhere to the standards for pretrial services agencies promulgated by the National Association of Pretrial Services Agencies<sup>1</sup> and the American Bar Association<sup>2</sup> and functions for pretrial agencies endorsed by the National Institute of Corrections.<sup>3</sup>

Critical work functions for the division include defendant screening, bail collection, defendant monitoring, and warrant resolution. Division staff located at the Clark County Detention Center interview defendants pending the initial pretrial release hearing, conduct a full criminal history check, and assess each defendant's likelihood of future court appearance and arrest-free behavior using the Nevada Pretrial Risk instrument (NPR). The Division's Intensive Supervision Unit (ISU) monitors defendants released with the condition to contact the division regularly. Division staff also remind defendants of upcoming court appearances. Staff also assist defendants with outstanding arrest warrants have court appearances placed on calendar requesting that the warrant be resolved.

---

<sup>1</sup> National Association of Pretrial Services Agencies (2020). *Standards on Pretrial Release: Revised 2020*. Washington, D.C.: NAPSA.

<sup>2</sup> American Bar Association (2007). *Standards for Criminal Justice, Third Edition: Pretrial Release*. Washington, D.C.: ABA.

<sup>3</sup> Pilnik, L., Hankey, B., Simoni, E., Kennedy, S., Moore, L.J., and Sawyer, J. (2017). *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. Washington, D.C.: National Institute of Corrections.

# Workload Analysis Design

JMI's workload design included a *Delphi Technique* and a workload diary focused on the Intake and ISU units. These components perform the agency's mission-critical work (i.e., defendant investigation and risk assessment, monitoring and supervision, and court support) and thus, the largest volume of Division work.

JMI's analysis incorporated common elements of workload assessments conducted for pretrial services agencies in Washington, D.C., the Commonwealth of Kentucky, Cook County (Chicago), IL., Maricopa County (Phoenix), AZ, Harris County (Houston), TX, and Federal Pretrial Services:<sup>4</sup>

1. A "work unit" defined by a single investigated (workload capacity for screener staff) or monitored/supervised defendant (for supervision caseload ratios).
2. An estimate of the time needed to complete defendant-focused, non-defendant focused, and administrative work. Workload assessments include a cataloguing of tasks and activities required for defendant assessment and supervision as well as administrative and other types of activities that support these activities. This involves identifying the discrete tasks and activities required by supervision level, supervision agency policy, legal or statutory requirements and regulations, and suggested professional standards or recognized best practices.
3. The average time available per staff to complete these functions. The analysis calculates the average amount of time for each task and activity for an individual staff person and unit supervisor to determine the total amount of work time and the average amount of time required per defendant, work product, and unit.

Once completed, work and caseload ratios can be calculated by dividing the average work hours available to staff by the total time spent conducting work-related activities. The resulting ratios are measures that define the number of defendants or work products (i.e., criminal history checks, defendant interviews, risk assessments) that staff can handle in a given time frame based on work volume, level of effort, and time spent on non-case related activities.

## Delphi Technique

JMI used a Delphi technique<sup>5</sup> to establish a list of common Division tasks and time estimates for these tasks. JMI first conducted a survey of Division supervisors and staff to identify mission-critical

---

<sup>4</sup> JMI authored workload analysis studies for pretrial services agencies in Cook, Maricopa, and Harris counties. JMI Program Manager Spurgeon Kennedy also conducted workload analyses for the Pretrial Services Agency for the District of Columbia (2015) and the Administrative Office of the United States Courts (2017). Information on Kentucky Pretrial Services caseload analysis come from an interview with the Pretrial Services Director Tara Blair on September 2, 2020.

<sup>5</sup> Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101. De Meyrick, J. (2003). The Delphi method and health research. *Health Education*, 103(1), 7-16.

functions and initial estimates of time needed to perform these activities. JMI categorized unit work as follows:

1. *Focused activities*, regularly occurring activities directly related to defendant risk assessment, supervision or monitoring for Pretrial Services Division staff or to staff supervision and office management for Division Supervisors. These include risk assessment, in-person defendant contact, and Supervisor staffing.
2. *Non-focused activities*, regularly occurring function that supports defendant supervision, staff supervision or office management (including data entry, court notification, defendant orientation, and court representation), administrative functions besides data entry tied to focused activities, and infrequently performed functions not tied to defendant risk assessment/supervision or staff supervision/office management (including attending training and participating on agency or office workgroups or projects).

JMI then worked with Division supervisors to refine work tasks and timeframes identified in the survey. Project staff continued to obtain subject expert input via e-mail until the group reached consensus on tasks and timing. Survey results and subsequent discussions with the expert group yielded the following focused activities and initial time estimates:

EXHIBIT 1: INITIAL WORK TASKS AND TIME IN MINUTES	
TASK	TIME IN MINUTES
Pretrial Interview/Financial Affidavit	18
Criminal History	20
NPR Assessment and Report	15
Administrative Releases	25
Preparing the Initial Appearance Calendar	60 X 1 staff per week
MONITOR file set-up	10
Initial Defendant Consultation	20
Defendant Reporting (In person or by phone)	5
Collateral Contacts	60 (total per day)
Supervision Report	15
Unit Meetings	60 (monthly)
Break	15
Lunch	30

---

Graham, L. & Milne, D. (2003). Developing basic training programmes: A case study illustration using the Delphi method in clinical psychology. *Clinical Psychology and Psychotherapy*, 10, 55-63. Jeffery, D., Ley, A., Bennun, I. & McLaren, S. (2000). Delphi survey of opinion on interventions, service principles and service organization for severe mental illness and substance misuse problems. *Journal of Mental Health*, 9, 371-384. Likert, R. (1932). A technique for measurement of attitudes.

