



THE GRANT SAWYER CENTER FOR JUSTICE STUDIES

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CENTER NEWS

Nevada Criminal Law Symposium

On May 8 leading figures in Nevada's criminal justice system and other stakeholders from political, religious, and academic organizations will meet to examine important aspects of the administration of criminal justice in Nevada. This Symposium, initiated and sponsored by the Grant Sawyer Center for Justice Studies and joined by the National Judicial College, has been coordinated by Judge V. Robert Payant. Judge Payant assembled a planning committee consisting of himself, Ronald Dillehay, Gary Peck, Hon. Ken Rohrs, Justice Robert Rose, David Sarnowski, and Grant Stitt to develop the program.

Nevada Supreme Court Justice Robert Rose will deliver the keynote address, highlighting the symposium's two major themes: sentencing and racial issues. A panel to address sentencing issues will follow, moderated by Hon. James W. Hardesty. Panelists are: Jackie Crawford, Dept. of Corrections; Franny Forsman, Off. of the Fed. Pub. Def.; Hon. Frankie Sue Del Papa, Atty. Gen., Off. of the Atty. Gen.; Hon. Bill Dressel, Pres., The National Judicial College; Richard Gammick, Dist. Atty., Washoe Co.; Ben Graham, Asst. Dist. Atty., Clark Co.; Karen Lorenzo, Dept. of Parole and Probation; Michael Specchio, Public Def.; and Jim Weston, Dept. Chief, Reno Police Dept. The panel on race will then be moderated by Hon. Kenn Rohrs. His panelists include: Ondra Berry, Dept. Chief, Reno Police Dept.; Lonnie Feemster, Pres., NAACP; Hon. Lee Gates, Dist. Judge, Clark County Dist. Ct.; Gemma Greene Waldron, Dept. Dist. Atty., Washoe Co.; Thomas M. Patton, First Asst. Atty. Gen., Off. of the Atty. Gen.; Maizie Pusich, Pub. Def., Washoe Co.; Richard Siegel, President, ACLU; Emma Sepulveda, Prof., Foreign Lang., UNR; and B. Grant Stitt, Professor and Chair, Crim. Just., UNR. Round table meetings and open discussion of the issues will follow.

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Nevada Legislative Committee on the Death Penalty

Visit us on the Web!

The Grant Sawyer Center for Justice Studies now has a number of useful, justice-related resources on the world wide web at: <http://www.unr.edu/justicestudies>. The electronic edition of this newsletter can be accessed under Reports and Publications and has fully active hyperlinks. If you would like to receive this newsletter by email in future please let us know by email to: cjs@scs.unr.edu.

Last year, "The Legislative Commission's Subcommittee to Study the Death Penalty and Related DNA Testing" was formed, chaired by Assemblywoman Sheila Leslie. The subcommittee held a series of public meetings between October 2001 and April 2002 and the final meeting, a work session to hear public testimony, will be held on June 6, 2002, at the Legislative Building in Carson City. The agenda topics discussed at these meetings were: death penalty issues such as racial, socioeconomic, and other bias; costs/deterrence/appeals process; DNA evidence; and the appropriateness of the death penalty for juvenile, elderly, or mentally retarded defendants. For more information, please contact Nicolas C. Anthony, Senior Research Analyst, at (775) 684-6825.

Research Currently Being Conducted at the Center

Prosecutorial Discretion and the Death Penalty: The Perspectives of Nevada's District Attorneys. On May 8, 1997 the Center submitted a final report to the Nevada Supreme Court Task Force on Racial and Economic Bias in the Justice System on its Discretionary Death Project. This study examined procedures used by district attorneys in Nevada in deciding to pursue the death penalty in eligible cases. Center staff conducted structured interviews with DAs in Nevada about the procedures they use to reach a decision in such cases as well as a number of related areas, each with potential relevance to the exercise of discretion. The information obtained from these interviews provided insight into both the formal and informal procedures that DAs use in making their decisions. The research also provided information about the potential role of racial and economic factors in that process, and resulted in three recommendations to the Task Force for their consideration. Currently, Roni Dahir, a graduate research assistant at the Center, and Center Director, Ron Dillehay,

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Center Projects (*cont'd. from page 1*)

are conducting a more in-depth analysis of these existing data. This analysis will provide information on targeted questionnaire items and variables not previously analyzed or discussed in the prior report. The goal of this project is to determine what factors, as reported by Nevada's DAs, influence their decisions to seek or forego the death penalty in a technically eligible case. The factors include statutory aggravators and mitigators as well as other variables.

