Chapter 5 - Basic Courtroom Duties And Responsibilities

The purpose of this section is to give each deputy a basic knowledge of the duties of a bailiff, to acquaint the deputy with courtroom procedures and court related activities and to help in understanding and performing the duties of a court bailiff.

• 3-05/010.00 - Courtroom Preparation

Branch supervisors shall ensure that bailiffs are permitted ample time to search the courtroom, see that chairs and seats are arranged properly, test the microphones, court paging systems, and the Court Security Alarm System.

Mechanical failure within adjacent lockups such as inoperative electric fixtures, plumbing, etc., shall be immediately reported to the bailiff's supervisor, who will contact the appropriate agency to have the necessary repairs made.

• 3-05/015.00 - Formal/Informal Openings

Upon the judge's appearance at the first session of the day, the bailiff shall formally open the court generally with one of the following forms, dependent upon the judge's preference. The judge will signal from chambers (generally by a buzzer) when they are ready to take the bench.

Upon the judge's appearance at the first session of the day, the bailiff shall formally open the court generally with one of the following forms, dependent upon the judge's preference. The judge will signal from chambers (generally by a buzzer) when they are ready to take the bench.

Long Form - OPTION 1

> "Everyone rise, please (pause), in the presence of the flag of the United States, emblem of the Constitution and of freedom and justice for all, Department (?) of the Superior Court of the State of California for the County of Los Angeles, is now in session, the honorable (insert judge’s name), judge presiding. Please be seated."

Long Form - OPTION 2

> All rise (pause) and face the flag of our nation, recognizing the principles for which it stands. Department (?) of the Superior Court of the State of California for the County of Los Angeles, is now in session, the honorable (insert judge’s name), judge presiding. Please be seated."

Short Form - OPTION 1

> "Everyone rise, please (pause), Department (?) of the Superior Court of the State of California for the County of Los Angeles is now in session, the honorable (insert judge’s name), judge presiding. Please be seated."

Short Form - OPTION 2

"All rise (pause), Department (?) of the Superior Court of the State of California for the County of Los Angeles is now in session, the honorable (insert judge's name), judge presiding. Please be seated."

Special Form

Sometimes a particular judge will direct that a variation of the standard opening form be used in court. In this case, the bailiff shall open the court with the special form so specified by the judge.

After a recess and at the start of the afternoon session, upon the appearance of the judge in the courtroom, the bailiff shall resume the session by announcing: "Remain seated and come to order, court is again in session."

• 3-05/020.00 - Assisting the Court

Each judicial day the bailiff, whenever possible, shall review the court calendar with the clerk to ascertain if there is any specific or unusual case that may require special handling for that day. If there is to be special handling of a case the bailiff shall attempt to inform the judge and inquire of any special requirements the judge may have for that case.

Bailiffs may assist the court in the handling of documents and court files that must be passed to or from the bench. No one may approach the front side (the well) of the bench without the permission of the judge; therefore anything that is to be passed to the bench must be handled by the bailiff or the clerk.

Bailiffs may assist the court in handling the signing of papers as long as it does not diminish the bailiff's primary duty of security for the court.

• 3-05/025.00 - Court Documents/Files

Court documents and files are the responsibility of the courtroom clerk. They are in the custody of the clerk and shall not be removed without the clerk's knowledge and permission. Bailiffs shall not remove any document from a court file without instructions from the judge or clerk. At no time shall an attorney be allowed to remove a file from the courtroom. A bailiff wishing to review a file for security purposes shall notify the clerk. Information contained in the file shall not be given to anyone in the audience by a bailiff.

• 3-05/030.00 - Witnesses

When called to testify in a case, the prosecutor, defense counsel or judge will call out the name of the witness in open court. The witness will proceed, as directed by the bailiff, to a predetermined location to be sworn in by the clerk. The bailiff should, whenever possible, have the witness face the clerk and raise their right hand. After being sworn, direct the witness to be seated in the witness box and adjust the microphone so the testimony of the witness can be heard by all. A witness shall not chew gum while testifying. While performing these duties, the bailiff should show the witness every courtesy to allay fears and to put the witness at ease.

