

Volume 3 - Bailiff

(Title page only, No content)

• Chapter 1 - Introduction

The Sheriff, except as provided by law, is required to attend all sessions of the Superior Court in Los Angeles County. This mandate is delegated to the Chief of the Court Services Division and to the deputy Sheriff's that comprise that Division. The deputy's functions of the Court Services Division consist of a court room bailiff, bailiff security deputy and lockup deputy. For purposes of this manual, an **"inmate"** or **"custody"** shall be used to describe any person incarcerated in any Custody Division facility or any person remanded by a court to the custody of the Sheriff of Los Angeles County. The word **"prisoner"** will be used to describe any person incarcerated in the State or Federal Prison System.

• Chapter 2 - Legal Requirements From The State

"Each trial court should designate a specified peace officer as court security officer to be responsible to the court for all matters relating to its security, including security of courtrooms, building and grounds. The peace officer designated as court security officer should be the Sheriff, except where local conditions dictate otherwise, another peace officer may be so designated. The court security officer should be in operational command of all peace officers while acting in that capacity and should be responsible for the adequacy of security equipment, for the competence training and assignment of security forces and for the effective execution of the Court Security Plan/ (B.E.C.)." (California Rules of Court-Appendix 7(a))

The Court Services Division shall perform the legal responsibilities assigned to the Sheriff of this County as the Court Security Officer.

Refer to CSDM, 1-05/000.05 Court Security Plans / (B.E.C.).

• • 3-02/010.00 - Court Attendance

"Except as otherwise provided by law, whenever required, the Sheriff shall attend (all) courts held within his county provided, however, that a Sheriff shall attend a civil action only if the presiding judge or his designee makes a determination that the attendance of the Sheriff at such action is necessary for reasons of public safety. The Sheriff shall enforce all lawful orders and directions of all courts within his county." (Govt. Code 26603)

• • 3-02/015.00 - Court Crier

The Sheriff, in attendance upon court, shall act as crier thereof. He will call the parties, witnesses and all other persons bound to appear at the court and make proclamation of the opening and adjournment of the court and any other matter upon its direction. (Govt. Code 26611)

- • **3-02/020.00 - Courtroom Bailiff**

The primary function is to provide security and maintain order in the courtroom, thereby ensuring the protection of the court and the maintenance of those procedures surrounding the proper administration of justice.

- • **3-02/025.00 - Lockup Personnel**

The primary function is to maintain custody and control of all inmates and persons who have been remanded to the Sheriff while they are in court. Lockup personnel shall be responsible for the maintenance of court lockup facilities according to current state laws and Department policy and procedures. Lockup personnel shall be responsible for the safe and secure movement of those in Sheriff's custody to and from a courtroom.

- **Chapter 3 - Department Rules And Regulations**

The following are general rules of conduct for the Court Services Division, any conflict with this Manual and the Department Manual of Policy and Procedures shall be resolved by written memo directed to the Chief, Court Services Division through the chain of command.

- • **3-03/010.00 - Deputy Conduct**

A deputy's conduct and demeanor in the presence of the public, other peace officers and court attaché represents the degree of professionalism and training of the entire Department. Proper professional conduct, appearance and performance of duties will reflect favorably upon the entire Department, as well as, upon the judiciary and the court system.

- • **3-03/015.00 - Bailiff-Judge Relationship**

Judges have individual preferences with respect to the procedures in their courtroom. It is imperative that the bailiff discusses with the judge the procedures to be followed upon the initial assignment and periodically thereafter. Regardless of how long a bailiff has served a particular judge, it is to their mutual advantage to review and discuss the bailiff's duties and performance in determining if any changes or additions are necessary.

- • **3-03/020.00 - Court Staff Relationship**

To maximize the efficiency of a courtroom, the bailiff should maintain a good working relationship with all court staff members. Bailiffs should brief the staff on any unusual circumstances or security problems that may occur on a daily basis. Often the clerk or court reporters are the first line of communication in emergencies. If the clerk is busy when the phone rings during a court session the bailiff is encouraged to answer the phone, if it does not interfere with the security of the courtroom.

• • 3-03/025.00 - Public/Press Relations

"To facilitate accomplishment of the Department's objectives, each member shall strive to gain public support and win friendly citizen cooperation in the Department programs and procedures."

"The attitude of each member shall be that of service and courtesy, but not of servility or softness. In non-restrictive situations, the member should be pleasant and personal. On occasions calling for regulation and control, the member shall be firm and impersonal, avoiding an appearance of rudeness."

• • 3-03/025.05 - Bailiff/Public Relations

Court Services deputies shall comply with the Department objectives and the following:

- Bailiffs shall always be informative, courteous and maintain an impartial attitude toward all parties.
 - Bailiffs shall not give legal advice or discuss the relative merits of any case pending before the court.
 - Bailiffs shall not voice opinions in the presence of jurors or witnesses to avoid jeopardizing or influencing the outcome of the case.
 - A bailiff's appearance, demeanor and relations with the public and the press can decide the opinion the public forms of all law enforcement agencies and to some extent their opinion of the court system.
 - Bailiffs shall not recommend or refer persons appearing in court to any attorney.
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• • 3-03/025.10 - Press Relations

Employees shall facilitate the work of accredited members of the press by providing them with accurate information according to Department regulations.

Any terms of speech in a press release which cast unfair reflections upon any race or culture, or specifically implies or infers a race or culture shall be avoided unless the term specifically applies and can be corroborated by factual evidence and is not contrary to any other policies of this Department.

Any type of media information shall be limited to general public information only (i.e.; continuances, outcome of case) unless otherwise instructed by his/her supervisor.

The press shall not be used as a means of publicity for personal reasons.

• • 3-03/025.15 - Photographing, Recording and Broadcasting in the Courtroom

The following section is designed to give the bailiff an understanding of some of the orders that may come forward in media relations. The information is provided to assist the deputy in understanding the operation. However, specific enforcement of any of the following provisions should be at the directions of the bailiff's supervisor. (Calif. Rules of Court-Rule 980)

Definitions

- "Film or electronic media coverage" means any recording or broadcasting of a court proceeding by the media using television, radio, photographic, or recording equipment.
- "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publications, professional journal, or other news reporting or news gathering agencies.

Media Coverage

Film or electronic media coverage is allowed only on a written order of the court. The court may refuse, limit or terminate film or electronic media coverage in the interests of justice to protect the rights of the parties and the dignity of the court, or to assure the orderly conduct of the proceedings. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

Request for order

A request for an order shall be made on a form approved by the Judicial Council (Form MC-500, Request to Conduct Film and Electronic Media Coverage and Order), filed a reasonable time before the portion of the proceeding to be covered. The clerk shall promptly inform the parties of the request. Unless the order states otherwise, it does not apply to proceedings that are continued except for normal recesses, weekends, and holidays.

Prohibited Coverage

Proceedings held in chambers, proceedings closed to the public, and jury selection shall not be photographed, recorded, or broadcast. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the court at the bench shall not be recorded or received by sound equipment. Close-up photography of jurors is prohibited.

Equipment and Personnel

The court may require media personnel to demonstrate that proposed equipment comply with this rule. The court may specify the placement of media personnel and equipment to permit reasonable coverage without disruption of the proceedings. Unless

the court, in its discretion and for good cause orders otherwise, the following rules apply:

- One television camera and one still photographer, with not more than two cameras and four lenses, are permitted.
- Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments, or sudden lighting changes shall not be used.
- Existing courtroom sound and lighting systems shall be used without modification. An order granting permission to modify existing systems is deemed to require that the modifications be installed, maintained, and removed without public expense. Microphones and wiring shall be unobtrusively located in places approved by the court and shall be operated by one person.

- Operators shall not move equipment or enter or leave the courtroom while court is in session, or otherwise cause a distraction.
- Equipment or clothing shall not bear the insignia or marking of a media agency.

Pooling

If more than one media agency of one type wishes to cover a proceeding, they shall file a statement of agreed arrangements. If they are unable to agree, the court may deny film or electronic media coverage by the type of media agency.

Personal Recording Devices

Unless otherwise ordered for cause, inconspicuous personal recording devices may be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device shall inform the court in advance. The recordings shall not be used for any purpose other than as personal notes.

Other photographing, recording or broadcasting

Any other photographing, recording or broadcasting of a court proceeding is prohibited unless specifically authorized by the court.

Unauthorized use

Any unauthorized use of photographs, recordings, or transmissions made under this rule is an unlawful interference with the proceeding of the court.

• • 3-03/030.00 - General Duties of a Bailiff

The following are the general duties of a bailiff. Specific courts and individual judges may have different requirements:

- The security and protection of the judge and all persons in court.
- The security and care of juries.
- Ordering, transporting and the security of persons in custody.
- Maintaining order during court sessions.
- Opening and adjourning court.
- Serving process when required. (The service of a process should not be done inside the courtroom. If you must serve process on a person, out of custody, ask the person to step outside the courtroom and discreetly serve them the process in the public hallway. If the person is in custody serve them in the lockup area.)
- Inspecting courtrooms and jury rooms for proper and necessary equipment and contraband.
- Responding to emergencies in court and within the courthouse.
- Rendering assistance to the public, attorneys and court employees. Refer to CSDM, 3-03/035.00 - Reporting Time.

• • 3-03/035.00 - Reporting Time

All deputies shall report to work at the time and location designated by the branch supervisor. Bailiffs shall report in Class "A" uniform and be prepared to perform certain pre-court duties, i.e., processing in-custody defendants and searching. Deputies shall report to their work location and begin their inspection of facilities and preparation of daily activities. All deputies shall sign in on the appropriate time sheet as designated by the branch supervisor.

• • 3-03/040.00 - Dark Courts

A bailiff, when informed that their court will be closed (dark) for a specific session shall report to the branch supervisor as soon as possible for reassignment. Dark court is also defined as a court whose calendar has been completed for the day.

• • 3-03/045.00 - Prohibited Activities for Deputies

While court is in session, the bailiff shall not read or have any material on the desk that is not court related.

All portions of county owned facilities and all portions of facilities leased by or from the county, which areas are not open to the sky, shall be designated as "no smoking" areas. Deputies shall not smoke in any area of a courthouse or in the view of the public while in uniform.

Deputies shall not use county communications equipment for personal, social or unofficial business. This includes telephones, computers, fax machines and radios.

• • 3-03/050.00 - Uniforms and Equipment

Deputy personnel shall wear the uniform in a military manner. It shall be clean and pressed at all times. A deputy's appearance reflects not only on the individual but on the Department as a whole. Sworn personnel, not assigned to a lockup position, shall wear a class "A" uniform at all times. The class "B" sweater for female deputies may not be worn in the Court Services Division.

Armed personnel, not assigned to a lockup position, shall wear an approved gun belt with the handgun and all required equipment.

• Chapter 4 - Court Security

The provision and maintenance of effective security measures throughout the Los Angeles County Court

System are the prime responsibility of the Court Services Division.

The ever present threats of courtroom disruption, violence, escape, unauthorized access, theft, vandalism and other crimes, demand implementation of a positive and effective security program to prevent or minimize these hazards.

Toward this goal, Court Services Division, in conjunction with various concerned tenant departments in all court facilities, has developed a comprehensive program of extensive and specific security procedures.

In both its planning and procedural aspects, security is an operations problem with features unique to both specific facilities and occupants. To ensure adequate and effective security measures and procedures, responsibility must be clearly delineated and individually placed within each branch court. In each branch court throughout the county, the Sheriff is designated as the security coordinator and has the responsibility for providing, carrying out and directing security procedures in coordination with the other building tenants. As a rule, the branch supervisor is designated as the security coordinator. The Security Operations Unit of the Court Services Division is the support unit for branch security coordinators.

• • 3-04/010.00 - Knowledge of Courts Calendar to Assist with Potential Security Issues

The bailiff shall be acquainted with the type of case being heard, be it a civil or criminal action. Familiarity with the case at hand as to type of crime and defendants charged, or

the litigants involved, will enable the bailiff to anticipate any unusual situation that might arise, thus affording effective security regarding the defendant and protection for the court.

• • 3-04/010.05 - Communication of Court Security Issues on Future Cases

Bailiffs assigned to courts, even temporarily assigned bailiffs, that handle criminal cases, should be aware of any case which could require additional security. Sources of information regarding a case may include the investigating officer, prosecutor or defense counsel. Bailiffs should be aware that due to human emotion, the nature and types of cases heard in court the potential for a case to escalate to violence can happen on a moment's notice. Communication is essential for the safety of the court and personnel. Cases that show signs of potential problems should be noted as a case that may need additional security when it returns to court.

All bailiffs, even temporarily assigned bailiffs, shall advise their supervisor, by written memo, of possible future high security cases. This shall be done, to the extent possible, as soon as the bailiff has knowledge of the situation. Include in the memo, the defendant's name(s), charges, prosecutor's name, investigating agency, investigating officer's name, return date and a brief description of the potential situation, such as; witness problems, intimidation, gang related, murder case, rape case etc.

