



STANDARD OPERATING PROCEDURES FOR COURT BAILIFFS

High Court of the Marshall Islands Bailiff Manual of Standard Operating Procedures

This manual reflects the standards (policies and procedures) by which the bailiffs of the Marshall Islands Court perform their job functions. The bailiffs of the court recognize the need to adhere to a code of conduct that reinforces the professionalism with which they serve their community. Although we have tried to write this manual as gender neutral, words denoting a specific gender are intended to apply equally to either gender.

While it is believed that most incidents and/or issues a bailiff might encounter will be covered by a standard set forth within this manual, it is expected that the values and ethics we have pledged to ourselves and the commitment to our community will give each of us an overall guide in those matters not specifically addressed in a standard, those so called "gray areas." Essential to the learning process, it is understood that mistakes will be made while we make critical decisions and take risks associated with our profession. Therefore, the "Code of Ethics" is included in this manual. A bailiff's actions will be viewed within the scope of what is in the best interest of the Court and the nation, as well as to what is reasonable and ethical under the circumstances.

This manual should be read in conjunction with the *Rules and Regulations* of Marshall Islands Police Department and the Majuro Atoll Police Department. While not bound by these regulations, where practicable the regulations will be incorporated into the bailiff procedures of the Marshall Islands Courts.

This manual was developed as a direct result of a Court-wide effort. It is designed to be reviewed and updated at regular intervals. All employees of the court are encouraged to forward their suggestions for revisions or new standards as necessary.

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Clerk of Courts
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April 2012

VALUES, MISSION, AND VISION STATEMENTS OF THE REPUBLIC OF THE MARSHALL ISLANDS JUDICIARY

The bailiffs of the court support the mission of the judiciary and as such, share the same values, mission, and vision as the Judiciary.

Our Values:

Tomak, Jenok, im Aurok Ko Ad:

The Courts of the Marshall Islands hold the following values and desire to operate in a manner that is, and will be perceived as:

Jikin Ekajet ko an Marshall Islands rej debij im jermal wot iumin tomak im aurok kein kab konan eo non air jermal ilo wawein ko renaj koman bwe armej ren kalimjeklok ra eo an Jikin

Ekajet bwe ej juon eo ej einwot in:

independent	<i>ejenolok im jutaklok ian make</i>
fair and impartial	<i>ej jermal jimwe ilo ejelok kalijeklok im jeb</i>
efficient	<i>ebolemen im tiljek ilo an kakke aikuij ko</i>
accountable	<i>etiljek, ekkeke, im maron uwak non jermal ko an</i>
accessible	<i>ebellok non aoleb armej</i>
competent	<i>ekakemooj im emmon an komane jermal eo an</i>
consistent	<i>ej jokkin wot juon an komane jermal eo an</i>
respectful	<i>ewor an kautiej armej</i>
service-oriented, and valuing custom and tradition.	<i>etiljek, jela nae, jela kunaan, im jela karejar iben armej: im ej kaurok im kautiej manit im men ko bwinnid im ad jolet.</i>

These values form the basis for the following Mission and Vision Statements.

Tomak im aurok kein rej ejaake bedbed eo non kottobar im ettonak kein ilal.

Mission Statement:

Kottobar Eo:

The mission of the Courts of the Marshall Islands is to fairly and efficiently resolve disputes properly brought before them, discharging their judicial duties and responsibilities in accordance with the Constitution, laws, and customs of this unique island nation.

Kottobar eo an Jikin Ekajet ko an Marshall Islands ej non jermal jimwe ilo ejelok kalijeklok im jeb ilo aoleb abnono ko rej itok imair, im non komane jermal in ekajet im edro ko air ekkar non Jemen-E eo, kakien ko, im manit ko an ailon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet.

Vision Statement: **Ettonak Eo:**

The Courts of the Marshall Islands will be independent, impartial, well-managed, and respected, providing justice to all who come before them.

Jikin Ekajet ko an Marshall Islands renaj jenolok im jutaklok make iair, jermal jimwe ilo ejelok kalijeklok im jeb, tiljek im bolemen air lolorjaki im komoni jermal ko air, im naj wor an armej kautieji ilo air jembali edro ko air non komon im lelok ekajet jimwe non aoleb armej ro rej itok imair.

In addition to the shared values, mission, and vision of the Judiciary, the bailiffs of the court also adhere to a Code of Ethics for Law Enforcement Officers.

CODE OF ETHICS

Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to serve above self, are the motives which impel a police officer to discharge this responsibility in full measure.

An ethical police officer's life is one of self-sacrificing service to a high ideal, based upon his recognition of the responsibilities entrusted to him and the belief that the law enforcement is an honorable vocational. He fully accepts his responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public and private living. He accepts the obligation to report facts and to testify without bias or display of emotion, and to consider all information coming to his knowledge by virtue of his position, as a sacred trust, to be used for official purposes only. He gives his loyal and faithful attention to the identification and apprehension of criminals being equally alert to protect the innocent and prosecute the guilty. He performs the functions of his office without fear, favor, or prejudice and does not engage unlawful or improper practices.

He does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interest of the Republic, the local governments, *the court* or the department.

He does not seek to benefit personally by any confidential information, which has come to him by virtue of his assignment. He is respectful and courteous to all persons. He is faithful and loyal to his organization; constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their representatives in matters of mutual interest and obligation.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the police department. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of officers of the department; the community places its trust in police officers and expects them to conduct themselves in a manner, which merits this trust. Officers should be proud to be a part of profession that demands so much.

Courts of the Marshall Islands

Standard Operating Procedures for Court Bailiffs

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Chapter 1

AUTHORITY AND SELECTION

In order to perform their duties as bailiffs, it is imperative that the officers selected to fill this position be of the highest caliber and have authority necessary to carry out the responsibilities of their office.

1.1 AUTHORITY

Bailiffs of the Marshall Island Court are commissioned police officers of the Marshall Islands Police Department and the Majuro Police Department and have the full powers of their office while acting in the capacity of Bailiff. Sworn officers have the authority to enforce local ordinances, as well as national statutes. .

An officer's authority is limited by law, department policy, and legal restrictions.

An officer may exercise discretion in the enforcement of minor violations, but has no discretion when given a lawful order dealing with compliance of rules and regulations or specific laws mandating particular actions or omissions.

1.2 OATH OF OFFICE

Upon appointment of the Marshall Islands Police Department, every officer, including reserve and special police officers, before entering upon their duties shall take and shall have filed in the Marshall Islands Police Department, Administration and Personnel Division, an oath which shall be in substantially the following form

OATH OF OFFICE

I solemnly swear (or affirm) that I will faithfully support the Constitution Laws of the Republic of the Marshall Islands and the Constitution and Laws of the Local Governments within the Republic, and that I will conscientiously and impartially discharge my duties as a Police Officer in the Marshall Islands Police Department of the Republic of the Marshall Islands, and any all other duties devolving upon me in connection with such office. So help me God (and I so affirm).

Subscribed and sworn to

Before me this _____ day to
_____, 20 _____

Marshall Islands Police Department – Rules and Regulations Article III

1.3 OBEYING ORDERS

- A. Bailiffs must obey any lawful order of a superior, including any order relayed from a superior, regardless of rank. If the order is in conflict with other orders given previously, or with any departmental regulation, inform the supervisor(s) involved, if possible. If the person giving the order does not eliminate the conflict, the order stands, but the responsibility is that of the person giving the order.
- B. No bailiff is required to obey any order that is contrary to law or an ordinance. Responsibility for refusal to obey rests with the bailiff, who shall be required to justify the refusal.
- C. When given direction by the court, bailiffs will carry out those orders to the best of their ability within the limitations as determined by law and their respective department's rules and regulations.

