3-10/025.00 - Probation and Sentencing Hearings

This type of hearing is usually held after a defendant has been found guilty of committing the crime alleged by the prosecutor. At the conclusion of the trial the judge will normally request, from the probation department, a probation report to ascertain what recommendations for sentencing the prosecutor and the probation department desire. When the defendant is called before the judge, if the defendant is on bail, the bailiff should be alerted by the judge if the sentence includes a commitment to a jail facility. In this instance the bailiff should be in a position that will block any effort by the defendant to leave the courtroom.

Immediately on sentencing to a jail term, the bailiff shall remove the defendant from the courtroom to a court holding facility. Once in the holding facility, the bailiff shall immediately conduct a pat down search for weapons and contraband. Bailiffs shall follow the procedures for handling new remands in CSDM, 3-14/040.00 - New Remands. Defendants who are already in custody should be returned to the court holding facility for transportation back to county jail.

When the defendant is on bail, and is released on probation without a jail sentence, the bailiff may simply give the defendant a copy of the terms and conditions of probation, prepared by the clerk, and release the defendant from the court. In custody defendants shall not be released from the courtroom, they shall be returned to the main lockup facility for processing.