• • 3-04/010.10 - Notification to Supervisor Regarding Court Security Issues

A bailiff's supervisor shall be notified immediately of any unusual or hazardous situations or any potential

problems observed in the courtroom or adjacent areas.

Immediate activation of the Court Security Alarm System or notification by radio of emergencies by bailiffs will ensure the proper response by emergency personnel.

• • 3-04/010.15 - Supervisor Response to Court Security Incidents

A supervisor shall respond to the scene in any of the following situations:

- A barricaded suspect or inmate refusing to exit a cell
- A hostage situation in court
- Shots fired at or by a deputy in a court or in the field
- Death or serious injury to court personnel, in custody or the public
- A use of force is beyond that specified in Manual of Policy and Procedures.

A deputy may request supervisory assistance for incidents of extraordinary circumstances likely to result in an injury and/or liability to persons or property. The supervisor shall respond to provide assistance.

• • 3-04/015.00 - Requests for Additional Court Security / Backup

It is Division policy to provide backup for any custody defendant trial or hearing, if necessary. Supervisors shall be informed immediately of a situation involving multiple defendant cases where a backup will be needed. If the case is one which will be continued or set for a future date, the bailiff shall document the future case with a memorandum directed to their supervisor. A Temporary Special Service Request (TSSR) Form may be needed on cases requiring backup for an extended period of time. Check with your branch supervisor as to the specific branch procedure for completing a TSSR.

• • 3-04/020.00 - Security Equipment

Court security equipment is mechanical aids, such as video surveillance equipment or duress alarms, to facilitate the response and protection of the court. They are not devices to replace the vigilance and security awareness of court personnel. Bailiffs shall be properly trained to operate the equipment available within their branch.

• • 3-04/020.05 - Court Security Alarm System (A iPhone)

This system is to be used for emergency notification of court security personnel. In order for the system to be used to its maximum potential, all court personnel must be knowledgeable in its use. The objective of the system is to dispatch and deploy court security personnel in a systematic preplanned manner in response to a security threat or alarm in the courthouse. The system is a two-way communications link from the branch office to courtrooms, detention areas, and building tenants. All Court Security Alarm Systems shall be tested daily by activating each alarm button. This test shall be done before the court opens to the public. If any mechanical

problem with a specific alarm station occurs, the branch supervisor shall be notified immediately and shall arrange for immediate repairs. Each branch office shall maintain a daily log of tests, noting any alarm station that is inoperable.

• • 3-04/020.10 - Hand-Held Radios

It is recommended that bailiffs do a radio check at the same time they check their Court Security Alarm buttons. The volume on radios used in a courtroom shall not be high enough to distract or interfere with the court proceedings. Bailiffs shall wear shoulder speaker mikes, if available, and maintain a volume that only they can hear.

• • 3-04/020.15 - Metal Detectors

There are three general types of metal detectors currently in used in Court Services:

The Large Walk-through Metal Detector

Are used in the search screening process persons must submit to before entering a court facility. They can also be used as an extra security measure on special cases.

Hand-held Wands

Hand-held wands may be used in special situations that do not require a complete search screen.

Example: In a preliminary hearing where the prosecutor informs the bailiff that there may be a problem with spectators. The bailiff may clear the courtroom and with assistance of additional personnel use the hand-held wand to search spectators for concealed weapons, i.e., knives, guns etc.

Small Hand Held Metal Detector

May be used on an individual that the bailiff believes may be carrying a concealed weapon. This device is very small and can be used to quickly perform a cursory search.

• • 3-04/025.00 - Control of Spectators/Audience to Enhance the Safety and Security of Court Staff

The control of spectators in all court proceedings is very important for the safety and security of the court, staff, victims and witnesses. Emotions may be high and lead to unpredictable actions. Requiring people entering the courtroom to check in with the bailiff will enable better control of the audience. Defendants and their families should always be seated separately from victims and/or witnesses in a case.

Victims shall be entitled to the following rights:

- The right to be treated with fairness and respect for his or her privacy and dignity.

- The right to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

Refer to the Victim's Bill of Rights, Marsey's Law. (California Constitution, Article 1, Section 28 (b)) Advise all spectators before opening court that there shall be no talking, eating, drinking, chewing gum or tobacco, smoking, or reading while court is in session.

Attorneys should interview their clients and witnesses outside of the courtroom. The bailiff is responsible for the control of all spectators in a courtroom. Anyone who is disruptive, disrespectful to the court, or fails to follow the direction of the bailiff shall be removed from the courtroom and not allowed to reenter without the permission of the judge. A bailiff has the right to perform a search on any individual or group who wishes to enter a courtroom. If a search is to be performed, it is advisable to obtain backup from the office or another bailiff from an adjacent courtroom. Call for a supervisor's assistance if a spectator refuses to comply with directions.

The bailiff shall immediately advise parents with small children to remove the children from the courtroom, if they become restless or noisy. If the parent or custodian of the child must be present in the courtroom and cannot take the child into the hall, the bailiff shall notify a supervisor and request assistance. All minor children are excluded from family law courtrooms when court is in session.

• • 3-04/025.05 - Courtroom Dress Code

Bailiffs shall discuss individual public dress code wishes with their judge. "Persons in the courtroom should not dress in a bizarre manner such as to be distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. Attorneys and court personnel should be dressed according to current customs as to their business or work attire." (Los Angeles County Rules, 8.2)

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.

• • 3-04/025.10 - Managing Uncooperative, Argumentative, or Highly-Emotional Persons

Refer to CSDM, 1-02/070.00 -Managing Uncooperative, Argumentative, or Highly- Emotional Persons.

• • 3-04/030.05 - Media Access

Since the courts are a public forum, the media may only be excluded on the Order of the Court. In an emergency situation, media access is limited to those areas not designated as a crime or emergency scene.

Refer to Manual of Policy and Procedures for additional.

• • 3-04/030.10 - Protected Witnesses

In some types of cases there may be witnesses that are under the protection of the Sheriff's Department, District Attorney's Office or the Federal Witness Protection Program. In these instances the investigating officer will usually inform the bailiff of the situation and request assistance. The bailiff shall refer the matter to the branch supervisor for coordination.

• • 3-04/030.15 - High Profile Defendants

Well known individuals or incidents that have had a high level of media coverage may require additional personnel for security and crowd control. For example, politicians, sports figures, film or TV personalities, police officers, religious leaders, doctors, etc., have the potential to create large followings. Branch supervisors should be aware of these potential situations and request assistance from Bureau Headquarters if necessary.

• • 3-04/030.20 - Cases Involving Gangs

Cases involving gangs are a daily occurrence in court. Deputies and supervisors must be alert for gang violence in the form of retaliation, intimidation of witnesses, or the influencing or intimidation of jurors. Particular attention should be given to custody entrances to the facility and in court hallways. All deputies should be trained to be familiar with gang identification, clothing and demeanor.

• • 3-04/030.25 - Cases Involving High Security Defendants

Cases involving murder, three strike defendants, state prisoners, death row inmates and persons on parole are all considered to be high security defendants. Defendants falling into this high security classification feel that the courtroom is the weakest link in prisoner security. Backup should be requested for any of these cases.

• • 3-04/030.30 - Dissident Groups/Passive Resisters

Cases based on crimes or litigation by or against individuals or groups can evolve into numerous types of demonstrations. For example if a case is based on race, religion, individual rights etc., there may be opposing factions who want to enter the court to support their views and those who are involved in the court case. Branch supervisors who are faced with this situation shall immediately activate their Court Security Contingency Plan and notify their Bureau Headquarters of the situation. Assistance may be dispatched from a local law enforcement agency or the nearest Sheriff's station.

• • 3-04/030.35 - Demonstrators/Demonstrations

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. (169 PC and CSDM, 1-02/065.00 - Superior Court's General Order Definition; CSDM, 1-02/065.05 - Procedure Violations of Superior Courts General Order and CSDM, 1-02/065.10 - Procedure for Violation of the General Order Prohibiting the Use of Cameras or Recording Devices in a Courthouse or Court Related Structure)

• • 3-04/030.40 - Highly Emotional Cases

While any case may be considered an emotional situation for some, particular types of cases usually will create situations which require special handling. Examples of situations that may require special handling are, drive-by shootings involving innocent victims, rape cases, child custody cases, divorce proceedings and victim impact statements.

• • 3-04/040.05 - Daily Security Routine for Bailiffs

- When en route to a courtroom, bailiffs should be alert and observant for anything that is not routine or may be out of place. Report anything that may be unusual, i.e. an unlocked door that should be secured, a suspicious package.
 - Be on time, allowing sufficient time to conduct a complete courtroom search.
 - Test all alarms, radios, telephones, paging systems.
 - Check adjacent lockups, test doors, plumbing, lights etc.
 - Communicate with the courtroom staff about any situations that may be different or unusual.
 - Communicate with the judge regarding anything special that may be happening, i.e., dignitaries expected, special handling cases, or attorney problems.
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• • 3-04/040.10 - Courtroom Searching

Before Court Begins

Branch supervisors shall ensure that bailiffs shall have adequate time to accomplish the following:

- The bailiff shall check the courtroom, judge's chambers, jury room and detention facilities every morning and every afternoon before court begins.
 - The primary purpose of the search is to provide maximum courtroom security by ensuring the absence or detection of the presence of weapons, explosives or other items of contraband.
 - Manpower permitting, it is desirable for two deputies to conduct the search.
 - The first search sweep should include all surfaces and objects from floor to waist level. The following sweep should include areas from waist to eye level, and the final sweep from eye level to ceiling.
 - Searching should be done systematically, with close attention to all accessible areas and objects such as flags, blackboards, chairs, tables, file cabinets and the witness stand. Adjacent areas such as immediate hallways, detention areas, jury rooms and court chambers must also be thoroughly searched.
 - Locating a single item of contraband should not end the search. Obviously, additional items may be present. Particular attention should be directed to those areas available to the defendant(s). Care must
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be taken to preserve prints and other evidence.

- If this search uncovers any suspicious article, the deputy shall not touch or move the article but shall immediately notify the branch supervisor.
- 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. If no logical explanation is given, the deputy shall immediately notify the branch supervisor and detain said person for further investigation.

Noon Recess

The bailiff shall make sure the courtroom is locked during the noon recess. Deputies assigned to courtrooms near or next to private corridors, stairwells, emergency exits, etc., shall periodically check these areas to assure that everything is safe and proper.

End of Day

At the end of each day, all deputies shall make sure their area of responsibility including the jury room and lockup are secure before leaving, including a visual search for custodies. The deputies shall inspect the court for personal property that may have been left.

• • 3-04/040.15 - Search Screens at Courtroom Entrance

A "search screen" may be necessary to ensure adequate courtroom security in potentially hazardous trials involving escape risk defendants, possible lynching and hostage situations, and potential acts of violence and revenge.

The main purpose of the search screen is to prevent entry into the courtroom of weapons, explosives and other dangerous articles by searching all persons (possibly excepting properly identified court attaches, attorneys, and police officers) wanting entry into the courtroom.

The search screen can be operated by deputies using the "pat down" search, the hand held metal detectors, or the standing walk through metal detector.

A supportive court order for the search screen, although not absolutely necessary, should be requested of the judge. This order should enumerate the specific provisions of the special security measures to be affected. Copies of the order should be posted conspicuously in the search screen area, which tend to promote better cooperation and elimination of misunderstanding by those persons seeking entry. The court order may originate with the judge or be requested by supervisory personnel.

Personal searching should be done in a friendly, inoffensive, yet thorough manner, avoiding the "spread eagle" position. Persons carrying packages should be instructed to deposit them elsewhere than at the search screen. Those persons refusing to be searched will be denied access to the courtroom. Although as peace officers, deputies are expected to take necessary police action, arrests for minor offenses detected by a search screen are subject to supervisory approval.

The following procedure shall be followed whenever a branch supervisor believes a search screen is

necessary:

- Notify the Area Lieutenant.
 - Advise the concerned judge of the particular circumstances of the case that establish the need for a search screen. Request that the judge issue a written security order. If necessary, provide the judge with a sample security order. Suggest that a written order be issued using the recommended format, although if need be, a search screen may be set up on the strength of an oral order.
 - A search screen should consist of a uniformed team of no less than one male and one female deputy if available. The minimum number should be increased depending upon the situation and information developed through intelligence and other sources.
 - The search screen shall be positioned to facilitate maximum control. Every effort should be made to ensure searches are conducted out of sight and hearing of prospective jurors assigned to the case.
 - If a more detailed search is required, it should be conducted out of public view. If possible, searches of females shall always be conducted by at least one female deputy.
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• • 3-04/040.20 - Security Incidents

Security threats and crisis situations are definite possibilities in courtrooms. Fights, disturbances, prisoner escapes and attempted escapes, armed rescue attempts, taking hostages and natural disasters can occur at any time in any facility. Branch supervisors shall prepare and keep Branch Security Contingency Plans up to date. All deputies who work in a court facility should be familiar with these procedures. Each branch supervisor shall also be designated as the Security Coordinator and the Building Emergency Coordinator for all court facilities in Los Angeles County. It is the responsibility of the branch supervisor to conduct training for all court tenants.