1.4 BAILIFF SELECTION

Bailiffs for the Marshall Island Court are selected by the Marshall Islands Police Commissioner and the Sherriff of the Majuro Police Department. This is a highly public position and the officers selected to serve as bailiffs should understand that they will represent not only their parent agency but they will also represent the Court. Bailiff selection should include but is not limited to the following criteria;

- A. The ability to work as a team member
- B. Demonstrate high levels of self-motivation and initiative
- C. Excellent verbal communications skills
- D. Good writing skills
- E. The ability to work with minimal supervision
- F. Able to meet the physical demands of the job
- G. The ability to interact positively with the community
- H. Minimal discipline history

Once selected, bailiffs are subject to final approval by the Chief Justice (or designee) of the High Court.

1.5 BAILIFF REMOVAL

Should it become necessary to request the removal of an officer from his position as bailiff, the Chief Justice (or designee) will outline in writing the reasons for the request and submit it to the correct parent agency for action.

Chapter 2

APPEARANCE FOR DUTY AND ORGANIZATION

The first impression most citizens will have of the court is in the person of the bailiff. It is imperative that the bailiff be professional in appearance and conduct in all their actions as officers of the court.

2.1 APPEARANCE FOR DUTY

- A. All bailiffs will report for duty at the court house at their designated time. Generally the hours of duty for bailiffs are 0800 to 1700 unless other arrangements have been made with their immediate supervisor.
- B. All bailiffs appearing for duty will be in the proper uniform for court assignment.
- C. All bailiffs will be clean and well groomed. Uniforms will be clean and pressed.

2.2 UNIFORM

Bailiffs will wear the uniform of their respective departments in accordance with all applicable regulations.

2.3 ORGANIZATION

- A. The High Court of the Marshall Island has three bailiffs provided by Marshall Islands Police Department. One senior officer supervising two officers.
- B. The District Court of Majuro Atoll has two bailiffs provided by the Majuro Atoll Police Department.
- C. The Court of Kwajalein Atoll has bailiffs provided by the Kwajalein Atoll Police Department

Chapter 3

CODE OF CONDUCT

Actions of the Bailiffs of the Court are governed by Article VII of the Rules and Regulations of the Marshall Islands Police Department.

A. GUIDE FOR DISCIPLINARY ACTION

1. Existence of facts established by a preponderance of evidence establishing that there has been violation of law, ordinance, departmental rule or order shall be sufficient to justify the implementation of disciplinary action under these rules.
2. Disciplinary action for violation contained in Section C of this Article shall be as follows:
 - a. Class A Rules
Minimum Action – Suspension of 15 working days
Maximum Action – Dismissal
 - b. Class B Rules
Minimum Action – Suspension of 15 working days
Maximum Action – Dismissal
 - c. Class C Rules
Minimum Action – Written Reprimand
Maximum Action – Dismissal

B. PROFESSIONAL CONDUCT AND RESPONSIBILITIES

1. Standard of Conduct: Officers and employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.
2. Loyalty: Loyalty to the department and to associates is an important factor in departmental morale and efficiency. Officers and employees shall

maintain loyalty to the department and their associates as is consistent with the law and professional ethics.

3. Cooperation: Cooperation between the ranks and units of the department is essential for effective law enforcement. Therefore, all officers and employees are strictly for effective law enforcement. Therefore, all officers and employees are strictly charged with establishing and maintaining a high level of cooperation.
4. Assistance: Officers shall take appropriate police action toward aiding a fellow police officer exposed to danger or in a situation when danger may be impending.
5. General Responsibilities: Officers shall, at all times, take appropriate action to:
 - a. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceeding.
 - b. Reduce the opportunities for the commission of crimes through preventive patrol and other techniques.
 - c. Aid individuals in danger of physical harm
 - d. Protect Constitutional guarantees.
 - e. Facilitate the movement of people and vehicle.
 - f. Assist those who cannot care for themselves.
 - g. Resolve conflicts.
 - h. Identify potentially serious law enforcement and government problems.
 - i. Create and maintain a feeling of security in the community.
 - j. Promote and preserve civil order.
 - k. Provide emergency services.
 - l. Enforce all National and Local laws and ordinances coming within the jurisdiction of the department.

6. Duty Responsibilities: Officers are always subject to duty although periodically relieved of its routine performance. Officers assigned to specialized duties are not relieved from taking necessary or appropriate action outside the scope of their specialized assignment.
7. Knowledge of Laws and Regulations: Officers are expected to establish and maintain a working knowledge of the National and Local laws, rules and orders of the department and division thereof which are applicable to their functions as a police officer. In the event of improper actions or breaches of discipline, it will be presumed that the officers were familiar with the law, rule or order in question.
8. Performance of Duty: Officers and employees shall perform their duties as required or directed by law, departmental rules, policies or orders, or by order of a superior. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.
9. Obedience to Laws and Regulations: Officers and employees shall observe and obey all laws and ordinances and all rules, regulations and orders of the department.
10. Political Activities: Aside from exercising the right to vote, members of the Police Department shall not support, **run for political office (Nitijela/Local Government Council)**, advocate or aid in the election or defeat of candidate for public office. Any violation of this rule shall be cause for summary dismissal from the department. **(Amendment was made and approved by Hon. Witten T. Philipppo in 2003)**
11. Extended Action: Repetitious violations of any rule or rules shall be considered grounds for dismissal. Three (3) or more violations for which disciplinary action is imposed within a span of twelve (12) months is considered “repetitious” for disciplinary purposes.
12. Manner of Issuing Orders: Orders from superiors to subordinates shall be in clear understandable language, civil in tone and issued furtherance of departmental business.
13. Unlawful Orders: Command or supervisory officers shall not issue any order which is contrary to any law, ordinance or department rule.
14. Obedience to Unlawful Orders: Officers and employees are not required to obey any order which is contrary to National law or Local ordinance of Rules and Regulations. Responsibility for refusal to obey rests with the individual officers or employees. They shall be required to justify their action.

15. Obedience to Unjust Orders: Officers and employees who are given orders which they feel to be unjust, must first obey the order to the best of their ability and then may proceed to appeal as provided.
16. Conflicting Orders: Upon receipt of an unlawful order, an order contrary to the Rules and Regulations or an order conflicting with any previous order or instruction, the member effected will be advised by the person issuing the order of this fact. Responsibility for countermanding the original order of instruction then rests with the individual issuing the order. If so directed, the latter order shall be obeyed. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the department.
17. Reports and Appeals: (Unlawful, Unjust, Improper orders) – Officers and employees receiving unlawful, unjust, or improper orders shall, at first opportunity, report in writing to the Commissioner of Police through official channels, this report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra departmental action regarding such an appeal shall be conducted through the office of the Commissioner of Police.
18. Mental of Physical Incompetence: A finding that any officer or employee is, at the time of the annual physical examination or any other time, upon examination by a certified doctor or any other reputable physician, physically or mentally incompetent to perform, or incapable of performing, the duties for which he was employed, shall be presented to the Commissioner of Police for his consideration.

C. RULES

1. Class A Rules

- A1- Intoxication: Officers and employees shall not be intoxicated while on duty.
- A2- Malicious Use of Physical Force: Malicious use of physical force by officers which results in bodily injury to another person or which results in bodily injury inflicted by the deliberate use of a dangerous instrument.
- A3- Cowardice: Officers shall not display cowardice in the performance of their duty.

- A4- Mistreatment of Prisoner: Officers and employees shall not knowingly mistreat prisoners.
- A5- Gambling: Officers and employees are prohibited from engaging in any gambling activity unless in performance of an assigned duty.
- A6- Use of Drugs and Narcotics: The illegal possession or use of by officers and employees of any tranquilizer, narcotic, depressant and/or drug is expressly prohibited.

