



Criminal Justice System

**Nevada Department
of Corrections**



What Is The “Criminal Justice System”

- An elaborate apparatus that exists to enforce our criminal laws.
- It is the official process whereby accused persons are:

arrested,
prosecuted,
defended,
convicted,
sentenced,
punished.



Rule of Law

The Rule of Law is a political and legal principle stating that government must act in accordance with established law and that governmental officers must not exceed their authority.

Four Major Elements

- ◆ Legislative – Write the law
- ◆ Law Enforcement – apprehend persons who infringe on society's safety
- ◆ Judicial – try crimes and decide guilt or innocence
- ◆ Corrections – prison, probation, parole





Goals and Objectives of Law Enforcement:

- ◆ **Protect and Serve**
- ◆ **Traffic flow and Collision Reduction**
 - Enforcement
 - Education
- ◆ **Maintain Order and Public Peace**
- ◆ **Repress Criminal and Delinquent Behavior**



Responsibilities of Law Enforcement:

- ◆ **Familiarity with the Community and the Law**
 - Know the elements of the crime
 - Gather information and evidence
- ◆ **Apprehend Offenders**
- ◆ **Testify in Court**
- ◆ **Regulate Non-Criminal Conduct**



Classification of Nevada Peace Officers

- ◆ **Category I – Patrol Officers**
- ◆ **Category II – Investigators
Special Peace Officers**
- ◆ **Category III – Detention, Incarceration,
Correctional Officers**



Adversarial System

- ◆ **Also known as Prosecutor/Defense System**
 - **An attorney is required to zealously represent their client, irrespective of innocence or guilt.**
 - **An attorney can perform the function of a prosecutor one day and defense on the next day.**



Prosecutor's Duties/Responsibilities

- ◆ **Enforce the law**
- ◆ **Redress crime by charging those who have committed crimes to appear in court**



Types of Prosecutors in Nevada

- ◆ Attorney General
- ◆ District Attorney
- ◆ City Attorneys
- ◆ Special Prosecutors



Defense Attorney's Duties/Responsibilities

- ◆ Protect the rights of the accused
- ◆ Raise all legal defenses, i.e. throw up roadblocks in the face of truth
- ◆ Insure that the basic rule of “Innocent until Proven Guilty” is in front of the jury



Defense Attorney's Duties/Responsibilities

- ◆ **Prevent harmful evidence from being admitted**
- ◆ **Enter a plea bargain for the accused**
- ◆ **Keep the client informed about available options**



Types of Defense Attorneys

- ◆ **Privately Retained**
- ◆ **Legal Aid Society**
- ◆ **Public Defender**



Nevada Court System

- ◆ Nevada Constitution establishes 3
Courts in Nevada:

1. Supreme Court

2. Judicial District Courts

3. Justice Courts

- Legislators may establish Municipal Courts within incorporated cities and townships



Nevada Court System

Supreme Court:

Review appeals by lower courts

- **Does not pursue fact-finding by conducting trials**
- **Determines whether legal errors were committed**
- **Can affirm, modify, or set aside decisions**
- **Must consider all cases filed**



The Supreme Court of Nevada

The Supreme Court of Nevada

Seven justices sitting in three-judge panels or as the full court in the most important matters

Responsibility: Court of last resort.

Decide all appeals of civil and criminal cases from the District Courts. Supervise the entire judicial system in Nevada as well as the State Bar association.

Avenue of Appeal

District Courts SIXTY-FOUR JUDGES

Responsibility: Court of general jurisdiction.

Preside over cases of felony and gross misdemeanor crimes, civil matters above \$10,000 and family law issues, including juvenile crimes, abuse and neglect. Conduct jury and non-jury trials. Rule on legal issues. Hear appeals of Justice and Municipal Court cases.

Court Clerk

Responsible for all Supreme Court files and documents. Manages the court's caseload and dockets. Coordinates public hearings and releasing court decisions.

Janette Bloom is the Clerk of the Court.

Law Library

House law books and other documents in its facility at the Supreme Court in Carson City. The library is used by the court's law clerks, as well as by the general public.

Kathleen Harrington is the Law Librarian.

Avenue of Appeal

Justice Courts Sixty Judgeships

Responsibility: Court of limited jurisdiction.