All deputies, after adequate training, shall comply with the basic seven concepts of a tactical operation, COMMAND, CONTAIN, CONTROL, COMMUNICATE, COORDINATE, CONTINGENCY AND CRITIQUE.

Refer to the Manual of Policy and Procedures for additional.

• • 3-04/040.25 - Judicial Threats

Refer to CSDM, 1-06/000/00 et al., Security Operations Unit.

• • 3-04/040.30 - Security Threats

Reaction to a specific security situation will vary with the situation and the physical layout of the facility. Each branch has a Security Contingency Plan which is specific to the facility. These plans should cover such areas as crowd control, fights, disturbances etc., while no plan can cover every instance, the training of deputies on how to react in a given situation will greatly enhance the safety and security of a facility.

• • 3-04/040.35 - Bomb Threats

Bomb threats are a very common occurrence in court facilities. Any court personnel who receive any type of bomb threat shall immediately contact their supervisor. Tenant supervisors shall then contact the Sheriff's branch supervisor, who shall conduct an initial investigation and determine what response is necessary. Specific branch procedures are contained in the Branch Security Contingency Plan and the Building Emergency Plan. Department procedures are contained in the Manual of Policy and Procedures.

• • 3-04/040.40 - Hostages

In a hostage situation, the immediate containment of the area shall be the primary concern of the court personnel. Detailed procedures are contained in the Manual of Policy and Procedures.

• • 3-04/040.45 - Escapes

The policy and procedures of handling an escape or erroneous release are contained in the Manual of Policy and Procedures. Detailed procedures for the control and containment of escapee situations are in CSDM, 3-14/070.00 - Inmate Escape/Erroneous Release. Each branch shall have specific procedures, unique to their facility, as part of their Branch Security Contingency Plan for Escape. For escape defined, refer to CSDM, 1-05/180.00 - Escape and Attempt Escape Defined.

• • 3-04/040.50 - Disaster Plans

All branch supervisors shall prepare and maintain Building Emergency Plans that cover the county mandated disaster contingency plans for fires, earthquakes, floods, and building evacuations. The preparation of these plans is the responsibility of the Building Emergency Coordinator, working in conjunction with all building tenants. Usually all deputies are part of these emergency operations, therefore, branch supervisors shall ensure that each deputy has been familiarized with the facility and their specific assigned emergency duties.

• • 3-04/040.55 - Security Incident Reporting

All incidents occurring within Court Services Division shall be immediately reported to a supervisor. After verbal notification, the incident shall be documented following Volume 4, Manual of Policy and Procedures, Case Assignment and Reporting.

A Security Incident Worksheet shall be completed by branch personnel when one of the following incidents occurs:

- Arson (Attempt/Actual)
 - Judicial Threat
 - Burglary/Robbery
 - Other Threat
 - Bomb Threat (Search/Evacuation)
 - Physical (Altercation/Assault)
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- Contraband Confiscated
- Restraints Used
- Disturbance
- Suspicious Activity
- Escape (Attempt/Actual)
- Suspicious Package
- Gang Related Incident
- Search Refusal
- Hostage/Lynching
- Theft
- High Risk Trial
- Unlawful Entry
- Illness or Injury
- Vandalism
- Weapon Confiscated

The completed forms shall be submitted daily to the branch supervisor who will initial the forms and be responsible for ensuring their entry into the Courthouse Activity Log (CAL). For additional information refer to Administrative Volume 1-05/050.00 Notification and Reporting of Significant Incidents

(Refer to CSDNet, "Forms" for the Security Incident Worksheet.)

• • 3-04/050.00 - Inmate Restraint Motion / Court Declaration

When there is a defense attorney objection to restraining an inmate in the courtroom, and there is a perceived need by Sheriff's personnel to restrain the inmate in the courtroom, one of the two Court Declarations listed below shall be prepared and presented to the court for formal consideration.

If the bailiff should anticipate an objection by the defense, the declaration can be prepared in advance and be ready for immediate presentation to the court. In cases where the declaration is not prepared in advance, and there is an objection to the inmate being restrained, the bailiff should ask the bench officer for a few minutes, before calling the case, to allow sufficient time to prepare a formal declaration indicating the need to restrain the inmate. The bailiff shall then immediately contact their supervisor with the identity of the inmate and the reason for the perceived need to restrain.

The supervisor shall immediately prepare the Court Declaration, based on information provided by the bailiff, respond to the court, and be prepared to formally present the declaration.

- A document entitled "Court Declaration- General" should be utilized in cases where the LASD's policy and practice has been to restrain the inmate and there is a defense attorney objection (Example: arraignments, pre-trial motions, sentencing, etc.). There are only a few lines to complete and two paragraphs to the form.
- A document entitled "Court Declaration- Specific" should be utilized in cases where there is specific cause to restrain a particular inmate (Example: escape risk, assaultive behavior, suicide

risk, etc.). It shall be the supervisor's responsibility to fill in a few lines, check the appropriate boxes, and indicate the specific reason that particular inmate should be restrained. Supporting documentation should be attached to the declaration (Examples of supporting documentation: IRTS Reports, RAP Sheets, SHAD 49 reports, etc.).

Note: These forms - Court Declaration General and Court Declaration Specific Forms - are located in CSDNet "Forms".

Presenting these formal declarations should assist the bench officer in making an appropriate determination to uphold or overturn defense attorney objections.

• Chapter 5 - Basic Courtroom Duties And Responsibilities

The purpose of this section is to give each deputy a basic knowledge of the duties of a bailiff, to acquaint the deputy with courtroom procedures and court related activities and to help in understanding and performing the duties of a court bailiff.

• • 3-05/010.00 - Courtroom Preparation

Branch supervisors shall ensure that bailiffs are permitted ample time to search the courtroom, see that chairs and seats are arranged properly, test the microphones, court paging systems, and the Court Security Alarm System.

Mechanical failure within adjacent lockups such as inoperative electric fixtures, plumbing, etc., shall be immediately reported to the bailiff's supervisor, who will contact the appropriate agency to have the necessary repairs made.

• • 3-05/015.00 - Formal/Informal Openings

Upon the judge's appearance at the first session of the day, the bailiff shall formally open the court generally with one of the following forms, dependent upon the judge's preference. The judge will signal from chambers (generally by a buzzer) when they are ready to take the bench.

Upon the judge's appearance at the first session of the day, the bailiff shall formally open the court generally with one of the following forms, dependent upon the judge's preference. The judge will signal from chambers (generally by a buzzer) when they are ready to take the bench.

Long Form - OPTION 1

"Everyone rise, please (pause), in the presence of the flag of the United States, emblem of the Constitution and of freedom and justice for all, Department (?) of the Superior Court of the State of California for the County of Los Angeles, is now in session, the honorable (insert judge's name), judge presiding. Please be seated."

Long Form - OPTION 2

All rise (pause) and face the flag of our nation, recognizing the principles for which it stands. Department (?) of the Superior Court of the State of California for the County of Los Angeles, is now in session, the honorable (insert judge's name), judge presiding. Please be seated."

Short Form - OPTION 1

"Everyone rise, please (pause), Department (?) of the Superior Court of the State of California for the County of Los Angeles is now in session, the honorable (insert judge's name), judge presiding. Please be seated."

Short Form - OPTION 2

"All rise (pause), Department (?) of the Superior Court of the State of California for the County of Los Angeles is now in session, the honorable (insert judge's name), judge presiding. Please be seated."

Special Form

Sometimes a particular judge will direct that a variation of the standard opening form be used in court. In this case, the bailiff shall open the court with the special form so specified by the judge.

After a recess and at the start of the afternoon session, upon the appearance of the judge in the courtroom, the bailiff shall resume the session by announcing: "Remain seated and come to order, court is again in session."

• • 3-05/020.00 - Assisting the Court

Each judicial day the bailiff, whenever possible, 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. If there is to be special handling of a case the bailiff shall attempt to inform the judge and inquire of any special requirements the judge may have for that case.

Bailiffs may assist the court in the handling of documents and court files that must be passed to or from the bench. 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.

Bailiffs may assist the court in handling the signing of papers as long as it does not diminish the bailiff's primary duty of security for the court.

• • 3-05/025.00 - Court Documents/Files

Court documents and files are the responsibility of the courtroom clerk. They are in the custody of the clerk and shall not be removed without the clerk's knowledge and permission. Bailiffs shall not remove any document from a court file without instructions from the judge or clerk. At no time shall an attorney be allowed to remove a file from the courtroom. A bailiff wishing to review a file for security purposes shall notify the clerk. Information

contained in the file shall not be given to anyone in the audience by a bailiff.

• • 3-05/030.00 - Witnesses

When called to testify in a case, the prosecutor, defense counsel or judge will call out the name of the witness in open court. The witness will proceed, as directed by the bailiff, to a predetermined location to be sworn in by the clerk. The bailiff should, whenever possible, have the witness face the clerk and raise their right hand. 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. A witness shall not chew gum while testifying. While performing these duties, the bailiff should show the witness every courtesy to allay fears and to put the witness at ease.

Handicapped witnesses should be assisted to the witness stand by the bailiff. If the witness is in a wheelchair and the witness stand is equipped with a wheelchair lift, the bailiff shall operate the lift.

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, they shall be advised not to discuss their testimony with any other person or witness (867 PC). The witness shall then be called back into the court when they are to testify. It is while witnesses are excluded in a preliminary hearing 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. If the defendant is in custody, the bailiff shall not leave the court to call a witness, unless there is sufficient backup.

Sometimes it will be the deputy's responsibility to assist in the protection of witnesses. If possible, attempt to keep witnesses separate from any relatives or friends of the defendant. Anyone who attempts to prevent a witness from testifying or tries to make them change their testimony is in violation of 136.1 PC, et sec.

Refer to CSDM, 3-04/025.00 - Control of Spectators / Audience to Enhance the Safety and Security of Court and Staff.

• • 3-05/035.00 - Closed Sessions

Under certain circumstances, on motion of the defendant or the prosecutor, the judge may exclude the public from the hearing (PC § 868 and 868.7). 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 presently testifying, and if the case involves a minor or a sex offense, a supporting person for the witness (868.5 PC and 868.6 PC). The bailiff shall post a sign on all doors entering the courtroom stating "CLOSED HEARING - DO NOT ENTER" No one shall be allowed to enter the courtroom without the permission of the bailiff, anyone attempting to enter shall immediately be removed.

The bailiff should, whenever possible, be stationed inside the courtroom near the door, to prevent spectators from entering. Officers and employees of the court may be allowed entry to conduct court business, unless otherwise ordered by the court.

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.

• • 3-05/040.00 - Custody Cases

In those courts that handle custody cases, the bailiff shall always be alert for an attempted escape, rescue or attack on or by an inmate. If more than one inmate is involved in a case, backup should be utilized. In this event, the bailiff shall determine how the courtroom responsibilities will be assigned. In all cases involving an inmate, when anyone is armed, investigating officers, other law enforcement agencies etc., weapons retention should be foremost in the mind of the officer.

• • 3-05/045.00 - Recesses

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

• • 3-05/050.00 - Closing Court

At the close of the court's business for the day, the bailiff shall inspect all spectator areas for lost or forgotten items. The public entrance to the courtroom shall be secured and locked. If the court handled any custody matters, ensure that all custody papers have been delivered to the lockup. Call the lockup prior to leaving to check on all custodies handled. It is the bailiff's responsibility to transport papers to the lockup, not the lockups responsibility to go to courtrooms looking for papers. It is also the bailiff's responsibility to ensure that all inmates are returned to lockup upon closing of the courtroom.

Refer to CSDM, 3-14/015.00 - Safety and Security.

• Chapter 6 - Evidence

Physical evidence will normally be used in hearings and trials. The bailiff shall attempt to ask the prosecutor, investigating officer or detectives if any of the following items are going to be introduced.

• • 3-06/010.00 - Weapons

Firearms introduced as evidence shall be inspected and rendered SAFE before the start of any proceedings.

Plastic restraints shall be used to render the firearm safe. Ammunition shall be removed and secured in an envelope and kept separate from the firearms. All firearms, ammunition, and magazines shall be secured from custodies and defendants.

Revolvers shall have the cylinder open. The plastic restraint shall be inserted through a cylinder hole and the trigger guard. The restraint shall then be secured thereby immobilizing the cylinder.