Study of Science-Based Educational Programs for Judges.

The Center has recently completed a report titled "Science Education Programs for the State and Federal Judiciary at Year 2001." The Center received \$15,000 from the Federal Judicial Center to update the findings of the 1992 survey conducted by the Carnegie Commission Task Force on Science and Technology in Judicial and Regulatory Decision Making. Research assistants Mara Merlino (Project Coordinator), Roni Dahir, and Dionne Maxwell, under the direction of Director, Ron Dillehay, were responsible for this project. The final report provides an organized inventory of offerings on science education available to judges during the period 1992 through 2000. The report brings together in one place offerings from diverse providers of judicial education (e.g., national education organizations, law schools, institutes, State Court Administrator Offices) that contain at least some component of science in courses, seminars, workshops, or other instructional formats. The report identifies these providers, locates them by state and organization, and classifies their offerings according to the major realm or field of science covered in their educational programs. The report also lists multiple judicial science education offerings for some providers, making it possible to identify institutions or organizations that engage in more substantial judicial education activities. The report was submitted to the Federal Judicial Center in May 2001, and two manuscripts based these data have been produced. One, titled "Science Education for the State and Federal Judiciary 1992-2000: What, Where, When, and by Whom?" is currently under review by *Judge's Journal*, and the other, titled "Science Education for Judges: Trends and Directions" is currently in progress.

Adequacy of Voir Dire For Selecting an Impartial Jury. Steve Son, a graduate research assistant at the Center, with the Director, Ronald Dillehay, received a dissertation improvement grant of \$14,237 from the National Science Foundation's Law and Social Sciences Program. This award will be used to support research designed to analyze the form of questioning that takes place by attorneys and judges during voir dire in capital trials. Results of the analyses would then be compared to the standards of interviewing set forth in the social sciences.

Washoe County Office of Court Services Project: Difficulties in Collecting Administrative Data in a Local Justice System.

The Center collaborated with the Washoe County Office of Court Services on a project titled, "Washoe County Office of Court Services Project: Predictors of Failure to Appear." The original purpose of the project was to explore predictors of

successful release into the community of those arrested and awaiting trial in Washoe County, Nevada. Of 19,000 arrests in 1999, approximately 5,000 were released under some form of pretrial supervised release. By determining which variables are predictive of success, the County could reduce its jail population by increasing the number of pretrial releases without significantly increasing the number of pretrial re-arrests and failure to appear (FTAs). This project has been carried out by Bryan Edelman, research assistant, and Ronald Dillehay, Center Director, with guidance provided by Carl Hinxman of Washoe County Court Services and David Bennett, Washoe County consultant. Due to unforeseen difficulties with obtaining information from the various courts in Washoe County, the original project goal was not realized. These problems were discussed in a progress report submitted to Washoe County justices and government officials and in a presentation at the annual meeting of the *Pacific Sociological Association* in Vancouver, B.C., Canada, in April 2002. Some of these administrative roadblocks include: differences in record keeping practices between agencies; incorrect coding of FTAs; and no data collection of pre-trial re-arrests by justice system agencies.

Minimization of Jurors' Knowledge of Pretrial Publicity During Voir Dire.

Previous research has shown that some prospective jurors minimize their exposure and knowledge of information gleaned from the media before the onset of the trial in highly publicized cases. It is important for the court to have an accurate comprehension of prospective jurors' knowledge in order to determine if that knowledge constitutes prejudice that would obstruct a prospective juror's requirement to be fair and impartial. This project involves a content analysis of actual capital voir dire transcripts to determine the amount of minimization that prospective jurors employ during questioning on pretrial publicity. Research assistants Steve Son, Craig New, and Andre Walton, are working with Director, Ron Dillehay on this project.

A Model of Pretrial Prejudice in a High Profile Case.

Progress is being made on an ongoing project using data from venue surveys in capital cases to develop a model of pretrial prejudice of defendants. The model is tested using variables available from venue surveys, such as media use habits, attitudes toward crime and the criminal justice system, amount of information known about the defendants and the crime, and social/demographic characteristics. Craig New and Ronald Dillehay are heading the project. Preliminary results of this project were presented by New and co-authors Dillehay and Scott Shonkwiler, of UNR's Department of Applied Economics and Statistics, in a paper titled "The Mass Media's Influence of Judgments of Defendants" at the annual meeting of the *Pacific Sociological Association* in Vancouver, B.C., Canada in April 2002. We are currently analyzing additional data sets to test the generalizability of the model to other cases and circumstances.

