

WHAT JUDGES WANT: Working with Judges

Presented by Judge Robert Penley, City of Shiner

Goal Statement

This conference is intended to provide information to court personnel, with a focus on "The Bailiff." Subject matter pertains to court operations including, but not limited to:

- *Courtroom Security issues
- *Administrative duties of the bailiff
- *Courtroom demeanor and
- *A myriad of unanticipated incidents and issues inherent with the uniqueness of court operations.

Avoidance of violence or disruption in court processes is the optimum goal.

In the event of disruption, crisis intervention and quelling a potential or actual dangerous situation without harm to individuals or court facilities is vital.

Course Mission

Participants will engage in dialogue with instructor and other participants to better understand
*the role and basic duties and responsibilities of a bailiff in insuring safety and survival for court staff and all occupants of the courtroom environment and to prevent and minimize casualties, injuries and property damage;

*administrative responsibilities and the importance of protecting court integrity to guard against mistrials and other procedural problems in court processes, and breaches in proprietary, sensitive and intellectual data; and

*compare practices in their court to the best practices discussed in this session.

NOTE:

This course is taught from the perspective of the instructor, based on his experiences as a peace officer, bailiff, and municipal court judge.

The objectives of this course pertain primarily to "Local Policy and Procedures" as opposed to "Written Law." Policies and procedures are usually, if not always, subject to interpretation and local implementation. Within the confines of their specific arenas of implementation, they are to be considered as "Model Best Practices."

Bailiffs should communicate with their judge to determine what the judge's expectations are of the bailiff. These are ideas, suggestions, and comments on what is commonly expected of bailiffs in the courtroom environment and are given to promote open lines of discussion amongst bailiffs and hopefully between the bailiff and his/her judge.

EVERY bailiff - full time, part time, backup, and relief - shares in the same responsibilities. Each MUST know "What belongs in the area." If a "surprise package" appears, early detection is vital. It is important to immediately recognize "something strange" is on location and to take immediate and appropriate action.

Taking "No action, Wrong action" and/or "Delayed action" are errors with potentially deadly consequences!

Particular attention should be given to break rooms, unlocked storage rooms, restrooms, corridors and anywhere the public has access. When a bomb threat has been received, or when conducting regular searches of the area, use the same technique as when searching prisoners. Develop a thorough search technique and follow the procedure EVERY time. Carelessness is avoided and thoroughness is established by repetition.

It is critical to not allow "Repetition" to become "Routine" both of which are often the "seed" of carelessness.

A method of effective communications is critical. In the event of a potential or actual crisis, appropriate personnel must be informed immediately while not alarming non-involved persons. The well worn axiom most certainly applies in this environment: "You cannot fix the problem unless you know there IS a problem!"

In relation to safety and security, "one size (or one plan) does NOT fit all."

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Basic Bailiff Duties and Responsibilities

General duties: The court bailiff is the keeper of Order, Safety and Security

If a bailiff finds it demoralizing or beneath his or her dignity to be "valet" for the judge and court staff, another line of work should be strongly considered.

The bailiff joins the judge and others of the staff in insuring a dignified demeanor, dress code and personal grooming standard is appropriately maintained conducive for conducting court business.

If the bailiff is wearing a uniform, it must be "Inspection Ready" with badge of authority and (**)side arm in full display.

(**) Only bailiffs who are TCLEOSE certified and commissioned peace officers having their firearms qualifications standards current are authorized to carry a firearm.

If wearing business attire; for males, a conservative suit or sport coat with appropriately appointed accessories is appropriate. Females will wear appropriate business clothing with jewelry of such nature that it could not be used as a weapon against the bailiff (i.e. waist sashes, long necklaces and bracelets, etc.)

When wearing business apparel, bailiff's weapons and badges must be concealed and displayed only when appropriate.

In addition to setting the "appearance" tone for dignity, the bailiff also assists in setting the "demeanor" of the process.

He or she demonstrates the ultimate in courtesy and manners to all concerned, especially to the judge, court staff, attorneys and litigants.

When speaking "TO" or addressing a judge, use both of his or her names: "Your Honor."

When referring to a judge, use his or her title: "Judge Smith."

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* At the judge's discretion, barefoot, unhealthy or excessively unclean persons may be removed from the court.

* Persons occupying court foyers, aisles or anywhere where disruptions (conversations, crying children, etc.) may intrude into the court will refrain from such behavior.

Likewise, spectators in the gallery will not be heard in the "court proceedings" areas. Profanity and vulgarity of ANY type is prohibited, unless it is in the nature of testimony. Parents with small children will be warned upon entering the gallery that any disruption will result in the parent and child being removed from the room.

Bailiff Proficiency and Professional Demeanor

Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) requires certified peace officers whom are bailiffs to regularly "qualify" with their firearm. Most officer firearms qualifications are done on an outdoor firing range, totally foreign to a courtroom environment. The enclosure of a courtroom compounded by various levels of occupancy complicate safely and successfully discharging a firearm in that environment.

Bailiffs MUST enhance their firearms proficiency by regular practice and by being mentally alert regarding the exposure to having to use deadly force in a court setting.

Additionally, as directed by the judge, bailiffs should "carry" a relatively low velocity firearm sufficient to accomplish the needed task, as opposed to a high velocity weapon with the capability of penetrating several perimeter walls and initiating extensive and uncontrolled long-range damages.