Semi-automatic pistols shall have the magazines removed; slide opened and locked, with the safety on. Ammunition shall be removed from the magazine. Any ammunition in the chamber shall be removed. The plastic restraint shall be inserted through the barrel. The restraint shall then be secured thereby preventing the insertion of ammunition into the chamber and restricting the forward movement of the slide.

Rifles and shotguns shall have all bolts, blocks, slides, and breeches open with the safety on. The plastic restraint shall be wrapped around the frame and through both the ejector and loading ports. The restraint shall then be secured thereby preventing the forward movement of the slide.

Any questions or problems regarding the rendering of any firearms safe shall be referred to a Branch Supervisor. Branch Supervisors shall ensure that ample supplies of plastic restraints are on hand at all times.

At the beginning of each continued session where firearms have been introduced as evidence, the firearms shall once again be inspected, rendered safe and secured from custodies and defendants. Any other weapons, i.e., knives, clubs, etc., shall be kept out of the reach of custodies and defendants.

• • 3-06/015.00 - Hazardous Materials

"In the interest of public safety, no exhibit designated as hazardous waste material shall be permitted in any courtroom. All controlled substances as defined in section 11007 of the California Health and Safety Code are hazardous waste material. However, the court will accept color photographs of the object or substance in lieu thereof."

Counsel wishing to examine any such object or substance shall do so prior to the commencement of any courtroom proceeding.

"Pursuant to 1417.3(b) PC and upon finding of good cause, certain toxic materials may be brought to a courtroom and introduced into evidence provided that they remain in a sealed condition at all times. 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." (Los Angeles County Courts Coordinated Procedural Rule 11.01)

• • 3-06/020.00 - Photographs/Diagrams

Prosecutors often use crime scene photographs and diagrams to present evidence. Often these depict victims of violent crimes and are very graphic in nature. Bailiffs should be aware of this and use extreme caution when moving any evidence from the witness stand to the clerk. Visual evidence of this nature should not be accidentally viewed by other witnesses or the victim's family.

• Chapter 7 - Jury Trials

In any court action, whether civil or criminal, when all parties are present before the court and answer ready for trial, they are indicating to the trial judge that they are prepared to select a jury and present their case. Upon this notification to the court, the bailiff must prepare for the responsibilities in the handling of that trial.

• • 3-07/010.00 - Bailiff Responsibilities During a Jury Trial

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:

- The seating and handling of the jury.
- The seating and handling of the defendant.
- The seating and handling of spectators.
- Any security problems.
- The handling of evidence (weapons & narcotics).
- Generally, any other problems that may arise during the trial.

When a jury is in the care of a bailiff, the bailiff's demeanor is of the utmost importance. As a representative of the Sheriff's Department, bailiffs must always be aware that their conduct and appearance reflect directly on the Department. Bailiffs must be especially alert to the fact that while accompanying a jury in public areas the bailiff is the center of attention, and accordingly, must perform in a dignified and professional manner. The bailiff shall treat jurors, vendors, and others with courtesy at all times, refraining from any conversation or conduct which would adversely reflect upon the Department.

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.

• • 3-07/010.05 - Secondary Search of Inmates Prior to Entering a Courtroom During a Jury Trial

Immediately, prior to an inmate entering a courtroom for a jury trial, personnel shall conduct a secondary pat down search. The search should include utilizing a handheld metal detector (if available) to find altered razors or any other metal object on the inmate's body or clothing. The use of the handheld wand can initially be conducted at the main service level or an adjacent lockup holding area prior to escorting the inmate into the courtroom. Additionally, a visual inspection of the inmate's mouth shall be conducted. The visual inspection shall include directing the inmate to swipe the interior of his/her mouth to ensure it is void of a slicing device (razor blade).

After the secondary search has been conducted, the inmate should be escorted directly into the courtroom or a secured holding cell. Should the inmate return to the holding cell after court proceedings, personnel shall again conduct the secondary search (including visual search and finger swipe of their mouth) before allowing the inmate to return to the courtroom. If a handheld metal detector is available, the bailiff is encouraged to use

it again to ensure a thorough search is conducted.

• • 3-07/015.00 - Jury Deliberation Room

"At each court facility where jury cases are heard, the Board of Supervisors shall provide a deliberation room or rooms for use of jurors when they have retired for deliberation. Such deliberation rooms shall be designed to minimize unwarranted intrusions by other persons in the court facility, shall have suitable furnishings, equipment and supplies, and shall also have restroom accommodations for male and female jurors." (California Code of Civil Procedure, 216 (a))

• • 3-07/020.00 - Court Policy on Jury Maintenance and Handling

The bailiff should consult with the judge regarding the judge's particular policy of jury maintenance and handling. The judge should be advised when a particular situation or accommodation cannot be safely or economically achieved. The bailiff's Branch Supervisor must be made aware of all unusual situations regarding jury maintenance and handling.

• • 3-07/025.00 - Preparing the Courtroom for a Jury Trial

Prior to the start of the trial, the bailiff shall prepare the courtroom. Part of the preparation should include providing writing materials for the jury, ordering or arranging chairs, signs, the stationing of the marker board and marker board materials, microphones or any special accommodations necessary for that particular trial.

• • 3-07/030.00 - Jury Panel

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.

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.

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.

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.

• • 3-07/030.05 - Presence of Defendant During a Jury Trial

The defendant shall be present during these and all other proceedings of trial, unless otherwise ordered by the court.

• • 3-07/030.10 - Selection of Jurors

The bailiff shall reserve seating in the courtroom to accommodate the panel and keep the jurors together.

The court clerk will draw, at random, twelve names from the panel of prospective jurors. 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 draw names from the panel to replace any juror excused from the original twelve prospective jurors drawn.

When the court clerk calls the jurors forward to take their seats in the jury box, the bailiff shall stand at the gate separating the spectator area from the trial area so that the bailiff may be of assistance to the prospective jurors by directing them to the proper seat; however the security of the in-custody defendant(s) shall not be compromised. Jurors should leave bulky items, books and magazines with the bailiff while in the jury box.

• • 3-07/030.15 - Anonymity of Jurors

In some cases the anonymity of jurors has become an issue for their personal safety. Branch Supervisors should inform their bailiffs of the court's procedures regarding the use of jurors identification (California Code of Civil Procedure, 237).

• • 3-07/030.20 - Examination of Jurors

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 known as "voir dire."

Once a juror is challenged and excused, the bailiff will instruct the juror to return to the jury assembly room.

Once the panel is selected and is accepted by both the court and the parties to the litigation, the clerk will swear the jury to try the cause before the court. The remaining jurors may then be excused to return to the jury assembly room.

• • 3-07/030.25 - Alternate Jurors

Alternate jurors are occasionally selected to sit with the jury on cases which are anticipated to last a long period of time. 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 panel. Alternate jurors are seated as closely as possible to the regular 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.

The alternate jurors receive the same instructions as the regular jurors, but only the regular panel goes into the jury deliberation room to decide the case. The bailiff or another deputy will be sworn to take charge of the alternate jurors and to keep them apart from the jury while they are deliberating on the case. Until otherwise instructed by the court, the bailiff shall not speak to jurors, or allow anyone else to speak to them upon any matter connected with the case except by order of the court. Any time the jury is brought back into the courtroom during their deliberations, the alternate jurors must also be present.

• • 3-07/030.30 - Instruction to Jurors on Courtroom Procedures

At the first opportunity, the bailiff shall instruct the jury on the rules and procedures of that court:

- The bailiff shall instruct the jury when to enter the courtroom upon reporting, at recesses and upon adjourning.
 - The bailiff shall instruct the jury how to use the buzzer system when all are present, and if the bailiff is needed.
 - 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.
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• • 3-07/035.00 - Order of Trial (Criminal)

The jury having been impaneled and sworn, the trial must proceed in the following order, unless otherwise directed by the court. Prior to taking of testimony, the bailiff shall be familiarized with the evidence in the case. Check all firearms to ensure that

they are unloaded and/or inoperative. The bailiff shall also provide jurors with notebooks and pencils and instruct them that the notes will remain in the courtroom at all times. These materials are to be secured by the bailiff at the end of each day.

- The District Attorney, or other counsel for the people, must open the case and offer the evidence in support of the charge.
- The defense counsel may then open the defense, and offer evidence in support thereof.
- The parties may then respectively offer rebutting testimony only, unless the court, permits them to offer evidence upon their original case.
- 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. If a security situation exists in the courtroom, the bailiff will assist in such a manner as not to jeopardize that particular security concern.
- When the evidence is concluded, unless the case is submitted on either side, or on both sides, without argument, 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.

Note: Jury trials involving in-custody defendant(s): The in-custody is the primary responsibility of the bailiff. Discuss with the judge and court staff how other duties will be handled when the jury trial involves an in-custody

defendant(s).

• • **3-07/040.00 - Order of Trial (Civil)**

When the jury has been sworn, the trial must proceed in the following order, unless the court, for special reasons, directs otherwise:

- The plaintiff (petitioner), after stating the issue(s) may produce evidence.
 - The defendant (respondent) may then open the defense and offer evidence in support thereof. The parties may then respectively offer rebutting evidence only, unless the court, for good reason in furtherance of justice, permits them to offer evidence upon their original case.
 - 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.
 - In trials where several defendants have separate defenses, and are represented by different counsel, the court must determine their relative order in the evidence and argument.
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• • **3-07/045.00 - Court Recesses During Jury Trial**

When court recesses during the course of a trial, the bailiff shall announce that everyone remains seated until the judge and jurors leave the courtroom. Defendants in custody shall be returned to the detention area after the jurors have been directed to the jury room.

Before court is to reconvene, the bailiff shall return the defendant to the court; notify the jury to return to the courtroom; and counsel, if not present, should be advised to return to the courtroom before the judge takes the bench. The judge shall then be informed that all parties are ready. This will be accomplished via the clerk or buzzer.

• • **3-07/050.00 - Jury Admonishment at Adjournment**

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. (1121 PC)

• • **3-07/050.05 - Threats Against a Juror**

"Every person who threatens a juror with respect to a criminal proceeding in which a verdict has been rendered and who has the intent and apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family, is guilty of a misdemeanor." (95.1 PC)

• • **3-07/050.10 - Corrupt Influencing of Jurors**

"Every person who corruptly attempts to influence a juror, or any person summoned or drawn as a juror, in respect to his verdict in or decision of any cause, proceeding, pending or about to be brought before him, either:

- By means of any communication, oral or written, had with him except in the regular course of proceedings
 - By means of any book, paper, or instrument exhibited, otherwise than in the regular course of proceedings
 - By means of any threat, intimidation, persuasion or entreaty
 - By means of any promise, or assurance of any pecuniary or other advantage; is punishable by fine not exceeding ten thousand dollars (\$10,000) or imprisonment in the state prison." (95 PC)
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• • 3-07/050.15 - Misconduct of Jurors

Every juror or person drawn or summoned as a juror:

- Who either; makes any promise or agreement to give a verdict or decision for or against any party
- Willfully and corruptly permits any communications to be made to him
- Receives any book, paper, instrument, or information relating to any cause or matter pending before him, except according to the regular course of proceedings

Is punishable by a fine not to exceed ten thousand dollars (\$10,000) or by imprisonment in the state prison." (96 PC)

• • 3-07/055.00 - View of a Crime Scene by the Jury

When, in the opinion of the court, it is proper that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, or any personal property which has been referred to in the evidence and cannot conveniently be brought into the courtroom, it may order the jury to be conducted in a body, in the custody of the Sheriff, as the case may be, to the place, or to such property, which must be shown to them by a person appointed by the court for that purpose; and the officer must be sworn to suffer no person to speak or communicate with the jury, nor do so himself, on any subject connected with the trial, and to return them into court without unnecessary delay, or at a specified time" (1119 PC).

Transportation to the premises to be viewed must be provided by the litigants in a civil case, unless otherwise ordered by the judge. In a criminal case, the bailiff should arrange such transportation through their Branch Office.

It is of the utmost importance that the bailiffs notify supervisors immediately upon receiving information that there will be a viewing of the scene. This will allow the Sheriff's Department reasonable time to comply with the order.

When the court orders that the jury view the crime scene, the following procedures will apply:

- The Branch Office shall be advised of the date, time, location and circumstances regarding viewing the scene.
 - A written court order containing the above mentioned information shall be forwarded as soon as possible to the Branch Office.
 - Transportation will be arranged for the jury through the Correctional Services Transportation Bureau. If the defendant is in custody, they will also provide security and transportation for the inmate.
 - At the crime scene, the bailiff will direct all questions by the jury to the court.
 - The bailiff should instruct all jurors to carry their notebooks and pencils to the crime scene and return them upon dismissal.
 - The bailiff shall not allow any form of communication with the jury at the crime scene on any subject connected with the trial, and to return them into court without unnecessary delay, or at a specified time.
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• • 3-07/060.00 - Instructions to Jurors by the Judge

When the attorneys have made their final argument and the case is concluded, the judge will then instruct the jury. 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.

