

Policy 10000 - Bailiff Procedures

10000 – Introduction

Bailiffs are an integral part of the court team. They are the primary person for maintaining law and order within the courtroom and by their actions can greatly influence the efficiency and effective-ness of court operations. For that reason, the impression a bailiff creates in the minds of court officers and members of the public must be that of an objective, unbiased professional. Generally, the duties of the bailiff include providing security for the judge and court staff, escorting inmates, affecting the arrest of specified individuals and making appropriate contributions toward the court's work product. Included in that list, of course, is the bailiff's responsibility to assist in the organization and control of court operations.

The information in this policy will address all aspects of the bailiff's involvement in court and inmate procedures, and will state the department's operating policies in those areas. This policy shall be made available to all new sworn employees and made available, upon request, to all sworn employees of the department who are assigned to a court facility.

10001 – Court Terminology and Definitions

10001.1 - Court Terminology

- a) Arraignment: When a person is accused of committing a crime, appears in court, advised of the charges and asked to plead “guilty or “not guilty.”
- b) Commissioner: A person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters. Commissioners cannot sign search warrants and have limited power as opposed to a judge.
- c) Hearsay: A statement made out of court that is offered in court as evidence to prove the truth of the matter asserted.
- d) In Camera: A hearing in the judge’s chambers or in court with all spectators (including the jury) excluded.
- e) Jury Instructions: The guidelines given by the judge at the beginning and end of a trial that explain what the law in the case is and how the jurors should evaluate the evidence.
- f) Polling The Jury: A practice in which jurors are asked individually whether they agree with the verdict.
- g) Panel Attorneys: A group of private attorneys that are willing to provide services at a lower cost to criminal defendants who don’t qualify for a public defender.
- h) Preliminary Hearing: A proceeding in a criminal case before a judicial officer in which evidence is presented so that the court can determine whether there is probable cause to hold the accused for trial on a felony charge.
- i) Pre-Trial (D&R): A meeting between the judge and attorneys or a deputy district attorney and a public defender to review proposed evidence and talk about the possibility of settling the case.

- j) Pro-Per: A short form of the Latin “in propria persona,” meaning “in one’s own proper person.” Refers to persons that represent themselves in court without lawyers.
- k) Pro-Tem Judge: See CCOM section 10003.4 for definition.
- l) Voir Dire: The process by which judges and lawyers select members of the jury by questioning them to make sure they can fairly decide the case.
- m) Emergency: Refers to any significant disruption of normal facility procedures, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.
- n) Security Tunnel: Refers to the secured corridors of a facility where inmates move from a cell or area to another cell or area.
- o) Security Hallway: Refers to the hallways to the rear of the courtrooms that provide access to the judges' chambers and jury deliberation rooms, and to the non-public access areas.
- p) Custody Box: Refers to the area of a courtroom, whether or not it is enclosed, used for holding inmates.
- q) Inmate: Refers to a person in custody who has completed a formal booking process at a city or county detention facility.
- r) New Booking: Refers to an arrestee who is to be pre-booked by our Department and subsequently transported to, and formally booked at, the Orange County Jail.
- s) Pre- Booking: Refers to the processing of a new booking and includes a thorough search of the arrestee and inventory of the arrestee's property, the use of the telephone by the arrestee and the completion of booking records/documents.
- t) Calendar: Refers to the particular portion of a court's caseload that is pre- scheduled and of a specific nature (i.e., Small Claims, Traffic, Master, and Order to Show Cause [OSC]).
- u) Private Attorney: Someone that is obtained by a client, with a retainer fee, and qualified to represent them in court and to give legal advice.
- v) Public Defender: A lawyer appointed by the court, usually to represent a defendant in a criminal case that can't afford to hire a lawyer.
- w) ALT. Public Defender: A subsection of the public defender’s office that represents criminal defendants whereas the case involves more than one defendant. (It is a conflict of interest for the public defender’s office to represent two or more defendants that are charged with the same offense.)
- x) Conflict Attorney: An attorney appointed by the court to represent a person who is accused of a criminal charge where the criminal charge involves more than two defendants.

10001.2 - Division Authority

- a) Except as otherwise provided by law, whenever required, the sheriff shall attend all superior courts held within his/her county provided, however, that a sheriff shall attend a civil action only if the presiding judge or his/her designee makes a determination that the attendance of the sheriff

at such action is necessary for reasons of public safety. The sheriff shall obey all lawful orders and directions of all courts held within his/her county. (Government Code section 26603)

- b) The deputy sheriff in attendance upon court shall act as the crier thereof. He/she shall call the parties and witnesses and all other persons bound to appear at the court and make proclamation of the opening and adjournment of the court and of any other matter under its direction. (Government Code section 26611)

10001.3 - Magistrates Order to Arrest

- a) "A magistrate may orally order a peace officer or private person to arrest anyone committing or attempting to commit a public offense in the presence of such magistrate..." (Section 838 Penal Code)[\[1\]](#).
- b) "There shall be no civil liability on the part of, and no cause of action shall arise against, any peace officer . . . acting within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest under any of the following circumstances: . . . (3) The arrest was made pursuant to the requirements of [Penal Code] Section..., 838...." (Section 847(b) Penal Code [\[2\]](#)).
- c) "Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein. "(Section 839 Penal Code [\[3\]](#)).

10002 – Purpose and Responsibilities

10002.1 - Purpose and Responsibilities

- a) The purpose of this manual is to provide a basic knowledge of the duties of a bailiff, a standardized approach to application of that knowledge, to acquaint the Deputy/SSO with courtroom procedures and court related activities, and to assist in understanding and performing the duties of a court officer.
- b) The bailiff functions of the Court Operations Division consist of courtroom Deputy and Sheriff's Special Officer (SSO).
- c) The primary function of the bailiff is to provide security and maintain order in the courtroom, thereby ensuring the protection of the court and facilitation of the proper administration of justice.
- d) Bailiffs are an integral part of the court team. For that reason, the impression a bailiff creates in the minds of court officers and members of the public must be that of an objective, unbiased professional.
- e) Generally, the duties of the bailiff include providing security for the judge and court staff, escorting inmates, affecting the arrest of specified individuals and making appropriate contributions toward the court's work product. Included in that list, of course, is the bailiff's responsibility to assist in the organization and control of court operations.

- f) The primary function of the Sheriff's Special Officer is to provide additional security in the courtroom when a need has been identified and safe and secure transportation of custodies within courtrooms and secure hallways.

10002.2 - Additional Duties - Bailiff

- a) Assist in the morning search of all inmates entering the facility.
- b) Act as a back-up deputy in courtrooms requiring additional security.
- c) Patrol the building's interior and exterior as directed by the Sergeant.
- d) Assist in the unloading and loading of all inmates being picked up by sheriff's transportation.
- e) Conduct a search of the facility prior to closing.

10003 – Court and Media Relationship

10003.1 - General Duties

The following are general procedures for Justice Center Bailiffs of the Court Operations Division. Any conflict with these directives and any other Departmental Policy and/or Procedures shall be brought to the attention of the Justice Center Sergeant.

- a) The area between the counsel tables and the judge's bench is called the "well" and is considered "no man's land." Unless the judge directs otherwise, only the court staff may enter this area while the judge is on the bench.
- b) SSOs and deputies have the responsibility for ensuring that court participants comply with County of Orange Ordinance # 4-7-11 wherein smoking is prohibited "in buildings owned or leased by the County of Orange and in County of Orange spaces in buildings partially leased by the County of Orange."
- c) Bailiffs shall adhere to the policies and procedures of the CCOM. However, the operation of individual judge's courtrooms may vary. Bailiffs should ensure that all court participants comply with the following rules of the court:
 1. No food or drinks are allowed in the courtroom, except water pitchers in selected areas.
 2. The wearing of hats and sunglasses is not permitted in the courtroom.
 3. Have everyone turn off their cellular phones.
 4. Silence will be maintained at all times while court is in session, except by those persons involved in the case presently before the court. Anyone else talking while court is in session should be politely asked to be quiet or to leave the courtroom.
 5. No persons will be admitted to, or permitted to remain in, the courtroom unless properly attired in accordance with court rules.
 6. Sheriff personnel assisting a bailiff in a courtroom will be guided by the bailiff's instructions and will remain in the courtroom until properly relieved or excused by the bailiff.