## Workload Diary

To better specify work functions and timeframes, JMI employed a workload diary that required Division staff to keep a five-day electronic journal of daily work activities. This included work performed as well as lunch, annual and sick leave, and authorized breaktimes. The final analysis included 2,246 minutes of work time performed by five pretrial staff. Diary results yielded the following routine work functions and mean and median time frames:

EXHIBIT 2: WORKLOAD DIARY TASKS AND TIMEFRAMES			
TASK	MEAN TIME	MEDIAN TIME	VARIANCE
Administrative Releases	16.53	7.00	423.981
Bond Processing	7.93	8.00	6.995
Criminal History Check	14.65	15.00	39.303
In-person Defendant Check-in	1.22	1.00	.444
Defendant Interview/Financial Affidavit	16.75	17.50	15.583
Preparing the Initial Appearance Calendar	52.67	60.00	161.333
MONITOR File Set-up	4.07	3.00	4.685
NPR Assessment and Report	9.70	8.00	51.099
Paperwork Processing	15.64	8.00	290.055
Supervision Report	20.50	20.50	612.500
Break	15.00	15.00	0.00
Lunch	30.00	30.00	0.00

Mean and median times for work functions differed slightly, given the relatively low variance recorded for each function.<sup>6</sup> The exceptions were Administrative Releases and Paperwork Processing, with means nearly twice those of their median values. Given the large variance found with these variables, JMI chose the median as the most representative value.

## Final Workload Tasks and Timelines

From discussions with Clark County stakeholders, JMI believes that the Division will cease performing the bond processing and warrant walk-in tasks.<sup>7</sup> As a result, we eliminated these tasks from the final

---

<sup>6</sup> Variance measures how far individuals in the group are spread out, in the set of data from the mean. Greater the variance, the farther individual results are from the mean.

<sup>7</sup> As noted in our Pretrial Services Division evaluation report, JMI strongly recommends the Division end the practices of bail collection. This practice normally is performed by other criminal justice agencies and is counter to established best practices for pretrial services agencies. This function also is time and resource-consuming and take staff away from mission-critical screening and assessment work.



workload analysis. The Delphi and workload diary analyses yielded the following list of critical work tasks and associated timeframes:

EXHIBIT 3: FINAL TASKS AND TIMELINES	
TASK	TIMEFRAME (in minutes)
Pretrial Interview/Financial Affidavit	15.5
Administrative Releases	7.0
Criminal History Check	15.0
Defendant Check-in	1.0
Preparing the Initial Appearance Calendar	60.00 (x1 staff per week)
MONITOR File Set-up	3.0
NPR Assessment and Report	8.0
Paperwork Processing	8.0
Initial Defendant Consultation (ISP)	20.0
Collateral Contacts	60.0
Supervision Report	20.5
Unit Meeting	60.00 (monthly)
Break	15.00
Lunch	30.00

### Time per Staff Calculation

The final variable needed to determine work and caseload ratios is a time-per-staff calculation: the time available for an individual to work. Identified tasks occur daily (for example, completing an NPR or criminal history search) or weekly (defendant check-in), therefore, JMI calculated day and week time units for this study. Daily and weekly units also made JMI's calculations flexible enough to apply to potential changes to staff schedules given the requirements of AB 424 and planned expansion to other justice courts.

To create time unit values, JMI calculated work hours based on the Division's 10-hour day, four-day-a-week work schedule. This produced a possible 205 potential workdays and 2,050 potential work hours, based on the 2022 annual calendar. We then subtracted 21 days annual leave time per staff (210 hours). This produced 184 workdays/1,840 work hours annually and an average of 38.33 work hours a week and 9.6 work hours per day.

Since tasks require minutes of staff time, JMI calculated an average 576 staff work minutes per day and 2,304 average staff work minutes per week. From the daily total, we subtracted a 30-minute lunch break and 15-minute break time per day per staff as determined via the Delphi survey and workload diary sample. This produced 531 work minutes per staff per day and 2,124 work minutes per

staff per week. We then calculated appropriate work and caseload figures by dividing the time per staff unit by each unit's identified work units.

# Staffing Ratios

JMI’s workload study focused on work- and caseload ratios for three Division positions: Justice Court Intake Specialist (26 positions as of 1/28/2022), Court Compliance Officer (six positions), and Legal Office Assistant (six positions). The following chart outlines the current Division staff positions and duties:

