

## **PROTOCOLS FOR ADULT ARRAIGNMENTS AND PRESENTMENTS**

To promote and ensure compliance with the law and the efficient administration of justice, the following protocols shall be followed in C-10 effective March 21, 2011.

### **GENERAL PROVISIONS**

#### **Lock-Up Drop-Off Times**

The Metropolitan Police Department shall drop off new prisoner lock ups to the Superior Court Cellblock no later than 10:30 a.m. Monday through Friday, and on holidays. On Saturdays, prisoner lockups shall be dropped off at the Superior Court Cellblock no later than 2:30 p.m.

#### **Courtroom Start and Finish Times**

Citation cases shall be called in Courtroom C-10 on Tuesdays and Thursdays from 10:00 a.m. until 12:00 p.m. Courtroom C-10 shall begin adult arraignments/presentments Monday through Friday at 1:00 p.m. and continue until all cases are finished. On Saturdays and holidays, the courtroom shall begin business operations at 11:00 a.m. and continue until all cases are finished.

#### **Security**

*Superior Court Security Officers* shall monitor security in the gallery of Courtroom C-10 for citation and lockup arraignments. During citation arraignments, the Court Security Officers shall monitor the gallery and the well of the Court. The assigned security officers shall ask any persons to leave the courtroom if they are talking, eating, or using cell phones.

*The U.S. Marshals Service* shall maintain security and order in the cellblock, the well of the Court, and in the gallery when necessary. To the extent possible, the U.S. Marshals Service shall provide timely access to arrestees in the cellblock for those requiring access to defendants, including Pretrial Services Agency representatives, Criminal Justice Act Office representatives, and defense counsel.

#### **United States Attorney's Office**

Between 70 and 80 percent of the U.S. lockup papered case files shall be ready and in the courtroom before arraignments/presentments begin.<sup>1</sup>

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<sup>1</sup> There may be times when technological issues, special law enforcement initiatives, and other unforeseen events may make it difficult to reach the 80 to 90 percent case ready goal. However, these circumstances are considered exceptions. If special circumstances occur on any day, the agency affected shall communicate with all other agencies as early as practicable so that workflow adjustments can be made to ensure that the calendar is concluded timely.

*Gerstein* Perfection cases and any other carry-over matters from the previous day shall be ready and the case files in the courtroom at the start of the afternoon calendar unless prior arrangements are made for the cases to be called later.

Major felonies shall be ready to be heard by 3 p.m. unless arrangements are otherwise made for later presentment.

The United States Attorney's Office shall provide a draft order for all requested stay aways for defendants.

*Office of the Attorney General for the District of Columbia*

Between 80 and 90 percent of District of Columbia lockup papered case files shall be ready and in the courtroom before arraignments begin whenever cases filed by the Office of the Attorney General for the District of Columbia are heard in C-10.<sup>2</sup>

The Office of the Attorney General shall inform the lead courtroom clerk of the cases that are ready for arraignment before the court session begins.

*Pretrial Services Agency*

The Pretrial Services Agency shall have 70 to 80 percent of the Pretrial Services Agency Reports for papered cases completed and in the courtroom before the calendar begins.<sup>3</sup>

Fifteen (15) minutes before the start of the arraignment calendar, the assigned Pretrial Services Agency representative shall provide all completed reports to the lead courtroom clerk.

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<sup>2</sup> There may be times when technological issues, special law enforcement initiatives, and other unforeseen events may make it difficult to reach the 80 to 90 percent case ready goal. However, these circumstances are considered exceptions. If special circumstances occur on any day, the agency affected shall communicate with all other agencies as early as practicable so that workflow adjustments can be made to ensure that the calendar is concluded timely.

<sup>3</sup> There may be times when technological issues, special law enforcement initiatives, and other unforeseen events may make it difficult to reach the 70 to 80 percent case ready goal. However, these circumstances are considered exceptions. If special circumstances occur on any day, the agency affected shall communicate with all other agencies as early as practicable so that workflow adjustments can be made to ensure that the calendar is concluded timely.