7. Before each court session, the bailiff will do a security check of the courtroom, and custody box. The bailiff should test all equipment and ensure that necessary supplies have been replenished.
 8. Bailiffs are particularly susceptible to questioning by litigants and attorneys. In all such instances bailiffs should remain courteous, but not give legal advice or offer personal comments on any court action.
 9. Telephone calls should be brief and sufficiently quiet so as not to disturb the court or court participants. Bailiffs with outside private businesses shall not make or receive business telephone calls on court or Department telephones.
- d) Bailiffs shall not take enforcement action pertaining to "rules of the court" unless directed by the judge.

10003.2 - Bailiff Conduct

Each bailiff's conduct and demeanor in the presence of the general public, other public employees, and court attachés is representative of the degree of professionalism of the entire Sheriff's Department. Proper and professional conduct not only reflects favorably upon the department, but upon the entire judicial system.

10003.3 - Bailiff Judge Relationship

- a) Judges have individual preferences with respect to the procedures in their courtroom. It is imperative that the bailiff discuss with the judge the preferences to be followed upon the initial assignment and periodically thereafter.
 1. If a discrepancy arises between the judge's preference and the Custody and Court Operations Manual, the discrepancy will be immediately reported to the Justice Center Sergeant.
 2. Regardless of how long a bailiff has served a particular judge, it is to their mutual advantage to discuss the bailiff's duties and responsibilities in determining if any changes or additions are necessary.
- b) After a prolonged period of service with an individual judge, it is not unusual for a close relationship to develop. Under these circumstances, the bailiff should be extremely careful not to take advantage of the relationship. The bailiff must never, under any circumstances, refer to the judge by his/her given name when on duty or in the presence of the public. The judge is normally addressed as "Judge" or "Your Honor."
- c) The bailiff shall always knock on the chambers door before entering. After concluding the business at hand, the bailiff should leave the chambers unless requested to stay. A bailiff must regard the judge's confidence as a trust never to be broken.

10003.4 - Pro-Tem Judges

- a) The Presiding Judge of a court may appoint a Pro-Tem (from the Latin phrase “pro tempore”, meaning “temporarily”) to hear cases when the court has a case overload, or if, for any reason, there are insufficient judges to hear the trials.
- b) Pro-Tem judges are selected from qualified, volunteer attorneys, and may be utilized as long as the court has the need and the Pro-Tem judge is willing.
- c) Parties have the right to have their cases heard by a regular judge and must sign a written stipulation to have their cases heard by a Pro-Tem judge. If all parties to a case do not sign the stipulation, the case must be transferred to a regular judge to be heard.
- d) In any case, Pro-Tem judges should be treated as if they were a sitting judge.

10003.5 - Court Staff Relationship

- a) To maximize efficiency of a courtroom, the bailiff should maintain a good working relationship with all court staff members.
- b) Bailiffs should brief the staff on any unusual circumstances or security problems that may occur on a daily basis.
- c) The clerk or court reporter is often the first line of communication in an emergency situation.

10003.6 - Public Relations

- a) While complying with the department objectives, bailiffs shall:
 - 1. Be informative, courteous, and maintain an impartial attitude toward all parties.
 - 2. Not give legal advice or discuss the relative merits of any case pending before the court.
 - 3. Not voice opinions in the presence of jurors or witnesses to avoid jeopardizing or influencing the outcome of a case.
 - 4. Not recommend or refer persons appearing in court to any attorney.
 - 5. In the performance of their duties, bailiffs shall appear, behave, and relate with the public and the press in a manner consistent with professionalism, proper decorum, and dignity.
 - 6. If there is a children’s waiting room in the courthouse, inform parents of small children of its availability. Immediately advise parents with small children to remove the children from the courtroom if they become restless or noisy.

10003.7 - Press Relations

Refer to OCSJ Policy Manual Section 346 (Lexipol [\[1\]](#)) for detailed information.

10004 – Bailiff Overview

10004.1 - General Duties

- a) The following are general duties of a bailiff. Specific courts and individual judges may have different requirements.
 - 1. The security and protection of the judge and any persons in court.
 - 2. The security and care of juries.
 - 3. Ordering, transporting and security of custodies.
 - 4. Maintaining order during court sessions.
 - 5. Opening and adjourning court.
 - 6. Serving process when required.
 - 7. Inspecting courtroom and jury room for proper and necessary equipment.
 - 8. Responding to emergencies in court and within the courthouse.
 - 9. Rendering assistance to the public, court employees, court attachés, and co-workers.

10004.2 - Case Assessment

- a) A bailiff shall be familiar with the type of case before the court, the type of crime and/or circumstances and the individuals involved.
- b) Bailiffs working in courts handling criminal defendants should be aware of any case that would require additional security.
 - 1. Sources of information might include the investigating officer, prosecutor, or defense counsel.
 - 2. While there may be no immediate threat or problem, the bailiff should be alert for a potential problem during or after the case.
 - 3. Such awareness will assist in deciding the need for additional security for returning cases.
- c) The bailiff shall advise a supervisor of possible future high security cases.
 - 1. The notation should include the defendant's name, charges, prosecutor's name, return date, and a brief description of the potential situation (e.g., witness problems, intimidation, gang related, emotionally charged, etc.).

10004.3 - Supervisor Notification

- a) A bailiff shall notify his/her supervisor when:
 - 1. Any unusual or hazardous situations or any potential problems exist.
 - 2. There is an emergency or unusual incident.
 - 3. When available for reassignment.
 - 4. When their assigned court will be out of session at any time.

10004.4 - Prohibitions

- a) Bailiffs are prohibited from:

1. Reading newspapers, magazines, working crossword or other puzzles or engaging in personal activities (using personal electronics, etc.) or other non-court related material when in view of the public.
2. Eating food or drinking beverages in a courtroom when it is open to the public.
3. Using county communications equipment for personal, social, or unofficial business. This includes telephones, computers, fax machines and radios.

10004.5 - Control of Spectators and Audience

- a) The bailiff is responsible for the control of all spectators in the courtroom.
- b) All spectators entering the courtroom shall do so in a quiet, orderly fashion.
- c) Before opening court, bailiffs will advise all spectators that there shall be no talking, eating, drinking, chewing gum or tobacco, smoking, or reading while court is in session (unless the judge directs otherwise).
 1. Anyone who is disruptive, disrespectful to the court, or fails to follow the direction of the bailiff shall be removed from the courtroom in lieu of arrest for C.P.C. 166 (a) [1] and not allowed to reenter without the permission of the judge.
- d) Attorneys should interview their clients and witnesses outside of the courtroom unless there is a designated interview area in the courtroom.
- e) A bailiff has the right to perform a pat-down search of any individual or group who wishes to enter the courtroom.
 1. If a search is to be performed, it is advisable to obtain back up officers.
 2. Searches should be conducted by a person who is the same sex as the person being searched.
 3. Call for a supervisor's assistance if a spectator refuses to comply.
- f) The bailiff shall immediately advise parents or custodians of small children to remove the children from the courtroom if they become restless or noisy.
 1. If the parent or custodian of the child must be present in the courtroom and cannot take the child into the hallway, the bailiff shall confer with the judge as to his/her preference, keeping the security needs for the court in mind.
 - i. Options may include; obtaining assistance from the prosecuting or defense attorney's staff; or utilizing the on-site child care facility at the courthouse.
 - ii. All minor children are excluded from family law courtrooms when court is in session (unless a particular judge makes an exception).
- g) Bailiffs shall discuss individual public dress code wishes with their judge.
 1. Clothing that may be of special note, such as gang "colors" or clothing that could easily conceal a weapon should be of concern to the bailiff.