EXHIBIT 4: CURRENT PRETRIAL SERVICES DIVISION STAFF POSITIONS AND DUTIES	
POSITION	DUTIES
Justice Court Intake Specialist	<ul style="list-style-type: none"> <li>• Assist in the court report and calendar preparation; maintain the ability to fill-in for your coworkers when needed to complete assigned tasks.</li> <li>• Conduct a complete interview with an arrestee to obtain standard demographic, background, and personal information to determine eligibility for special programs offered to such defendants, and follow specific guidelines outlined for those programs.</li> <li>• Be able to ensure all documents are provided to the court for probable cause calendar review; Nevada Risk Assessments are completed and delivered to the court by the required deadline.</li> <li>• Complete all necessary and required forms and process them accordingly which means entering the data from the forms into the case management system and producing all required reports.</li> <li>• Accept bail, ensuring proper funds are taken and recorded, preparing receipts, and balancing monies.</li> <li>• Verify release documents and act as second verification of release documents for co-team members.</li> <li>• Provide factual information regarding the functions, activities, policies and procedures of the division and department.</li> <li>• Enter data and verify information; may make simple updates.</li> <li>• Access a variety of computer systems to gather data about defendants, such as traffic and criminal violations.</li> <li>• Maintain knowledge of systems including Criminal Justice Information System (CJIS), Shared Computer Operation for Protection in Enforcement System (SCOPE), Nevada Criminal Justice Information System (NCJIS), Odyssey, and others, so that the required information is gathered for criminal history background checks.</li> <li>• Respond to all judicial inquiries regarding the status of cases and assist in locating defendants.</li> <li>• Prepare and deliver the Initial Appearance and Fugitive calendars on a timely basis.</li> <li>• Complete administrative and Own Recognizance Release(s).</li> <li>• Fax and receive paperwork to and from various jurisdictions for probable cause review.</li> <li>• Receive and process the Custody Status Slips from the different court rooms.</li> </ul>
Court Compliance Officer	<ul style="list-style-type: none"> <li>• May be required to prepare letters, reports, for Intensive Supervision clients regarding their participation and progress of the program, prepare Nevada Pretrial Risk Assessments, and Financial Affidavits.</li> <li>• May be called upon to take a lead position when a Supervisor is unavailable to answer questions, answer customer’s questions or to help accomplish work assignments.</li> </ul>

**EXHIBIT 4: CURRENT PRETRIAL SERVICES DIVISION STAFF POSITIONS AND DUTIES**

POSITION	DUTIES
	<ul style="list-style-type: none"> <li>• Conduct a complete interview with an arrestee to obtain standard demographic, background, and personal information to determine eligibility for special programs offered to such defendants, and follow specific guidelines outlined for those programs.</li> <li>• Complete all necessary and required forms and process them accordingly which means entering the data from the forms into the case management system and producing all required reports.</li> <li>• Accept bail, ensure proper funds are taken and recorded, preparing receipts, and balancing monies.</li> <li>• Provide factual information regarding the functions, activities, policies and procedures of the division and department.</li> <li>• Enter data and verifying information; may make simple updates.</li> <li>• Access a variety of computer systems to gather data about defendants, such as traffic and criminal violations.</li> <li>• Maintain knowledge of systems including Criminal Justice Information System (CJIS), Shared Computer Operation for Protection in Enforcement System (SCOPE), Nevada Criminal Justice Information System (NCJIS), Odyssey, and others, so that the required information is gathered for criminal history background checks.</li> <li>• Respond to all judicial inquiries regarding the status of cases and assist in locating defendants.</li> <li>• Supervise defendants who have been placed on Intensive Supervision as a condition of release and prepare written reports regarding defendant’s compliance with the conditions set by the court.</li> <li>• Prepare and deliver the Initial Appearance and Fugitive calendars on a timely basis.</li> <li>• Complete administrative and Own Recognizance Release(s).</li> <li>• Relieve staff member(s) for breaks and lunches when needed and requested.</li> <li>• In the event of a staff member’s absence, assume their responsibilities.</li> <li>• Fax and receive paperwork to various jurisdictions for probable cause review.</li> <li>• Receive and process the Custody Status Slips from the various court rooms.</li> <li>• At the end of the shift, reconcile and close their till in Odyssey.</li> <li>• Deliver bail receipts and release agreements to the CCDC Records Department promptly.</li> </ul>
<p>Legal Office Assistant</p>	<ul style="list-style-type: none"> <li>• General office tasks including answering calls, accepting bail, preparing PreTrial Information Sheets, updating 48-hour Probable Cause Reviews, Fugitive Calendars, and arrest and release paperwork preparation for scanning.</li> <li>• Relieve staff member(s) for breaks and lunches when needed and requested.</li> <li>• Assist in the court report and calendar preparation; maintain the ability to fill-in for your coworkers when needed to complete assigned tasks.</li> <li>• Provide factual information regarding the functions, activities, policies and procedures of the division and department.</li> </ul>

**EXHIBIT 4: CURRENT PRETRIAL SERVICES DIVISION STAFF POSITIONS AND DUTIES**

POSITION	DUTIES
	<ul style="list-style-type: none"> <li>• Be able to ensure all documents are provided to the court for probable cause calendar review; Nevada Risk Assessments (NPRs), and PreTrial Information Sheets are completed and delivered to the court by the required deadline.</li> <li>• Complete all necessary and required forms and process them accordingly which means entering the data from the forms into the case management system and producing all required reports.</li> <li>• Accept bail, ensuring proper funds are taken and recorded, preparing receipts, and balancing monies.</li> <li>• Verify release documents and act as second verification of release documents for co-team members.</li> <li>• Enter data and verify information; may make simple updates.</li> <li>• Access a variety of computer systems to gather data about defendants, such as traffic and criminal violations.</li> <li>• Maintain knowledge of systems including Criminal Justice Information System (CJIS), Shared Computer Operation for Protection in Enforcement System (SCOPE), Nevada Criminal Justice Information System (NCJIS), Odyssey, and others, so that the required information is gathered for criminal history background checks.</li> <li>• Respond to all judicial inquiries regarding the status of cases and assist in locating defendants.</li> <li>• Prepare and deliver the Initial Appearance and Fugitive calendars on a timely basis.</li> <li>• Complete administrative and Own Recognizance Release(s).</li> <li>• Fax and receive paperwork to and from various jurisdictions for probable cause review.</li> <li>• Receive and process the Custody Status Slips from the different court rooms.</li> <li>• At the end of the shift, reconcile and close their till in Odyssey.</li> </ul>

Position descriptions show that staff share many work tasks, though JCIS and CCO positions have functions above the LOA. This shared approach made calculating appropriate workloads for each position difficult. Further, the Division Administrator has expressed a desire to re-define positions to better distinguish work requirements and expectations.

