

Courtroom Duties and Responsibilities

10006.1 CALLING THE COURT TO ORDER

(a) Opening Speeches

Upon the judge's appearance at the opening or re-opening of a court session, the bailiff shall open the court generally with one of the following forms, dependent upon the judge's preference. The judge will signal the bailiff when ready to take the bench.

- (a) Formal Long Form - Morning Opening: "Everyone rise, please (pause), in the presence of the flag of our country, emblem of the Constitution and remembering the principles for which it stands, Department _____ of the Superior Court, is now in session, the Honorable, _____ Judge, presiding. Please be seated and come to order."
- (b) Short Form - Morning Opening "Everyone rise please (pause), Department _____ of the Superior Court is now in session, the Honorable _____, Judge, Presiding. Please be seated and come to order."
- (c) Afternoon Opening
 - i. Afternoon openings are usually the same as the Short Form - Morning Opening.
- (d) Openings after a Recess
 - i. "Everyone rise, please (pause). This court is again in session. Please be seated and come to order."
 - ii. Or "Remain seated and come to order. This court is again in session."
- (e) Small Claims Department Openings
 - i. Everyone rise, please (pause). The Small Claims Department of the Superior Court is now in session; the Honorable _____, presiding. Please be seated and come to order."
- (f) Ceremonial Opening (Where multiple Judges are sitting)
 - i. "Everyone rise, please (pause). In the presence of the flag of our country, emblem of the Constitution, and remembering the principles for which it stands, this special session of the _____ Judicial District Superior Court, for the purpose of _____ (the installation of a new member), is now open with its judges sitting en banc (in bank), the Honorable _____. Judge Presiding. Please be seated and come to order."
 - ii. This opening is usually preceded and followed by three raps of the gavel to gain order and signify the official opening of the proceedings.
 - iii. A particular judge may choose to modify or customize the court opening. Be sure to consult the judge or clerk regarding the judge's preference if newly assigned or filling in for an absent bailiff.

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10006.2 ASSISTING THE COURT

- (a) The bailiff 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.
 - 1. If there is a case that requires special handling, the bailiff shall notify their Sergeant, and the judge.
 - 2. The bailiff should inquire if the judge has any special requirements for that case.
- (b) Bailiffs may assist the court in handling/signing of papers as long as it does not diminish the bailiff's primary duty of security for the court.
- (c) Bailiffs may assist the court in the handling of documents and court files that must be passed to or from the bench.
 - 1. Remember, 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.

10006.3 COURT DOCUMENTS AND FILES

- (a) All court documents and files are the responsibility of the courtroom clerk.
 - 1. Files are in the custody of the clerk and shall not be removed without the clerk's knowledge and permission.
 - 2. Bailiffs shall not remove any document from a court file without instructions from the judge or clerk.
 - 3. An attorney may, with the court's permission, remove court documents or files from the courtroom for the purpose of counseling clients prior to their appearance in court.
 - i. At no time shall an attorney be allowed to remove a file from the courthouse.
 - 4. A bailiff wishing to review a file for security purposes shall notify the clerk.
 - 5. Information contained in the file shall not be given to anyone in the audience by a bailiff.
- (b) It is the responsibility of the court clerk to prepare all custody papers (e.g., remand orders, releases, and commitments). The bailiff shall assist the clerk in ensuring that all custody papers are taken to the jail with the remanded inmate.
 - 1. It is imperative that the bailiff checks with the holding area, or jail (if appropriate), to ascertain that all papers for their court have been received before leaving for lunch or at the end of the day.
 - 2. Custody paperwork should accompany the remanded inmate to the detention facility whenever possible.

10006.4 WITNESSES

- (a) Witnesses Called To Testify:

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1. When called to testify in a case, the prosecutor, defense counsel or judge will call out the name of the witness in open court.
 - i. The witness will proceed, as directed by the bailiff, to a predetermined location to be sworn in by the clerk.
 - ii. The bailiff should, whenever possible, have the witness face the clerk and raise their right hand.
 - iii. 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.
 - iv. A witness shall not chew gum while testifying.
 - v. While performing these duties, the bailiff should show the witness every courtesy to allay fears and to put the witness at ease.
 - A. If needed, handicapped witnesses should be assisted to the witness stand by the bailiff.
- (b) Witnesses excluded from the Courtroom:
 1. 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.
 - i. Witnesses shall be advised not to discuss their testimony with any other person or witness. (C.P.C. section 867 [\[1\]](#)).
 - ii. The witness shall then be called back into the court when they are to testify.
 - iii. It is while witnesses are excluded in a preliminary hearing or trial 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.
 - iv. If the defendant is in custody, the bailiff shall not leave the court to call a witness or jury, unless there is sufficient backup.
- (c) Protection of Witness(s) while at the Courthouse:
 1. Sometimes it will be the bailiff's responsibility to assist in the protection of witnesses.
 - (a) Attempt to keep witnesses separate from any relatives or friends of opposing parties.
 - (b) Anyone who attempts to prevent a witness from testifying or tries to make them change their testimony is in violation of CPC section 136.1 [\[2\]](#).