10005 – Courtroom Security

10005.1 - General Duties - Security

Security within the Orange County Court System is the primary responsibility of the Orange County Sheriff's Department, Court Operations Division.

- a) Bailiffs shall comprehend and develop expertise in performing their duties and responsibilities to ensure effective security and responses to particular security hazards, such as prisoner escape, bomb threats, courtroom disruption, or tactical situations.
- b) Although each court's emergency equipment and procedures may vary, bailiffs have the primary responsibility for working with their courtroom staff and instructing them on how to respond to various emergencies, including how to activate the court's emergency system and how to request assistance.
- c) [REDACTED]
[REDACTED]
 1. [REDACTED]
[REDACTED]
 2. [REDACTED]
[REDACTED]
- d) If an inmate appears to have medical problems (e.g., heart attack, stroke, seizure, etc.) Bailiffs should:
 1. Ask the judge for a recess.
 2. Notify the bailiffs in adjacent courts and a supervisor.
 3. Direct court staff to call paramedics (in all, except very minor, medical occurrences).
 4. If possible, have all other inmates returned to detention.
 5. Maintain security of the other inmates inside the custody cage until deputy assistance arrives and assist the victim if possible. (Bailiffs should always remove and secure their weapons prior to entering the custody cage.)
 6. If the inmate is to be transported to the hospital a deputy will go with the inmate inside the ambulance.

NOTE: Bailiffs shall write casualty reports for all medical emergencies occurring within their courtrooms. The report will be submitted to their supervisor by the end of their shift unless directed otherwise by the supervisor.

10005.2 - Daily Security Routine

- a) When en route to an assigned area or courtroom, bailiffs should be alert and observant for anything that is unusual or out of place.

1. Report anything of concern to your supervisor (e.g., an unlocked door that should be locked, a suspicious package).
- b) Allow sufficient time to conduct a thorough and complete courtroom search.
- c) Test all emergency equipment, alarm systems, and communication devices.
 1. See the Court Security Plan for your facility for a detailed description and operating procedures of the alarm system.
- d) Check adjacent holding areas/cells, test doors, lights, plumbing, etc...
- e) Communicate with the courtroom staff about any situations that may be different or unusual.
- f) Communicate with the judge regarding anything special that may be happening (e.g., dignitaries expected, ad-cases, attorney problems).

Note:

For information on Security Inspections for individual Justice Centers refer to CCOM Section 15003.1

Note:

For information on Facility Alarms for individual Justice Centers refer to CCOM Section 15003.3

10005.3 - Courtroom Inspection

- a) Before court begins the bailiff shall check the courtroom, judge's chambers (with the judge's permission), adjacent jury rooms, detention facilities, and other areas within their assigned area.
 1. If this search uncovers any suspicious article, the deputy shall not touch or move the article but shall immediately notify their supervisor.
- b) All persons not known to the deputy found in the private hallways, judge's chambers, jury rooms and other private areas shall be questioned as to their identity and the reason for their presence in the area.
 1. If no logical explanation is given, the deputy shall immediately notify their supervisor and detain said person for further investigation.
- c) At the noon recess the bailiff shall make sure the courtroom is locked. Deputies assigned to courtrooms near or adjacent to private corridors, stairwells, emergency exits, etc. shall periodically check these areas in order to assure that everything is safe and proper.
- d) At the end of the court day all deputies shall make sure their area of responsibility including the jury room and holding area is secure before leaving.
 1. The deputies shall inspect for court documents, exhibits, and personal property that may have been left.

10005.4 - Supervisor Notification - Security

- a) The bailiff shall notify a supervisor immediately of any unusual situation, circumstance, or hazardous situation, reported or observed crimes, and of any potential problems observed or anticipated in the courtroom or adjacent areas.

1. The supervisor shall evaluate and determine a course of action and direct the preparation of any needed reports.
- b) A supervisor will immediately respond to the scene in any of the following situations:
 1. A barricaded suspect
 2. A hostage is taken at the courthouse
 3. Shots are fired at or by deputy/SSO on duty in the courthouse
 4. Death or serious injury to court personnel, a custody, or the public
 5. Any use of force.

10005.5 - High Profile / High Risk Trial and Defendants

This section contains guidelines regarding the advanced planning for preparing for a High Risk / High Profile Trials and Defendants at the various Justice Centers.

Officer Awareness

- a) [REDACTED]
- b) [REDACTED].

Primary Objectives

- a) Provide for the safety and security of all in attendance.
- b) Deter criminal activity.
- c) Allow all persons to exercise their right to free speech.

High Profile / High Risk Defendants

- a) Well known individuals or incidents that have had a high level of media coverage that appear in court as defendants may necessitate the use of additional personnel for security and crowd control.
 1. The bailiff should notify his/her supervisor when it is learned that a high profile defendant has a trial or hearing so that a plan may be developed to secure adequate personnel.
- b) Cases involving murder, three-strike defendants, state prisoners, death row inmates, and persons on parole are among those considered to be high-risk defendants.
 1. High-risk defendants feel that the courtroom is the weakest link in prisoner security.
 2. Additional personnel should be considered in any of these cases.
- c) Do not assume that an inmate is not a high-risk defendant just because they have not been categorized as one.
- d) Inmates appearing on lesser charges often have extensive felony records and violent tendencies.

Tactical Considerations

- a) Tactical Considerations include but are not limited to:
 1. [REDACTED]
 2. [REDACTED]

3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

b) Location for the Incident Command Post (ICP).

Additional Considerations

- a) Ground photographs of the Justice Center.
- b) Photograph or layout of the courtroom.
- c) Additional E.R.T activation(s).
- d) Staging area for Fire/Paramedics – ambulance.
- e) Locate and list all cameras within the Justice Center and note if they are DVR or analog.

Mandatory Notifications

- a) Notify the Court Sergeant and Lieutenant.
 - b) Notify the Division Commander
 - c) Notify the Presiding Judge
 - d) Contact both the Court and Sheriff's Department Public Information Officers.
 - e) Court Security Services Officer
 - f) Notify Department Commander.
1. Patrol resources – OCSD or outside agencies.
 2. Tactical communication needs – frequency clearance, alternate channel etc...

Outside Agencies

- a) Should it be necessary to call on outside agencies, Mutual Aid will be requested through the Department Commander.
- b) Additionally, should Fire/Paramedics be needed, they will also be requested through the Department Commander.

Protesters/Petitioners

- a) During a High Risk / Profile trial, protesters may show-up at the Justice Center to exercise their right to free speech.
 1. Protesters will be given an area away from the entrance outside the Justice Center to peacefully protest and voice their opinion.
- b) The protest area will be designated by the Incident Commander.

High Profile/High Risk Courtroom Entrance Screening

- a) [REDACTED]

- b) The main purpose of the courtroom entrance search is to provide additional security measures to prevent weapons, explosives, or other potentially dangerous articles from entering the courtroom.
 - 1. This is done by searching all persons with the possible exception of properly identified court attachés, attorneys, police officers, and members of the news media wanting access into the courtroom.
- c) When a bailiff believes a courtroom entrance search may be necessary, he/she shall seek approval from the court supervisor.
 - 1. The Sergeant will notify the Justice Center Lieutenant
- d) The sergeant/deputy will inform the judge assigned to the case of the particular circumstances of the case that establish the need for a search.
- e) Courtroom entrance searching shall not be done without the judge's knowledge and permission.
 - 1. If possible obtain a written order from the judge authorizing the search and post it in a conspicuous place at the screening location.
- f) Searches should be done in a professional, inoffensive, yet thorough manner.
 - 1. Persons carrying packages should be instructed to deposit them elsewhere.
 - 2. Those persons refusing to be searched will not be admitted into the courtroom.
 - 3. Arrests for minor offences detected by the search are subject to supervisory approval.
 - 4. Set up the screening area in such a position as to facilitate maximum control.
 - 5. Searches should never be conducted within sight or hearing of the prospective or impaneled jurors assigned to the case.
 - 6. The screening area will usually be staffed with two deputies/SSOs (preferably one male and one female).
 - 7. If a "pat down" search is deemed appropriate after the initial electronic screening, when possible, "pat down" search should be conducted by a person who is the same sex as the person being searched.

