



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. ARMY COMBINED ARMS CENTER AND FORT LEAVENWORTH
412 CUSTER AVENUE, BUILDING 244
FORT LEAVENWORTH, KANSAS 66027-2300

ATZL-SJA-CL

11 June 2013

MEMORANDUM FOR RECORD

SUBJECT: Requirements for All Courts-Martial Baliffs, Escorts, and Guards detailed by the Office of the Staff Judge Advocate, Fort Leavenworth, Kansas 66027

1. Reference Rules of Practice Before Army Courts-Martial, dated 26 March 2012, Section VI, Supporting Trial Personnel. RULE 29: Bailiff; RULE 30: Guards; and RULE 31: Courtroom security.
2. Unless the judge directs otherwise, the court requires a bailiff at every Art. 39(a) session at which witnesses will be called and at every trial. The bailiff will obtain witnesses as they are called to testify, call everyone to rise when the judge or the entire panel enters or leaves the courtroom, and take care of administrative errands during trial. The bailiff will neither be a witness, nor the unit escort, nor a guard for the accused. Likewise, a bailiff should neither have an interest in the case nor a close association with the accused or a victim of a charged offense.
3. For Courts-Martial convened at Fort Leavenworth, Kansas, the bailiff will be a noncommissioned officer in the rank of Sergeant First Class (SFC) or above. In cases of an enlisted accused in the rank of SFC, the bailiff must have a senior date of rank, or be an officer. In cases of an officer accused, the bailiff will ordinarily be an officer senior to the accused, if reasonably available. If not reasonably available, the bailiff will be a noncommissioned officer in the rank of SFC or above. Trial counsel, or the detailed Military Justice paralegal, is responsible for obtaining and briefing the bailiff as to the bailiff's duties and providing the bailiff a copy of the Bailiff Briefing and witness list. In the event of a Court-Martial where there is a Panel, there is a requirement for two bailiffs in the rank of Staff Sergeant (SSG) or above, and outrank the accused. In Panel cases with an enlisted accused in the rank of SFC, one bailiff must have a senior date of rank to the accused, or be an officer, and the junior bailiff will be assigned to the Panel.
4. Unless otherwise directed by the judge, guards, if necessary, will not be permitted inside the bar of the courtroom. Firearms or weapons, except when such are to be exhibits or when otherwise explicitly authorized by the judge (e.g., civilian law enforcement personnel and courtroom security officers), are not permitted in the courtroom. The judge may require that courtroom security officers attend selected trials or hearings. If so, the trial counsel is responsible for ensuring this requirement is satisfied. When used, courtroom security officers will be military law enforcement personnel or United States Marshals attired as the judge directs (which may include

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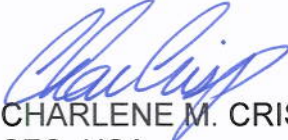
their regular uniform, carrying a loaded sidearm and other equipment designated by the Provost Marshal where the trial is held). Use of a courtroom security officer is not an indicator that the accused presents a security or flight risk. An instruction to members to that effect may be appropriate in the judge's discretion.

5. The duty uniform for all bailiffs is the Army Service Uniform (ASU), unless otherwise directed. Court-Members are subject to this detail until they have been excused by the Chief of Military Justice.

6. Point of contact for this memorandum is the undersigned at (913) 684 -4844.

2 Encl

1. Bailiff Briefing and Acknowledgement
2. Escort Briefing and Acknowledgement


CHARLENE M. CRISP
SFC, USA
NCOIC, Military Justice



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ATZL-SJA-MJ

11 June 2013

MEMORANDUM FOR All Courts-Martial Baliffs, detailed by the Office of the Staff Judge Advocate, Fort Leavenworth, Kansas 66027

SUBJECT: Bailiff Duties

1. You have been detailed as the Baliff in the upcoming court-martial, U.S. v. _____ . You are required to be present for Baliff duty during all of the court-martial proceedings associated with the case to which you are detailed, to include all pretrial and post trial hearings.
2. Duties:
 - a. The duty uniform is your Class A uniform or Army Service Uniform (ASU), unless otherwise directed.
 - b. You are to report to the NCOIC of Military Justice at the courtroom 30 minutes PRIOR to any court-martial proceedings or hearings. The Paralegal assigned to this case is: _____ , who can be reached at 913-684-4844. They will ensure that you are informed of the dates, times, and locations of all hearings and court-martial proceedings associated with the case to which you are detailed.
 - c. The Bailiff is the only link between the parties (Military Judge, Counsel, Accused, Court Reporter, and Court Members) and anyone else when the court is in session. The Bailiff will deliver any necessary messages, evidence, and documents to and from all involved parties during the trial.
 - d. The Bailiff will remain alert at all times.
 - e. The Bailiff will ensure that the Court Members remain sequestered during deliberations. The Bailiff will post himself or herself outside the door of the deliberation room and will let all other parties know when the Court Members are ready to have the court reconvene.
 - f. During trial, the Bailiff will position himself or herself so that he or she not only observes the parties, but also any spectators. The Bailiff will ensure a quiet and orderly atmosphere exists in the gallery at all times. The Bailiff will politely escort loud, disruptive, or sleeping spectators from the courtroom. Children may observe trials, but if they become disruptive, the Bailiff will ensure that they leave the courtroom.