Nevada Criminal Law Symposium (*cont'd. from page 1*)

Nevada's legislators and other important individuals who deal with policy and the administration of criminal justice have been invited to attend the symposium. The underlying impetus for the gathering is that it will provide a means of generating thought and an opportunity for discussion on critical issues in our state's criminal justice system. In the essential preoccupations of the work-a-day world, reflection on practice in the justice system and policy examination often get pushed aside. We at the Center hope and expect that this symposium will be but the first in a series devoted to justice system issues that were often themes of Governor Grant Sawyer.

Conferences/Paper Calls

<u>Association/Website/Submission Deadline</u>	<u>Conference Location</u>	<u>Conference Date</u>
Joint Meeting of the Law and Society Association (LSA) and the Canadian Law and Society Association (CLSA) * http://www.lawandsociety.org	Vancouver, British Columbia	May 30-June 1, 2002
American Psychological Society (APS) 14th Annual Convention* http://www.psychologicalscience.org/	New Orleans, Louisiana	June 6-9, 2002
International Association for Conflict Management (IACM) 15th Annual Conference* http://www.business.utah.edu/	Park City, Utah	June 9-12, 2002
National Council of Juvenile and Family Court Judges (NCJFCJ) 65th Annual Conference http://training.ncjfcj.unr.edu/Conferences.htm	Boston, Massachusetts	June 14-17, 2002
International Society for Justice Research (ISJR) IXth International Social Justice Conference* http://www.his.se/libv/isjr	Skovde, Sweden	June 17-20, 2002
International Society of Political Psychology (ISPP) 25th Annual Scientific Meeting* http://ispp.org/	Berlin, Germany	July 16-19, 2002
American Bar Association 2002 Annual Meeting http://www.abanet.org	Washington, DC	August 8-13, 2002
American Sociological Association (ASA)* http://www.asanet.org	Chicago, Illinois	August 16-19, 2002
American Psychological Association (APA)* http://www.apa.org	Chicago, Illinois	August 22-25, 2002
American Political Science Association (APSA)* http://www.apsanet.org/mtgs/	Boston, Massachusetts	Aug. 29-Sept.1, 2002

*NOTE: Submission deadline for 2003 currently unavailable.

Justice-Related Funding/Fellowships

<u>Funding Organization</u>	<u>Deadline(s)</u>
American Psychology-Law Society <i>Dissertation Improvement Grants</i> http://www.unl.edu/ap-ls/grants.htm	9/30/02; 1/31/03
National Science Foundation (Law & Social Science Program) <i>Doctoral Dissertation Research Improvement Grants</i> http://www.nsf.gov/sbe/docdiss	8/15/02; 1/15/03
National Institute of Justice <i>Criminal Justice Research and Development-Graduate Research Fellowships</i> <i>Data Resources Program: Funding for the Analysis of Existing Data</i> http://www.ojp.usdoj.gov/nij/funding.htm	5/15/02; 9/16/02 6/25/02; 10/25/02
The Society for the Psychological Study of Social Issues (SPSSI) <i>Grants-in-Aid Program</i> http://www.spssi.org/gia.html	11/13/02; 4/1/03



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Recent Center Events

If you were unable to attend these events and would like information, please call (775) 784-6272.

Indigeneity, Self-Determination and Sovereignty

**Dr. Anne Waters, Ph.D., J.D., President, American Indian Philosophy Association,
Co-sponsor with the Dept. of Philosophy**

February 11, 2002

Dr. Waters discussed how indigeneity, self-determination, and sovereignty bear important relations to one another and what these concepts can offer to American Indian nations by way of political theory and government relations.

Eyewitness Identification: Psychological Research Applied to Criminal Justice

Dr. Gary Wells, Professor of Psychology, Iowa State University

March 18, 2002

Dr. Wells discussed methodological problems with certain eyewitness identification methods used by crime investigators and suggested a new and improved method for conducting lineups and photo reviews.

Balancing Human Rights and the Need for Justice in Rwanda

Panel of Judges from Rwanda, Co-sponsor with the Dept. of Curriculum and Instruction

April 29, 2002

The 1994 genocide in Rwanda left over 800,000 Tutsis dead in a three-month period, including three-fourths of the judiciary. As a result, the country was left with an inability to process cases. The judges are in the U.S. for judicial training in order to facilitate the instruction of the new judiciary in Rwanda. The judges discussed the genocide, the large number of perpetrators involved, and how the country is trying to balance human rights with the need for justice.