Enforcement

- a) OCSD Court Operations will deploy a minimum of one (1) E.R.T. during the Operational Period.
 - 1. The Deputies will provide visible patrol, provide for the safety of all in attendance, deter criminal activity and take swift enforcement action on any violations of law.

Reference

CPC 148(a) (1)

Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) [\[1\]](#) of the Health and Safety

Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

CPC 166.(a)

Except as provided in subdivisions (b), (c), and (d), [\[2\]](#) a person guilty of any of the following contempt's of court is guilty of a misdemeanor:

- a) Disorderly, contemptuous, or insolent behavior committed during the sitting of a court of justice, in the immediate view and presence of the court, and directly tending to interrupt its proceedings or to impair the respect due to its authority.
- b) Behavior specified in paragraph (1) that is committed in the presence of a referee, while actually engaged in a trial or hearing, pursuant to the order of a court, or in the presence of any jury while actually sitting for the trial of a cause, or upon an inquest or other proceeding authorized by law.
- c) A breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of the court.
- d) Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.
- e) Resistance willfully offered by any person to the lawful order or process of a court.

Other

If additional information is needed, the Court Sergeant or his/her designee may contact the Orange County Intelligence Assessment Center (OCIA) Analytical Unit (714-628-3024) and have them run the subject(s) through their data bases for possible additional information.

[10005.6 - Dissident Groups, Passive Resistors, and Demonstrators](#)

- a) Cases based on crimes or litigation by or against individuals or groups can evolve into numerous types of demonstrations. Anytime the bailiff becomes aware of a case involving opposing factions whose participants or their following are highly emotionally charged they shall notify their supervisor who will assist in evaluating the need for additional personnel.
- b) "Any person who pickets, or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of his duty is guilty of a misdemeanor." (P.C. section 169 [\[1\]](#))

[10005.7 - Judicial Threats](#)

- a) Any member of this department who receives a threat of any kind, written, verbal, or physical against a judge, commissioner, or other court personnel, shall immediately contact a supervisor. No judicial threat shall be taken lightly.
- b) If the threat is in person, the individual shall be detained and further investigation shall be conducted.

- c) Any judicial threat should be reported to a sergeant immediately. The sergeant receiving the threat will make the following notifications:
1. Justice Center Lieutenant
 2. Justice Center Supervising Judge
 3. Presiding Judge
 4. Judicial Protection Unit (JPU)

10005.8 - Emergency Procedures

For information on Safety and Emergency Procedures for individual Justice Centers refer to CCOM Section 15006

10006 – Courtroom Duties & Responsibilities

10006.1 - Calling the Court to Order

Opening Speeches

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

Formal Long Form - Morning Opening

"Everyone rise, please (pause), in the presence of the flag of our country, emblem of the Constitution and remembering the principles for which it stands, Department _____ of the Superior Court, is now in session, the Honorable, _____ Judge, presiding. Please be seated and come to order."

Short Form - Morning Opening

"Everyone rise please (pause), Department _____ of the Superior Court is now in session, the Honorable _____, Judge, Presiding. Please be seated and come to order."

Afternoon Opening

Afternoon openings are usually the same as the Short Form - Morning Opening.

Openings after a Recess

- a) "Everyone rise, please (pause). This court is again in session. Please be seated and come to order."
- b) Or "Remain seated and come to order. This court is again in session."

Small Claims Department Openings

- a) Everyone rise, please (pause). The Small Claims Department of the Superior Court is now in session; the Honorable _____, presiding. Please be seated and come to order."

Ceremonial Opening (Where multiple Judges are sitting)

- a) "Everyone rise, please (pause). In the presence of the flag of our country, emblem of the Constitution, and remembering the principles for which it stands, this special session of the _____ Judicial District Superior Court, for the purpose of _____ (the installation of a new member), is now open with its judges sitting en banc (in bank), the Honorable _____ Judge Presiding. Please be seated and come to order."

- b) This opening is usually preceded and followed by three raps of the gavel to gain order and signify the official opening of the proceedings.
- c) A particular judge may choose to modify or customize the court opening. Be sure to consult the judge or clerk regarding the judge's preference if newly assigned or filling in for an absent bailiff.

10006.2 - Assisting the Court

- a) The bailiff shall review the court calendar with the clerk to ascertain if there is any specific or unusual case that may require special handling for that day.
 - 1. If there is a case that requires special handling, the bailiff shall notify his/her sergeant, and the judge.
 - 2. The bailiff should inquire if the judge has any special requirements for that case.
- b) Bailiffs may assist the court in handling/signing of papers as long as it does not diminish the bailiff's primary duty of security for the court.
- c) Bailiffs may assist the court in the handling of documents and court files that must be passed to or from the bench.
 - 1. Remember, no one may approach the front side (the well) of the bench without the permission of the judge; therefore anything that is to be passed to the bench must be handled by the bailiff or the clerk.

10006.3 - Court Documents and Files

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

10006.4 - Witnesses

Witnesses Called To Testify:

- a) When called to testify in a case, the prosecutor, defense counsel or judge will call out the name of the witness in open court.
 1. The witness will proceed, as directed by the bailiff, to a predetermined location to be sworn in by the clerk.
 2. The bailiff should, whenever possible, have the witness face the clerk and raise their right hand.
 3. After being sworn, direct the witness to be seated in the witness box and adjust the microphone so the testimony of the witness can be heard by all.
 4. A witness shall not chew gum while testifying.
 5. While performing these duties, the bailiff should show the witness every courtesy to allay fears and to put the witness at ease.
 - i. If needed, handicapped witnesses should be assisted to the witness stand by the bailiff.

Witnesses excluded from the Courtroom:

- a) All witnesses may be excluded from the courtroom on the motion of the prosecution or the defense. If the judge grants the motion, all witnesses or potential witnesses will be asked to identify themselves and then will be asked to leave the courtroom.
 1. Witnesses shall be advised not to discuss their testimony with any other person or witness. (C.P.C. section 867 [\[1\]](#)).
 2. The witness shall then be called back into the court when they are to testify.
 3. It is while witnesses are excluded in a preliminary hearing or trial that there is a high potential for witness intimidation. Bailiffs, officers testifying on the case and other deputies should be vigilant trying to prevent any form of intimidation.
 4. If the defendant is in custody, the bailiff shall not leave the court to call a witness or jury, unless there is sufficient backup.

Protection of Witness(s) while at the Courthouse:

- b) Sometimes it will be the bailiff's responsibility to assist in the protection of witnesses.
 1. Attempt to keep witnesses separate from any relatives or friends of opposing parties.
 2. Anyone who attempts to prevent a witness from testifying or tries to make them change their testimony is in violation of CPC section 136.1 [\[2\]](#).

10006.5 - Closed Sessions

- a) Under certain circumstances, on motion of the defense or the prosecutor, the judge may exclude the public from a hearing (PC sections 868, 868.7 [\[1\]](#)). If the judge grants this motion, the bailiff shall clear the courtroom of all persons except the court staff, prosecutor, defense counsel, defendant, investigating officer, custody officer, witness, and a person chosen by the witness who

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

1. The bailiff shall post a sign on all doors entering the courtroom stating "CLOSED HEARING DO NOT ENTER".
 2. No one shall be allowed to enter the courtroom without the permission of the bailiff; anyone attempting to enter shall immediately be removed.
- b) When witnesses are also excluded from the closed session, the bailiff, on order of the court, shall dismiss the witnesses from the courtroom and instruct them to remain nearby to be available when summoned to testify.
1. The bailiff shall post a sign on all doors entering the courtroom stating "WITNESSES EXCLUDED".
 2. No witnesses shall be allowed to enter the courtroom without the permission of the court; any witness attempting to enter shall immediately be removed.

