

Court Hearings

10010.1 OVERVIEW

Hearings take on many forms and situations in a courtroom. They may be a simple small claims hearing to a more serious sentencing hearing where an individual may be going to jail. The bailiff should be aware that all court proceedings have a potential for a violent outbreak.

(a) Probation and Sentencing Hearings

1. This type of hearing is usually held after a defendant has been found guilty of committing the crime alleged by the prosecutor.
2. At the conclusion of the trial, the judge will normally request a report from the Probation Department to ascertain recommendations for sentencing.
3. When the defendant is called before the judge, if the defendant is on bail, the judge should alert the bailiff if the sentence includes a commitment to a jail facility.
 - i. In this instance, the bailiff should be in a position that will block any effort by the defendant to leave the courtroom.
4. Immediately on sentencing to a jail term, the bailiff shall remove the defendant from the courtroom and immediately conduct a pat down search for weapons and contraband. For additional information on remand procedures refer to CCOM Section 10006.12 – Defendant Remands.
5. Defendants who are already in custody should be returned to the court holding facility for transportation back to county jail.
6. When the defendant is on bail and is released on probation without a jail sentence, the bailiff will give the defendant a copy of the terms and conditions of probation, prepared by the clerk, and release the defendant from the court.
7. In custody defendants shall not be released from the courtroom; they shall be returned to the jail for processing.

(b) Order to Show Cause

1. An order to show cause hearing may involve a contempt matter, restraining order or a motion by an attorney to have evidence produced, etc. Since there are many types of order to show cause matters, it is imperative that a bailiff, in a courtroom that hears these types of orders, be familiar with the proceedings.
2. Restraining order hearings may involve domestic violence, harassment, and child custody or divorce hearings. All of these hearings are potentially violent. A bailiff must be aware of all persons in the courtroom and not be distracted by outside influences.

(c) Family Law

1. Matters in this type of hearing usually involve separation, divorce, or order to show cause matters involving families. The very nature of this court involves conflict between two parties. This can create situations that will be volatile.

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2. Bailiffs should be knowledgeable and vigilant of any situations of violence against either party. This knowledge can prevent a violent outbreak in court.

10010.2 MENTAL HEALTH HEARINGS

- (a) The Superior Court designates and conducts examinations and hearings for the purpose of determining a defendant's state of mental health.
- (b) Persons alleged to be mentally ill and who have had petitions filed on their behalf, or have had proceedings suspended in the Superior Court regarding the person's competency to stand trial on felony criminal charges appear in these courts. Narcotic commitments to the California Rehabilitation Center, (CRC) are also heard in this court.
- (c) A bailiff assigned to the Mental Health Court performs a variety of duties, as follows:
 1. Prisoners held in the county jail who are involved in cases being heard in mental health cases shall be ordered for court by the bailiff on the Transportation Order form. Custodies may also be brought in from outside sources such as county, state or contract hospitals.
 2. The bailiff will escort the prisoners from the holding area. In the courtroom, the bailiff shall be as attentive as possible to the patient who appears for a hearing. Every measure of assurance should be given the patient during the proceedings. If the patient displays violent or erratic behavior, it is the duty of the bailiff to control the patient and call for assistance. Because of the type of individual in these hearings, the bailiff will generally be stationed directly behind the patient during such hearings.
- (d) "Bedside Court Hearings" may be conducted in the wards of the Psychiatric Unit, at County Mental Health, or at any state or county institution or any place so designated by the court. Many patients are not ambulatory due to their state of physical or mental health. These bedside hearings are lawful court sessions. Therefore, the bailiff shall abide by the rules of courtroom procedure in maintaining order and preserving the dignity of the court.