• • 3-07/065.00 - Bailiff's Oath

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 as follows:

- "You do solemnly swear that you will take charge of the jury and keep them together except on order of court; that you will not speak to them yourself, nor allow anyone else to speak to them on any matter concerned with this case, except on order of court, and that when they have agreed upon a verdict, you will return them into court, so help you God?"

The bailiff will answer, "I do."

Where there are alternate jurors, the following oath will be sworn to by the bailiff:

- "You do solemnly swear that you will take charge of the alternate juror and that you will keep him apart from the jury therein, until further order of court, so help you God?"

The bailiff will answer, "I do."

A bailiff shall comply with the provisions of Penal Code 167 PC, applicable to them, as well as to others, which provides, in part:

- "Every person who, by any means whatsoever, willfully and knowingly, and without knowledge and consent of the jury, records, or attempts to record, all or part of the proceedings of any trial jury while it is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the

proceedings of any trial jury of which he is not a member while such jury is deliberating or voting is guilty of a misdemeanor...."

• • 3-07/070.00 - Jury Deliberation

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.

The jury shall be secured in the jury room. The bailiff shall not leave the jury unguarded during their deliberation. If the jury room is locked, the bailiff shall be available with the key in the event of an emergency.

"Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence" (1137 PC).

• • 3-07/075.00 - Verdict and Instruction Forms, Exhibits

The clerk of the court will give the bailiff the verdict forms, jury instructions (in a criminal case), and whatever exhibits or evidence are permitted to be taken to the jury room.

Note: Many judges do not send jury instructions into the jury room.

• • 3-07/080.00 - Viewing Evidence

Occasionally, jurors request to view evidence that is not normally allowed in the jury room for security reasons, such as, weapons, ammunition and narcotics. To ensure the safety of the jury, the bailiff shall adhere to the following basic guidelines prior to taking the aforementioned evidence into the jury room:

- Firearm - check the firearm to ensure that it is unloaded and/or inoperative.
- Ammunition - keep firearm and ammunition separate at all times.
- Knives, daggers, etc., - bailiff must be present.
- Narcotics - verify that the evidence bag is sealed.

During the viewing of the above evidence, the bailiff must be present in the jury room. The bailiff must instruct the jury not to discuss the case and/or evidence in the bailiff's presence.

• • 3-07/085.00 - Jury Contact with the Bailiff

The bailiff shall familiarize the jury with the methods used to signal between the jury room and the courtroom so that if they reach a verdict, have a question or an emergency, they may call for the bailiff. The bailiff will remove all unnecessary materials from the jury room prior to deliberation. The jury shall then be secured in the jury room.

• • 3-07/085.05 - Bailiff Summoned by Jury

The bailiff, when summoned to the jury room by signal, shall knock before entering. When granted permission, the bailiff may enter and inquire of the reason for being summoned.

Any questions regarding the case shall be relayed to the judge in written form and signed by the foreman 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.

• • 3-07/085.10 - Polling of Jury

Occasionally a judge may direct the bailiff to inquire of the jury how they stand, in numbers only, as to a verdict. This may be accomplished as follows:

"The judge has requested me to ask you how you stand as to a verdict on this case. The judge wants this information as to numbers only and without any indication as to which way your verdict is leaning. For example, are you divided six to six, seven to five, or eleven to one; just say the numbers; that is all."

The bailiff shall only give that information to the judge.

• • 3-07/090.00 - Return of Jury for Information

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 with the use of the buzzer, and inform the judge in writing of their request.

Counsel and defendants are required to be present unless stipulations are granted for either or all parties to be excused from the proceedings. The jury is brought into the courtroom once the court is prepared to give the information requested by the jury.

• • 3-07/095.00 - Presence of Defendant on Return of Verdict

"If charged with a felony the defendant must, before the verdict is received, appear in person, unless, after the exercise of reasonable diligence to procure the presence of the defendant, the court shall find that it will be in the interest of justice that the verdict be received in his absence. If for a misdemeanor, the verdict may be rendered in his absence." (1148 PC)

After the jury has retired to deliberate on the verdict in a criminal case, the bailiff shall advise the defendant to remain either in the courtroom or in the immediate vicinity of the courtroom to be readily available if the jury requests to return to the courtroom.

• • 3-07/100.00 - Taking the Verdict

When the jury has agreed upon its verdict, the bailiff who has been placed in charge of the jury will escort them back into the courtroom. When the jury appears, the judge will ask if they have agreed upon a verdict. If the foreman answers in the affirmative, the judge will instruct the jury foreman to hand the verdict forms to the bailiff. The bailiff will then take all the verdict forms from the foreman, without looking at them, and hand them to the judge.

After the verdict has been read by the court clerk, 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.

• • 3-07/105.00 - Late/After Normal Hours Jury Procedures

When jurors have not been able to secure their cars, the bailiff should make sure that the jurors' cars are locked and the keys brought to a central location for safekeeping. After a jury is dismissed, the bailiff shall assist the jury in retrieving their personal belongings. Do not leave until all jurors have safely departed.

• • 3-07/110.00 - Impaneled Juror Illness or Injured

If a juror becomes ill or is injured and paramedics or an ambulance are needed, the bailiff shall immediately activate the emergency procedures for a medical emergency. The judge, court clerk and Branch Supervisor shall be informed of the extent of the illness/injury as soon as possible. The jury supervisor shall also be informed. If the juror is to be taken by ambulance to a hospital, the judge may request that a Deputy accompany the juror. If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his or her duty, or if a juror requests a discharge and good cause appears therefore, the court may order the juror to be discharged and draw the name of an alternate, who shall then take his or her place in the jury box, and be subject to the same rules and regulations as though he or she has been selected as one of the original jurors. (233 California Code of Civil Procedure)

• • 3-07/110.05 - Reporting Juror Injuries

Jurors, whether impaneled or not, are classified as county employees. Report all juror injuries to the appropriate jury supervisor who will fill out the 'Supervisors Report of Industrial Injury Form'. The jury supervisor shall be called even if the juror declines medical treatment. In all cases where the bailiff has personal knowledge of the injury, the bailiff should assist the jury supervisor in preparing the report.

• Chapter 8 - Jury Security And Care When A Jury Is Sequestered

(Title page only, No content)

• • 3-08/010.00 - Sequestered Juror Court Policy

The bailiff should consult with the judge regarding the judge's particular policy of jury maintenance and handling. The judge should be advised when a particular situation or accommodation cannot be safely or economically achieved. The bailiff's Branch Supervisor must be made aware of all unusual situations regarding jury maintenance and handling.

• • 3-08/015.00 - Providing Jury Food and Lodging

In criminal cases only, while the jury is kept together, either during the progress of the trial or after their retirement for deliberations, the court may direct the Sheriff to provide the jury with:

- Suitable and sufficient food
- Lodging
- Other reasonable necessities.

"In Superior, the expenses incurred under the provisions of this section shall be charged against the County or City and County in which the court is held. All such expenses shall be paid on Order of the Court." (217, California Code of Civil Procedure)

• • 3-08/020.00 - Sequestered Jury

When a jury is sequestered and not permitted to separate during deliberations, it is the bailiff's responsibility to advise their supervisor of the situation and be prepared to maintain the jury. This may entail taking the jury to lunch, making notifications to family, arranging for transportation and lodging.

To the extent practical, the assignment of overtime shall be equitably distributed among Deputies at the same facility and the same Bureau.

• • 3-08/020.05 - Lunch Reservations

The bailiff shall notify his/her supervisor prior to 1100 hours or as soon as practical thereafter, when reservations for lunch will be needed for the jury. Necessary arrangements for additional Deputies, transportation and with the specified eating establishment for lunch will be made by the Branch Office. The Branch Supervisor shall ensure sufficient Deputies will be sent to maintain the physical security of the jury. Transportation may be by Sheriff's Court Services Units, walking the jury to a restaurant if the route is safe, or through the Court Services Transportation Bureau (CST), if there is sufficient time for notification.

Each Branch will have individual procedures for the handling of jury lunches. The following is a general guideline:

- Branch Supervisors shall contact the restaurant to make reservations. A separate room or area should be used to separate the jury from the general public.
 - Sufficient Deputies shall be sent to maintain the security of the jury.
-

- Jurors should be seated together, or in small groups, so that the bailiff can readily observe them. Alternate jurors shall sit apart from the jury with the bailiff or assistant.
 - No one shall be allowed to speak to or communicate with any of the jurors except the waiter, and then only to take orders for food.
 - Jurors shall not discuss the case while at lunch.
 - Should a juror need to use public restroom facilities they shall be escorted.
 - No one shall be served or request alcoholic beverages.
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• • 3-08/020.10 - Hotel Reservations

When a jury is to be sequestered overnight, the bailiff shall immediately notify his/her branch supervisor, who will advise the branch office to start preparing for an overnight jury. It is the branch supervisor's responsibility to coordinate all necessary arrangements for lodging, additional deputies, adequate transportation and security. Sequestered juries are normally only done in high profile criminal cases; however there may be an exception in a civil case that will require the same procedures.

Each branch or judge having an overnight jury will have different requirements and procedures. It is advisable that if there is a possibility of an overnight jury in a case, the bailiff shall, immediately on having knowledge of this fact, contact the branch supervisor. The following are general guidelines which branch supervisors should follow:

- When the judge orders a jury sequestered for the night, the judge or the bailiff shall inform the jury and ask them to make written notes of telephone numbers and messages they wish to be relayed to their families. Calls should be made by the bailiff or clerk of the court before leaving the court area for the hotel. The bailiff shall not allow calls to be made by the jurors without the explicit written permission from the judge.
 - When a judge designates a particular hotel, the bailiff shall advise the supervisor, but the final decision will be made based on the adequacy of the facility and security considerations. Branch supervisors shall contact the Security Operations Unit to conduct a security sweep of the facility.
 - Notify Sheriff's Headquarters Bureau, (323) 267-4800 of an overnight jury, the court facility, the deputy's names, the name and location of the hotel. Sheriff's Headquarters Bureau shall make a log item and maintain contact with the bailiff in charge.
 - Before leaving the courthouse, the bailiff shall obtain the home telephone numbers of the judge, the court clerk, the Court Services Duty Officer, the bailiff's supervisor and any other emergency numbers that may be necessary i.e. local police agency desk, local fire station.
 - Ensure all deputy personnel have a hand-held radio with SRC access for emergency communications in the event of a disaster.
 - Prepare a security contingency plan with the cooperation of the hotel.
 - Contact the hotel security office and request they maintain control to the area where the jurors are housed.
 - Do not allow the media access to the area where jurors are housed.
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- • **3-08/020.15 - Hotel Cancellation**

When a jury reaches a verdict prior to the judge ordering it sequestered for the night, and hotel reservations have been made, the bailiff shall immediately notify the branch office so that reservations may be canceled. In the event that a verdict is reached after 1700 hours, it shall then be the responsibility of the bailiff to notify the hotel and the CST.

- • **3-08/020.20 - Jury Transportation**

The CST will routinely provide jury transportation for sequestered juries between the courthouse and a hotel and for all juries to view a crime scene. A request for transportation shall be made by the branch supervisor to the CST desk. Notification shall be made as soon as possible to allow for proper scheduling of equipment and drivers.

When CST has provided a bus, the jurors shall be escorted from the courtroom to a prior designated location where they will board the bus and be taken directly to their destination. All efforts will be made to maintain proper security of the jury.

- • **3-08/020.25 - Hotel Rooms**

Hotel rooms are ordinarily assigned with two jurors in each room, keeping females separated from the males, alternate jurors separated from regular jurors. When a juror insists on a private room, such accommodations may be made, if facilities are available. Handicapped accommodations must be made for any juror who requests them.

- • **3-08/020.30 - Recording Room Assignments**

The bailiff in charge of the jury shall prepare one copy of the reverse side of Form #G094/R9-94, Overnight Jury Information, and shall enter onto it the names of all jurors and the rooms to which they are assigned, together with the date, case number, and the name of the defendant(s). The completed form shall be forwarded to the bailiff's supervisor as soon as possible. A new form shall be completed for each night spent at a hotel.

- • **3-08/020.35 - Telephones**

It shall be the bailiff's responsibility to inform the hotel manager to transfer all telephone calls for juror's rooms to the bailiff's room. If possible, request that the phones in each juror's room be disconnected and/or removed.