10006.6 - Recesses

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

10006.7 - Closing Court

- a) At the close of the court's business for the day, the bailiff shall inspect all spectator areas for lost or forgotten items, contraband, and any suspicious devices.
 1. For information on suspicious device see Field Operations Manual [1] Section 21, Number 5 for details.
 2. All items located will be documented on the appropriate log or report form.

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

10006.8 - Court Calendars

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

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

10006.9 - Preliminary Hearings

- a) A preliminary hearing is the initial presentation of evidence by the prosecutor in a felony case, in the Superior Court, when there is no Grand Jury Indictment.
 1. Normally, the only evidence presented at this hearing is by the prosecutor.
 2. The prosecution will present a prima facie case to the Judge to bind the defendant over for a trial.
- b) At the conclusion of testimony in a preliminary hearing, the judge will decide if there is sufficient evidence to bind the defendant over for a trial on the charges alleged by the prosecutor.

1. If the Judge decides there is sufficient evidence to hold the defendant for trial, an arraignment date will be set for the defendant.
- c) In the case of an “Immediate Arraignment” on a felony charge held after a preliminary hearing, the defendant’s fingerprint must be taken just as it would be in Felony Arraignment (CPC 992)[\[1\]](#).

10006.10 - Felony and Misdemeanor Arraignments

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

10006.11 - In-Custody / Out of Custody Defendants

- a) In Custody Defendants:
 1. In custody defendants shall normally be seated next to their attorney.
 - i. They shall use a chair without wheels and should be secured whenever possible; (Secured generally means being handcuffed to the rear or in waist restraints, when permitted by the court).
 - ii. In the event the defense attorney makes a motion to remove the handcuffs, it is up to the bailiff, with the assistance of the prosecutor, to show cause why the defendant should remain handcuffed during the hearing.
 - iii. If the judge makes an order to remove the handcuffs, the bailiff shall comply with the order.
 2. In custody defendants have a right to make notes.
 - i. Any materials given to the defendant by defense counsel shall first be given to the bailiff for a visual inspection.
 - ii. Attorneys may only give their clients a business card or court related documents, no other items or notes may be passed directly between an in custody defendant and an attorney.
 - iii. Attorneys shall be advised of potential weapons at counsel table when they are dealing with custodies.
 - iv. Remove all paperclips, staples, etc. from materials before they are given to custodies.
- b) Out of Custody Defendants:

1. While out of custody defendants do not pose the potential problems that an in custody defendant does, they may still create a problem by having large numbers of supporting friends.
2. If the defendant, the defendant's relatives or friends of the defendant inform a bailiff that someone is trying to intimidate a witness, the prosecutor shall be immediately informed.
 - i. Necessary action may be taken by the investigating officer or the bailiff.

10006.12 - Defendant Remands

Court Remands

When a defendant is "remanded to the custody of the Sheriff," he or she is deemed to be in our custody from the point these words are spoken by the Judge.

Custody

- a) The Court Deputy will immediately place the defendant in handcuffs and perform a pat down search for weapons and contraband.
 1. If a Prowler Deputy is present, he/she will perform these tasks and the Court Deputy will maintain the normal course of business in the Court.

Processing

Processing the remand will be as follows:

- a) The Deputy will fill out the Booking Sheet, Request for Classification Form, Medical Health Questionnaire Form and ask the remanded inmate the following questions prior to escorting the remanded inmate to detention.
 1. Are you sick or injured?
 2. Have you ever attempted suicide or do you feel suicidal at this time?
 3. Are you currently taking any medications?
 4. Do you have any health problems?
 5. Gang affiliation for segregation classification purposes
 6. Are you a custodial parent?
 7. Are you currently seeing a mental health professional?
- b) All the responses made by the remand to the questioning will be documented on the Field Information Sheet.

Property

- a) Upon taking a remand into custody the bailiff may ask the remand if he or she would like to give someone in the audience some or all of his/her cash or personal property. If the remand declines, or there is no one readily available to receive the cash or property the following procedure will be adhered to:
 - b) The Deputy will count all money and verify the amount with the remanded inmate.
 - c) The Deputy will write the amount collected on the Property Inventory Receipt Form and then sign the form in the appropriate section.

1. The property inventory form along with the remands property will be brought to the detention holding area.
 2. Money in excess of 500.00 dollars will be counted by the Detention Sergeant, and a cash count sheet will be filled out.
 3. The Deputy will place the money in a clear bag. This will be a smaller bag placed inside the larger property bag.
 4. For additional information refer to CCOM Section [3000.4\(d\)](#).
- d) All other property will be placed into a separate (larger) Detention Property bag and be sealed. The Deputy will write the remanded inmate's name, date of birth, and charges listed on the front.
1. A Property receipt will be attached to the remanded inmate's property.
 2. The Deputy will write the word Transportation in the Money/Property Transfer Record section indicating the bag/bags were picked up along with the remanded inmate by Sheriff's Transportation.
 3. This process requires the use of two separate bags. The purpose is that when the property arrives at the jail, the outer bag can be opened to log and deposit money while keeping the integrity of the property bag secure.
 4. In the event that property is collected that won't fit in a property bag, the Deputy will attempt to locate a relative or friend in the audience that the oversized/excess property may be turned over to.
 5. If a friend or relative cannot be found, the Deputy will log the property on a safe keeping report and book the property into the Property and Evidence Lockers at the Sheriff's Department.
- e) Remanded Inmates from the Court will not be housed with jail inmates if at all possible as they have not been thoroughly processed into the jail system. As soon as possible, the remanded inmate will be transported to the Intake Release Center for booking.

Releasing Personal Property

See CCOM Section [11002.7](#).

Communicable Diseases

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

- a) Any remanded inmate that appears to be suffering any type of communicable disease will be segregated from other inmates.
 1. The remanded inmate will be immediately taken to the Intake Release Center for booking so they may be screened by medical staff who will evaluate their needs in accordance with Sec. 1206.5 of Title 15, and [CCOM Section 2108](#).
- b) Any remanded inmate that appears to be suffering any type of mental disorder will be segregated from other inmates.

1. Remanded inmates who appear to be a danger to themselves or others, or who display violent and bizarre behavior will be immediately taken to the Intake Release Center for booking so they can be placed in an observation cell pending an evaluation by Mental Health staff.

10007 – Evidence and Exhibits

10007.1 - Weapons

Weapons Brought to the Court as Evidence

- a) All persons bringing weapons as evidence into a Justice Center shall advise the Weapons Screening Deputy/SSO of the type of weapon and the courtroom the weapon will be brought to.
 1. Sworn personnel will be directed to the appropriate courtroom.
 2. Non-sworn personnel will be escorted to the appropriate courtroom.
- b) Firearms introduced as evidence shall be inspected and rendered SAFE before the start of any proceedings.
 1. Gun locks or plastic/nylon tie wraps shall be used.
 2. Ammunition shall be removed and secured in an envelope and kept separate from the firearms.
 3. All firearms, ammunition, and magazines shall be secured.
- c) If a gunlock is not available and a plastic/nylon tie wrap must be used to secure a revolver, leave the cylinder open.
 1. The plastic/nylon tie wraps shall be inserted through a cylinder hole and the trigger guard.
 2. The tie wrap shall then be secured thereby immobilizing the cylinder.
- d) Semi-automatic pistols shall have the magazines removed; slide opened and locked, with the safety on.
 1. Ammunition shall be removed from the magazine and chamber.
 2. If using a plastic/nylon tie wrap to secure the weapon, it shall be inserted through the barrel.
 3. The tie wrap shall then be secured preventing the insertion of ammunition into the chamber and restricting the forward movement of the slide.
- e) Rifles and shotguns shall have all bolts, blocks, slides, and breeches open with the safety on.
 1. The plastic/nylon tie wrap, if used, shall be wrapped around the frame and through both the ejector and loading ports.
 2. The tie wrap shall then be secured thereby preventing the forward movement of the slide.
- f) Any questions or problems regarding the rendering of any firearms SAFE shall be referred to a court sergeant.
 1. Court sergeants shall ensure that an ample supply of gunlocks and/or plastic/nylon tie wraps are on hand at all times.
- g) At the beginning of each continued session where firearms have been introduced as evidence, the firearm(s) shall once again be inspected, rendered SAFE and secured.