10006.5 CLOSED SESSIONS

- (a) Under certain circumstances, on motion of the defense or the prosecutor, the judge may exclude the public from a hearing (PC sections 868, 868.7 [\[1\]](#)). If the judge grants this motion, the bailiff shall clear the courtroom of all persons except the court staff,

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prosecutor, defense counsel, defendant, investigating officer, custody officer, witness, and a person chosen by the witness who is present to provide moral support to the witness (PC section 868 [2]). Upon motion of the prosecution, the judge may allow members of the alleged victim's family to be present (PC section 868 [3]). In cases involving an offense listed in Penal Code section 868.5 [4], a prosecuting witness shall be entitled, for support, to the attendance of up to two persons of his or her own choosing. Only one of those support persons may accompany the witness to the witness stand, although the other may remain in the courtroom during the witness' testimony (PC 868.5(a) [5]).

1. The bailiff shall post a sign on all doors entering the courtroom stating "CLOSED HEARING DO NOT ENTER".
 2. No one shall be allowed to enter the courtroom without the permission of the bailiff; anyone attempting to enter shall immediately be removed.
- (b) 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.
1. The bailiff shall post a sign on all doors entering the courtroom stating "WITNESSES EXCLUDED".
 2. No witnesses shall be allowed to enter the courtroom without the permission of the court; any witness attempting to enter shall immediately be removed.

10006.6 RECESSES

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

10006.7 CLOSING COURT

- (a) At the close of the court's business for the day, the bailiff shall inspect all spectator areas for lost or forgotten items, contraband, and any suspicious devices.
1. For information about suspicious device(s), refer to the OCSD Patrol Operations Manual (POM) Section 21 - Explosive Devices and Bombs.

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2. All items located will be documented on the appropriate log or report form.
3. The public entrance to the courtroom shall be secured and locked.
- (b) If the court handled any custody matters, the bailiff will ensure that all custody paperwork has been delivered to the holding or detention area (if appropriate for your work location).
 1. Normally, it is the bailiff's responsibility to transport court related paperwork to detention at the conclusion of court each day.

10006.8 COURT CALENDARS

Bailiffs should become familiar with the listed court calendars at their Justice Center, and should be sufficiently competent to handle them without prior notice:

- (a) Superior Court Calendars include the following:
 1. Civil and Criminal Master Calendars
 2. Felony Trials, Motions and Sentencing (in and out of custody)
 3. Civil Trials and Motions
 4. Mental Health
 5. Probate
 6. Family Law
 7. Law and Motion
 8. Small Claims Appeals
 9. Appellate Calendar
 10. Juvenile Criminal (602 W&I)
 11. Child Welfare (300 W&I)
 12. Felony Arraignments and Preliminary Hearings (in and out of custody)
 13. Misdemeanor Arraignments (in and out of custody);
 14. Small Claims
 15. Probation Violations
 16. Report and Restitution
 17. Traffic Arraignments
 18. Presiding/Master Calendar

10006.9 PRELIMINARY HEARINGS

- (a) A preliminary hearing is the initial presentation of evidence by the prosecutor in a felony case, in the Superior Court, when there is no Grand Jury Indictment.
 1. Normally, the only evidence presented at this hearing is by the prosecutor.

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2. The prosecution will present a prima facie case to the Judge to bind the defendant over for a trial.
- (b) At the conclusion of testimony in a preliminary hearing, the judge will decide if there is sufficient evidence to bind the defendant over for a trial on the charges alleged by the prosecutor.
 1. If the Judge decides there is sufficient evidence to hold the defendant for trial, an arraignment date will be set for the defendant.
- (c) In the case of an "Immediate Arraignment" on a felony charge held after a preliminary hearing, the defendant's fingerprint must be taken just as it would be in Felony Arraignment (CPC 992)[1].

10006.10 FELONY AND MISDEMEANOR ASSIGNMENTS

- (a) The prosecutor brings the defendant(s) before a Judge to be informed of their Constitutional Rights and be advised of the charges filed against them.
 1. Defendants may be in custody or may have bailed out and walked into the courtroom. In either case the bailiff must be aware of the charges for a particular defendant.
 2. The Preliminary Hearing, being the initial appearance of the defendant on a felony charge, can be the most dangerous situation in a courtroom.
 3. The bailiff should notify their supervisor of any specific cases that may require additional security.
- (b) CPC section 992 [1] requires that all persons being arraigned on felony charges must be fingerprinted.

10006.11 IN-CUSTODY/OUT OF CUSTODY DEFENDANTS

- (a) In Custody Defendants:
 1. In custody defendants shall normally be seated next to their attorney.
 - i. They shall use a chair without wheels and should be secured whenever possible; (Secured generally means being handcuffed to the rear or in waist restraints, when permitted by the court).
 - ii. In the event the defense attorney makes a motion to remove the handcuffs, it is up to the bailiff, with the assistance of the prosecutor, to show cause why the defendant should remain handcuffed during the hearing.
 - iii. If the judge makes an order to remove the handcuffs, the bailiff shall comply with the order.
 2. In custody defendants have a right to make notes.
 - i. Any materials given to the defendant by defense counsel shall first be given to the bailiff for a visual inspection.