Preside over preliminary matters of felony and gross misdemeanor cases, civil matters up to \$10,000 and landlord/tenant disputes. Issue temporary protective orders and warrants.

Municipal Courts Thirty Judgeships

Responsibility: Court of limited jurisdiction.

Preside over misdemeanor and traffic cases in incorporated communities and some civil matters under NRS 5.050.

AOC

Administrative Office of the Courts

Performs all administrative functions for the Supreme Court and provides support services in such areas as training and technology to the trial courts.

Ron Titus is the State Court Administrator.



Nevada Court System

District Courts:

- Have general jurisdiction over all legal disputes
- Courts where criminal, civil, family, and juvenile matters are generally resolved through arbitration, mediation, and bench or jury trials
- Judges also hear appeals from Justice and Municipal Court cases
- 17 county courts in Nevada are divided into 9 Judicial Districts



Nevada Court System

Justice Court:

- Handle misdemeanor crime and traffic matters, small claims disputes, evictions, and other civil matters less than **\$10,000**
- Preside over felony and gross misdemeanor arraignments
- Conduct preliminary hearings to determine if sufficient evidence exists to hold criminals for trial at District Court



Goals and Responsibilities of Courts

- ◆ Protect Society
- ◆ Protect rights of accused
- ◆ Determine innocence or guilt
- ◆ Proper Dispositions Convicted Persons
- ◆ Must have original jurisdiction



Nevada Court System

Municipal Court:

- Manage cases involving traffic violations and misdemeanors within the city limits of incorporated municipalities



Statutes of Limitations

◆ Misdemeanor: One (1) year

◆ Gross misdemeanor: Two (2) years

◆ Felonies: Three-Four (3-4) years

Exceptions: Rape & Murder- no limit



Crimes and Criminals

◆ **Principal: Person involved**
before or during the crime

– NRS 195.020

◆ **Accessory: Assist** **after**

– NRS 195.030



Classification of Crimes

- ◆ **Crime: an act or omission forbidden by law punishing upon conviction by death, imprisonment, fine, or other discipline.**
- **Every crime punishable by death or imprisonment is a Class A, B, C, D, or E felony**



Classification continued

- ◆ **Gross misdemeanor: Every crime punishable by a fine of not more than \$2,000 or by imprisonment in a county jail, for not more than 1 year**
- **Every other crime is a misdemeanor**
- **Nevada does not have infractions**

Punishment of Felonies

Category A: Sentence of death or imprisonment in state prison for life

Category B: Imprisonment in a state prison not less than one (1) year with a maximum of not more than Twenty (20) years

Category C: Imprisonment in a state prison for not less than one (1) year with a maximum of not more than five (5) years





Punishment of Felonies continued

Category D: Imprisonment in a state prison for not less than one (1) year with a maximum of not more than four (4) years

Category E: Imprisonment in a state prison for not less than one (1) year with a maximum of four (4) years



Punishment of Gross Misdemeanors

- ◆ Person's convicted of the following will be convicted of: gross misdemeanor

Imprisoned in the county jail for not more than one (1) year, or

- Fined not more than \$2,000, or
- By fine and imprisonment



Correctional Agency Goals

- ◆ Retribution - Punishment for its own sake (to pay back society)
- Deterrence - to deter an individual from committing future crimes
- ◆ Incarceration - “house” people to prevent offenders from committing more crimes
- ◆ Rehabilitation - correct, challenge behavior, emphasis on reforming



Prison

- ◆ **Defined - “any place designated by law to keep persons held in custody under process of law or under lawful arrest.”**
- ◆ **NDOC is responsible to maintain institutions to incarcerate and rehabilitation convicted felons**



Probation

- ◆ **Alternative to incarceration**
 - **Must submit to search**
 - **Must enter/complete counseling**
 - **Must complete community service**
 - **Must pay fine/restitution**
 - **Must abstain from use, possession, control drugs/alcohol.**



Probation

- ◆ **If term completed – no further action taken**
- ◆ **If violated during term, must serve original sentence.**
- ◆ **Terms**
 - **Gross Misdemeanors**
 - **Up to 3 years**
 - **Felony**
 - **Up to 5 years**