For examples of line staff positions, JMI reached out to a group of directors of pretrial services agencies located administratively in their court systems. These included Washoe County, NV (Nevada Second Judicial District), Pima County (Tucson), AZ, Maricopa County (Phoenix), AZ, and the Administrative Office of the New Mexico Courts.<sup>8</sup> Each agency had a variation of senior and junior staff positions, such as “Lead Background Investigator” and “Background Investigator” (New Mexico), “Pretrial Officer 1” and “Pretrial Services Officer 2” (Washoe, Maricopa, and Pima). These positions usually are assigned the same work functions and are delineated by experience and pay grade. Agencies also have assistant positions that help primary staff. For example, “Intake Officers” in New Mexico handle data entry and other collateral tasks but are not certified to conduct criminal histories or warrant checks. Agencies also separate staff by critical agency tasks, usually intake (defendant

<sup>8</sup> E-mail correspondences by Spurgeon Kennedy with pretrial services agency directors, 01/19/2022.

interview, criminal history, risk assessment, court preparation, and court representation) and defendant monitoring and supervision.<sup>9</sup> Based on this input, JMI used the following staff positions and task distribution for Clark County:

EXHIBIT 5: SUGGESTED PRETRIAL SERVICES DIVISION STAFF POSITIONS AND DUTIES		
POSITION	UNIT	TASKS
Pretrial Services Officer I/II	Intake	<ul style="list-style-type: none"> <li>• Pretrial Interview/Financial Affidavit</li> <li>• Criminal History Check</li> <li>• NPR Assessment and Report</li> </ul>
Pretrial Services Officer I/II	ISU	<ul style="list-style-type: none"> <li>• Initial Defendant Consultation (ISP)</li> <li>• Defendant Check-in</li> <li>• Supervision Report</li> </ul>
Assistant Pretrial Services Officer	Intake	<ul style="list-style-type: none"> <li>• Paperwork Processing</li> <li>• Preparing the Initial Appearance Calendar</li> <li>• MONITOR File Set-up</li> <li>• Collateral Contacts</li> </ul>
Assistant Pretrial Services Officer	ISU	<ul style="list-style-type: none"> <li>• Collateral Contacts</li> </ul>

## Intake

The Intake Unit processes criminally-charged individuals awaiting their initial court appearance in the Las Vegas Justice Court. Staff interview arrested individuals, assist defendants complete a financial affidavit used by courts to determine ability to post financial bail, and prepare reports containing the results of the NPR and the criminal history investigations. Staff also prepare paperwork and other information needed for the Initial Appearance Calendar. In 2021, the Las Vegas Justice Court processed 28,364 criminal cases, 86.4 percent of all new criminal cases filed by the county’s justice courts.

---

<sup>9</sup> Maricopa County also has an “Equipment Manager” position to support its in-house electronic surveillance program.

Exhibit 6: Justice Court Criminal Case Filings: 2021					
COURT	FELONY FILINGS	GM FILINGS	BDV MISD FILINGS	TOTAL	DAILY AVERAGE
Boulder	73	14	1	88	0.2
Bunkerville	2	0	0	2	0.0
Goodsprings	59	4	3	66	0.2
Henderson	1355	178	14	1547	4.2
Las Vegas	21894	2664	3806	28364	77.7
Laughlin	163	16	18	197	0.5
Mesquite	219	14	2	235	0.6
Moapa	37	1	0	38	0.1
Moapa Valley	17	0	3	20	0.1
North Las Vegas	1806	307	131	2244	6.1
Searchlight	14	2	1	17	0.0
<b>TOTAL:</b>	<b>25639</b>	<b>3200</b>	<b>3979</b>	<b>32818</b>	<b>89.9</b>

Source: Supreme Court of Nevada, Judiciary 2021 Annual Report

Using the tasks per position identified in Exhibit 3 yields the following staff task and minutes distributions:

EXHIBIT 7: SUGGESTED PRETRIAL SERVICES DIVISION STAFF POSITIONS AND DUTIES		
POSITION	TASK	MINUTES PER DAY
Pretrial Services Officer I/II	Pretrial Interview/ Financial Affidavit	15.5
	Criminal History Check	15
	NPR Assessment and Report	08
	<b>TOTAL TIME PER DEFENDANT</b>	<b>38.5</b>
Assistant Pretrial Services Officer	Paperwork Processing	08
	MONITOR File Set-up	03
	<b>TOTAL TIME PER DEFENDANT</b>	<b>11</b>
	Preparing the IA Calendar	60
	Collateral Contacts	60
	<b>TOTAL TIME PER TASK</b>	<b>120</b>

Based on these calculations, Pretrial Services would need one Pretrial Services Officer per every 14 defendants processed daily. The Division also would require one part-time Assistant PSO position to handle calendar preparation and collateral contact support and one full-time Assistant PSO per every

48 defendants processed. Assuming an average 77 cases processed in the Las Vegas Justice Court daily (see Exhibit 6), the Division would need six Pretrial Services Officer positions and 1.5 Assistant Pretrial Services Officer positions for its intake functions.

