3-14/040.05 - Temporary/Short Term Remand

On occasion, a judge will order a bailiff to place a defendant who is in a courtroom under temporary custody without issuing a warrant or remand order. While the judge has the power to do this, arresting a person who has committed no apparent crime without authorizing documents places the Department in extreme liability for a future civil suit. Bailiffs and lockup personnel must use extreme caution when faced with this situation. The following is a guide to assist in handling this situation:

- The bailiff will handcuff the defendant, check him/her for weapons and escort him/her to a non-occupied holding cell near the courtroom. Before placing the defendant in a holding cell, the bailiff shall ensure that he/she is not carrying any contraband. Defendants temporarily detained on a judge's order will not be placed with other inmates and should not be taken to the main lock-up, unless no other areas of secure confinement are available.
- The bailiff will ask the court clerk to prepare a remand order authorizing the continued detention of the defendant. If the court clerk issues the remand, the booking process shall be completed. If a release is ordered for the same day, the inmate can be released from the court and all paperwork must be kept on file at the court for one year. No papers will be sent to IRC.

  If the court clerk cannot provide a remand order, the bailiff is to immediately notify the branch supervisor and explain the circumstances.

- The branch supervisor will then meets with the concerned judge and explain the Department needs a written court order directing us to further detain the defendant.
- If the judge refuses to provide a written order, the branch supervisor shall immediately notify the Bureau Commander, who will exercise the option of calling the judge and/or terminating the detention.
- If the issue cannot be resolved by the Bureau Commander, the Area Commander or Division Chief will contact Superior Court executives for a resolution.