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9 DISTRICT COURT
10 CLARK COUNTY, NEVADA
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12 _____
13 In re:)
14) ADMINISTRATIVE ORDER
Matter of the Population of the Clark) NO. 02-1
15 County Detention Center) CASE NO. A451116
16) DEPT. NO. VII
_____)

17 ORDER RE: RELEASE OF INCARCERATED INDIVIDUALS

18 Under application by the administrators of the Clark County Detention Center
19 for authority to release certain inmates under circumstances in which the
20 constitutional rights of inmates may be impacted due to crowded conditions in the
21 Clark County Detention Center, and this Court having had an opportunity to confer
22 with the court administrators of District Court and Las Vegas Township Justice
23 Courts, the Nevada State Department of Parole and Probation, the District Attorney's
24 Office, the Nevada Highway Patrol and representatives of the Las Vegas Metropolitan
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1 Police Department, and good cause appearing therefor,

2 IT IS HEREBY ORDERED THAT:

3 In the event that the population of inmates incarcerated in the Clark County
4 Detention Center reaches 1550 individuals at 6:00 a.m. on any given day, on that day,
5 the administrators of the Clark County Detention Center may release from custody,
6 under the conditions set forth below, inmates from the following categories:
7

- 8 A. Pretrial inmates held on a new arrest of a single misdemeanor or gross
9 misdemeanor charge involving a non-violent offense except DUI, Battery,
10 Battery Domestic Violence, Violation of Temporary Protective Orders and
11 Weapons related charges. These inmates may be released on their own
12 recognizance pending their next court date;
13
14 B. Pretrial inmates incarcerated on a new arrest of a single charge of Possession of
15 a Controlled Substance or Under the Influence of a Controlled Substance;
16
17 C. Inmates incarcerated on contempt-of-court charges in URESA related cases
18 must make an initial appearance in Family Court before they can be released.
19 These inmates may then be released through the DSD House Arrest or Day
20 Arrest Program after serving 72 hours of their sentence;
21
22 D. Inmates awaiting sentencing on a single charge of Possession of Controlled
23 Substance or Under the Influence of a Controlled Substance; these inmates
24 may be released on their own recognizance after entry of a plea of guilty in
25 District Court;
26
27 E. Individuals, currently booked for failure-to-appear charges, who were initially
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1 released from custody for procedural reasons ("PAD", "NCF", or "IAD") will
2 be served with the complaint, given a new court date and released on their own
3 recognizance; no own recognizance releases will be made for any failure to
4 appear for sentencing;

5
6 F. Pretrial inmates held on a new arrest or arrests of multiple non-violent
7 misdemeanor charges not including DUI, Battery, Battery Domestic Violence,
8 Violation of Temporary Protective Orders and weapons related charges. These
9 inmates may be released on their own recognizance pending their next court
10 date;

11
12 G. Pretrial inmates incarcerated on a new arrest or arrests for multiple charges of
13 possession of a controlled substance, under the influence of controlled
14 substance or possession of drug paraphernalia, these inmates may be released
15 on their own recognizance pending their sentencing date;

16
17 H. Inmates awaiting sentencing on multiple charges of possession of controlled
18 substance or under the influence of controlled substance or possession of
19 paraphernalia; these inmates may be released on their own recognizance
20 pending their sentencing date;

21
22 In implementing this order, the Administrators shall release all eligible inmates
23 from Category A before releasing inmates from Category B, all eligible inmates from
24 Category B before releasing inmates from Category C, all eligible inmates from
25 Category C before inmates from Category D, all inmates from Category D before
26 releasing inmates from Category E, all eligible inmates from Category E before
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1 releasing inmates from Category F, all eligible inmates from Category F before
2 releasing inmates from Category G, and all eligible inmates from Category G before
3 releasing inmates from Category H. The release of inmates under this order shall
4 cease each day when the inmate population falls below 1550.
5

6 IT IS FURTHER ORDERED that the following policy changes shall be
7 implemented to alleviate
8 crowding and minimize the necessity for instituting the release order set forth above:
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- 10 A. Multiple arrests for traffic violations arising out of the same traffic stop
11 will be treated as a single violation for purposes of this order;
- 12 B. Law enforcement agencies are directed to issue citations for non-violent
13 misdemeanor offenses, especially traffic violations, where no safety
14 need for immediate incarceration exists;
- 15 C. An individual arrested for a traffic violation in the County, with a city
16 warrant, will be issued a citation for the County offense and booked in
17 the appropriate city facility for the warrant;
- 18 D. Individuals arrested on the offense of Under the Influence of a
19 Controlled Substance shall be released, if no formal charges have yet
20 been filed, after 72 hours, pending the later filing of charges.
- 21 E. Individuals booked into the facility for probation violations only will be
22 given a court date for a status check within 10 working days unless
23 otherwise ordered by the court; such date shall be set by the Detention
24 Center staff upon instructions by the District Attorney or the Division
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1 of Parole and Probation.

2 IT IS FURTHER ORDERED that the Administrators shall serve a copy of this
3 order on the following parties:
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5 Justices of the Peace, Clark County

6 Judges of the Eighth Judicial District Court

7 District Judges and Magistrate Judges of the United States District Court,

8 District of Nevada

9 Office of the District Attorney - Criminal Division

10 Office of the Public Defender

11 Office of the Attorney General

12 Office of the United States Attorney

13 Office of the Federal Public Defender

14 Nevada State Department of Parole and Probation

15 United States Marshall's Service

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18 IT IS FURTHER ORDERED that the Administrators shall prepare a written
19 report each month detailing the number of persons released under this order and the
20 number of persons released within each priority of category provided for herein. This
21 matter shall be set for receipt of the first monthly status
22

23

24

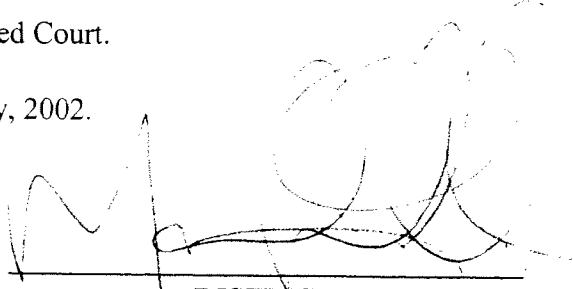
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1 report on the 26TH day of July, 2002, at the hour of 9:00 a.m. in

2 Department 7 of the above-entitled Court.

3 Dated this 24 day of May, 2002.

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6 
7 DISTRICT JUDGE

8 Submitted by:

9 STEWART L. BELL,
10 District Attorney

11
12 By: _____
13 J. Charles Thompson
14 Assistant District Attorney