1. Any other weapons in evidence, i.e., knives, clubs, etc., shall be kept secured.

10007.2 - Narcotics

- a) Narcotics are normally secured in sealed evidence envelopes.
 1. In the event that a witness opens the envelope, the bailiff should ensure that the contents are kept intact and returned to the envelope after examination.
- b) Substances that have a powder texture should not be opened in court.
 1. The judge will normally direct the prosecutor not to open the package, but to rely on the laboratory report regarding the contents.

10007.3 - Hazardous Materials

- a) In the interest of public safety, no exhibit designated as hazardous waste material shall be permitted in any courtroom.
 1. All controlled substances as defined in section 11007 of the California Health and Safety Code are hazardous waste material.
 2. However, the court will accept color photographs of the object or substance in lieu thereof.
- b) Counsel wishing to examine any such object or substance shall do so prior to the commencement of any courtroom proceeding.
- c) Pursuant to PC section 1417.3(b) [\[1\]](#) and upon finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided that they remain in a sealed condition at all times.
- d) Unless otherwise ordered by the court, the person bringing the evidence in the courtroom shall retain it and shall be responsible for the storage of the evidence and for the substitution of a photograph, if required.

10007.4 - Handling Evidence and Exhibits

- a) Items that are marked for identification and/or admitted by the judge as exhibits or evidence become part of the court's case record.
 1. Some items may be returned to the party who initially offered them, but may require a stipulation by both parties and an acceptance of the stipulation by the judge.
- b) The bailiff should be aware of the exhibits used in a trial, and when it is necessary for the jury to view them shall hand them to the jury and retrieve them as directed.
- c) All weapons to be handled in the courtroom shall be inspected by the bailiff before the judge takes the bench, and placed in areas inaccessible to defendants or witnesses.
- d) Depending on the nature of the evidence for a given trial, it may be necessary for the bailiff to escort the court clerk to and from the evidence locker.
- e) Storage and security of evidence is the responsibility of the court and not the Bailiff.
- f) Bailiffs should not secure evidence or exhibits in their desk or file cabinets.

- g) During the viewing of physical evidence offered during a jury trial, the bailiff must be present in the jury room.
 - 1. The bailiff must instruct the jury not to discuss the case and/or evidence in the bailiff's presence.

10008 - Trials

10008.1 - Bailiff Responsibilities

It is very important for the bailiff to discuss procedures with the judge in order to coordinate and be well prepared for the coming trial, some of these procedures should include:

- a) The seating and handling of the jury.
- b) The seating and handling of the defendant.
- c) The seating and handling of spectators.
- d) Any security problems.
- e) The handling of evidence (weapons & narcotics).
- f) Generally, any other problems that may arise during the trial.
- g) The courtroom is a public place, and the bailiff's authority is limited. It may be necessary for the judge to issue a special court order to assist in controlling the activity in the courtroom.

10008.2 - Bailiff Misconduct during Trials

Bailiffs are among the most visible participants in a court proceeding. Everything a bailiff says and does represents the Sheriff and the Court, nothing less than an absolutely neutral and impartial position will be accepted. Extreme caution must be taken to avoid even the slightest perception of favoring one side or the other.

- a) New trials have been granted upon motion by the defendant where it has been shown that the bailiff has, by conduct, demeanor, or statements in the presence of the jury, expressed an opinion of what verdict the jury should reach.
- b) Failing to keep the jury together as charged by the oath given to the bailiff has been grounds for a new trial.
- c) Misconduct could result in contempt of court charges against the bailiff as well as disciplinary action by the Sheriff's Department.

10008.3 - Trial Proceedings

Criminal Trial Proceedings

- a) After the jury has been impaneled and sworn, the trial must proceed in the following order, unless otherwise directed by the court.
 - 1. Prior to taking of testimony, the bailiff should be familiar with the evidence in the case.

- b) The bailiff shall provide jurors with notebooks and pencils and instruct them that the notes will remain in the courtroom at all times.
 - 1. These materials are to be secured by the bailiff at the end of each day.
 - 2. Jurors' notes are confidential and shall not be read.
- c) The Deputy District Attorney, or other counsel for the people, must open the case and offer evidence in support of the charge.
- d) The defense counsel may then open the defense and offer evidence in support of their client(s).
- e) The parties may then offer rebutting testimony, unless the court permits them to offer new evidence.
- f) When a witness is called to testify, the bailiff shall direct the person to come forward and be sworn, after which the bailiff will direct the person to the witness stand and adjust the microphone. The bailiff shall make sure that no witness is chewing gum or tobacco when they take the witness stand.
- g) When the evidence is concluded the District Attorney, or other counsel for the people, and counsel for the defendant may argue the case to the court and jury. The District Attorney opens and closes final argument. This is avoided if the case is submitted without argument.

Court Trials

- a) A court trial is heard when the defendant or litigant has waived their right to a jury trial, thus enabling the judge to hear all the evidence in the case and make a decision based on the witnesses testimony.
 - 1. Court trials are also used in most minor traffic infractions.
- b) The order of trial is very similar to that of the jury trial. First the prosecutor or the traffic officer presents their case.
 - 1. The defendant then has the opportunity to cross-examine any witnesses.
 - 2. After the prosecution has completed their case, the defense has the opportunity to present witnesses.
 - 3. At this time the prosecutor has the opportunity to cross-examine the defense witnesses.
- c) After both sides have completed their testimony, they have a final chance to present a summary of their individual cases to the judge for determination.
- d) After the judge makes a finding of guilty or not guilty, the bailiff should be prepared to proceed if the defendant is to be remanded to custody.
 - 1. Bailiffs should keep in mind that although a court trial is usually a very simple matter, it may become very volatile.
 - 2. This is especially true in traffic matters where there is a matter of difference between the violator and the traffic officer.
 - 3. The key is to maintain control of your courtroom and all persons who are appearing.

Civil Trial Proceedings

- a) When the jury has been sworn, the trial must proceed in the following order, unless the court, for special reasons, directs otherwise:
1. The plaintiff (petitioner), after stating the issue(s) may produce evidence.
 2. The defendant (respondent) may then open the defense and offer evidence in support thereof.
 3. The parties may then respectively offer rebutting evidence only, unless the court, for good reason in the furtherance of justice, permits them to offer evidence upon their original case.
 4. When the evidence is concluded, unless the case is submitted to the jury on either side or on both sides without argument, the plaintiff must commence and may conclude the argument.
 5. In trials where several defendants are represented by different counsel, the court must determine their relative order in the presentation of evidence and argument phases.

10008.4 - High Risk Trials

High Risk Trials

Trials that require an increased security presence, special security preparations and/or the use of security screening devices are usually referred to as “high risk trials”.

Guidelines for High Risk Trials

The following guidelines have been developed to assist bailiff and supervisory personnel during the pre-planning and execution stages of those events:

Define known problems particular to the case

- a) Inmates/ Defendants
- b) How many defendants / witnesses are there (In and out of custody?)
- c) What is their gang / organization affiliation and prior history?
- d) Are they violent / non-violent?
- e) Will they be shackled or unshackled?
- f) Are they pro per, or does counsel represent them

Gallery

- a) What is the number of seats available for the public?
- b) How should the seats be partitioned for witnesses and supporters of the defendant(s)
- c) Should the seats be numbered and assigned
- d) Is it appropriate to put the press in the front row?
- e) Will it be necessary to provide a deputy to monitor the gallery?

Community Interest

- a) Is this a high interest trial in the community?
- b) Is the community hostile to, or supportive of, the defendant?
- c) Are there “special interest” groups involved? If so, who are they and what is their background

The Press

- a) Will cameras be allowed in the courtroom? If so, where is the most secure place for them? If not, do we need a separate press area in or outside of the Justice Center?
- b) Will audio recording devices be allowed in the courtroom?
- c) Will there be a limit on the number of reporters allowed in the courtroom?
- d) Is it possible to create a special section for press seating?
- e) Should we provide a liaison officer for the press?