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- ii. Attorneys may only give their clients a business card or court related documents, no other items or notes may be passed directly between an in custody defendant and an attorney.
 - iii. Attorneys shall be advised of potential weapons at counsel table when they are dealing with custodies.
 - iv. Remove all paperclips, staples, etc. from materials before they are given to custodies.
- (b) Out of Custody Defendants:
- 1. While out of custody defendants do not pose the potential problems that an in custody defendant does, they may still create a problem by having large numbers of supporting friends.
 - 2. If the defendant, the defendant's relatives or friends of the defendant inform a bailiff that someone is trying to intimidate a witness, the prosecutor shall be immediately informed.
 - i. Necessary action may be taken by the investigating officer or the bailiff.

10006.12 DEFENDANT REMANDS

- (a) Court Remands
- 1. When a defendant is "remanded to the custody of the Sheriff," he or she is deemed to be in our custody from the point these words are spoken by the Judge.
- (b) Custody
- 1. The Court Deputy will immediately place the defendant in handcuffs and perform a pat down search for weapons and contraband.
 - i. If a Prowler Deputy is present, they will perform these tasks and the Court Deputy will maintain the normal course of business in the Court.
- (c) Processing the remand will be as follows:
- 1. The Deputy will fill out the Booking Sheet, Request for Classification Form, Medical Health Questionnaire Form and ask the remanded inmate the following questions prior to escorting the remanded inmate to detention.
 - i. Are you sick or injured?
 - ii. Have you ever attempted suicide or do you feel suicidal at this time?
 - iii. Are you currently taking any medications?
 - iv. Do you have any health problems?
 - v. Gang affiliation for segregation classification purposes
 - vi. Are you a custodial parent?
 - vii. Are you currently seeing a mental health professional?

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2. All the responses made by the remand to the questioning will be documented on the Field Information Sheet.

(d) Property

1. Upon taking a remand into custody the bailiff may ask the remand if he or she would like to give someone in the audience some or all of their cash or personal property. If the remand declines, or there is no one readily available to receive the cash or property the following procedure will be adhered to:
2. The Deputy will count all money and verify the amount with the remanded inmate.
3. The Deputy will write the amount collected on the Property Inventory Receipt Form and then sign the form in the appropriate section.
 - i. The property inventory form along with the remands property will be brought to the detention holding area.
 - ii. Money in excess of 500.00 dollars will be counted by the Detention Sergeant, and a cash count sheet will be filled out.
 - iii. The Deputy will place the money in a clear bag. This will be a smaller bag placed inside the larger property bag.
 - iv. For additional information refer to CCOM Section [3000.4\(d\)](#) – Personal Property Inventory.
4. All other property will be placed into a separate (larger) Detention Property bag and be sealed. The Deputy will write the remanded inmate's name, date of birth, and charges listed on the front.
 - i. A Property receipt will be attached to the remanded inmate's property.
 - ii. The Deputy will write the word Transportation in the Money/Property Transfer Record section indicating the bag/bags were picked up along with the remanded inmate by Sheriff's Transportation.
 - iii. This process requires the use of two separate bags. The purpose is that when the property arrives at the jail, the outer bag can be opened to log and deposit money while keeping the integrity of the property bag secure.
 - iv. In the event that property is collected that won't fit in a property bag, the Deputy will attempt to locate a relative or friend in the audience that the oversized/excess property may be turned over to.
 - v. If a friend or relative cannot be found, the Deputy will log the property on a safe keeping report and book the property into the Property and Evidence Lockers at the Sheriff's Department.
5. Remanded Inmates from the Court will not be housed with jail inmates if at all possible as they have not been thoroughly processed into the jail system. As soon as possible, the remanded inmate will be transported to the Intake Release Center for booking.

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- (e) Releasing Personal Property - For information refer to CCOM Section [11002.6](#) – Releasing Personal Property.

- (f) Communicable Diseases

In any case in which a communicable disease is suspected by the arresting Deputy, the remanded inmate shall be segregated from the general population until a qualified medical evaluation can be made.

- (a) Any remanded inmate that appears to be suffering any type of communicable disease will be segregated from other inmates.
 - i. The remanded inmate will be immediately taken to the Intake Release Center for booking so they may be screened by medical staff who will evaluate their needs in accordance with Sec. 1206.5 of Title 15, and [CCOM Section 2108](#) – Intake Screening.
- (b) Any remanded inmate that appears to be suffering any type of mental disorder will be segregated from other inmates.
 - i. Remanded inmates who appear to be a danger to themselves or others, or who display violent and bizarre behavior will be immediately taken to the Intake Release Center for booking so they can be placed in an observation cell pending an evaluation by Mental Health staff.