- • **3-08/020.40 - Jury Recreation**

Jurors may be allowed to assemble in one room or area before retiring for the night. They may talk, read or

play cards until a reasonable hour. At the discretion of the judge, and if facilities are available, they may listen to a radio or watch television in the presence of the bailiff, who will control the set. They may not listen to crime programs or the news broadcasts where information concerning the trial may be reported. The bailiff or assisting deputies shall monitor the programs so as to be able to testify to this control in court.

• • 3-08/020.45 - Purchases / Feeding

Jurors sequestered overnight may or may not be given the opportunity to obtain the necessary personal items for their overnight stay. In the event that they are not given the opportunity to obtain these items, the bailiff may purchase necessary items for them from local shops. Payments shall be from funds received from the jurors. Jurors may not have in their possession newspapers that may report the case under deliberation or stories of crimes. Should the judge hearing the case permit newspapers, the bailiff or assistant shall follow the directions of the judge regarding censoring the papers.

Dining room reservations, at a hotel, for evening and breakfast meals shall be made by the bailiff.

• • 3-08/020.50 - Use of Alcohol

Under no circumstances shall the bailiff allow a jury in deliberation to indulge in alcoholic beverages of any kind, either at meals or elsewhere, unless the matter is first referred to the judge, and written permission is obtained. If the judge allows alcoholic beverages, it shall be at the expense of each individual juror.

At no time shall a bailiff or any deputy assigned to the safety and security of a jury consume alcohol, whether in or out of uniform.

• • 3-08/025.00 - Posting of Deputies

The bailiff and assisting deputies shall be in uniform at all times while on duty. After the jury has retired for the night, uniformed deputies shall be on duty outside the juror's rooms throughout the night. A minimum of one deputy is to be on duty from 2400 to 0800.

The bailiff shall be in charge and the assisting deputies shall follow the bailiff's instructions.

• • 3-08/025.05 - Sequestered Juror Illness / Injury

If a juror becomes ill/injured while sequestered and/or paramedics are summoned, the bailiff in charge of the jury shall be present while the juror is being examined. If the juror's condition requires hospitalization, one deputy of the same sex shall accompany the juror at all times. The bailiff in charge shall immediately contact the judge and Sheriff's Headquarters Bureau by phone. Sheriff's Headquarters Bureau shall contact the Court Services Duty Officer.

If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his or her duty, or if a juror requests

a discharge and good cause appears therefor, the court may order the juror to be discharged and draw the name of an alternate, who shall then take his or her place in the jury box, and be subject to the same rules and regulations as though he or she has been selected as one of the original jurors. (233, California Code of Civil Procedure)

The bailiff shall follow up a jury illness/injury incident with a written report (SH-R-49, URN, CODE 502, Employers Report of Occupational Injury and all industrial injury reports required for Co. employees)

• • **3-08/030.00 - Reporting Jury / Bailiff Expense**

The bailiff shall obtain Form #G093, Jury and Bailiff Expense Claim and/or #G094, Demand and Order for Jury Maintenance and Bailiff Expenses from the court clerk.

These forms shall be filled out by the bailiff and presented to the restaurant or hotel for signature by them. Return the completed forms to the court clerk, who will have the judge sign them and then send them to the proper individuals for payment.

• • **3-08/030.05 - Criminal Trials - Jury Fees**

"Jurors sitting on criminal cases who are placed in the physical custody of the bailiff by the court during lunch hour or overnight and are not released during mealtimes shall be allowed the actual costs of meals and lodging, not to exceed the maximum for each meal as shall be from time to time fixed by the Superior Court Committee on Personnel and Budget." Bailiff supervisors shall contact the Superior Court Budget Section for the actual costs allowed.

• • **3-08/030.10 - Civil Trials - Jury Fees**

Jury fees in civil cases are normally paid in advance by the attorney who requested the jury trial. In the event that the involved litigants desire the jury to be sequestered and taken to lunch, the bailiff shall obtain from the requesting attorney sufficient funds to cover the expense of feeding the jury and the bailiff. This may be done by obtaining a credit card, signed blank check or cash from the attorney. The bailiff shall supply an accounting and a receipt to the attorney for all funds expended.

• • **3-08/030.15 - Fee Guidelines**

Guidelines are provided in the Los Angeles County Code, 5.40.060 for jury expenses and 5.40.380 for bailiff's expenses. At no time shall a bailiff's expenses exceed those of the jury.

• **Chapter 9 - Court Trials**

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. Court trials are also used in most minor traffic infractions.

The order of trial is very similar to that of the jury trial. First the prosecutor or the traffic officer presents their case. The defendant then has the opportunity to cross-examine any witnesses. After the prosecution has completed their case, the defense has the opportunity to present witnesses. At this time the prosecutor has the opportunity to cross-examine the defense witnesses. 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.

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. Bailiffs should keep in mind that although a court trial is usually a very simple matter, it may become very volatile. This is especially true in traffic matters where there is a matter of difference between the violator and the traffic officer. The key is to maintain control of your courtroom and all persons who are appearing.

• Chapter 10 - Hearings

Hearings take on many forms and situations in a courtroom, they may be a simple civil hearing to criminal hearing where an individual may be going to jail or prison. The bailiff should be aware that all court proceedings have a potential for a violent outbreak.

• • 3-10/000.05 - Defendants In-Custody

In-custody defendants shall normally be seated next to their attorney. Custodies shall use a chair without wheels and the inmate should be secured. A secured inmate generally means being handcuff to the rear or in waist chains, when permitted by the court. 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. If the judge makes an order to remove the handcuff, the bailiff shall contact their supervisor. Refer to CSDM, 3-04/050.00 - Inmate Restraint Motion / Court Declaration.

Custody defendants have a right to make notes with materials supplied by the bailiff, any materials given to the defendant by defense counsel shall first be given to the bailiff for a visual inspection.

Attorneys may only give their clients a business card, no other items or notes may be passed directly between an in-custody defendant and an attorney.

Attorneys shall be advised of potential weapons at counsel table when they are dealing with custodies.

• • 3-10/000.10 - Defendants Out of Custody

While out of custody defendants do not pose the potential problems that a custody defendant does, they may still create a problem by having large numbers of supporting friends or the victim's family could try to get retribution in the hall. If a bailiff is informed of a witness intimidation situation by the defendant or the defendant's relatives or friends, the prosecutor shall be immediately informed. Necessary action may be taken

by the investigating officer or the bailiff.

• • 3-10/000.15 - Defendant Remanded

When an out of custody defendant is going to be "remanded into the custody of the Sheriff," by the bench officer, it is essential that the bailiff has forewarning from the bench officer of the impending remand. The bailiff and bench officer shall have a pre-arranged signal or code word that advises the bailiff of the bench officer's intention to remand an individual into custody. The use of the signal or code word will allow the bailiff to place themselves in a position of tactical advantage to safely take the defendant into custody and potentially dissuade the defendant from attempting an escape or an assault upon the bailiff or other court representative.

In the event that a defendant is being placed into custody, the defendant shall be handcuffed and removed, as soon as possible, from the courtroom to a court holding area. The defendant shall immediately be given a pat down search before being moved through the lockup system.

If the defendant's attorney wishes to talk to his client, it should be done in the lockup area, not in the courtroom.

The court's remand order shall accompany the defendant to the main lockup in the court facility.

• • 3-10/000.20 - Defendant on Bail/O.R.

If the defendant is on bail or on their own recognizance, the judge will set the next date for arraignment in the superior court and release the defendant. The bailiff may give the defendant a written reminder.

• • 3-10/010.00 - Misdemeanor Arraignment

The defendant(s) is brought before a magistrate to be informed of their constitutional rights and be advised of the charges filed against them by the court. Defendants may be in custody or may have bailed out and walked in. In either case the bailiff must be aware of the charges for a particular defendant. The arraignment, being the initial appearance of the defendant on a misdemeanor charge, can be just as dangerous as a felony arraignment in a courtroom. The bailiff should notify his/her branch supervisor of a specific case that may require additional security.

• • 3-10/015.00 - Felony Arraignment

The defendant(s) is brought before a magistrate to be informed of their constitutional rights and be advised of the charges filed against them by the prosecutor. Defendants may be in custody or may have bailed out and walked in. In either case the bailiff must be aware of the charges for a particular defendant. The arraignment, being the initial appearance of the defendant on a felony charge, can be the most dangerous situation in a courtroom. The bailiff should notify his/her branch supervisor of a specific cases that may require additional security.

• • 3-10/020.00 - Preliminary Hearings

A preliminary hearing is the initial presentation of evidence by the prosecutor in a felony case, when there is no Grand Jury Indictment. Normally the only evidence presented at this hearing is by the prosecutor. The prosecution will present a prima fascia case to the magistrate to bind the defendant over for a trial in the superior court.

• • 3-10/020.05 - Defendant Held to Answer

At the conclusion of testimony in a preliminary hearing the judge will decide if there is sufficient evidence to bind the defendant over to the superior court for a trial on the charges alleged by the prosecutor. If the judge decides there is sufficient evidence to hold the defendant for trial, an arraignment date will be set for the defendant in the superior court.

• • 3-10/025.00 - Probation and Sentencing Hearings

This type of hearing is usually held after a defendant has been found guilty of committing the crime alleged by the prosecutor. At the conclusion of the trial the judge will normally request, from the probation department, a probation report to ascertain what recommendations for sentencing the prosecutor and the probation department desire. When the defendant is called before the judge, if the defendant is on bail, the bailiff should be alerted by the judge if the sentence includes a commitment to a jail facility. In this instance the bailiff should be in a position that will block any effort by the defendant to leave the courtroom.

Immediately on sentencing to a jail term, the bailiff shall remove the defendant from the courtroom to a court holding facility. Once in the holding facility, the bailiff shall immediately conduct a pat down search for weapons and contraband. Bailiffs shall follow the procedures for handling new remands in CSDM, 3-14/040.00 - New Remands. Defendants who are already in custody should be returned to the court holding facility for transportation back to county jail.

When the defendant is on bail, and is released on probation without a jail sentence, the bailiff may simply give the defendant a copy of the terms and conditions of probation, prepared by the clerk, and release the defendant from the court. In custody defendants shall not be released from the courtroom, they shall be returned to the main lockup facility for processing.

• • 3-10/030.00 - Order to Show Cause

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. Restraining order hearings may involve domestic violence, harassment, 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.

• • 3-10/035.00 - Family Law

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

• Chapter 11 - Juvenile Court

There is a high emotional involvement of the families of the juveniles appearing before the court, and especially because of the need for extremely close supervision of these juveniles--particularly of the older delinquent minors who may at any time require physical restraint or cause disturbances, the bailiffs assigned to the juvenile court must be acutely alert and responsive.

• • 3-11/000.05 - Juvenile Court - Public and Media Access

"The juvenile court is statutorily responsible for protecting the confidentiality of juvenile court records and proceeding. Of utmost confidentiality are the identities of minors under or about to come under its jurisdiction. 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 goal of treatment, rehabilitation, and protection from public scandal, curiosity and humiliation." (Los Angeles Superior Court Dependency Proceedings Manual, 7)

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. In no event shall the media attempt to directly contact a minor, the minor's family members, or any detention facility or any court-ordered placement.

• • 3-11/010.00 - Juvenile Inmate Movement

During the movement of juvenile inmates Sheriff Personnel need to be aware of their surroundings and the public. In many courts, there are no secure routes to a courtroom from the lockup, inmates must be moved through public areas, sometimes moving outside the building; therefore such movements make Sheriff's personnel vulnerable to attack and potential escapes. Sufficient deputies shall be used to protect the public and prevent the escape of all inmates.

Guidelines for the movement of juvenile inmates:

- Deputies transporting inmates shall not wear firearms in the secure area or juvenile secured areas.
- Inmates transported to courtrooms or holding areas through semi-secure or public areas shall be handcuffed, even if sufficient backup is available. Sufficient backup is defined as visual contact or within 'earshot'.

Note: Transporting inmates through public areas deputies shall be armed.

- When transporting a female inmate, in an area that is not monitored by security cameras, a female deputy/CA should escort the inmate to/from court. If a female deputy/CA is not available, no less than two male deputies or CAs shall be utilized.
- Inmates being moved by elevator shall be escorted by a deputy, unless it is the branch's individual policy to monitor inmate movement by video camera. All inmates should face the rear of the elevator and shall be handcuffed.
- Once the juvenile is seated for court proceedings, handcuffs should be removed from juvenile inmates, unless there are articulable facts as to why they should remain in handcuffs for the safety of all involved.
- Handcuffed inmates should not be taken into court when the jury is present. Where security conditions permit, the handcuffs should be removed outside the presence of the jury. If a strong security risk exists, inform the judge prior to bringing a handcuffed inmate into court.

Refer to CSDM, 2-06/030.00 - Inmate Movement, for complete guidelines to be followed during inmate movement. Check with your branch supervisor for any branch specific inmate movement procedures.