2. Class B Rules

- B1- Physical Abuse: Officers and employees shall not physically abuse other officers and employees, superior or subordinate.
- B2- Drinking Intoxicating Beverages On Duty: Officers and employees shall not drink intoxicating beverages while on duty except in performance of a police duty, and then, only with the specific consent of commanding officer and never in uniform.
- B3- Security of Department Business: Officers and employees shall not reveal police information outside the department or remove or cause to be removed, any official records except as provided elsewhere in the manual or as required by law or competent authority. Specially, information ordinarily accessible only to members and employees, and names of informants, complainants, witnesses and other persons known to the police is considered confidential.
- B4- Personal Preferment: Officers and employees shall not seek the influence for intervention of any organization or persons outside the department for purposes of personal preferment, advantage, transfer or advancement.
- B5- Department Investigations-Testifying: Officers and employees are required to respond truthfully to questions by, render all materials and relevant statements to a competent.
- B6- Commission of any Criminal Act: Officers and employees shall not commit any criminal act.

3. Class C Rules

- C1- Gifts, Gratitude, Fees, Rewards, Loans, Soliciting, Etc.: Officers and employees shall not solicit any gifts, gratitude, loans, or fees

where there are any direct or indirect connections between solicitations and their departmental membership or employment.

- C2- Acceptance of Gifts, Gratitude, Fees, Loans, Rewards, Etc.: Officers and employees shall not accept either directly or indirectly any gifts, gratitude, loans, fees, rewards or any other things of value arising from or offered because of police employment.
- C3- Disposition of Unauthorized Gifts, Gratitude, Etc. Any unauthorized gifts, gratitude, loans, fees, rewards or other things which come into the possession of officers or employees shall be forwarded to the office of the Commissioner of Police together with a written report of the circumstances which led to such possession.
- C4- Falsification of Records: Officers and employees shall not knowingly falsify official reports or cause to enter any incorrect, false or improper information on any records of the department.
- C5- Conduct Toward Superior or Subordinate Officers and Associates: Officers and employees shall treat superior officers, subordinates and associates with respect. Officers and employees shall not be insubordinate to superior officers and/or superiors.
- C6- Sleeping: Officers and employees are prohibited from sleeping on duty.
- C7- Relief: Officers and employees are to remain at their assignment and on duty until properly relieved.
- C8- Reports: Officers and employees shall promptly submit such reports as are required in performance of their duties or by competent authority.
- C9- Consumption of Intoxicants and Prescribed Drugs: Officers and employees shall not consume intoxicants nor use prescribed drugs to the extent that evidence of such consumption is apparent when impaired.
- C10- Intoxicants on Departmental Premises: Officers and employees shall not bring into, keep nor consume any intoxicating liquor on departmental premises except as required by official duty.
- C11- Firearms: (Disposal and Discharge) Officers shall not display firearms unnecessary or draw them except for inspection or official use as directed by Departmental Directives. Officers are required to submit a written report regarding all discharge of firearms (except

routine target practice). Such reports are to be made according to current departmental procedures.

- C12- Compensation for Damages Sustained on Duty: Officers and employees shall not seek in any way, or accept from any person, money or other compensation for damages sustained or expenses incurred in the line of duty except as authorized by the Commissioner of Police.
- C13- Malingering: Officers and employees shall not malingering.
- C14- Recommending, Attorneys, Bail Bond Brokers or Tow Service Prohibited: Officers and employees shall not suggest, recommend, advise or otherwise counsel any person who comes to their attention as a result of police business, in the reunion of any attorney, bail bond broker, tow service company, private investigator or security service.
- C15- Commercial Testimonials: Officers and employees shall not permit their names or photographs to be used to endorse any product or service which the Commissioner of Police, allow their names or photographs to be use in any commercial testimonial which alludes to their position or employment with the department.
- C16- Impartial Attitude: Officers and employees shall remain completely impartial towards all persons coming to the attention of the department.
- C17- They shall not exhibit partiality for or against a person because of race sex, creed or influence.
- C18- Outside Employment: Outside employment or activity by officers or employees is permissible; provided that the approval of the Commissioner of Police is obtained and that such employment is not inconsistent nor incompatible with the proper discharge of the officers' or employees' duties with the department.
- C19- Use of Physical Force: The use of physical force shall be prohibited except to the extent necessary to accomplish a police objective.
- C20- Overbearing Conduct: Overbearing, oppressive or tyrannical conduct under color of police authority is prohibited.
- C21- Directives: Violations of Departmental Directives is prohibited.

4. Class D Rules

- D1- Absence from Duty: All officers and employees who fail to appear for duty at the date, time and place specified for so doing without the consent of competent authority are “absent without leave.” Failure to return from lunch break or other approved absence shall be included under this rule.
- D2- Conduct Toward the Public: Officers and employees shall be courteous when dealing with the public. They shall avoid harsh, violent, profane or insolent language. Upon request, they shall furnish their names and badge number in a courteous manner.
- D3- Court Attendance: Officers and employees shall be punctual and attend court when duly subpoenaed.
- D4- Public Badge: Replicas, regardless of size of the official badge or cap shield of the Department of Public Safety shall not be acquired and/or presented to any person not a duly-commissioned police officer without prior approval of the Commissioner of Police.
- D5- Ticket Sales by Police Officers: Officers and employees are prohibited from selling or offering for sale, tickets of any character whatsoever, unless approved by the Commissioner of Police.
- D6- Ticket Sales, Etc., by Police Associated Groups: Associations, clubs, or other groups of officers and employees acting under the auspicious or sanction of the department shall not sell tickets, solicit sales of any kind, or offer performances of any nature toward raising funds for special purposes without prior approval of the Commissioner of Police.
- D7- Criticism of Orders: Officers and employees shall not publicly criticize any instruction or order received from competent authority.
- D8- Military Courtesy: Officers shall conform to normal standards or military courtesy. They shall refer to superior officers by rank and salute when not under roof.
- D9- Conducting Personal Business: Officers and employees are prohibited from conducting personal business while on duty.

- D10- National Colors and Anthem: Uniformed officers will render full military honors to the national colors and anthem at the appropriate times.
- D11- Reporting for Duty: Unless otherwise directed, officers and employees shall report for duty at the time and place specified, properly attired and equipped. If an officer or employee is unable to report for duty or court, such inability shall be reported in accordance with Departmental Directives.
- D12- Smoking While on Duty: Uniformed officers shall not smoke while in view of the public.
- D13- Wearing the Uniform: Uniforms shall be kept neat, clean and well pressed at all times. Unless otherwise directed, uniforms shall be worn complete. Uniformed employees shall also maintain a military bearing.
- D14- Equipment: All Equipment must be clean, in good working order and conform to department specification.
- D15- Department Property and Equipment: Employees will not use any department equipment unless authorized by competent authority. Employees are responsible for the proper care of department equipment.
- D16- Transporting Citizens: Citizens will be transported in police vehicle only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental police or at the direction of a command officer, or an immediate supervisor.
- D17- Reporting Accidents: Accidents involving officers and employees, government property and/or equipment must be reported in accordance with adopted procedures.
- D18- Traffic Regulations: Officers and employees shall comply with traffic regulations and signals except when operating under the exceptions granted by law. In any event, caution shall be exercised to safe guard lives and property.
- D19- Loitering: Officers on duty or in uniform shall not enter, loiter or congregate in or around tavern, theaters, or other public or private place except to perform a police task.

- D20- Truthfulness: Officers and employees are required to be truthful at all times whether under oath or not. Falsification of any police report, written or oral is in violation of this rule.
- D21- Vehicles: All subsidized vehicles shall be equipped and maintained in accordance with Departmental Directives.
- D22- Appearances: The personal appearance and grooming of officers and employees shall conform to Departmental Directives.
- D23- Radio Discipline: Use of police radio equipment and response to radio calls transmitted shall be in conformance to Departmental Directives and Rules and Regulations of the Federal Communication Commission.
- D24- Conduct and Responsibility While in Uniform: Anytime an officer is in uniform shall conform to and comply with Departmental Directives as if he were on duty.

Chapter 4

DUTIES AND RESPONSIBILITIES

The duties of the bailiff are many and can vary day to day. Bailiffs must be flexible to accommodate changes in their daily routine to adequately meet the needs of the Court. The following items comprise a list of duties that bailiffs have responsibility for. This list is not exhaustive and there will be times when there will be “other duties as assigned”.