Handicapped witnesses should be assisted to the witness stand by the bailiff. If the witness is in a wheelchair and the witness stand is equipped with a wheelchair lift, the bailiff shall operate the lift.

All witnesses may be excluded from the courtroom on the motion of the prosecution or the defense. If the judge grants the motion all witnesses or potential witnesses will be asked to identify themselves and then will be asked to leave the courtroom, they shall be advised not to discuss their testimony with any other person or witness (867 PC). The witness shall then be called back into the court when they are to testify. It is while witnesses are excluded in a preliminary hearing that there is a high potential for witness intimidation. Bailiffs, officers testifying on the case and other deputies should be vigilant trying to prevent any form of intimidation. If the defendant is in custody, the bailiff shall not leave the court to call a witness, unless there is sufficient backup.

Sometimes it will be the deputy's responsibility to assist in the protection of witnesses. If possible, attempt to keep witnesses separate from any relatives or friends of the defendant. Anyone who attempts to prevent a witness from testifying or tries to make them change their testimony is in violation of 136.1 PC, et sec.

Refer to CSDM, 3-04/025.00 - Control of Spectators / Audience to Enhance the Safety and Security of Court and Staff.

• 3-05/035.00 - Closed Sessions

Under certain circumstances, on motion of the defendant or the prosecutor, the judge may exclude the public from the hearing (PC § 868 and 868.7). If the judge grants this motion, the bailiff shall clear the courtroom of all persons except the court staff, prosecutor, defense counsel, defendant, investigating officer, custody officer, witness presently testifying, and if the case involves a minor or a sex offense, a supporting person for the witness (868.5 PC and 868.6 PC). The bailiff shall post a sign on all doors entering the courtroom stating "CLOSED HEARING - DO NOT ENTER" No one shall be allowed to enter the courtroom without the permission of the bailiff, anyone attempting to enter shall immediately be removed.

The bailiff should, whenever possible, be stationed inside the courtroom near the door, to prevent spectators from entering. Officers and employees of the court may be allowed entry to conduct court business, unless otherwise ordered by the court.

When witnesses are also excluded from the closed session, the bailiff, on order of the court, shall dismiss the witnesses from the courtroom and instruct them to remain nearby to be available when summoned to testify.

• 3-05/040.00 - Custody Cases

In those courts that handle custody cases, the bailiff shall always be alert for an attempted escape, rescue or attack on or by an inmate. If more than one inmate is involved in a case, backup should be utilized. In this event, the bailiff shall determine how the courtroom responsibilities will be assigned. In all cases involving an inmate, when anyone is armed, investigating officers, other law enforcement agencies etc., weapons retention should be foremost in the mind of the officer.

• 3-05/045.00 - Recesses

When the court calls a recess and the judge is going to leave the bench, instruct all parties in the court to remain seated until the judge has departed the court. In a jury trial, all parties will remain seated until the jury and the judge have exited the courtroom. If a recess is called during a custody case, the inmate shall be returned to a holding area. During a recess, the bailiff may leave the courtroom for a short period of time, they should however, remain in the immediate vicinity of the court. The judge may require the bailiff to have all parties, attorneys, witnesses and/or jurors in the courtroom before the court will resume. This should be done as expeditiously as possible. Before court resumes, the bailiff should again advise all spectators in the courtroom regarding talking, eating, drinking, etc.

• 3-05/050.00 - Closing Court

At the close of the court's business for the day, the bailiff shall inspect all spectator areas for lost or forgotten items. The public entrance to the courtroom shall be secured and locked. If the court handled any custody matters, ensure that all custody papers have been delivered to the lockup. Call the lockup prior to leaving to check on all custodies handled. It is the bailiff's responsibility to transport papers to the lockup, not the lockups responsibility to go to courtrooms looking for papers. It is also the bailiff's responsibility to ensure that all inmates are returned to lockup upon closing of the courtroom.

Refer to CSDM, 3-14/015.00 - Safety and Security.