## ISU

Pretrial Services data show 566 defendants under ISU supervision as of 01/31/2022.<sup>10</sup> Supervision consists of routine defendant contact.<sup>11</sup> According to 2021 data, 98 percent of contacts (4,040 of 4,114) occurred weekly.<sup>12</sup> The typical check-in includes verification of the defendant's identity and confirmation of their next scheduled court appearance.<sup>13</sup> Defendants may report in person to the ISU, through an automated kiosk, or by telephone.

ISU staff also submit Supervision Progress Reports to the courts at each supervised defendant's scheduled court dates.<sup>14</sup> According to Pretrial Services data, an average of 15 individuals have scheduled court appearances a day<sup>15</sup> though JMI has no information on how many of these defendants are under ISU supervision. (The workload diary recorded two Supervision Reports by a pretrial officer during the one week reporting period).

Even assuming that all defendants scheduled for court during a week (n=60) required a Supervision Report, current ISU functions can be performed by a single pretrial officer, given the minimal work functions and short timeframes for each supervision task. (20.5 minutes per Supervision Report and one minute per defendant report).

### Differential Supervision Approach

The Division Administrator and other stakeholders have expressed concern that ISU does not address the likelihood of pretrial misconduct posed by higher-risk defendants.<sup>16</sup> Several stakeholders have

---

<sup>10</sup> E-mail by Carey Leavitt to Spurgeon Kennedy and Thomas Eberly, January 31, 2022.

<sup>11</sup> Other conditions such as drug testing and electronic surveillance are overseen by the Detention Services Division of LVMPD and Sheriff, respectively.

<sup>12</sup> E-mail by Spurgeon Kennedy and Division Compliance Officer Richard Perez, 12/22/2021 and 12/29/2021.

<sup>13</sup> As noted in JMI's Division assessment, Agency procedure regarding defendant reporting is stricter than suggested by best practices in the pretrial field. Defendants receive a set date and time to report (between Monday and Thursday) and must report within that timeframe to be considered compliant. Defendants cannot make up missed check-ins even during the reporting week. Reporting times are restricted to agency dates and hours, even with the additional of an electronic kiosk.

<sup>14</sup> The report describes the defendant's compliance status (for example, "Satisfactory" or "Unsatisfactory") and contact history during the periods between court appearances. According to agency staff, "satisfactory" defendants are those that meet all contact requirements during the reporting period.

<sup>15</sup> E-mail by Carey Leavitt, September 22, 2021.

<sup>16</sup> While Pretrial Services does not keep data on pretrial appearance and safety rates by risk levels, high-risk defendants in other jurisdictions usually succeed more often than they fail pretrial. For example, 53 percent of



suggested that the Division adopt a “differential supervision” model with structured case management similar to models employed by most pretrial services agencies—particularly those using validated pretrial risk assessments. Under this model, monitoring and supervision levels are consistent with assessed risk levels. Typically, levels vary from “low” (usually own recognizance release with regular notification of scheduled court appearances), “medium” (usually varied schedules of reporting to the pretrial services agency and other appropriate conditions such as drug testing and stay away orders) and “high” (which can include increased reporting to a case manager and electronic surveillance). An example of differential supervision is the monitoring and supervision component of Harris County (Houston) Pretrial Services. The agency offers its lower and upper courts several supervision conditions, including routine reporting to case managers, drug testing, curfew checks, and electronic surveillance. Supervision levels in the agency’s “Compliance Unit” are distinguished by assessed risk levels (“S1,” “S2,” and “S3”) and separated by reporting requirements:

EXHIBIT 8: HARRIS COUNTY SUPERVISION LEVELS AND REPORTING REQUIREMENTS	
Supervision Level	Reporting Requirements
S1	1 phone call monthly
S2	1 phone call monthly, 1 in-person report monthly
S3	2 phone calls monthly, 2 in person reports monthly

A separate unit monitors defendants under electronic surveillance. This supervision level also includes weekly reporting to a case manager and other court-ordered conditions.

Previous JMI pretrial agency workload studies<sup>17</sup> yielded the following caseload ratios for “general supervision” and specialized electronic monitoring units:

---

high risk defendants assessed under the Indiana Risk Assessment System (IRAS) made all scheduled court dates and did not have new criminal cases filed against them. (Lowder, E., Ray, B., and Grommon, E. (2017). *Monroe County Pretrial Project*). In Allegheny County (Pittsburgh), PA, 74 percent of high risk defendants made all scheduled court dates, remained arrest-free, and complied with all court-ordered conditions of supervision. (Collins, K. (2018). *Allegheny County Pretrial Services Outcome Reports: 2018*. Pittsburgh, PA: Allegheny County Pretrial Services).

<sup>17</sup> See Kennedy, S. and Michailides, N. (2020) *Harris County Pretrial Services Workload Analysis*. Arlington, VA: Justice Management Institute. Barakove, M.E., Kennedy, S., and Lowe, N. (2019). *Maricopa County Adult Probation and Pretrial Services Department: Final Report Parts I and II Workload Study*. Arlington, VA: Justice Management Institute. Kennedy, S. and Galgano, S. (2018). *Cook County Pretrial Services Division Staffing Analysis*. Chicago, IL: MacArthur Foundation.