• • 311/015.00 - Juvenile Court Calendar

Each bailiff assigned to a specific courtroom shall check the daily court calendar to be sure that all juveniles scheduled to appear are present and, if not, alert the probation department attendant or transporting deputy that the party is missing so that the matter can receive immediate attention and the court be given an adequate explanation.

The bailiff shall also check the sign-in sheets for court at the reception desk 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.

• • 3-11/020.00 - Detention Hearings

The bailiff assigned to a detention hearing will follow the general procedures as outlined below:

- The bailiff shall call the parents, attorney, witnesses, and other parties concerned to the hearing room.
- The juvenile in the case, if in custody, shall be brought in from the custody corridor by the bailiff.
- If a juvenile has to be brought to or from the courtroom through semi-secured or public hallways, the juvenile shall be handcuffed. Once the juvenile is seated for court proceedings, the juvenile should be un-cuffed, unless there are articulable facts as to why they should remain in handcuffs for the safety of all involved. (Refer to CSDM, 3-11/010.00 - Juvenile Inmate Movement)
- At the conclusion of the hearing, the juvenile is returned to the custody of the probation transportation attendant. A formal detaining order or release signed by the hearing officer is given to the attendant for each ward of the court.
- When parents appear after a case is concluded, or they seek further information, the bailiff shall refer them to the detention probation officer.
- After the scheduled detention hearings are concluded, any emergency hearings which have

originated at the Intake Office of Juvenile Hall shall be heard.

• • 3-11/025.00 - Emergency Hearings

When notified that an emergency hearing or hearings must be added to the daily schedule, the bailiff shall notify the probation transportation attendant on duty, who will in turn request the wards of the court concerned from juvenile hall. A probation attendant will escort the juvenile to the custody corridor of the requesting facility to await the hearing.

• • 3-11/030.00 - Juvenile Court Hearings

Bailiffs assigned to regular juvenile court hearings shall follow the general procedures as outlined below:

- As in detention hearings, cases are given priority when all the parties concerned are present.
- 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.
- If in custody, the bailiff shall escort the juvenile inmate from the detention corridor into the hearing room/courtroom, maintaining custody of the juvenile during the hearing.
- If a juvenile inmate has to be brought to or from the courtroom through semi-secured or public hallways, the juvenile shall be handcuffed. Once the juvenile is seated for court proceedings, the juvenile should be un-cuffed, unless there are articulable facts as to why they should remain in handcuffs for the safety of all involved. (Refer to Bailiff Volume - Section 3-11/010.00 Juvenile Inmate Movement)
- 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 "In and Out Order" signed by the judge. This order is forwarded by the bailiff to the Inmate Reception Center, where the adult's name will be placed on the court list of inmates for the date of the hearing. The inmate is transported to the court by the Sheriff's Transportation Bureau and turned over to lockup personnel for placing in the detention facilities separate from the juveniles. The witness or defendant shall be brought in 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.
- At the conclusion of a hearing, the juvenile involved is returned to the custody corridor for return to Juvenile Hall. 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 Sheriff's personnel. The minor and his/her property shall be delivered to the Probation Detention Service Officer (DSO). The bailiff shall notify the DSO of the disposition of each case and provide a release or detaining order from the hearing officer to cover each juvenile to be returned.
 - **Note:** Parents or guardians of juveniles in custody are afforded visiting privileges with the juveniles at the juvenile courts that are equipped with visiting facilities, after the hearing, under the supervision of the Probation Department.
- Juveniles remanded to the custody of the Sheriff are searched and placed in the holding facility by Sheriff's personnel. They are to be placed in a detention facility separate from any adult inmates,

unless the juvenile has been declared an adult.

- When an individual in juvenile court, for any reason, is remanded to the custody of the Sheriff as an adult, they shall be processed as a regular adult court fish remand. Refer to the Lockup Volume for specific criteria for remanding juveniles into the custody of the Sheriff.

• Chapter 12 - Dependency Court

This court deals primarily with children who are wards of the court. Dependency hearing can become highly volatile. Bailiffs working in this court should always be aware of the presence of the minor and relatives. Cases involving adoptions, child custody, foster care or removal of a child from the parents often create a unique situation that involves tact, control and professionalism.

• • 3-12/010.00 - Bailiff Responsibilities with Shelter Care Children

It is the primary responsibility of Shelter Care Workers to maintain security of minors. The bailiffs merely assist the personnel should any situation arise which would compromise the security of the court, such as a violent outbreak by the minor. It is the Department of Children Services (DCS) policy not to chase a minor that runs away from court. DCS will simply issue a runaway report. Bailiffs shall not chase minors who run from the court unless the judge orders the minor pursued and returned to the court by the bailiff. In this instance the bailiff shall activate the Court Security Alarm System or alert other deputies by radio.

Refer to the Manual of Policy and Procedures relating to foot pursuits.

• • 3-12/015.00 - Detention of Minor in Dependency Court

The detention of minors in a courtroom is the responsibility of the DCS Court Officer. The bailiffs shall assist the DCS Court Officer should any situation arise which would compromise the security of the court, such as a violent outbreak by the minor and/or parents. The bailiff shall immediately assist in removing the minor from court. The bailiff shall immediately contact their supervisor by radio and request assistance, if needed.

• • 3-12/020.00 - Child Visitation with In-Custody Parents

A visitation with in-custody parents, at a dependency court, is for minor children only. Relatives, of the minor, are not permitted to visit with in-custody individuals. Minors may have a face to face visit, in the lockup area only, if ordered by the judge, at the request of the DCS staff. Visitation passes are issued by DCS. If the judge requests that the bailiff allow physical contact, explain that it is not permitted by Sheriff's Department policy due to the hazards of contraband being passed to the in-custody parent or the possibility of physical harm to the minor. If the minor is not in shelter care, every attempt should be made to ensure that the monitor of the visit is not related to the inmate. An attorney, social worker or shelter care staff members are the only monitors allowed.

• • 3-12/020.05 - Visiting Time

Visits shall be started within one-half hour of the end of the child's hearing, unless the time has an effect on the operation of the lock-up. In such event, a new time shall be scheduled by all parties concerned. Immediate supervisors shall be notified to advise the affected courts. Visitations shall take place only in the locked attorney interview room with a physical separation between the minor and the inmate. The visit shall be for a fifteen (15) minute period only.

• • 3-12/025.00 - Responsibility to Bring Minor to Courtroom

The shelter care staff or Child Advocates (CASA) shall be responsible to bring the minor to court, stay with the minor through the proceeding, and escort the minor back to the shelter care facility. Should the minor be left unattended in the courtroom at any time, the bailiff shall immediately contact the shelter care operations manager or the program director.

• Chapter 13 - Mental Health Court

Department 95 is devoted solely to conservatorship cases, persons who are gravely disabled and unable to handle their own affairs, and who require a family member or some other person designated as a conservator. These cases are usually highly emotional affairs and require the utmost care and diligence of the bailiff.

• • 3-13/010.00 - Bailiff's Responsibility While Assigned to a Mental Health Court

A bailiff assigned to the Mental Health Court performs a variety of duties, as follows:

- Inmates held in the county jail who are involved in cases being heard in the Mental Health Court shall be ordered for court by the bailiff on the Removal Order form. Custodies may also be brought in from outside sources such as county, state or contract hospitals.
 - Inmates appearing in the Mental Health Court are held in the lockup area located in the same building as Department 95. The bailiff will escort the inmates from the lockup to the Mental Health Court.
 - 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 violent or erratic behavior is displayed by the patient, it is the duty of the bailiff to control the patient and call for assistance. Due to the type of individual in these hearings, the bailiff will generally be stationed directly behind the patient during such hearings.
 - "Bedside Court Hearings" may be conducted in the wards of the Psychopathic Unit, Los Angeles County U.S.C. Medical Center, or at any State or County Institution or any place so designated by the court, since many patients are not ambulatory, due to their state of physical or mental health. These bedside hearings are lawful court sessions, and the bailiff shall abide by the rules of courtroom procedure in maintaining order and preserving the dignity of the court.
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• Chapter 14 - Custody Handling

Custody control is one of the most frequent and hazardous functions a bailiff performs. Safely maintaining control of custodies can be accomplished through awareness and consistent safety practices. The purpose of this section is to provide the bailiff with safe restraint, search and transportation procedures. For detailed lockup procedures, refer to Court Services Division Manual, Lockup Volume.

• • 3-14/010.00 - Custody Handling Policy and Procedures

The following policy and procedures are designed for the Court Services Division, additional procedures are contained in the Manual of Policy and Procedures relating to juveniles and prisoners.

- When an inmate needs immediate medical care, first aid and cardiopulmonary resuscitation shall be administered whenever necessary and when conditions permit. Prompt action shall be taken to summon emergency medical care personnel.
- Constant vigilance shall be maintained to prevent escapes.
- Extreme care shall be taken to keep weapons inaccessible to inmates at all times. This will be accomplished through the use of approved weapons storage lockers when working inside lockup areas. Deputies managing inmates in the courtroom shall utilize appropriate positioning, backup and weapon retention techniques.
- Cooperation with other law enforcement agencies leaving custodies in our custody is expected.
- The branch supervisor shall prepare custody handling procedures for their facility. The Bureau Commander shall approve handling procedures consistent with the Manual of Policy and Procedures.
- Males and females shall not be handcuffed or chained together absent exigent circumstances.
- Males and females shall be confined separately from each other.
- Juveniles shall not be handcuffed or chained with adults.
- Juveniles shall not be confined with adults.
- When transporting a female inmate, in an area that is not monitored by security cameras, a female deputy/CA should escort the inmate to/from court. If a female deputy/CA is not available, no less than two male deputies or CAs shall be utilized.
- Female personnel shall search female inmates for propriety reasons.

Searches will be conducted in accordance with Manual of Policy and Procedures related to cursory (Pat-Down) searches in the field and in-custody situations.

• • 3-14/010.05 - Pro-Per Status of Inmates

When a court issues an order that an inmate is to be placed in a pro-per status, the concerned bailiff shall contact the Central Jail Legal Unit and advise them of the following:

- The inmate's name
- Booking number

- Date the order was issued
- The judicial district or superior court issuing the order along with the judge's name and division or department number
- The case number under which the inmate is to have pro-per status

After completing this, the bailiff shall deliver the pro-per status order to lockup personnel for transmittal to IRC.

• • 3-14/015.00 - Safety and Security

Each branch shall develop and maintain local policies and procedures for the movement of custodies within the courts. A part of that procedure shall be a means of tracking the location of all custodies at all times. The lead lockup deputy shall maintain control of all custodies in the facility.

- At no time shall any deputy enter any lockup or holding tank while armed. All weapons shall be secured in an approved weapons locker prior to entering any lockup or holding tank. Weapons are defined as any firearm, baton (except the handler 12, if the deputy is qualified), knife or instrument that can be used as a cutting or stabbing device. This requirement applies to all law enforcement personnel. Attorneys shall not take O.C. spray into any court or lockup facility.
 - Generally, lockup personnel, or if not available, the bailiffs shall be responsible for the movement of inmates from the main lockup to court lockups or holding areas. While en route they shall be responsible for securing any entry or stairwell door in the lockup area and along the route custodies will be transported. If it is necessary to move custodies through public halls, increased security is essential. The public shall not be allowed to interfere with the movement of custodies.
 - The bailiff shall be responsible for the safety and security of custodies in the courtroom until they are returned to the holding area or turned over to lockup personnel. In a situation where several custodies are present in a courtroom, such as, arraignments or multi defendant cases, additional deputies should be present.
 - When custodies are no longer needed in the courtroom, they shall be returned to the lockup as quickly as possible. The appropriate remanding order shall be taken to the lockup by the bailiff as soon as it is completed.
 - When returning custodies to the main lockup, lockup personnel or bailiff shall insure that the lead lockup deputy is aware of who has been returned.
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• • 3-14/015.05 - Weapon Security

Weapon retention procedures by a bailiff should be the primary concern in any attempted custody rescue, escape or hostage situation. Weapon retention and security shall remain a top priority at all times. Personnel shall secure their weapons in an approved storage locker when working inside secure custody areas. All personnel will take precaution to ensure that weapons locker keys and electronic combinations are carefully guarded at all times.

Note: Supervisors shall ensure that electronic weapons storage combinations are changed frequently.

Armed personnel shall remain aware of their weapons and their surroundings at all times, especially

when managing inmates in the courtroom.

• • 3-14/015.10 - Inmate Movement

The movement of inmates in a courthouse is the weakest link in the security of inmates. It is necessary for all deputies to be aware of their surroundings and the public when moving inmates. In many courts, there are no secure routes to a courtroom from the lockup. Inmates must be moved through public areas, sometimes moving outside the building; therefore, such movements make bailiffs and lockup deputies vulnerable to attack and potential escapes. Sufficient deputies shall be used to protect the public and prevent the escape of inmates. Custody assistants (CA) shall only move inmates in secured areas of court facilities.