Conduct a pre-event meeting, request the following people be in attendance

- a) Trial Judge
- b) Prosecutor
- c) Defense attorney(s)
- d) Sheriff Incident Commander

Discuss the following

- a) Whether the inmate(s) will be shackled / unshackled
- b) The incident "Incident Action Plan", including:
 1. The responsibilities of court participants
 2. The point at which contingency plans will be implemented
 3. Proposed security measures designed specifically for the safety / control of the defendant(s)
 4. Proposed security measures designed specifically for the safety/control of the gallery and other court participants (magnetometers, searching, entry ropes, restricted seating, etc.)
 5. Media coverage, including the number of reporters, cameras, recorders, etc. allowed in the court
- c) Witnesses, including recommendations for their handling (both custody and non-custody) and transportation
- d) The issuance of a court order granting permission for all or part of the above (offer to generate the order for the judge's signature)

NOTE For additional information see CCOM section [10005.5](#) High Profile / High Risk Trials and Defendants

10009 – Juries

10009.1 - Jury Selection

Jury Panel Selection

- a) Once the courtroom is prepared and the trial is ready to begin, the clerk will call for a panel of jurors. The panel will be sent from the Jury Assembly Room and each panel will vary in number depending on the judge's evaluation of that particular case.
- b) Prior to the arrival of the prospective jury panel, the bailiff shall reserve seats in the courtroom to accommodate the panel. Spectators will be directed to sit on one side of the courtroom so the jury panel can be kept together.
- c) When the jurors first arrive, one juror will have an envelope containing a random list with the names of each juror in the panel. This envelope shall be given to the clerk.

- d) The bailiff shall, prior to the judge taking the bench, ascertain if the jury panel is complete and instruct them on how to enter the jury box.
- e) The defendant shall be present during these and all other proceedings of trial unless otherwise ordered by the court.
- f) The court clerk will call twelve or more names from the panel of prospective jurors from the list. Each prospective juror will be assigned a seat in the jury box in the order in which their names were drawn. The clerk will continue to call names from the panel to replace any juror excused from the original twelve prospective jurors drawn.

Examination of Jurors

- a) The judge will examine the prospective jurors in an attempt to select a fair and impartial jury. The judge will then permit reasonable examination of jurors by counsel for the people and counsel for the defendant. This is also known as "Voir dire."
- b) Once a juror is challenged and excused, the judge will instruct the juror to return to the Jury Assembly Room.
- c) Once the panel is selected and is accepted by both the court and the parties to the litigation, the clerk will swear-in the jury to try the case before the court. The remaining jurors may then be excused to return to the jury assembly room.

Alternate Jurors

- a) Alternate jurors are often selected to sit with the jury. Throughout the trial, up to the time of deliberation, the alternates are treated the same and are subject to the same rules as are the members of the regular jury panel.
- b) Alternate jurors are seated as closely as possible to the regular jury panel. Care should be taken to insure that they are in a position to observe the entire proceedings. Should a member of the regular panel become ill or unable to finish the case, the alternate juror will be appointed by the court to take the excused member's place in the jury box.
- c) The alternate jurors receive the same instructions as the regular jurors, but only the regular jurors go into the jury deliberation room to decide the case.
- d) Until otherwise instructed by the court, the bailiff shall not speak to alternate jurors or allow anyone else to speak to them upon any matter connected with the case except by order of the court. Absent an order from the court to the contrary, any time the jury is brought back into the courtroom during their deliberations, the alternate jurors must also be present.

10009.2 - Courtroom Procedures for Jurors

- a) At the first opportunity, the bailiff shall instruct the jury on the rules and procedures of that court.
- b) The bailiff shall instruct the jury when to enter the courtroom upon reporting, at recesses and upon adjourning. An emergency telephone number is usually provided to prospective jurors by the Jury Commissioner's Office. The Jury Commissioner's Office phone number or the courtroom

telephone number should be made available to the jury for notifying the court if for any reason they will be reporting late or unable to report at all.

10009.3 - Court Recesses

- a) When court recesses during the course of a trial, normally everyone is to remain seated until the judge and jurors leave the courtroom. Defendants in custody shall be returned to the holding area or cell after the jurors have been directed to the jury room.
- b) Before court is to reconvene, the bailiff shall return the in-custody defendant to the courtroom. The judge shall then be informed when all parties are ready to resume.
- c) The jury must also, at each adjournment of the court, be admonished by the court that it is their duty not to converse among themselves or with anyone else on any subject connected with the trial, nor to form or express any opinion thereon until the cause is finally submitted to them Penal Code Section 1121 [\[1\]](#).

10009.4 - Jury Instructions

- a) When the attorneys have made their final argument and the case is concluded, the judge will then instruct the jury.
- b) The bailiff shall post a notice on the outside of the courtroom door, stating: "No Admittance, Jury Being Instructed." While the instructions are being given, no one is permitted to enter or leave the courtroom, unless otherwise directed by the judge.
- c) At the completion of the instructions to the jury, the bailiff shall stand with right hand raised and be sworn by the Clerk of the Court to take charge of the jury.

10009.5 - Jury Deliberations

- a) After being sworn to take charge of the jury, the bailiff will escort the jury to the jury deliberation room and make sure that necessary articles are furnished to them, such as pencils, paper, etc., and see that all facilities are in order.
- b) The jury shall be secured in the jury room. The bailiff shall explain the use of the alarm panel or other signaling device to the jury and remain available during their deliberation to respond to the needs of the jury. If the jury room is locked, the bailiff shall be available with the key in the event of an emergency.
- c) If it becomes necessary for the bailiff to assume other duties which will limit his ability to respond to a jury's call, a bailiff in an adjacent court may be sworn to handle the jury's needs.
- d) "Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence...." (California Penal Code section 113 [\[1\]](#)). The bailiff shall be responsible for placing exhibits into the jury room; this policy does not apply to physical evidence. For physical evidence instructions see CCOM policy 10007.4.

- e) When the jury leaves the jury room while deliberations are ongoing, the bailiff shall secure the jury room and its contents.

Bailiff Summoned by Jury

- a) The bailiff, when summoned to the jury room by signal or alarm, shall knock before entering. When granted permission, the bailiff may enter and inquire of the reason for being summoned.
- b) Any questions regarding the case shall be relayed to the judge in written form and signed by the foreperson of the jury. The bailiff shall not inform anyone except the judge of the inquiry or message from the jury except upon order of the court
- c) After the jury has retired for deliberation, if there is any disagreement between them as to the testimony, if they desire to be informed on any point of law arising in the case, or request to view any evidence that was not taken into the jury room, they must summon the bailiff using the alarm panel or other signaling device, and inform the judge in writing of their request.

10009.6 - Verdict Reached by Jury

- a) When the jury has agreed upon its verdict, they must be brought into court by the bailiff having charge of them.
 - 1. When the jury appears, the judge will ask if they have agreed upon a verdict.
 - 2. If the foreperson answers in the affirmative, the judge will instruct the jury foreperson to hand the verdict forms to the bailiff.
 - 3. The bailiff will then take all the verdict forms from the foreperson, without looking at them, and hand them to the judge.
- b) After the courtroom clerk has read the verdict, the judge will discharge the jury. The defendant will remain seated until all jurors have left the courtroom, then the judge will finalize the proceedings on the record.

10009.7 - Juror Illness or Injury

- a) If a juror becomes ill or is injured and paramedics or an ambulance are needed, the bailiff shall immediately activate the procedures for a medical emergency.
 - 1. The judge shall be informed of the extent of the illness or injury as soon as possible.
 - 2. The jury commissioner shall also be informed.
 - 3. If the juror is to be taken by ambulance to a hospital, the judge may request that a deputy accompany the juror.
 - 4. The bailiff shall prepare a report and submit it to their supervisor as soon as possible.
- b) Jurors, whether impaneled or not, are classified as county employees. Report all juror injuries to the appropriate Jury Commissioner who will fill out the necessary reports for Industrial Injury.
- c) The Jury Commissioner shall be called even if the juror declines medical treatment. In all cases where the bailiff has personal knowledge of the injury, the bailiff shall assist the Jury Commissioner in preparing the injury report.