**EXHIBIT 9: EXAMPLES OF DIFFERENTIAL SUPERVISION LEVELS AND REQUIREMENTS**

Jurisdiction	Monitoring Ratio	Level 1 Ratio	Level 2 Ratio	Level 3 Ratio	EM/GPS
Cook County*	1:200 (no reporting)	1:120 (monthly in-person)	1:75 (twice monthly in person)	1:50 (weekly in-person or phone)	N/A
Harris County*	1:500 (no reporting)	1:268 (blended supervision to include all levels)**			1:20 <sup>‡</sup>
Maricopa County*	1:528 (no reporting)	1:81 (blended supervision. reporting as court ordered)			1:22 <sup>‡</sup>

\* All levels may include drug testing

\*\*66% of level supervised defendants were at Level 1.

‡ Includes weekly reporting

We note that pretrial agencies in Cook, Maricopa, and Harris counties manage conditions besides defendant reporting. These include unscheduled drug testing at all supervision levels and specialized units for electronic surveillance. Case managers at these agencies also reported a longer timeframe for in-person defendant reporting (15 to 20 minutes) to perform warrant checks before seeing a defendant, review defendant compliance with other court-ordered conditions, and possible referrals to social and behavioral health services.

JMI cannot calculate an accurate caseload ratio for local structured differential case management until decisionmakers define the aspects of pretrial supervision. For example, will the Pretrial Services Division adopt electronic surveillance, and will monitoring be “passive” or “active”?<sup>18</sup> Will the timing of the reporting condition remain the same or be expanded to include active warrant checks, review of other release conditions, and discussions on defendant need for services and support? What reporting regimen will be applied to the various levels of risk identified by the NPR?

As an example of a case ratio calculation, JMI used the 2019 NPR risk level breakdown reported in its Pretrial Division assessment report:

- 36 percent of defendants (low risk) would qualify for own recognizance release with no reporting requirements to Pretrial Services, but monthly warrant checks and court notification;
- 45 percent (medium risk) would qualify for differential supervision placement, with some reporting requirements, monthly warrant checks, and Supervision Reports generated per each scheduled court date; and
- 19 percent (high risk) would qualify for weekly reporting and some consideration for EM placement.

To calculate the lowest caseload ratio for differential supervision, our scenario assumes all general supervision cases at the highest level, requiring weekly in-person or telephone reporting (at the case

<sup>18</sup> Under a passive system, a case manager reviews a defendant’s compliance to surveillance the following business day and alerts the court of major infractions to program rules. Under an active system, case managers (or law enforcement) monitor compliance real-time and respond quickly to specific infractions. Active systems require the cooperation of law enforcement (to respond to infractions) and the courts (to apply sanctions upon notice).

manager’s discretion), an expanded reporting timeframe (four reports monthly at 15 minutes per report), continued Supervision Report preparation (two reports monthly at 20.5 minutes per report), and monthly criminal history checks (one monthly at 15 minutes per check). This would yield a high-end caseload ratio of 73 defendants per case manager: eight case managers to manage the current 566 defendant population.

Under a blended caseload system, such those in Harris and Maricopa Counties, each pretrial officer’s caseload includes a mix of all supervision levels. Assuming an equal distribution of cases at Levels 1 through 3, the Pretrial Division would require a caseload ratio of 31 defendants for each case manager, or 18 staff to manage the current 566 defendant population. However, blended caseloads tend to include more lower-risk than higher-risk defendants.<sup>19</sup>

EXHIBIT 10: EXAMPLE OF PRETRIAL SERVICES DIVISION DIFFERENTIAL CASE MANAGEMENT CASELOAD RATIOS			
LEVEL	CONDITION	FUNCTION	TIMING IN MINUTES (per month)
Level 3	Defendant Reporting	In-person, Weekly	60
	Supervision Report	Twice monthly	41
	Criminal History Check	Once Monthly	15
	TOTAL PER DEFENDANT WORK UNIT		
TOTAL CASE MANAGER TIME			8,496
TOTAL CASELOAD PER MANAGER			68
Level 2	Defendant Reporting	In person, Monthly/By phone, Monthly	30
	Supervision Report	Twice Monthly	41
	Criminal History Check	Once Monthly	15
	TOTAL DEFENDANT WORK UNIT		
TOTAL CASE MANAGER TIME			8,496
TOTAL CASELOAD PER MANAGER			99
Level 3	Defendant Reporting	In person or by Phone, Monthly	15
	Supervision Report	Twice Monthly	41
	Criminal History Check	Once Monthly	15
	TOTAL DEFENDANT WORK UNIT		
TOTAL CASE MANAGER TIME			8,496
TOTAL CASELOAD PER MANAGER			120

A 36 percent Level 1, 45 percent Level 2, and 19 percent Level 3 distribution yields the following supervision staff count:

<sup>19</sup> For example, JMI’s analysis of Harris County’s general supervision unit found that Level 1 defendants comprised 66 percent (8,371 of 12,714) of the unit’s caseload.

$$\frac{(116 \times 204) + (86 \times 255) + (71 \times 107)}{8496} = 6.26$$

Given the staff and resource intensiveness of the electronic surveillance condition (daily review of defendant compliance, weekly defendant in-person reporting, and possible monitoring of other court-ordered conditions), JMI recommends a “hard cap” on a proposed EM specialized unit of 1:20, consistent with the findings of our earlier workload studies.

