

**OFFICE OF THE STAFF JUDGE ADVOCATE**

**FORT POLK, LOUISIANA**

**BAILIFF RESPONSIBILITIES**

**POC: CRIMINAL LAW DIVISION**

**531-4405/0631**

\* Class A Uniform unless otherwise specified

\* Announces "All Rise" when the judge or panel members enter or leave the courtroom

\* Brings in witnesses into the courtroom from the waiting room as they are called

\* Retrieves written questions from panel members and carries them to the judge without being asked and without reading them

\* See Attached Rules and Appendix for guidance

## **VI. THE BAILIFF**

**RULE VI-A. DETAIL AND SUPERVISION.** There will be a bailiff either having MOS 27D or the rank of E-6 or above. The Trial Counsel or Military Judge may direct a more senior bailiff be provided. The Trial Counsel is responsible for securing the services of the bailiff and will provide the bailiff a copy of Appendix F to these rules at least 30 minutes prior to trial. The bailiff works for the MILITARY JUDGE, but may be assigned simple tasks by counsel related to the administration of the trial with permission of the Military Judge.

**RULE VI-B. DUTIES OF THE BAILIFF.** The Bailiff's duties are set out in Appendix F, and that Appendix is incorporated into these Rules.

### **APPENDIX F to 3d Judicial Circuit Rules of Court**

#### **Duties and Responsibilities of the Bailiff**

##### **F-1 INTRODUCTION.**

Bailiffs are an integral and historical part of the court-martial process. A professional bailiff adds dignity and efficiency to the proceedings.

##### **F-2 DESIGNATION AND SUPERVISION.**

- a. The Trial counsel is responsible for securing a bailiff.
- b. The bailiff works under the direction of the Military Judge.

c. The bailiff will not perform any escort duties at any time while the trial is in progress or the members are deliberating.

### **F-3 DEMEANOR, UNIFORM, AND PLACE OF DUTY.**

a. The uniform for the bailiff is Class B unless the Military Judge directs otherwise. The bailiff will not be armed or display hand or leg irons at any time while in the courtroom or in the vicinity of the building where the trial is held.

b. While the court is in session, the bailiff's place of duty will be in the courtroom at the door leading to where witnesses are waiting except when the bailiff is obtaining a witness or has been dispatched outside the courtroom. During recesses, the bailiff will not leave the building where the trial is being held. In member (jury) trials, the bailiff will remain in the courtroom while the members deliberate except that brief convenience breaks are authorized provided the bailiff secures a responsible soldier to remain in the courtroom to listen for a call by the members. During deliberations, the bailiff should be where he/she can answer the members call but not so close that the voices of the deliberating members can be heard.

c. Bailiffs will attend all sessions of court.

d. Bailiffs will conduct themselves with the greatest dignity and consistent with the seriousness of the proceedings. While court is in session, the bailiff will not read, smoke, drink, eat, or chew gum. The bailiff must remain attentive to the proceedings as the Military Judge or counsel may call for the bailiff's services.

e. The bailiff will ensure that spectators do not eat, drink, or use tobacco products while in the courtroom and otherwise do not distract the parties or members. Polite reminders will often fulfill this requirement. A spectator will not be asked to leave except by the Military Judge.

### **F-4 SPECIFIC DUTIES.**

a. Announcing "All Rise." The bailiff will announce, "All Rise" in a clear voice whenever the Military Judge enters or rises to leave the courtroom while wearing the black robe or the members enter or depart the courtroom. The Military Judge will instruct when to be seated.

b. Securing witnesses. When counsel for either side state they call a witness, the bailiff will leave the courtroom, find the witness, and walk the witness to the courtroom. When instructing a witness they have been called, the bailiff will ensure that the witness proceeds directly to the courtroom without delay. The bailiff will instruct the next witness to be "on deck." If a witness asks if they have been excused or may leave, the bailiff will advise the witness that only the Military Judge may excuse a witness and the witness must remain in the designated waiting area.

c. Handling exhibits or worksheets. At times, the bailiff will be directed to hand items to the members or parties.

d. Questions by members. In Courts-Martial, members are allowed to question witnesses in writing. When members have questions, the bailiff will do the following if the Military Judge so directs before trial:

(1) Without being asked, retrieve the question from the members without reading them (the Military Judge will already have instructed the members to fold the question forms),

(2) Take them to the court reporter who will mark the question as an exhibit,

(3) Once marked, place the exhibit on the podium so counsel may indicate their objections, and

(4) Once counsel have finished examining the exhibit, hand the exhibit to the Military Judge.

e. Ensuring members are ready. The trial counsel will provide a list of the members. Before the beginning of the first session each day with members, and after every recess, the bailiff will ensure that the members are all gathered in the

deliberation room and report the members' status to the trial counsel. When dispatched by the Military Judge to "Call the Members", the bailiff will inform the members to enter the courtroom.

f. Awaiting the close of deliberations. When members are in closed deliberation, the bailiff will remain in the courtroom to await the conclusion of deliberations. Deliberations have ended when the members inform the bailiff they are ready. When the members are ready, the bailiff will so advise the Military Judge and all counsel. See paragraph F-3b above regarding place of duty when members are deliberating.

g. Other duties. The bailiff may be required to replenish the water pitchers for the Military Judge, counsel, and the members and otherwise assist in ensuring the efficiency of the proceedings.

#### **F-5 CAUTIONS.**

Because the bailiff attends all sessions of the court, the bailiff may hear information that, by law, may not come to the attention of the members or witnesses. To ensure the integrity of the trial, the bailiff **WILL NOT UNDER ANY CIRCUMSTANCES:**

a. Say anything to the members unless specifically instructed to do so by the Military Judge,

b. Speak to any witness, whether previously called or about to be called, about the testimony of any other witness or what has or is taking place in the courtroom.

c. Speak or express their views about the evidence or testimony until the trial is completely over. A trial is not "over" until a finding of not guilty is entered as to all specifications or a sentence is announced.

d. If a member asks the bailiff any questions about the trial, the bailiff **WILL NOT** answer and report the matter to the Military Judge.