4.1 DAILY DUTIES

- A. Raising and Lowering the national flag – Chapter 11
- B. Facility and courtroom security – Chapter 5
- C. Arrest warrant service – Chapter 8
- D. Civil process service – Chapter 9

4.2 ASSIGNED RESPONSIBILITIES

- A. Courtroom decorum – Chapter 6
- B. Jury management – Chapter
- C. Emergency Situations – Chapter 10

Chapter 5

FACILITY SECURITY

For those of us who work in the courts it is a not a matter of if violence is going to happen, it is a matter of when it is going to happen. Violence or the threat of violence, in the courthouse facility would have a profound negative impact on the court's functioning. The bailiff must be ever watchful for potential and actual threats to the court and staff.

5.1 SECURITY PLAN

- A. At the start of each day the bailiff will conduct a security sweep of the exterior and grounds of the courthouse. Special attention should be given to packages, boxes, backpacks, and items that do not belong on the courthouse property. If a suspicious device is located the appropriate authorities should be notified and the immediate area should be evacuated.
- B. Before the public is allowed into the courthouse a security sweep of the public areas will be conducted.
- C. When not otherwise engaged, at least one bailiff will be on roving foot patrol throughout and around the courthouse.
- D. Before the public is allowed into any courtroom the bailiff will conduct a security sweep, paying close attention to those areas that will be occupied by any prisoners or defendants.
- E. Before court is in session, the bailiff will position themselves at the public entrance to the courtroom so as to be able to greet and observe persons who enter. Persons with large or bulky belongings should be asked to remove them or allow the bailiff to review the contents. Persons bringing food or drinks (other than water) will be asked by the bailiff to remove them.
- F. During court the bailiff will position themselves to be able observe the Judge, defendant, and the audience.
- G. The bailiff will not allow anyone to approach the judge without permission.
- H. The bailiff will not allow members of the audience to approach, communicate with, or pass anything to any person in custody in the courtroom.
- I. While court is in session, the bailiff is responsible for the maintenance of order and prevention of unnecessary noise or disturbances in and about the courtroom.
- J. At the conclusion of any court session the bailiff will conduct a security sweep for any items that may have been left behind by the public.

5.2 REPORTING SECURITY ISSUES

The Chief Justice (or his designee) should be kept informed by the bailiff of any Information relating to potential security risks. The judge should confer in advance with the court security staff to determine what additional security measures might be required for a high risk defendant. This includes the possibility of restraining the defendant in the courtroom if the threat to the safety of people in the courtroom is sufficient to warrant such measures.

5.3 SECURITY SURVEY

A security survey is a complete inspection, evaluation and analysis of a facility, intended to uncover security flaws in the facility, in plans/policies/procedures utilized in the security function and in the utilization of personnel and equipment. A complete survey of the court facilities and the procedures utilized in the court should be conducted by the bailiffs on an annual basis. The security survey should have three objectives:

- Identify existing security deficiencies.
- Recommend improvement [facility, equipment, personnel and procedures]
- to eliminate and/or reduce conditions that create opportunities for security incidents to occur thus making it more difficult for an individual or group to interrupt or threaten the operations of the court and those who use the courts.

The security survey should establish the standards upon which the bailiff's recommendations were prioritized and include the recommendations with the report to the court. The normal standard is the criticality of the issue to the mission, goals, and objectives of the security survey. Ultimately it is the court which must determine what resources it has to commit and how best to utilize these resources [financial, personnel and policy/procedures] to achieve the recommendations

5.4 THREATS

If a threat against a judge or any court personnel is received, the court bailiffs should be informed immediately so that adequate precautions may be taken to ensure their safety. It is important that the judge cooperate with the bailiffs so they can provide protection while the threat is evaluated and neutralized.

Additional security measure could include but are not limited to:

- Escorts to and from vehicles
- Escorts to and from home
- Additional security in courtrooms

5.5 BOMB THREATS

Should any court personnel receive a bomb threat they should report it immediately to the bailiffs and judges.

APPENDIX A

SECURITY CHECKLISTS

So it is said, that if you know others and you know yourself, you will not be imperiled in a hundred battles.

If you do not know others but know yourself, you will win one and lose one.

If you do not know others and do not know yourself, you will be imperiled in every battle.

SUN TZU
THE ART OF WAR

Security checklists help security planners identify security weaknesses in the workplace and at home. It helps the court know itself and sets in place appropriate procedures to identify and subsequently ‘know’ those who might seek to bring harm to the court and/or those who use the court. The following checklists will assist security planners in performing an assessment of activities.

In the wrong hands a survey report can illustrate in detail facility vulnerabilities and serve as an invitation to violate the security integrity of the court.

Workplace Security Checklist

Access/Control

- | | | |
|---|---|--|
| Y | N | Are employees required to display passes to enter the facility? |
| Y | N | Are all those who enter the facility required to pass through a security control point? |
| Y | N | Does this include checking of the individuals by a magnetometer and/or hand wan detector? |
| Y | N | Are all packages, briefcases, purses and the like hand checked or passed through an x-ray detector before being permitted into the facility? |
| Y | N | Do visitors need to secure passes before they enter? |

- Y N Are visitor passes distinctive from employee passes?
- Y N Is there a record of when and to whom the court issues passes?
- Y N Does the court collect passes when visitors depart?
- Y N Are passes or badges difficult to forge?
- Y N Is the perimeter of the facility adequately illuminated?
- Y N Is the roof illuminated?
- Y N Are parking lots adequately illuminated?
- Y N Do time-sensitive or motion sensor devices control lights?
- Y N Do surveillance cameras monitor the exterior of the facility including the parking lot?
- Y N Does maintenance immediately replace burnt-out light bulbs?
- Y N Are light fixtures protected against breakage?
- Y N Are passageways, stair wells and storage areas well lighted?
- Y N Is lightening at night sufficient for surveillance?
- Y N Does a fence or wall protect the facility on all sides?
- Y N Are fences and walls in good repair?
- Y N Do groundskeepers keep the fence or wall clear of nearby trees, bushes and tall grass?
- Y N Does Security check locks regularly and document the check?
- Y N Do gates and doors remain locked when not in use?
- Y N Are there security locking devices on each door and window?
- Y N Are doors constructed of sturdy materials?
- Y N Are the number of access doors limited to the barest minimum number?
- Y N Are door hinges spot welded or secured, in order to prevent removal?
- Y N Are door hinges facing the inward side of the doors?

- Y N Are there time locks to detect unauthorized entrance?
- Y N If there are padlocks, do they comprise high-quality materials?
- Y N Are padlock hasps made of heavy duty materials?
- Y N Does the court follow a specific lock-up procedure for the facility?
- Y N Is someone responsible for checking all doors and windows to ensure they are closed and locked every night?
- Y N Are surveillance cameras in place for all exits and entrances?
- Y N Is there an alarm system?
- Y N Is the alarm system monitored as a central control point?
- Y N Do personnel man the center at all times?
- Y N Are there regular documented tests on the alarms to insure they are operational?
- Y N Is there a response plan when an alarm is activated?*
- Y N Are there periodic checks on the response to activated alarms?
- Y N Do opening alarms protect all fire doors?
- Y N Is the alarm system connected to all doors and windows?
- Y N Are all alarm tests and checks documented?*

Office/Internal Security

Access/Control

- Y N Do all personnel properly greet and/or challenge strangers?
- Y N Do personnel protect billfolds, purses and other personal belongings while at work?
- Y N Is there a key control system requiring a record of who has received what keys and when the individual returns the keys?
- Y N Is one person designated responsibility for keys?
- Y N Do all keys clearly state “Do Not Duplicate?”

- Y N Does the court have a lost key policy?
- Y N Are maintenance personnel, visitors, attorneys, etc. required to show proper ID at the Security Control Point?
- Y N Are surveillance cameras strategically located throughout the facility, i.e. public areas, courtrooms, hearing rooms, hallways, etc.?
- Y N Are these surveillance cameras monitored at a central control center?
- Y N Is the center continuously manned?