## Conclusion and Recommendations

Based on our calculations, we recommend six Pretrial Services Officer and 1.5 Assistant Pretrial Services Officer positions for the Intake Unit to handle the Las Vegas Justice Court. This assumes that Pretrial Services adopt work protocols where a single PSO handles all functions related to a defendant or case and an average of 77 defendants per day processed by all pretrial release hearing shifts. The Division should adopt the 1:14 caseload ratio for PSO and one Assistant PSO figure to determine staffing needs for arraignment in other Justice Courts.

ISU staffing numbers will depend on the supervision protocol Pretrial Services adopts. The Division needs a single PSO Officer and one half-time Assistant PSO to oversee its current supervision model. Under a differential supervision case manager system, the Division would require eight PSOs (at a 1:68 caseload ratio) to manage its current defendant population. If the Division adopts a blended supervision model—assuming the current NPR risk level breakdowns—it would need six PSOs to manage its current population.

Given the staff and resource intensiveness of the electronic surveillance condition (daily review of defendant compliance, weekly defendant in-person reporting, and possible monitoring of other court-ordered conditions), JMI recommends a “hard cap” on a proposed EM specialized unit of 1:20, consistent with the findings of our earlier workload studies.

JMI stresses that our work and caseload analyses are based on a more efficiently functioning Pretrial Services Division and pretrial system. For example, our Intake staff calculations assume staff can regularly access defendants at the jail for interviews and financial affidavits. However, our correspondences with Division personnel indicate that staff have sporadic availability to defendants. This adds significantly to the time needed to complete Intake tasks. We urge the Justice Court request that the county’s CJCC’s Executive Committee consider ways to prioritize Pretrial Services’ interview/financial affidavit in the booking process. Likewise, local discussion needs to continue regarding ISU. All stakeholders agree that supervision must expand to meet the risks and needs of the Clark County defendant population. The court’s current use of the jail’s electronic surveillance program suggests a defendant population that ISU is not addressing. While JMI recommends that Pretrial Services investigate a differential supervision-case management model and EM/GPS function, we note several caveats to consider.

1. Most defendants assessed in Clark County are low to medium risk for pretrial misconduct. There is ample evidence that low-level defendants are likelier to fail if exposed to high-end interventions.<sup>20</sup> Therefore, JMI recommends that enhanced supervision models be reserved for those defendants scoring at medium or high risk on the NPR.

---

<sup>20</sup> VanNostrand and Keebler, “Pretrial Risk Assessment in the Federal Court.” *Federal Probation*, Vol. 72 (2), Sept. 2009. Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime & Delinquency*, 52(1), 77–93. [https://mow.fd.org/sites/mow.fd.org/files/training/2015\\_CLE\\_Detention\\_and\\_Release/The%20Risk%20Principle%20in%20Action%20What%20Have%20We%20Learned%20 article.pdf](https://mow.fd.org/sites/mow.fd.org/files/training/2015_CLE_Detention_and_Release/The%20Risk%20Principle%20in%20Action%20What%20Have%20We%20Learned%20 article.pdf).

2. The core of pretrial differential supervision is reporting requirements that correspond to assessed risk levels. This practice is consistent with the “risk principle”<sup>21</sup> and the idea that bail should be the least restrictive option needed to ensure court appearance and law-abiding behavior. However, there is no evidence that regular reporting to a pretrial services agency by lower risk defendants improves court appearance rates or promotes law abiding behavior.<sup>22</sup>
3. There also is little evidence to correlate electronic surveillance to improved pretrial outcomes.<sup>23</sup> Moreover, several studies link electronic monitoring to increased technical violations by pretrial defendants.<sup>24</sup> The developing consensus within the pretrial field is electronic monitoring should not be imposed as a stand-alone condition but rather a means to enforce compliance to other conditions such as stay away from persons and locations, curfews, and house detention.<sup>25</sup> JMI

<sup>21</sup> In community corrections, the risk principle is the idea of delivering more intensive monitoring to persons who are assessed at the highest risk or needs levels and less intensive or no monitoring to those most likely to succeed.

<sup>22</sup> Lowenkamp, C. T. and VanNostrand, M. (2013). Exploring the impact of supervision on pretrial outcomes. Laura and John Arnold Foundation. [https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_Supervision\\_FNL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_Supervision_FNL.pdf). (Pretrial monitoring had no impact on pretrial outcomes for those who were assessed as being most likely to succeed pretrial). Goldkamp, J. S. and White, M. D. (2006). Restoring accountability in pretrial release: The Philadelphia pretrial release supervision experiments. *Journal of Experimental Criminology*, 2(2), 143–181. [https://www.researchgate.net/publication/225135854\\_Restoring\\_Accountability\\_in\\_Pretrial\\_Release\\_The\\_Philadelphia\\_Pretrial\\_Release\\_Supervision\\_Experiments](https://www.researchgate.net/publication/225135854_Restoring_Accountability_in_Pretrial_Release_The_Philadelphia_Pretrial_Release_Supervision_Experiments). (The study randomly assigned lower risk individuals to weekly telephone reporting and higher risk persons to twice-weekly telephone reporting. The authors found that monitoring intensity did not have a statistically significant impact on the likelihood of court appearance or arrest-free behavior.).