The Pretrial Services Agency representative shall place the completed pretrial reports in order by lockup number on the bench before the calendar begins and as additional reports are completed throughout the court session. The provision of the reports prior to the start of the session allows the in-court representative to focus on accurately completing release orders, monitoring the status of pending reports and late requests for background information, and coordinating requests for interviews of defendants whose interviews are necessary to establish appropriate release conditions. All Pretrial Services Agency Reports include health, juvenile, and substance abuse information, which eliminates the need for the representatives to orally provide this information to the presiding judge.

The Pretrial Services Agency representative shall coordinate with the United States Attorney's Office throughout the afternoon to determine which defendants require screening for the High Intensity Supervision Program.

### Defense Counsel

All attorneys shall interview their clients before the start of the arraignment calendar. All interviews occur in the Superior Court Cellblock. No interviews shall occur in the courtroom.

Attorneys shall not enter the well of the court until their cases are called. Attorneys should submit their *praecipes* for their cases at least 15 minutes before the court session begins. *Praecipes* for cases assigned after the start of the court session should be submitted at the time the case is called.

All attorneys are expected to remain in the courtroom once the calendar begins to eliminate passing of cases because attorneys are not available. If an attorney must leave the courtroom, arrangements should be made for another attorney to stand in. If the attorney of record is not present and has not made arrangements for coverage, the Court may appoint new counsel.

## **THE C-10 CALENDAR**

### **IN GENERAL**

The courtroom clerk shall only call cases that have been deemed ready for arraignment. A case is ready when a Pretrial Services Report is filed and the government's file and the court jacket are present in the courtroom.

No case shall be passed once called unless there is good cause to delay the arraignment or presentment.

### **CITATION CALENDAR**

Citations that are no papered shall be called and the defendants released before the presiding judge takes the bench. Each person shall receive a copy of the No Paper Notification Form before release.

Defense counsel shall appear 15 minutes before the start of the citation calendar and ensure that their clients have completed a Criminal Justice Act eligibility interview before the start of the court session and that the attorney's *praecipes* have been filed with the courtroom clerk.

For each papered citation case, the Pretrial Services Agency shall provide a Citation Pretrial Services Agency Report. The report shall include the defendant's address as provided by the Metropolitan Police Department and a report of the defendant's criminal history prepared by the Pretrial Services Agency. Based upon the modified citation eligibility criteria, personal interviews of citation defendants are not conducted unless there is a request for more restrictive release conditions, such as High Intensity Supervision or evaluation for Specialized Supervision. The Pretrial Services Agency will provide additional demographic information to the calendar judge who will hear the case post-arraignment if so requested by that judge.

### **LOCKUP ARRAIGNMENTS/PRESENTMENTS**

#### **No Papered Cases**

Defendants whose cases are no papered shall be released from the Superior Court Cellblock or the Metropolitan Police Department Central Cellblock rather than the courtroom.

#### **Defendants Who Are Not Present for Arraignment/Presentation**

Before beginning the lockup calendar, the court, through the lead clerk, should inquire whether there are any persons who are on the lockup list but who did not make it to court, and the United States Attorney's Office should make representations regarding the status of the defendants, if known. After these cases are called for the record, the United States Attorney's Office and the Metropolitan Police Department should work together to determine the reason the defendant did not come to court. Additional information regarding the status of the defendant shall be provided to the Court before the end of the court session that day.

- ***No papered cases***

Persons whose cases are no papered but who were not brought to the courthouse shall be released from police custody after receiving appropriate electronic notification to the Metropolitan Police Department's Central Cellblock.

- ***Hospital cases***

All papered cases where the defendant is hospitalized shall be called for the record and rescheduled for the next court session. Defendants shall be appointed counsel and counsel, or the Stand-in counsel shall investigate the status of the defendant and the estimated time for completion of medical treatment so that arraignment/presentation can be rescheduled based on the expected availability of the defendant. The

government also shall be prepared to address the status of the case and the defendant at the next court session.