- Y N Is it possible to reduce the number of entrances without loss of efficiency or safety?
- Y N Do personnel keep office doors locked when unattended for a long period of time?
- Y N Are office doors equipped with intrusion locks which require office personnel to disengage the lock to allow admittance?
- Y N Do personnel keep items of value secured in a locked drawer or other location?
- Y N Has Security briefed the supervisor of each office on security problems and procedures?
- Y N Do all employees receive some security education/training?

- Y N Do office-closing procedures require that important information be secured at night?
- Y N Do personnel shred confidential material before placing it in the trash?
- Y N Does the court log in and out all janitorial and cleaning services personnel?
- Y N Does a security force protect the facility?

- Y N Do security personnel understand their role?

- Y N Are security personnel prepared to act in the event of an emergency?
- Y N Are security personnel authorized to carry weapons, i.e. firearms, Tasers, batons, etc.?
- Y N Are security personnel alert?

- Y N Is there an effective system of communication for emergency situations?
- Y N Are security personnel required to document any and all threats to the court, its employees and other personnel while engaged in using the court facility?
- Y N Is security equipment specifically identified, available for immediate

- use and maintained in a state of operational readiness?
Y N Is there clearly defined policy and procedure on court security for personnel assigned to this function?

High Security Areas [Courtrooms, Hearing Rooms, Holding Areas, Jury Rooms, etc.]

Access/Control

- Y N Are courtrooms equipped with at least one means of external voice communication?*
- Y N Are courtrooms equipped with duress alarms?
- Y N Are courtroom equipped with surveillance cameras?
- Y N Are these cameras continuously monitored at a central control center?*
- Y N Does a policy governed the use of restraints on persons in custody while in the holding area and courtroom?*
- Y N If weapons are prohibited in areas of the court facility, are lockboxes available for securing the weapons?*
- Y N Is a security sweep conducted of courtrooms and other high risk areas prior to use each day?*
- Y N Is the courtroom secured [locked] whenever it is not in use?
- Y N Are other high security areas, i.e. holding areas/facilities, jury rooms, etc. properly secured?
- Y N Do managers and security personnel keep high security areas under supervision?
- Y N Do badges or other forms of identification clearly identify who may enter security areas?
- Y N Do policies/procedures require employees to verify their identify when entering security areas?
- Y N Is access to high security areas controlled?

Personnel

Does Security....

- Y N Require personnel to wear badges or identification cards?
- Y N Require employees to display ID badges at entrances?
- Y N Include a numbering system on all identification cards?
- Y N Include employee photographs on all ID cards?
- Y N Institute standard screening procedures for all employees before hiring?

- Y N Fingerprint all employees?
- Y N Photograph all employees?
- Y N Maintain personnel files on all employees?
- Y N Require employees to produce official identification at the time of hiring?
- Y N Require employees to provide a list of past employers?
- Y N Check employees' past employers?
- Y N Check references?
- Y N Require employees to provide any pseudonyms?
- Y N Instruct employees on all security and emergency operating procedures?
- Y N Does Security maintain a history bio on all employees?*

Vehicle Control

- Y N Is there a separate area for employee parking?
- Y N Are there parking spaces which are specifically identified for specific employees, i.e. judges, magistrates, clerk of court, etc.?
- Y N Do security personnel verify all service vehicles?
- Y N Is there a log maintained on service vehicles?
- Y N Does the court fence in or in some manner secure parking areas?
- Y N Is the parking area illuminated?
- Y N Do security personnel patrol the parking area?
- Y N Do you alternate your route of travel to work and your return route home?*
- Y N Do you check the inside of your vehicle before getting into it?
- Y N Do you lock your vehicle when left unattended?
- Y N Do you keep your doors locked whenever you are in your vehicle?
- Y N Do you have special license

Chapter 6

Courtroom Decorum

The decorum of the courtroom reflects directly on the professionalism of the judge and the bailiffs present. The bailiff is solely responsible that an orderly courtroom is maintained prior to the judge's arrival and after his departure. While the judge is in attendance it is the bailiff's responsibility to assist the judge in maintaining order by carrying out any directions of the judge as well as enforcing any rules of order previously established by the judge.

6.1 STANDING RULES

- A. The bailiff will announce "All Rise" when the judge enters the court room and when the judge leaves the courtroom
- B. The use of cell phones in the courtroom is prohibited
- C. There is no eating allowed in the courtroom
- D. There will be no liquids allowed in the courtroom with the exception of drinking water
- E. There will be no disruptive talking in the courtroom
- F. Disruptive noise outside the courtroom will be addressed by the bailiff
- G. Appropriate dress will be worn by all council
 - 1. Collared shirt with tie
 - 2. Long pants
 - 3. Shoes and socks
- H. Persons in the audience will not wear t-shirts or any other apparel with inappropriate images or wording
- I. Items likely to be used as weapons are prohibited from the courtroom unless previously cleared with the bailiff.
- J. Photography, videography, or audio recording are prohibited in all courtrooms without the express permission of the presiding judge
- K. No one is allowed to approach the judge without permission
- L. No person shall wear sunglasses in the courtroom with the exception of those with prescription lenses.
- M. Men shall not wear hats in the courtroom

6.2 SPECIAL RULES

There may be cases in which the judge may determine that additional rules may be necessary, such as;

- A. The courtroom is closed to observers
- B. The courtroom is closed to children under a certain age

Chapter 7

Jury Management

The bailiff plays a significant role in ensuring the integrity of the jury process. The public's trust in the jury system will only be maintained if the perception of fairness is maintained.

7.1 DURING TRIAL

Once the jury is empaneled the bailiff will insure that following actions are taken;

- A. During the trial the bailiff will ensure that the jurors have arrived in the jury room prior to start of court each day and will inform the clerk when all the jurors are present.
- B. The bailiff will escort the jurors to and from the courtroom and ensure they do not have contact with any of the trials participants.
- C. The bailiff will see to the reasonable comforts of the jurors.
- D. The bailiff will forward any requests from the jurors to the judge.

7.2 DURING DELIBERATIONS

INSTRUCTIONS TO BAILIFF KOMELELE KO NON BAILIFF EO

- A. Bailiff must be sworn in by the judge or clerk.
Bailiff eo ej aikuij bwe en bok kalimur jen judge ak clerk eo.
- B. Bailiff should have a list of the jurors. This will be given to him by the court clerk.
Bailiff eo ej aikuij bwe en wor an list (lajrak) in etan juror ro. Menin clerk eo enaj lelok none.

- C. Bailiff must remain outside the door of the room where the jury meets to make its decision. He ensures that no one talks to the jurors and that they do not leave for any reason.

Bailiff eo enaj aikuij bwe en bed wot naboj in kejem in room eo jury eo ej kenono iben dron im komane jemlok eo aer.

- D. Jurors cannot leave the jury room (except to go to the bathroom if there is no bathroom in the jury room). They cannot make any phone calls. They cannot have newspapers, magazines, dictionaries or any reference material. They cannot have a tape recorder.

Juror ro rej jab maron drij jen jury room eo (ijellokin wot ne rej etal non bathroom ko elane ejelok bathroom ilo jury room). Rej jab maron komman jabrewot aer phone call ak telephone. Rej jab maron wor ibaer newspaper, magazine, dictionary ak jabrewot jeje ko jet remaron bok aer melele jeni. Rej jab maron wor juon tape recorder ibaer.

- E. If the jurors have any questions, they must write them down and given them to the bailiff. The bailiff will contact the judge and the judge will answer the questions. The bailiff will make emergency phone calls for the jurors if necessary.

Elane ewor an juror ro kajitok, rej aikuij jei im lilok non bailiff. Bailiff eo enaj buklok non judge eo im judge eo enaj iuwak kajitok ko. Ne ewor an juror ro irin in phone call ak telephone ko rej aikuij komani Bailiff eo enaj komani non er.