10010 – Court Hearings

10010.1 - Court Hearings - Overview

Hearings take on many forms and situations in a courtroom. They may be a simple small claims hearing to a more serious sentencing hearing where an individual may be going to jail. The bailiff should be aware that all court proceedings have a potential for a violent outbreak.

Probation and Sentencing Hearings

- a) This type of hearing is usually held after a defendant has been found guilty of committing the crime alleged by the prosecutor.
- b) At the conclusion of the trial, the judge will normally request a report from the Probation Department to ascertain recommendations for sentencing.
- c) When the defendant is called before the judge, if the defendant is on bail, the judge should alert the bailiff if the sentence includes a commitment to a jail facility.
 1. In this instance, the bailiff should be in a position that will block any effort by the defendant to leave the courtroom.
- d) Immediately on sentencing to a jail term, the bailiff shall remove the defendant from the courtroom and immediately conduct a pat down search for weapons and contraband. For additional information on remand procedures refer to CCOM Section 10006.12.
- e) Defendants who are already in custody should be returned to the court holding facility for transportation back to county jail.
- f) When the defendant is on bail and is released on probation without a jail sentence, the bailiff will give the defendant a copy of the terms and conditions of probation, prepared by the clerk, and release the defendant from the court.
- g) In custody defendants shall not be released from the courtroom; they shall be returned to the jail for processing.

Order to Show Cause

- a) An order to show cause hearing may involve a contempt matter, restraining order or a motion by an attorney to have evidence produced, etc. Since there are many types of order to show cause matters, it is imperative that a bailiff, in a courtroom that hears these types of orders, be familiar with the proceedings.
- b) Restraining order hearings may involve domestic violence, harassment, and child custody or divorce hearings. All of these hearings are potentially violent. A bailiff must be aware of all persons in the courtroom and not be distracted by outside influences.

Family Law

- a) Matters in this type of hearing usually involve separation, divorce, or order to show cause matters involving families. The very nature of this court involves conflict between two parties. This can create situations that will be volatile.

- b) Bailiffs should be knowledgeable and vigilant of any situations of violence against either party. This knowledge can prevent a violent outbreak in court.

10010.2 - Mental Health Hearings

- a) The Superior Court designates and conducts examinations and hearings for the purpose of determining a defendant's state of mental health.
- b) Persons alleged to be mentally ill and who have had petitions filed on their behalf, or have had proceedings suspended in the Superior Court regarding the person's competency to stand trial on felony criminal charges appear in these courts. Narcotic commitments to the California Rehabilitation Center, (CRC) are also heard in this court.
- c) A bailiff assigned to the Mental Health Court performs a variety of duties, as follows:
 - 1. Prisoners held in the county jail who are involved in cases being heard in mental health cases shall be ordered for court by the bailiff on the Transportation Order form. Custodies may also be brought in from outside sources such as county, state or contract hospitals.
 - 2. The bailiff will escort the prisoners from the holding area. In the courtroom, the bailiff shall be as attentive as possible to the patient who appears for a hearing. Every measure of assurance should be given the patient during the proceedings. If the patient displays violent or erratic behavior, it is the duty of the bailiff to control the patient and call for assistance. Because of the type of individual in these hearings, the bailiff will generally be stationed directly behind the patient during such hearings.
- d) "Bedside Court Hearings" may be conducted in the wards of the Psychiatric Unit, at County Mental Health, or at any state or county institution or any place so designated by the court. Many patients are not ambulatory due to their state of physical or mental health. These bedside hearings are lawful court sessions. Therefore, the bailiff shall abide by the rules of courtroom procedure in maintaining order and preserving the dignity of the court.

10011 – Juvenile Court

10011.1 - Juvenile Court - Overview

- a) Juvenile Court proceedings require special handling due to the emotional involvement of the families of the juveniles appearing before the court.
 - 1. Some juveniles require extremely close supervision; particularly the older minors, who may, at any time, require physical restraint or special handling.
- b) Bailiffs assigned to the Juvenile Court must be acutely alert and responsive to the needs of the court.

10011.2 - Public and Media Access

- a) The Juvenile Court is statutorily responsible for protecting the confidentiality of juvenile court records and its proceedings. Of utmost confidentiality are the identities of minors under, or about to come under, its jurisdiction.
- b) The Juvenile Court's duty to safeguard the confidentiality of a minor's contact with the judicial system is essential to facilitating and promoting the court's goals of treatment, rehabilitation, and protection from public scandal, curiosity and humiliation.
- c) Bailiffs shall adhere to the requirements for the confidentiality of Juvenile Court proceedings. Any deviation to this requirement shall be done only by court order.
- d) The media shall not directly contact a minor, the minor's family members, any juvenile detention facility, or any court ordered juvenile placement facility.

For additional information refer to CCOM Section 10003.7

10011.3 - Juvenile Court Procedures

Juvenile Court Calendar

- a) The general public shall not view the court calendar in order to preserve the confidentiality of the proceedings.
- b) Each bailiff assigned to a specific courtroom shall check the daily court calendar to be sure that all juveniles and in-custody adults scheduled to appear are present and, if not, alert the Detention Guard Station Deputies that a party is missing so that the matter can receive immediate attention and the court be given an adequate explanation.
- c) The Court Officer (Department of Social Services for Dependency matters and Department of Probation for Delinquency matters) shall ordinarily check to see which cases have all the necessary witnesses, parents, attorneys, etc., present so that priority can be given those cases where all concerned parties are assembled. If it is necessary to page participants in a juvenile proceeding in the public hallway, call out the case name using only the first name and last initial of the involved juvenile.

Juvenile Court Hearings

Bailiffs assigned to regular Juvenile Court hearings shall follow the general procedures as outlined below:

- a) As in detention hearings, cases are given priority when all the parties concerned are present.
- b) When a case is called, the bailiff shall notify persons having business with the court in regard to that case, direct them to the hearing room, and instruct them to be seated in a manner so as to provide the most security for the court until they are sworn.
- c) If in custody, the bailiff shall escort the ward of the court from the detention corridor into the hearing room, maintaining custody of the juvenile during the hearing.

- d) If an adult witness or adult defendant in a juvenile case is in custody in the county jail, the witness or defendant is ordered on an "Order to Produce" signed by the judge. This order is forwarded by the bailiff to the jail where the adult's name will be placed on the court list of prisoners for the date of the hearing.
 - 1. The prisoner is transported to the court by Sheriff's Transportation and turned over to the bailiffs for placing in the court holding facilities that are separate from the juveniles.
 - 2. The witness or defendant shall be brought into the hearing room by the bailiff when the case is called and returned to the holding facility at the conclusion of the hearing to await transportation back to the county jail.
 - 3. The witness or defendant should remain handcuffed or in waist restraints while appearing in court.
- e) At the conclusion of a hearing, the juvenile involved is returned to the custody corridor for return to Juvenile Hall.
 - 1. Juveniles who had not been in custody, but are now remanded or ordered detained by the court, are taken to the custody corridor and relieved of personal property by the bailiff.
 - 2. The minor and his/her property shall be delivered to the Juvenile Hall ADPO.
 - 3. The bailiff shall notify the Juvenile Hall ADPO of the disposition of each case and provide a release or detaining order to cover each juvenile that is returned.
- f) Juveniles remanded to custody are searched and placed in the holding facility by the bailiff. They are to be placed in a detention area separate from any adult prisoners. If a juvenile is ordered to be tried as an adult, the juvenile is still to be placed in a detention area separate from any adult prisoners.
- g) When an individual in Juvenile Court, for any reason, is remanded to custody as an adult, they shall be processed as a regular adult court commit.

NOTE: Parents or guardians of juveniles in custody are afforded visiting privileges with the juveniles at Juvenile Hall after the hearing, if so ordered by the court, under the supervision of the Juvenile Hall staff.