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SUBJECT: Bailiff Duties

g. The following activities/items are prohibited in the court-room: smoking; food; chewing gum; beverages (other than water); cameras; tape recorders; video cameras; and weapons (unless authorized by the Military Judge). The Military Judge may permit parties (Counsel and the Accused) and Court Members to have a beverage (e.g., a cup of coffee or water) in the courtroom. Photographs, video and sound recordings (except those by the detailed Court Reporter or otherwise authorized by the Military Judge), and radio and television broadcasts shall not be made in or from the courtroom during any trial proceedings. Cellular phones, tactical radios, pagers, and similar devices that make noise are not allowed in the courtroom, unless their audible signals are disengaged (turned off). The Bailiff will assist the court in enforcing these prohibitions in a dignified, professional fashion.

h. The Bailiff will announce loudly, "**ALL RISE**," on the following occasions:

1) Each time the Military Judge enters or leaves the courtroom while wearing the judicial robe.

2) Each time the Court/Panel Members collectively enter or exit the courtroom.

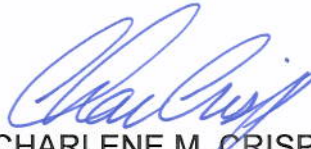
i. The Bailiff will maintain the panel seating chart and ensure the Members are in proper seating order before they enter the courtroom (if applicable).

j. The Bailiff will not discuss the testimony of witnesses or the happenings within the courtroom with other witnesses, spectators, or anyone else while the trial is ongoing.

k. After each trial day and after the trial terminates, the Bailiff will assist the government in restoring the courtroom, Deliberation Room, waiting room area, and latrines to a neat and orderly appearance. This duty may include emptying the trash containers in these rooms.

3. You are subject to this detail until you have been excused by the Chief of Military Justice.

4. Point of contact for this memorandum is the undersigned at (913) 684 -4844.


CHARLENE M. CRISP
SFC, USA
NCOIC, Military Justice

ATZL-SJA-CL

MEMORANDUM FOR Chief, Military Justice Division, Office of the Staff Judge Advocate, Fort Leavenworth, Kansas 66027

SUBJECT: Baliff Duties in the case U.S. v. _____.

1. I have received a copy of the attached memorandum from the NCOIC of Military Justice, notifying me of the duties as responsibilities as the baliff in the Court-Martial noted above.
2. Additionally, I have received a verbal briefing and understand my duties as a baliff.
4. I understand the duty uniform for all of the court-martial proceedings associated with the case to which I am detailed is the Class A uniform or Army Service Uniform (ASU), unless otherwise directed.
5. I can be reached at the following numbers:

Duty phone: _____ .

Cell phone: _____ .

SIGNATURE

PRINTED NAME: FIRST M.I. LAST

RANK, UNIT



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ATZL-SJA-MJ

11 June 2013

MEMORANDUM FOR All Courts-Martial Escorts, detailed by the Office of the Staff Judge Advocate, Fort Leavenworth, Kansas 66027

SUBJECT: Escort Duties

1. You have been detailed as an Escort to the accused in the upcoming court-martial, U.S. v. _____. You are required to be present for Escort duty in the case that the accused is found guilty during the court-martial proceedings associated with the case to which you are detailed and during any post trial hearings OR in the case that you are detailed to a case involving an inmate or a Soldier in pre-trial confinement, your presence is required for all of the court-martial proceedings associated with the case, to include all pretrial and post trial hearings.