- F. Jurors must not discuss the case when they are out of the jury room. The bailiff must not discuss the case with the jurors or with anyone else.

Juror ro rej jab aikuij kenono kin case in ilo ien ko rej drij jen jury room eo. Bailiff eo ej jab aikuij kenono kin case in iben juror ro ak iben jabrewot bar armej.

- G. The bailiff will inform the court when the jury has reached a verdict and escort the jurors into the courtroom when summoned by the judge.

Chapter 8

RESPONSE TO RESISTANCE

Bailiffs may have to use force to overcome the resistance of a subject to lawful orders and process. Careful consideration must be given to all options available to bailiffs before responding to unlawful resistance. Only with reasoned uses of force will bailiffs justify their responses and maintain the public's trust.

8.1 DECISION TO USE FORCE

A bailiff's decision to use force should only come after all other forms of persuasion have been exhausted. Because of the potential of injury to the bailiff, subject, and bystanders, the use of force must be a carefully considered action based on the totality of the circumstances. There will be times when the subject will give the bailiff no time to use other means of persuasion and then bailiff must be prepared to use a proper degree of force to overcome resistance of the subject.

8.2 LIMITATIONS

Bailiffs will use only the amount of force necessary to affect the lawful purpose intended. The use of force must be continually based on the level of resistance or threat being experienced. Whether on or off duty, all department rules and regulations must be followed concerning the use of force under the color of office. The protection of life is at all times more important than either the apprehension of criminal offenders or the protection of property. This includes the bailiff's life, as well as the lives of others.

Bailiffs are authorized to carry and use only authorized weapons in the performance of their official duties in accordance with the applicable statutes of the Marshall Islands. Officers will use weapons in a manner that does not cause unwarranted danger to themselves or others. A weapon or approved physical restraint technique must be used within the limits of training.

8.3 DOCUMENTING USE OF FORCE

Whenever any physical force is used to gain compliance of an individual, the use of force must be documented by the utilizing bailiff by completing an "Officer

Report” prior to getting off shift. It is recommended that the officer photograph any injury (or claimed injury) site. If possible, have a second officer examine the subject.

8.4 LESS LETHAL FORCE

Less lethal force lies between officer presence and deadly force on the Continuum of Resistance, as taught in authorized training.

A. General

Bailiffs may use only the controlling techniques they have been taught in training and in the manner intended. Any department employee who has not received initial certification training and maintained required refresher training on the following less lethal force weapons are not authorized to carry the weapon(s). Upon receiving authorized training, officers will immediately be allowed to carry the weapon(s).

B. Less lethal weapons (impact, control, and capture devices)

As with deadly force weapons, less lethal force weapons may only be used as taught in authorized training.

Less lethal weapons may include, but are not limited to, straight stick batons, side-handled batons, riot batons, and ASP batons. All weapons utilized on duty shall be approved and issued by the Police Department.

C. Use of Less Lethal Force

Less lethal force may be used as necessary to affect the lawful purpose intended.

D. Restraints (includes handcuffs)

Handcuffs or other restraints may be used to prevent the escape of persons in custody and to prevent injury to the officer and others. Handcuffs shall be placed on every person arrested. Persons who are detained but are not in custody may be handcuffed at the officer's discretion for officer safety or the safety of others. In the event that it is physically impossible, impractical due to physical impairment, or due to the age of the person, other means of restraint shall be used.

Handcuffs are not to be removed at the detention facility until a thorough pat-down of the prisoner has occurred.

E. Batons

No baton that is not issued or approved may be worn. Batons may not be modified without approval.

F. Flashlights

Flashlights may only be used in a defensive manner.

8.5 CONTINUUM OF RESISTANCE

Continuum of Resistance: Officer's Perceptions of Violator's Actions						
Non Verbal intimidation through posturing	Verbal	Passive	Active			
			a violator who is trying to defeat your physical control			
clenched fists, eyes, stance	threats, statements that indicate uncooperative subject	a subject who will not move or "come along"	<u>Static Resistance</u> actively uncooperative i.e. isometric resistive tension is generated by the violator	<u>Egressive</u> a violator is attempting to escape control using reactive type movements	<u>Aggressive</u> the violator is attacking the officer and is attempting to injure the officer in the process of resisting	<u>Aggravated Aggression</u> the violator has pre-planned the attack or is implementing weapons and/or tactics that are highly injurious or potentially lethal
Officer Presence: identification by verbal announcement, badge, vehicle, uniform, etc.						
Verbal Commands: dialogue, open/closed questions, persuasion, advice, or lawful order.						
Touch Control: guiding, escorting, and out muscling the individual who exhibits only minor resistance.						
Level One Defensive Tactics: pain compliance – control points, distractions, counter-joint tactics, hair hold control tactics.						
Level Two Defensive Tactics: impact counter measures, such as stunning procedures impact weapons, baton or flashlights.						
Level Three Tactics: Tertiary targets with the baton or other impact tools, firearms, etc.						

Continuum of Enforcement: Reasonable Officer's Actions

Using the Proper Level of Force:

As we know, we are not required to lose. Instead we are required to win. How do we win? We win by recognizing the threat level and resistance being offered by subjects and suspects and overcoming that threat and resistance level with enough force to safely de-escalate and take control and custody of the situation and the individuals.

Continuum of Resistance

Non-verbal – (intimidation) posturing, etc. that indicates uncooperative subject.
Verbal – threats or statements that indicate uncooperative subject or resistance.

Passive – a "non-helper." A subject who will not "come along" without some form of physical control and is exhibiting no resistive tension.

Active – a violator who is actively attempting to defeat your control tactics.

A. Static resistance (pre-egressive) – A violator who is using static muscular tension to defeat the officer's efforts to control and contain the violator's movements.

B. Egressive – A violator who is attempting to escape control using reactive type movements. There is more than static activity, there is movement. The violator has not threatened or attacked you.

C. Aggressive – This violator is attacking you and, therefore, is attempting to assault and injure you (the officer) in the process of resistance. This level may be accompanied with verbal threats.

D. Aggravated Aggression – The violator has pre-planned the attack or is implementing weapons/tactics that are highly injurious or potentially lethal.

Continuum of Force (Enforcement)

Presence – just being there.

Verbal Commands – talking, verbal commands, lawful orders.

Physical Touching – guiding, escort and out-muscling of passive resisters.

Level One Unarmed Defensive Tactics – proactive tactics and techniques used for control. Pressure points, hair holds, distractions, and counter-joint control techniques.

Level Two Defensive Tactics – techniques that involve impact counter measures, i.e., stunning procedures that are designed to impede violator aggression or impact weapons such as flashlight, straight, extension, or side-handle baton.

Level Three Defensive Tactics – Potentially lethal tactics.

Obviously, since this level is designed to stop the aggravated aggression as fast as possible, it has the greatest potential for damage. Essentially, when using force, your actions are based upon the suspect's actions and should be appropriate to the level of perceived threat, i.e. deadly force should be met with deadly force.

Keep in mind that this continuum is only a way to compare one level of force to another and that each situation requires a different "path" through this continuum of force. Also, recall that you must move down, as well as, up on this continuum. Use only enough force to overcome violator resistance. At any point after presence, one may be required to move immediately to a higher level of force.

8.6 RENDERING AID AFTER USE OF FORCE

After the use of any restraint technique or weapon, bailiffs should determine any need for medical treatment and render or summon any aid needed as soon as can be safely done.

Chapter 9

BENCH WARRANTS

Occasionally bailiffs may be called by the court to serve bench warrants on individuals who have failed to respond as directed by the court. Bailiffs need to be aware of their training and professionalism when taking any person into custody.

9.1 AUTHORITY

Bailiffs of the Marshall Island Court are commissioned police officers of the Marshall Islands Police Department and the Majuro Atoll Police Department and as such have the authority to execute bench warrants that may be issued by the Court

9.2 PROCEEDURE

Each bench warrant that is served by the bailiffs will be recorded in the following manner by the court clerk prior to service:

- A. The date and time are either stamped on the warrant or recorded in log.
- B. The warrant includes the name of the defendant and the charge or reason for the warrants issue.
- C. Each warrant includes the court docket number.
- D. The amount of bail if allowed
- E. If there is a date by which the service is due, it will be indicated on the document itself.

