

Bailiffs 101/ Courtroom Security

Presented by

James Oswalt
Special Agent / Investigator
Texas Commission on Law Enforcement
Standards and Education

Bailiff

- Bailiff: (from Late Latin word “baiulivus”) is a governor or custodian; a legal officer to whom some degree of authority, care or jurisdiction is committed. Bailiffs are of various kinds and their offices and duties vary greatly.

Bailiffs cont.

- Many in the United States use the word “**bailiff**” to refer to a peace officer providing court security. More often, these court officers are **Sheriffs Deputies,** **Marshals,** or **Constables.** This terminology varies among (and sometimes within) states and counties.

Bailiffs cont.

- The court may appoint by “Court Order” bailiffs as peace officers, who shall have, during the term of appointment, such powers normally associated to police officers, including but not limited to, the power to make arrests in a criminal case, provided that the exercise of such powers shall be limited to any building or real property maintained or used as a courthouse or in support of judicial functions.

Bailiffs cont.

- What ever name is used, the agency providing “court security” is often charged with serving “legal process” and seizing and selling property. In some cases, the duties are separated between agencies in a given jurisdiction. A court officer (bailiff, marshal, sheriffs deputy) may provide courtroom security in a jurisdiction where a sheriffs deputy handles service of process and seizures.

Who are Peace Officers

- Peace Officers are defined in Article 2.12 Code of Criminal Procedure as but not limited to the following:
 - (1) Sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701 Occupations Code

Who are Peace Officers cont.

- (2) constables, deputy constables and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701 Occupations Code
- (3) marshals or police officers of an incorporated city , town or village, and those reserve municipal police officers who hold a permanent peace officer license under Chapter 1701 Occupations Code

Duties and Powers

- Article 2.13 of the Texas Code of Criminal Procedure lists the following:
 - (a) It is the duty of every peace officer to preserve the peace within the officers jurisdiction. To effect this purpose, the officer shall use all lawful means.

Duties and Powers cont.

- (b) The officer shall :
 - (1) in every case authorized by the provisions of this code, interfere without warrant to prevent or suppress crime;
 - (2) execute all lawful process issued to the officer by a magistrate or court

Duties and Powers cont.

- (3) give notice to some magistrate of all offenses committed within the officers jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
- (4) arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court to be tried

Duties and Powers cont.

- (c) It is the duty of every peace officer to take possession of a child under Article 63.009.
(Report of a missing child or person)

Bailiffs

- Basically a bailiff is a court officer who maintains security and order during court proceedings. Serves civil process papers i.e. Court Orders, Subpoenas, Writs, Warrants, Property Orders...
- A sheriffs deputy who executes writs, and serves civil processes.

Bailiffs Duties

- Security – To keep the court room secure and to keep the persons inside the court room safe.
- Order – To keep order in the court room (peace and quite).
- Assistance – To assist not only the judge but others who may need assistance.

Bailiffs Duties cont.

- Ethical – To maintain the integrity of the court
- Procedural – Procedures as listed in Article 45 CCP

Trials

- Seating
- Jury Trials
- Bench Trials
- (Texas is only 1 of 7 states that allow jury trials for traffic citations)

Courtroom Security - Inside

- Search the courtroom prior to use and after use or after lunch break
- Look for any thing that should not be there or does not look right; or that it does not belong there. i.e. briefcases when no one is around it: lunchboxes, books, cell phones, Ipod, backpacks...

Courtroom Security – Inside cont.

- Remember that all local rules apply; ask you judge how he wants the courtroom setup, or how he wants you to handle things if they arise.
- Positioning – Where is the best place for you to sit or stand? Check with your judge to see if he has a preference. If not, where can you get the best advantage point of the courtroom and all who enter or exit?

Courtroom Security – Outside

- Suspicious items, objects, vehicles, persons, containers
- Parking – Where do court staff park? Where does the judge park? Where do the jurors, defendants, attorneys park? Is it well lit at night? Do you walk jurors and or court staff to their cars if asked?

Courtroom Security – Outside cont.

- Entrances and exits – Are your entrances and exits monitored by a camera or metal detector or a security guard?
- Do you have an x-ray machine to check defendants and/or their attorneys as they enter the court room?
- Do you have an x-ray machine to check customers as they enter into your court?

Terms associated with Juries

- Jury Fixing – Trying to fix or stack the jury to get the outcome that you want.
- Embracery – Is an attempt to influence a juror corruptly to give his verdict in favor of one side or the other in a trial, by promise of persuasions, money, entertainments...

Terms associated with Juries cont.

- Jury Tampering – is a crime of attempting to unduly influence the composition and / or decisions of a jury during the course of a trial.
- Witness Tampering – is harming or otherwise threatening a witness, hoping to influence his or her testimony

Terms associated with Juries cont.

- Officer of the Court – The generic term applies to all those who in some degree function in their profession or similar qualifications, have a legal part in the complex functioning of the judicial system as a whole.

Terms associated with Juries cont.

Below is a partial list of who can be considered as “Officers of the Court”

- Judges, magistrates and arbitrators
- Jury (the only party without mandatory legal training)
- Prosecutors
- Coroners, medical examiners, and other medical experts
- Marshals, sheriffs, sheriffs deputies, constables, bail bondsmen...

Terms associated with Juries cont.

- The Rule – Basically when the “Rule” has been invoked it means all persons or parties who will be testifying in the case must be outside the courtroom while the testimony is going on; or until they are called to testify; and they cannot discuss their testimony with anyone (unless it’s with the prosecutor, or defense attorney).

Jurors

- Selection – What process is used
- Seating – What process is used; will there be a jury shuffle, how does your judge want them seated
- Deliberations – How does your judge want you to handle this

Court Security

- Security Manual – Does your court have a security manual in place? Do you know where it is? Does your staff know how to react / respond in an emergency?
- Communication – What and how will you react and who do you notify in case of an emergency?

Court Security cont.

- Procedures – What procedures do you have in place in case of an emergency? Who will contact the responding agencies / departments? Do you have a procedure manual in place and in operation?

References

- Wikipedia
- Texas Code of Criminal Procedure