- *Non-hospital cases*

If a defendant is not hospitalized and continuing the case would result in the person being arraigned more than 48 hours after arrest, the defendant may be ordered brought to court forthwith to complete the arraignment/presentment that day. Otherwise, the case should be scheduled for the next court session.

Once the court addresses those prisoners who were not present for arraignment/presentment, the following cases shall be called in the following order:

- *Jail cases including fugitive release, U.S. Marshals Service lockups, and defendants pending 24-Hour Gerstein perfections;*
- *New fugitive cases;*

Except when a defendant has local charges, fugitive cases are handled by the Stand-in Attorney *pro bono*. When there are multiple fugitive cases on the calendar, the defendants should be arraigned and the *voir dire* completed with as many defendants as practicable.

If a defendant does not waive the extradition hearing, the Stand-in Attorney should notify the clerk and the Pretrial Services Agency before the case is called so that a criminal background report can be prepared to assist in determining an appropriate bond or whether the defendant should be released on personal recognizance. To facilitate the preparation of the Pretrial Services Report, the U.S. Marshals Service shall move the defendant to the interview cellblock. The case should be recalled once the Pretrial Services Report is completed. If the defendant requests a hearing and the hearing is scheduled, the Stand-in attorney's *pro bono* representation will end and an attorney will be appointed to represent the defendant until the extradition matter is resolved.

If a defendant has local charges as well as a fugitive case, the attorney representing the defendant in the local case shall also handle the fugitive case.

- *U.S. lockups.*

### **SATURDAY AND HOLIDAY ARRAIGNMENTS/PRESENTMENTS**

All procedures above regarding no papered cases and defendants who are not present for arraignment/presentment shall apply on Saturdays and holidays.

Cases should be called in the following order on Saturdays and holidays:

- *Jail cases, including fugitive release, U.S. Marshals Service lockups, and defendants pending 24-Hour Gerstein perfections;*
- *Office of the Attorney General of the District of Columbia lockup cases;*

Local District of Columbia arraignments are called after the jail cases Saturdays and holidays. Cases will be called once they are determined to be ready by the lead courtroom clerk. District of Columbia cases that are linked to a U.S. lockup are not called until the United States case is ready for arraignment or presentment.

- *New fugitive cases (See above under fugitive cases);*
- *U.S. lockups.*

### **FINAL LOCKUP LIST REVIEW**

The U.S. Marshals Service shall provide the information regarding the status of each defendant who did not appear for arraignment. At the end of the calendar, the judge or the lead clerk shall review the lockup list with the U.S. Marshals Service and place on the record the status of each person on the list who was not seen in Courtroom C-10, including any transfers to other Superior Court courtrooms, U.S. District Court, or other dispositions.

### **OTHER MATTERS**

#### **Medical Emergencies**

To ensure privacy for persons undergoing medical emergencies in the courtroom or the cellblock, and to facilitate access by emergency personnel, the courtroom shall be cleared until the medical emergency has been addressed either by the Superior Court medical unit or District of Columbia Emergency Medical Personnel.

#### **Court Recesses**

An afternoon recess shall be considered by the presiding judge in consultation with the lead clerk when the recess will result in readying cases for the on-time completion of the calendar.

#### **The Adult Arraignment Working Group**

The Adult Arraignment Working Group shall continue to meet and shall consist of representatives from the Criminal Defense Bar, Metropolitan Police Department, Office of the Attorney General for the District of Columbia, Pretrial Services Agency, United States Attorney's Office, the United States Marshals Service, and the Court. The Magistrate Judge assigned to C-10 shall co-chair the meeting with the Special Counsel

for the Chief Judge of the Superior Court or the Branch Chief of Quality Assurance,  
Criminal Division.