9.3 WARRANT SERVICE

When a bench warrant has been issued the bailiff will attempt service as soon as reasonable. A minimum of two officers is desirable before serving an arrest warrant. If a second bailiff is not available, the serving bailiff will request back up from one of the parent agencies.

- A. Entry may be forced to serve an arrest warrant if consent to enter has been denied, if it is known that the subject of the warrant resides there and is present.

- B. When making a bench warrant arrest, the bailiff must insure that the warrant is “valid on its face.” It must be signed by a judge with authority to do so, must adequately identify the person to be arrested, and depict what charges are lodged against the individual and to what jurisdiction he or she is to be delivered as well as the amount of bail, if any.

After the arrest of the person named on the warrant the bailiff will provide them with a copy of the warrant prior to their incarceration at the jail.

9.4 RETURN OF SERVICE FOR BENCH WARRANT

Immediately upon completion of bench warrant service, the Bailiff will complete a Return of Service and forwarded it to the court. The Return of Service will include:

- A. Date and time the warrant was served
- B. Name of officer(s) serving the warrant
- C. Name of the person on whom the warrant was served
- D. Court docket number for which the warrant was issued
- E. The location of the service

Chapter 10

PAPER SERVICE

Bailiffs of the court are primary agent for serving civil documents, subpoenas, and summons for the court. It is imperative that proper documentation of service or service attempts is completed.

10.1 RECORDING OF LEGAL PROCESS

The Bailiffs of the Courts of the Marshall Islands will only serve court-ordered documents, civil and/or criminal, that are recorded by the clerk of the court in the manner directed in this chapter.

Each court-ordered document that is served by the bailiffs will be recorded in the following manner prior to service:

- A. The date and time are either stamped on the document or recorded in a log.
- B. Each order is logged by type of legal process, civil or criminal.
- C. The nature or type of document and where it originated from are recorded in the log.
- D. Each document includes the name of the plaintiff/complainant and/or name of defendant/respondent.
- E. Each document includes the court docket number.
- F. If there is a date by which the service is due, it will be indicated on the document itself.

10.2 RETURN OF SERVICE

When the service of any legal document is determined to meet the restrictions in this chapter and is accepted for service, the execution or attempted service of the document shall be recorded in the following manner:

Upon completion of the service, the Return of Service will be completed and forwarded to the court. The Return of Service will include:

- A. Date and time service executed/attempted
- B. Name of officer(s) executing/attempting service

- C. Type of document that was served.
- D. Name of the person on whom the document was served.
- E. The address of the service/attempt.

The method of service or the reason for non-service should also be documented when the service attempt is made. Each attempt of service will be documented on the Return of Service form. If the bailiff is unable to serve an order after two attempts the order will be returned to the court.

Chapter 11

Emergency Situations

The bailiffs of the Marshall Islands Courts are the first responders to any situation that may happen within the courthouse or on the courthouse property. It is imperative that all Bailiffs know how to respond appropriately to these situations. Bailiffs should also keep in mind that emergency situations may be contrived as a means of distracting the bailiff from some other event taking place at the courthouse.

11.1 FIRE

In the event of the report of fire, the bailiff will ensure the following actions are taken;

- A. The fire department is notified either by radio or telephone.
- B. If possible, the bailiff should locate and evaluate the fire –extinguish if possible.
 - 1. The bailiff will not take unnecessary risks in determining the source and nature of any report of fire.
 - 2. All bailiffs should know the locations of all fire extinguishers and how they operate
- C. If it is determined that the courthouse should be evacuated, the bailiff will;
 - 1. Ensure that all personnel are accounted for
 - 2. Secure the perimeter of the court house against unauthorized entry.
- D. Bailiffs will make themselves available to the fire department to act as guides and liaison between the fire department and the court.
- E. When the fire is extinguished, the bailiffs will secure the courthouse until relieved.

11.2 MEDICAL EMERGENCY

In the case of a medical emergency, the bailiff will ensure the following actions are taken;

- A. Bailiffs will ensure there are no hazards at the scene of the medical emergency.
- B. Bailiffs will assess the nature and severity of the medical emergency
- C. Call for medical assistance or transport if necessary
- D. Render appropriate first aid

NOTE: All bailiffs should have basic first aid training

11.3 ASSAULT OR FIGHT

Should an assault or fight take place anywhere on the courthouse grounds the bailiff should take the following actions;

- A. If possible the bailiff or someone at his request should call for assistance.
- B. The bailiff should intervene and stop the assault or fight.
- C. The bailiff should determine if medical aid is needed by any of the involved parties.
- D. When the situation is under control the bailiff should investigate and determine if a physical arrest is warranted.
- E. The Bailiff will complete an officer's report and forward it to the appropriate police agency.

11.4 HOSTAGE TAKING

- A. When a bailiff is confronted with a situation in which a potentially armed suspect, with or without a hostage, has seized or is believed to have seized control of any part of the courthouse, immediate steps should be taken to ensure the safety of hostages (actual or potential), bystanders, and responding officers. A person who has barricaded himself/herself against arrest, with or without hostages, presents an extraordinary danger to innocent persons and to the officer who must arrest the suspect.
- B. Bailiffs should try to avoid confrontations in favor of controlling and containing the situation until the arrival of the additional police resources.
- C. As soon as possible, an attempt must be made to isolate witnesses and to evacuate innocent persons and bystanders.
- D. In the event injuries have already been sustained, evacuation of the Injured should be made immediately or as soon as it can safely be arranged.
- E. Bailiffs will relinquish tactical control of the situation to the responsible police agency as soon as practical and they will resolve the situation.

11.5 MASS DEMONSTRATION

In the event of mass demonstration, the security of the facility and staff should take first priority followed by the need for continued operations. If a mass demonstration occurs at the courthouse, the bailiff will take the following actions;

- A. The senior bailiff present should ensure that both police agencies are notified of the situation.
- B. All access points to non-public areas are securely locked
- C. Extra bailiffs may be assigned to any effected courtroom.
- D. Should access to the courthouse be denied by the demonstrators the senior bailiff will notify both local police departments.
- E. Should violence occur the bailiffs will secure the court staff in a place of safety.
- F. If necessary bailiffs will escort staff from the courthouse.

11.6 BOMBING

- A. It is the policy of the court to ensure the safety of its personnel and the public in situations involving the threatened use of explosives.
- B. A bomb threat means any communication reported to anyone warning of an explosive device or substance placed where it may cause injury or damage.
 - 1. When any staff member of the court receives a call of a bomb threat, bombing, or un-detonated explosive substance, a Bailiff will be notified as well as the patrol supervisor.
 - 2. When responding by radio to a bomb threat call, no radio or cellular phone calls will take place within 300 yards of the scene.
 - 3. While at the scene, officers will communicate with dispatch only by land-line telephone.
- C. The evacuation of the court is at the discretion of the Chief Justice or his designee. The bailiff may order evacuation when information or evidence is compelling that a bomb is present.
- D. Building searches are at the discretion of the Chief Justice or his designee. When searches are made, they will be thorough, systematic, and supervised. A bailiff should ask a staff member familiar with the premises to assist in the search.
 - 1. Civilians should be instructed not to move any suspicious or unidentified object.
 - 2. Suspicious objects discovered by bailiffs should be brought to the immediate attention of the court staff. If they cannot be identified, they should be treated as an un-detonated explosive device and not moved or touched.
- E. When no explosive device is found, the bailiff will notify the dispatcher and complete the appropriate report.
- F. When a bailiff discovers any un-detonated explosive device, he/she will notify dispatch. The dispatcher will immediately notify the duty supervisor.
 - 1. A bomb disposal unit will be contacted at the direction of the duty supervisor.
 - 2. The command post with telephone communications will be established near the scene, but no closer than 300 yards and protected from the effects of any potential explosion. Minimum scene security consists of a safe area beyond a 300-yard radius