<sup>23</sup> Coopriders, K. W. and Kerby, J. (1990). A practical application of electronic monitoring at the pretrial stage. *Federal Probation*, 54(1), 28–35. Hatton, R. (2019). Research on the effectiveness of pretrial electronic monitoring. <https://cjl.sog.unc.edu/files/2019/09/EM-Briefing-Paper-9.26.2019.pdf>; Maxfield, M. G., & Baumer, T. L. (1991). Evaluation of pretrial home detention with electronic monitoring: Brief summary (NCJRS No. 133526). <https://www.ncjrs.gov/pdffiles1/Digitization/133526NCJRS.pdf>. Cadigan, T. P. (1991). Electronic monitoring in federal pretrial release. *Federal Probation*, 55(1), 26–30. <https://www.ncjrs.gov/pdffiles1/Digitization/133410NCJRS.pdf>. Wolff, K. T., Dozier, C. A., Muller, J. P., Mowry, M., & Hutchinson, B. (2017). The impact of location monitoring among U.S. pretrial defendants in the District of New Jersey. *Federal Probation*, 81(3), 8–14. [https://www.uscourts.gov/sites/default/files/81\\_3\\_2\\_o.pdf](https://www.uscourts.gov/sites/default/files/81_3_2_o.pdf).

<sup>24</sup> Coopriders & Kerby, 1990. Sainju, K. D., Fahy, S., Hamilton, B. A., Baggaley, K., Baker, A., Minassian, T., & Filippelli, V. (2018). Electronic monitoring for pretrial release: Assessing the impact. *Federal Probation*, 82(3), 3–10. [https://www.uscourts.gov/sites/default/files/82\\_3\\_1.pdf](https://www.uscourts.gov/sites/default/files/82_3_1.pdf).

<sup>25</sup> Oren M. Gur, Peter R. Ibarra & Edna Erez (2016) Specialization and the Use of GPS for Domestic Violence by Pretrial Programs: Findings from a National Survey of U.S. Practitioners, *Journal of Technology in Human Services*, 34:1, 32–62, DOI: 10.1080/15228835.2016.1139418 To link to this article: <http://dx.doi.org/10.1080/15228835.2016.1139418>. DeMichele, M. T., Payne, B. K., & Matz, A. K. (2011). Community supervision workload considerations for public safety. Report of the American Probation and Parole Association. Retrieved from <https://www.appa-net.org/eweb/docs/APPA/pubs/CSWCFPS.pdf> Dron, J. (2013). Soft is hard and hard is easy: Learning technologies and social media. *Form@re*, 13, 32–43. Retrieved from <http://www.fupress.net/index.php/formare/article/view/12613>. Erez, E., Ibarra, P. R., & Gur, O. M.

recommends that any electronic surveillance program Pretrial Services adopts be limited to cases involving significant victim/witness security issues or the need for location restrictions.

4. A differential supervision model requires a policy to address compliant and noncompliant defendant behavior. This would allow Pretrial Services to handle most low level infractions to conditions internally and notify the Courts only when judicial action is required.

The Division Administrator also should drop the kiosk reporting system. This system has proven inconsistent and is not appropriate for a differential case management protocol. As an alternative, we recommend that the Division adopt virtual reporting or by telephone options for supervised defendants.

While our recommended work and caseload ratios were developed using Las Vegas Justice Court data, we believe they apply to other Clark County justice courts with similar operations. Moreover, given these courts' smaller caseload volumes, Pretrial Services could adopt modifications to save staff and other agency resources. For example, staff could perform defendant interviews/affidavits remotely (virtually or by phone) or Assistant PSOs could be assigned to smaller courts for this task while a central Las Vegas "hub" completes criminal histories and NPR reports. This is a similar administrative set-up to that used in the New Mexico courts.

Finally, JMI recommends a separate analysis to identify appropriate Supervisor staffing ratios and work functions. Similar to other justice agencies, there are several assumed functions of Division Supervisors, including unit management, quality assurance, and unit staff development. However, our discussions with Division Supervisors suggest these responsibilities are not carried out routinely. Very often, Supervisors attend to the most pressing court need, unit requirement, or training necessity. Given these demands, JMI believes that identifying acceptable Supervisor functions and calculating ratios for proper staff management would be beneficial.<sup>26</sup>

---

(2013). Using GPS in domestic violence cases: Lessons from a study of pretrial programs. *Journal of Offender Monitoring*, 25(1), 5-10. Erez, E., Ibarra, P. R., & Lurie, N. A. (2004). Applying electronic monitoring to domestic violence cases: A study of two bilateral programs. *Federal Probation*, 68(1), 15-20.

<sup>26</sup> For guidance here, JMI consulted the National Institute of Corrections' Pretrial Executive Network. The Network is composed of directors of pretrial services agencies nationwide and is a reference source for best practices in pretrial agency operations. The consensus among Network members was for a narrow "span of control" (or the number of staff to supervisors) of between 1:8 and 1:12. Research also supports the idea of narrower control spans for dynamic workplace environments such as PSD and DMD. (See, for example, Bell, R. R. and McLaughlin, F. S. (1977). Span of control in organizations. *Industrial Management*. Davison, B. (2003). Management span of control: how wide is too wide? *Journal of Business Strategy*. Gupta, A. (2010). Organization's size and span of control. *Practical Management: Transforming Theories into Practice*. Hattrup, G. P. (1993). How to establish the proper span of control for managers. *Industrial Management*. Juneja, H. Span of control in an organization.) Smaller ratios would allow more coaching, direction and mentoring by supervisors and support new managers by providing them with smaller teams, allowing them to grow into their role.