Parole

- ◆ **Alternative to continued incarceration**
 - **Remains under jurisdiction of Parole Board**
- ◆ **Parole Board appointed by governor**
- ◆ **Must apply for Parole**
- ◆ **Inmates can request a Compassionate Release if they are close to dying from an illness**



Criminal Justice System in Action

- ◆ **Law Enforcement conducts an investigation**
- ◆ **Arrest on probable cause**
 - **If not arrested on warrant must have probable cause hearing within 48 hours.**
 - **If arrested on warrant probable cause must be reviewed within 72 hours.**

(Riverside v Mc Laughlin and Powell v State 108 NV 700)



Criminal Justice System in Action

- ◆ If arrest not imminent, must file with DA for request of issue of warrant
- ◆ District Attorney files a complaint or present before Grand Jury and a “True” Bill of Indictment is issued.
- ◆ Either a warrant is issued or summons to appear is sent to accused.



Criminal Justice System in Action

- ◆ **NRS 171.178 First court appearance must occur within 72 hours**
- ◆ **Defendant advised of:**
 - **Charges against them**
 - **Right to remain silent**
 - **Right to counsel**
 - **Right of due process**
 - **Reasonable bail**
 - **Fair and speedy trial (except for capital offenses)**



Criminal Justice System in Action

- ◆ **If crime is Misdemeanor the defendant can:**
 - **Petition for attorney**
 - **Plea innocent**
 - **Plea guilty**



Criminal Justice System in Action

- ◆ **If the crime is a Gross Misdemeanor or Felony the defendant can:**
 - Request preliminary hearing
 - Preliminary hearing used to determine slight or marginal evidence.
 - If evidence found defendant bound over for trial
 - Can plea innocent
 - Can plea guilty



Criminal Justice System in Action

◆ Grand Juries

- 12 Qualified jurors
- Written Accusation “Bill of Indictment”
- District Attorney must present exculpatory and inculpatory evidence
- Defendant can enter plea



Criminal Justice System in Action

◆ District Court Trials

- 12 jurors
- Jury may be waived except for capital cases
- Jury verdict must be unanimous
- No jury is allowed in Municipal Court Case decision



Criminal Justice System in Action

◆ Justice Court Trials

- 6 member jury
- Jury must be requested 30 days in advance

◆ Municipal Court Trials

- No Jury



Who exercises discretion?

Name the Position:

- ◆ Enforce specific laws Police
- ◆ Investigate specific crimes
- ◆ Search people, vicinities, buildings
- ◆ Arrest or detain people

Who exercises discretion?

Name the Position:

- ◆ **File charges or petitions for adjudication**
- ◆ **Seek indictments**
- ◆ **Drop cases**
- ◆ **Reduce charges**

Prosecutor





Who exercises discretion?

Name the Position:

- ◆ **Set bail or conditions for release**
- ◆ **Accept pleas**
- ◆ **Determine delinquency**
- ◆ **Dismiss charges**
- ◆ **Impose sentence**
- ◆ **Revoke probation**

Judge/Magistrate

Who exercises discretion?

Name the Position:

- ◆ **Assign to type of correctional facility**
- ◆ **Award privileges**
- ◆ **Punish for disciplinary infractions**

Correctional Officer





Who exercises discretion?

Name the Position:

- ◆ **Determine date and conditions of parole**
- ◆ **Revoke parole**

Parole & Probation



Offender's Rights

- ◆ **Right to be assumed innocent until proven guilty**
- ◆ **Right against unreasonable searches & seizures**
- ◆ **Right against arrest without probable cause**
- ◆ **Right against self-incrimination**



Offender's Rights

- ◆ **Right to fair questioning by police**
- ◆ **Right to protection from physical harm throughout the process**
- ◆ **Right to an attorney**
- ◆ **Right to trial by jury**



Offender's Rights

- ◆ **Right to know the charges**
- ◆ **Right to cross-examine witnesses**
- ◆ **Right to speak and present witnesses**
- ◆ **Right not to be tried twice for same offense**
- ◆ **Right against cruel & unusual punishment**



Offender's Rights

- ◆ **Right to due process**
- ◆ **Right to speedy trial**
- ◆ **Right against excessive bail & fines**
- ◆ **Right to be treated the same as others**

QUESTIONS??