2. Duties:

a. The duty uniform is your Army Combat Uniform (ACU), unless otherwise directed.

b. You are to report to the courtroom 20 minutes after notification from a Military Justice Paralegal that your presence is required. The Paralegal assigned to this case is: _____, who can be reached at 913-684-4844. They will ensure that you are informed of the dates, times, and locations of all hearings and court-martial proceedings associated with the case to which you are detailed.

c. You are responsible for reserving/securing a government owned vehicle (GOV) for the specified trial dates. You will ensure that the Accused/Inmate is transported in a GOV to and from all destinations to include:

- (1) Court-Martial Hearing.
- (2) Article 39a Hearing (*in the case of an accused being in PTC or an inmate*).
- (3) Limited Evidentiary Hearing (DuBay Hearing).
- (4) Interim Confinement Facility (ie: Leavenworth County Jail).
- (5) Kansas City International Airport (KCI).
- (6) Final Confinement Facilities (ie: Fort Knox RCF, Fort Sill RCF, Fort Leavenworth JRCF and/or the Fort Leavenworth USDB).

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SUBJECT: Escort Duties

(7) Dining Facilities; Barracks; unit; and the Military Justice Office.

d. The Escorts will remain alert at all times and will maintain positive control over the Soldier/Inmate. At least one Escort must be guarding the Accused/Inmate at all times. The Escort must outrank the accused/inmate and preferable be a Noncommissioned Officer (or Officer in the case that the Accused/Inmate is an Officer).

e. The Escorts are required to secure and maintain a pair of hand restraints and a small hand towel (for draping over hand restraints) prior to the sentence hearing. The hand restraints can be coordinated through the Fort Leavenworth Department of Emergency Services (DES) at 684-3543.

f. During trial, the Escorts will position themselves so that they are able to observe the Accused/Inmate at all times.

g. The Escorts or unit personnel will at no time remove rank from the Accused/Inmate's uniform even after the hearing is complete or sentence of confinement and reduction has been announced.

h. If in pre-trial confinement or interim confinement at Leavenworth County Jail, the Escorts must coordinate with the Fort Leavenworth Provost Marshal's Office (PMO) prior to the trial for relinquishing and receiving custody of the Accused/Inmate. The Escorts may contact PMO via phone number at (913) 684-2111. On each day of the hearing, the Escorts are required to transfer the Accused/Inmate to and from Leavenworth County Jail, located in Leavenworth, Kansas.

i. The Escorts will demonstrate professionalism at all times when interacting with the Accused/Inmate. The Escorts will not conduct in horseplay with the Accused/Inmate or around the Accused/Inmate. The Escort will not degrade or treat the Accused/Inmate with contempt. The accused will not be physically restrained in a manner observable by the court members unless the judge approves the restraint in advance.

j. The Escorts will inspect all rooms (to include the bathrooms/latrines) prior to the Accused/Inmate entering into the rooms.

k. DOD Corrections and Fort Leavenworth Adjutant General's Office will process the orders to a final confinement facility. Upon completion of the Accused/Inmate's orders to confinement, the Escorts must transport the Accused/Inmate to his final confinement facility. As a reminder, the final confinement facility will be unknown until after confinement is ordered.


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SUBJECT: Escort Duties

- l. The Escorts' units must process orders for the Escorts to accompany the Accused/Inmate to his/her final confinement facility. The Escorts' units must coordinate travel arrangements for the Escorts and the Accused/Inmate.

 - m. The Escorts will be required to transport the Accused/Inmate to a medical facility to have a confinement physical examination completed prior to all confinement facilities. This confinement physical examination will be noted in blocks 9 and 10 on the DD Form 2707, Confinement Order.

 - n. If you are detailed to a case involving an inmate or a Soldier in pre-trial confinement, you will be required to secure a weapon (M-9 with holster) from your unit arms room. The escort under arms will remain outside the courtroom at all times, unless otherwise directed by the Military Judge.
3. If the accused is found innocent, or guilty but is not sentenced to confinement, you will coordinate with the Military Justice section for any further duties. You are subject to this detail until you have been excused by the Chief of Military Justice.
4. Point of contact for this memorandum is the undersigned at (913) 684 -4844.


CHARLENE M. CRISP
SFC, USA
NCOIC, Military Justice

ATZL-SJA-CL

MEMORANDUM FOR Chief, Military Justice Division, Office of the Staff Judge Advocate, Fort Leavenworth, Kansas 66027

SUBJECT: Escort Duties in the case U.S. v. _____.

1. I have received a copy of the attached memorandum from the NCOIC of Military Justice, notifying me of the duties as responsibilities as an Escort in the Court-Martial noted above.
2. Additionally, I have received a verbal briefing and understand my duties as an escort.
4. I understand the duty uniform for all of the court-martial proceedings associated with the case to which I am detailed is the Army Combat Uniform (ACU), unless otherwise directed.
5. I can be reached at the following numbers:

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