The onus is upon bailiffs to insure their training and professionalism is NOT maintained status quo, but is enhanced by availing themselves to every opportunity to advance their skills and knowledge. TMCEC seminars, self-initiated networking with bailiffs of other courts, On-line information resources as well as local community colleges, other courts and agencies are suggested resources for enhancement of personal skills.

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Upon NO occasion will bailiffs engage in conversations or share their opinions regarding prior, present or pending cases. Bailiffs do not represent prosecution or defense and will not assume "that role."

Conversations in lunchrooms, halls, elevators and ANY location where overhearing is a possibility must be avoided.

** It is CRITICAL to know your County, Agency and Court policies and procedures and to administer them to their fullest, while not going beyond their limits. Resolve all differences BEFORE the "storm hits."

** It is very important to have a clear understanding of what "YOUR judge" expects in virtually all situations that can be anticipated. It is recommended to have frequent "mini-meetings" with the judge to discuss hypothetical situations for clarification of potential future events.

Never forget! The judge's judgment is final. Bailiffs are never at liberty to "add their two cents" upon a bench pronouncement or a verdict from a jury. Equally important in emotionally charged trials and court drama situations is that all court staff not demonstrate their personal feelings with facial expressions and other forms of body language. Remember the rule is; "stoic" and "sober (perhaps somber) as a judge".

On trial in "your" courtroom are not only defendants, but also the "inalienable" constitutional rights of free citizens of the United States of America. It is your responsibility to join forces with the rest of the judicial system to guarantee those rights are administered with fairness, equality and dignity.

Every person, regardless of the seriousness or horror of the alleged criminal activity; the accused, their legal counsel and all others party to the proceedings deserve dignity. People have "names." With respect, "use" their names preceded by an appropriate "title." Expletives, adjectives and descriptives are never appropriate and are unacceptable.

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Courthouse Shooting Pinellas County

St. Petersburg, Florida

May 7, 2008

Report authored by Deputies Robin Price and John Williams, Los Angeles County Sheriff's Department

On May 7th 2008, a 30 year old white male named Glen Powell walked into the county courthouse in downtown St. Petersburg, pulled a gun out of his backpack and opened fire on two bailiffs. When the shooting ended, one bailiff was injured, Powell was dead and the courthouse had disintegrated into pandemonium and terror.

Just prior to the shooting, the suspect approached some bystanders outside the courthouse and asked "Do you know where I can go to file a petition?" The bystanders spotted a gun handle in his backpack and attempted to warn courthouse officials, but it was too late. When Powell approached the security checkpoint, bailiffs asked him to take off his backpack, and put it through the X-ray scanner.

Instead, the suspect pulled out a semiautomatic handgun and opened fire. A bullet hit a microphone on the left shoulder of Deputy B. J. Lyons, then grazed him. Deputy Lyons and Deputy Marvin Glover, 57, then returned fire, killing Powell.

The four-story St. Petersburg circuit courthouse handles civil, family and probate matters in southern Pinellas County. Nine judges work there along with dozens of clerks, judicial assistants and bailiffs, who are Pinellas County sheriff's deputies.

People enter through a ground-floor lobby on the building's west side. Within a few paces they must pass through X-ray machines, usually operated by two or three bailiffs. The ground floor is occupied by file rooms and clerk's offices. Courtrooms and judicial chambers are on the floors above.

The suspect's motive for the shooting is unknown. Powell, who has no criminal record in Florida, went to the courthouse on Wednesday to file a response to divorce papers recently filed by his wife. When his grandmother was asked why he may have done this, she replied "I don't think it was the divorce or anything,". Instead, she blamed the Web pages her son had been visiting such as "freedomforceinternational.org." "Somebody got a hold on him and got him all confused," she said.

On the Web page, the group says: "Your freedom is under attack. Even your freedom to read these words may soon be denied - all in the name of fighting terrorism, or crime, or drugs, or pollution of the environment." Virginia Powell says that when her son told her the police and Army were unconstitutional, she replied: "It's our enemies that want us to think those things."

Suspect Info: 30 years old, Eagle Scout, Champion Wrestler, Air Force Veteran, No Criminal History; Told his family he was going to the court to file a response to divorce papers. He had recently become involved in an anti-government movement.

Sequence of Events:

- * At approximately 1:11 P.M., Powell enters the courthouse.
- * Deputy Glover (a 34 year old black male) tells him to place his backpack on the X-ray machine conveyor belt.
- * Powell ignores him and walks around the barrier table towards the metal detector pulling his .45 Sig Saur as he rounds the table.
- * Deputy Lyons sees the weapon and yells "GUN" as he pulled his .45 Glock and fires.
- * Powell fires also, striking Lyons' radio microphone causing a minor abrasion.
- * In all, eleven shots were fired by the deputies with two shots fired by Powell.
- * Powell was struck six times. Once each in the heart, liver, abdomen, lower back and twice in the groin.
- * Only sixteen seconds had elapsed from the moment Powell entered the courthouse until the shooting was over.

In the pouch Powell wore around his waist there were 61 live FMJ rounds, an additional fully loaded clip (10 rounds) for his .45 cal P220 Sig Saur pistol and a loading assist device used to quickly reload empty clips. His backpack contained a gas mask with two 3m filters affixed to it. An 18 inch Khukuri knife and sheath were also in the backpack.

Although this incident ended tragically, it shows the successful deployment of armed personnel at weapons screening in the protection of employees and citizens in the courthouse. Had this incident not been handled at the entrance, who can tell what havoc might have ensued?