



ARRAIGNMENTS 101

At arraignment, the defendant appears before a judge and is formally notified of the charge(s) filed against them and asked to enter a plea of guilty or not guilty. The judge will impose conditions that must be abided by while the case is pending to avoid being taken into custody. The judge may also require that bail or bond must be posted to remain out of jail while the case is pending.

Key Players

The courtroom is composed of many actors. There is a judge who presides over the courtroom. There are lawyers--prosecutors and defense attorneys--those who work for public defender organizations, or privately hired. There are court officers who are in charge of the running of the courtroom, such as the clerk and the bailiff. There are correction officers who have custody over someone when they are moved between holding and the court. And there is a court reporter who records and types everything that is said between parties on all cases.

Accused Person

The accused person, or defendant, will be brought into the courtroom, often in handcuffs and kept behind a partition when they are brought before the judge. They are usually discouraged from talking to anyone except their attorney.

Corrections Officers

Corrections officers escort accused persons to and from the courtroom, behind the partition. Once someone has been remanded or held in on bail, corrections officers take "custody" of that person. This typically means they are taken to a different floor of the building to prepare to be taken to jail.

Judge

The person in the big chair at the center of the room who will decide whether to impose bail and how much it will be, as well as any other release requirements, such as no-contact orders, treatment or evaluations, and electronic monitoring.

Stenographer

The stenographer, or court reporter, transcribes all of the proceedings. They sit in front of or nearby the judge.

Clerk

The clerk maintains the court calendar, letting the judge know when they are available to schedule hearings for following-up. They also make sure the judge has the appropriate files in front of them for the appearances. They sit in front of or nearby the judge.

Court Officers or Bailiffs

Court officers are conducting the business of the courtroom: moving files and people and making sure the audience is being quiet and not using phones. At times they field questions of people in the audience. They will usually ask you, as a visitor, what your business with the court is. One reason they do this is to know if you want to say something for one of the hearings.

Prosecutor (ADA)

Prosecutors are either standing at the podium when their case is called or in their designated desk/area of the courtroom.

Defense Counsel

Defense attorneys stand next to the accused person at the partition, join them behind the partition, stand at the presenting podium nearest the defendant, or sit at the seats nearest the public seating areas at the desk of defense counsel. Public defenders are typically in the arraignment session the whole time representing many clients. They will announce which agency they work for (TDA/The Defenders Association, NDD/Northwest Defenders Division, ACA/Associated Counsel for the Accused) You can identify a private attorney if they walk in and out of the courtroom and if they announce their law offices.

ARREST TO ARRAIGNMENT

Arrest: Once someone is arrested, they are held by the police and booked. The police have discretion and make the decision as to who gets arrested and who is issued a citation.



Booking: If someone will be held, they are booked and held until arraignment. Within 48 hours the person will have to be brought to the judge to be formally charged.



Prosecutor Interview: The prosecutor reads the police report and/or interviews the cops who made the arrest, decides the charges, and writes up the official complaint. The prosecutor has complete discretion to decide the charges (misdemeanor, felony, or violation) and to characterize the complaint. The complaint is then officially filed with the court.

- *Sometimes the prosecutor and cops interview the accused person before they are assigned a lawyer!*



Interview with Defense Counsel: Police bring the accused person to the “tank” behind the arraignment room, and their attorney tells them their official charges. This is often the first time someone learns what they are charged with. Though this is supposed to happen in front of the judge, the attorney generally agrees to “waive the reading of the charges, but not the rights thereunder.”



Arraignment: The first appearance in front of a judge where the accused person is formally charged with a crime. This is the only chance for an attorney to argue that there is no probable cause, or that the prosecutor doesn’t have reasonable grounds to charge the accused person with a crime.