- from the explosive device. The area inside 300 yards is designated as the danger zone.
3. No person will be admitted into the danger zone except as authorized by the Incident Commander.
 4. Only explosive ordinance specialists and investigators are authorized to enter danger zones, except to prevent injury or death to a person.
- G. The dispatcher will advise the Fire Department and request they stand by at least 300 yards from the scene. **RADIO SILENCE IS TO BE OBSERVED.**
1. The supervisor will inform the bomb removal specialists of the nearest suitable place for detonation of explosive substances. A suitable area is one that provides open space for a 100-yard radius. This area may or may not be used at the discretion of the bomb disposal specialists.
 2. If an escort is requested by the bomb removal specialists, the supervisor will provide two marked police cars. All emergency lights and headlights will be turned on, but the siren and radio will not be used.
- H. In cases where an explosion has occurred, the procedures for notification, scene security, and responsibility for follow-up investigation are the same as in un-detonated explosive devices.
- I. When the scene is secured, the supervisor will coordinate the preservation of evidence and allow no one into the danger zone except rescue personnel, investigators, and bomb specialists.
- J. Explosions may cause structural damage and other un-detonated explosives may still be present. Secondary devices are used to injure or kill emergency responders. People on the scene should use caution, and no person should enter the danger zone except to prevent injury or death to another person. This does not apply to investigators or specialists examining the scene.

Chapter 12

FLAG PROTOCOLS

The bailiffs of the Court of the Marshall Islands are responsible for the raising and lowering of the national flag of the Marshall Islands on each official work day. The bailiffs will display the flag in accordance with the rules set forth in the Revised codes of the Marshall Islands

12.1 DISPLAYING THE FLAG

RCMI Volume 1, chapter 3, Sec. 303

(2) The flag shall be displayed daily, on or near every governmental building, or in the case of a complex of governmental buildings, from the main building of the complex.

RCMI Volume 1, chapter 3, Sec. 306

(1) The flag of the Republic shall always be hoisted quickly and lowered slowly.

(2) Stationary flagstuffs shall be of a height which is at least three times the measure of the fly of the flag.

(3) The flag of the Republic may be flown at half-staff only upon authorization of the Cabinet, promulgated by Executive Order, and only from a stationary flagstaff. When the flag is to be flown at half-staff, it shall first be hoisted to the peak for a moment, then lowered slowly to the half-staff position. The flag shall be raised to the peak again, before it is lowered for the day.

12.2 PROHIBITIONS

MIRC Title 1, chapter 3, Sec. 309

The flag of the Republic shall never:

- (a) be dipped to any person or thing;
- (b) be permitted to touch anything beneath it, such as the ground, the floor, water or structure;
- (c) be carried or displayed horizontally;

- (d) be used as a drapery, clothing or covering for any person or thing;
- (e) be stapled, tacked or otherwise restrained against any wall, preventing it from flying or hanging freely;
- (f) have placed upon it, nor any part of it, a word, figures design, picture or drawing of any nature;
- (g) be used as a receptacle for receiving, holding, carrying or delivering anything;
- (h) be affixed to anything or displayed in a manner that would demean the dignity of its symbolism or reduce the patriotic honor to which it is entitled;
- (i) have attached to its staff, streamers or bunting unless authorized by the Cabinet, promulgated by Executive Order.

12.3 FLAG MAINTENANCE

RCMI Volume 1, chapter 3, Sec. 310

- (1) Whenever the flag of the Republic becomes soiled or damaged, it may be mended and may be cleaned by dry cleaning. The flag may be laundered; provided it is dried in an automatic dryer, and is not hung out to dry.
- (2) Whenever the flag becomes so badly soiled, torn or faded that it is no longer fit for display, it shall be destroyed by burning.
- (3) The flag shall not be stored in such manner or place that it may be easily soiled or damaged. The flag shall be folded when stored, in the following manner:
 - (a) fold the flag lengthwise, twice;
 - (b) fold over the end furthest from the union placing the railing edge to meet the top edge, forming a triangular fold;
 - (c) continue the triangular folding until the edge closest to the union is reached and the flag is completely folded into a compact triangular shape.

Chapter 13

COMMENDATIONS AND COMPLAINTS

Citizens are encouraged to bring forward commendations or legitimate grievances regarding professionalism and misconduct by any bailiff. Regardless of the nature of commendation or complaint, they can be made by phone, in person, in writing, or by email, at any time.

13.1 COMMENDATIONS

When a bailiff of the court performs a meritorious act, which is perceived to be worthy of formal recognition, the person taking the commendation will record the circumstances and forward it to the Chief Justice (or designee) for his action.

The Chief Justice may;

- A. Issue his own formal commendation or;
- B. Refer the commendation to the appropriate police agency

13.2 COMPLAINTS

Any complaint about a bailiff taken by any court employee should be placed into a written memo and forwarded to the Chief Justice (or designee) for review. The Chief Justice (or designee) will;

- A. Review the complaint and determine it is without merit, or;
- B. Review the complaint, determine it has merit, and counsel the involved bailiff if the complaint is of a minor nature, or;
- C. Review the complaint, determine it warrants further investigation and refer it to the appropriate agency.

Chapter 14

VEHICLES

The bailiffs of the court use vehicles registered to the court to execute their duties. Bailiffs must drive in a safe and courteous manner to provide an example for the motoring public to follow. Timely maintenance of vehicles and prompt attention to deficiencies prolongs the useful life a vehicle, reducing the overall cost of operation to the court.

14.1 USE

- A. Vehicles of the court will only be used for official purposes.
- B. Vehicles will be checked out from the clerk of the court and
- C. All drivers of court vehicles will be licensed to driver government vehicles of the Marshall Islands.
- D. All drivers of court vehicles will drive in a safe and courteous manner so as to set a positive example for the motoring public.
- E. Drivers of court vehicles will follow all traffic regulations of the Marshall Islands

14.2 MAINTENANCE

- A. Drivers will report all vehicle deficiencies.
- B. Drivers will report any damage that occurs to a vehicle checked out to them.
- C. Drivers will ensure that when the fuel level of a vehicle is below half, the vehicles is re-fueled
- D. Drivers will ensure that the interior of the vehicle is clean of trash and extraneous items.

Chapter 15

REPORTS

It is important to document all activities of Bailiffs of the court. Concise, accurate documentation is necessary to assist in the smooth functioning of the legal process of the court. Statistical documentation supports the continuing need for bailiffs to be assigned at the court and assists police administrations in determining future needs and deployment strategies.

15.1 DAILY REPORTS

The following reports need to be completed the same day as service or arrest is made or attempted or in the case of a new incident, when it is reported to the bailiff.

- A. Legal Process Service
- B. Arrest Warrant Service
- C. Officer's Report

15.2 QUARTERLY REPORT

The senior Bailiff assigned to the court will submit a quarterly report of the activities of the bailiffs. This report will;

- A. Summarize the activities of the bailiffs
- B. Will contain statistical information
- C. Provide any personnel up-dates
- D. Note any equipment deficiencies
- E. Advise of any suggested improvements

The Quarterly Report will be submitted to the Chief Justice of the High Court, The Commissioner of the Marshall Islands Police Department, and the Sherriff of the Majuro Atoll Police Department, no later than fifteen (15) working days after the end of the quarter.

COURTS OF THE MARSHALL ISLANDS

BAILIFF’S QUARTERLY REPORT

_____ Quarter, 20_____

1. Narrative of activities for the quarter to include unusual or unique activities of the bailiffs.

2. Statistics for the quarter

A. Number of Bench Warrants attempted _____

B. Number of Bench Warrants served _____

C. Number of paper services attempted _____

D. Number of paper services served _____

E. Number of court sessions monitored _____

3. Personnel Updates

4. Equipment Deficiencies

5. Suggested Improvements

Prepared by _____

Date _____