Each branch supervisor shall include, in their security contingency plans, procedures for the movement of inmates. The following guidelines are provided for the guidance of branch supervisors, deputies and custody assistants:

- Deputies transporting inmates shall not wear firearms in the lockup or other secure areas.
- Inmates transported to courtrooms or holding areas through secured areas should be handcuffed even if sufficient backup is available. Sufficient backup is defined as visual contact or within 'earshot'.
- All inmates that must be transported to or from court through open unsecured or public areas shall be handcuffed.
- When transporting three or more inmates through open unsecured or public areas, the inmates shall be chained together.
- At least two deputies shall be used to transport four or more inmates through open unsecured or public areas and up or down areas accessed by stairways.
- When transporting a female inmate in an area that is not monitored by security cameras, a female deputy/CA should escort the inmate to/from court. If a female deputy/CA is not available, no less than two male deputies/CA shall be utilized.
- Inmates being moved by secure elevator shall be escorted by a deputy/CA, unless it is the branch's individual policy to monitor inmate movement by video camera. All inmates should face the rear of the elevator and shall be handcuffed.
- A single deputy may transport a maximum of four inmates on a chain through semi-secure hallways, not accessed by the public, when backup has been requested and is not available.
- Handcuffed inmates should not be taken into court when a jury is present. Where security conditions permit, the handcuffs should be removed outside the presence of the jury. If a strong security risk exists, inform the judge prior to bringing a handcuffed custody into court.

Custody assistants may move, transport, and otherwise handle any inmate (**except the below specified type of inmates) within the confines of the secured lockup areas of a court facility on any floor.

**Deputies shall be used exclusively for supervision, escort, and control of the following inmates (as defined in the Manual of Policy and Procedures):

(1) Noteworthy

- (2) Condemned prisoners
- (3) Highly dangerous
- (4) High escape risk
- (5) K1: Keep away from all except other K-1's
- (6) K-9: Informants - keep away from all except other K-9's
- (7) K-10: Keep away from all 611DLW
- (8) Any inmates requiring handcuffs and waist chains
- (9) Romero hearings

Branch supervisors will make every attempt to ensure that appropriate staffing levels are maintained at their branches to meet the requirements of this section.

• • 3-14/015.15 - High Security Inmates

All bailiffs shall review the Daily Court Custody List and note if any custodies are considered as a security risk. Lists with appropriate information, regarding high security custodies, will be made easily available to all bailiffs and other court representatives on a daily basis. Additionally, all such activity shall be conducted on county time. Bailiffs and lockup personnel shall take additional precautions moving and handling all high security custodies. The use of additional restraints may be used to prevent injury or escape. Any use of additional restraints shall be noted in the lockup log, approval should be gained from the branch supervisor prior to the use, except in exigent circumstances where the safety of personnel is involved.

• • 3-14/015.20 - State Prisoners

Requests to remove state prisoners from state prison system, to assist with investigations, causes a significant risk of liability for the Department. Should a state prisoner be removed from the state prison system and returned to county jail for investigation purposes only, no removal order will be accepted to move a state prisoner to a court facility solely for the purposes of an interview or interrogation.

Should a state prisoner be removed for the purposes of being a witness on a particular case, the prisoner shall be transported using special transportation. Extreme caution must be taken when handling those who have been committed to state prison terms. All state prisoners shall be handled as a potential escape risk. If they are to be used as a witness for the defense in a jury trial, a court order will be needed to supply them with civilian clothes.

• • 3-14/015.25 - Federal Prisoners

Federal prisoners housed in the system are under the control of the U.S. Marshal's Office and may not be transported to a state court facility without the consent of the U.S. Marshal. All federal prisoners are to be handled in the same manner as county inmates.

• • 3-14/020.00 - Inmate Restraint Devices

Deputies are vulnerable to attack by the inmate during the application or removal of any restraint device. It is essential that the deputy be in a position of advantage at all times when applying or removing the potentially dangerous equipment. Handcuffs should be held securely at all times when not in place; remembering that until the restraint device is properly applied, it is a piece of metal at the end of a chain. Custodies can conceivably free themselves from any type of equipment if they are not kept under close supervision.

• • 3-14/020.05 - Handcuffing

One of the most important tools the bailiff or lockup personnel uses frequently in court are handcuffs. They are the most common restraint used for short trips to court and to the lockup. Handcuffs are only as secure as the bailiff makes them. They are a restraining device to give the bailiff greater control of an inmate. They do not immobilize custodies; they merely limit their activities and act as a reminder that they are in custody. No two persons react in the same manner when confronted with the fact that they have been placed under arrest and are about to be taken to jail. Every person taken into custody must be considered dangerous until placed in a cell, and generally all persons shall be handcuffed regardless of age, size or sex.

Handcuffing custodies is a "routine" exercise but improper procedures could lead to serious injury to the bailiff or another person. To assure safety, it is an advantage to handcuff and search an inmate as soon as possible.

Procedures and Precautions for Handcuffing:

- After placing handcuffs on an inmate's wrist, the bailiff should inspect the ratchets to make sure they are secure. Always double-lock handcuffs.
- Handcuffs should never be carried double-locked. They will be useless if needed in an urgent situation.
- Particular care should be taken when searching custodies for objects that may be used to disengage handcuffs, never assume that the custody's arms are secured by the handcuffs. Be alert for such items as a secreted handcuff key, a paper clip, a thin piece of metal etc. All of these items can be used to disengage the ratchet on handcuffs.
- Unless physical impairment prevents it, handcuff all single custodies behind their back.
- Pursuant to California Penal Code section 3407, the following policies and procedures shall be adhered to:
 - All pregnant inmates shall only be handcuffed with their hands in front of their body; no waist chains shall be used. In addition, leg irons or any other leg restraint device such as the "Ripp Hobble", shall not be used on pregnant inmates at any time;
 - A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the waist, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public;

- Restraints shall be removed when a medical professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary;
 - This section shall not be interpreted to require restraints in a case where restraints are not required pursuant to a statute, regulation, or correctional facility policy;
 - Upon confirmation of an inmate's pregnancy by medical staff, the inmate shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to: the provisions of this section, P.C. 3407, the relevant regulations, and the correctional facility policies;
 - For the purposes of this section, 3407 PC, "inmate" means an adult or juvenile who is incarcerated in a state or local correctional facility.
- Lone deputy or custody assistant shall use the available safety options to handcuff an inmate housed in a cell prior to opening the door.

Refer to CSDM, 1-04/060.00 – Handcuffing Port Use and Tactical Deployment of All Safety Equipment.

- Two custodies may be handcuffed with one set of handcuffs.

Alternate restraints, are devices which may be used on an inmate in the courtroom depending on several factors, including the type of hearing or trial, whether the inmate is dressed in jail or civilian attire, and the policies of the individual judge. Each situation must be individually evaluated, and procedures implemented accordingly. The bailiffs should always be aware of the judge's policies. It is the bailiff's responsibility to communicate to the judge what the Department's policies are regarding restraint devices. It will be difficult to use restraints on some custodies due to a cast, crutches, slings, etc. The bailiff will have to determine the extent of the restriction of movement of the inmate and use discretion as to whether restraints can or should be used.

Flex Cuffs

Flex cuffs are a sturdy nylon strap with a metal clip on one end. This device is not as secure as handcuffs, and should only be used when handcuffs are unavailable or unusable. Flex cuffs are a temporary measure to be used for the immediate and short-term on a custody that will be in constant view of a bailiff. The cuff is applied snugly to a custody's wrists, behind his back. Care should be taken to avoid applying it too tightly as it cannot be loosened and should only be removed with heavy duty cutters. The device is not reusable.

Leg Chains

Leg chains are merely a length of chain with a padlock on each end. When applied to the inmate, they only allow him to take a step of approximately 12 inches. They can walk slowly but cannot run. These are also a psychological restraint and constant

reminder to the inmate that they are in custody and escape is unlikely. The proper method of applying leg chains is to have the inmate stand in an off-balance position, or on their knees, facing away from the bailiff. The bailiff wraps an end of the chain around each leg and padlocks them snugly into place.

Waist Chains

Waist chains are restraints made from a length of chain that encircles the waist. Handcuffs are attached to this chain by short lengths of chain in such a manner that the custody's hands are held closely at their sides. The waist chain is locked snugly around the waist with a handcuff. This type of restraint is used when the possibility of escape is greatest or on long trips.

Leg Irons

Leg irons are merely a set of handcuffs designed for the ankle. When applied to an inmate they only allow them to take a small step, thus they cannot run. The application of leg irons is the same as leg chains.

Leg Braces

Leg braces are a medical device that fits over a custody's leg and knee. It is normally worn under clothing so it can be used discreetly on an inmate during a jury trial and cannot be viewed by jurors. Custodies should never be left unattended when wearing a leg brace.

The use of any other type of restraint device, at the request of the judge, i.e. gags, medical restraints, Stealth Belt or REACT Belt, shall only be used with approval of the Branch Supervisor. Branch Supervisors may contact the Custody Division Watch Commander for advice or concurrence on the use of any other types of restraints. (Custodies should never be left unattended when wearing the REACT Belt.)

Bailiffs should keep in mind the custodies can conceivably free themselves from any type of equipment.

• • 3-14/020.10 - Stealth Belt

The "Stealth Belt" is designed to be utilized during inmate movement and courtroom proceedings. The purpose of the belt is to provide a greater measure of control for suspects or defendants whose actions pose a serious or significant threat to their own safety, the safety of officers or potential damage to property.

Prior to deploying the "Stealth Belt" during a court session, Department personnel shall have approval from the Branch Supervisor and the bench officer. Each time the "Stealth Belt" is deployed, it shall be documented by completing the Court Services Division "Court Restraint Device Record" form (Refer to CSDM, 3-14/020.15 - Court Restraint Device Form).

The secured inmate must always be under the direct supervision of department personnel and at no time is the inmate to be left unattended while wearing the "Stealth Belt."

The equipment will be kept in a secure location when not in use.

Refer to CSDM, 1-04/050.00 - Weapon and Safety Equipment Storage and Control.

• • 3-14/020.15 - Court Restraint Device Form

A "Court Restraint Device" refers to any device that is used to prevent or restrict the inmate/defendant's ability to verbally or physically disrupt the trial proceedings inside the courtroom.

The use of any control restraint device (i.e., waist or leg chains, handcuffs or other devices) outside the courtroom or in the courtroom during non-trial procedures does not need to be reported in this manner.

The simple deployment of any "Court Restraint Device" is not considered force. However, if force is used during the installation or removal of any device, the force shall be reported as required per Department Policy.

Prior to deploying any "Court Restraint Device" during a court session, Department personnel shall obtain a written court order from the bench officer. The original court order shall be placed in the court files and a copy will be attached to the "Court Restraint Device Record."

Note: (Only one court order needs to be issued for the defendant(s) and it will remain in effect for as long as the defendant(s) appears in front of the bench officer who issued the order.)

When the court order (original or copy) is presented to the bailiff, notification and approval of the branch supervisor is needed each time prior to the device being used. The notification process will be recorded on the "Court Restraint Device Form" by printing the supervisor's name in the appropriate box.

Procedures for Using the Form

Each time a "restraining device" is deployed in the courtroom, it shall be documented by using the Court Services Division "Court Restraint Device Record" which provides the following information: defendant's name and booking number, the court, bench officer's name, branch supervisor's name, reason for using the device and the name of the deputy who installed and removed the device.

Each branch will retain the original Court Restraint Device form (along with a copy of the signed court order) filed by defendant's last name, in a notebook designated specifically

for that purpose. Reports can be purged from the notebook after three years from the last date listed on the form.

Supervisor's Responsibility

Branch supervisors shall be accountable for routinely ensuring that the use of any device in a courtroom session is properly documented. The recorded information will be subject to annual Command Inspection to verify compliance.

Refer to CSDNet - "Forms" for the Court Restraint Device form.

• • 3-14/020.20 - R.E.A.C.T. Belt (Court Services not currently authorizing the use of the R.E.A.C.T. Belt)

The R.E.A.C.T. Belt System (the Belt) is a less lethal, remotely operated electronic restraint device. It produces an electrical shock for eight (8) continuous seconds that can disorient, temporarily immobilize, and stun a person without causing permanent injuries. It is activated by a small radio transmitter with a range of up to 300 feet. The Belt is a low profile security device and may be combined with other approved security restraint devices.

No deputy shall be assigned to operate the R.E.A.C.T. Belt unless that deputy has successfully completed the Departmental approved basic R.E.A.C.T. Belt Training Course. Required qualification before deployment of R.E.A.C.T. Belt.

The defendant must be identified as a threat to courtroom security or pose an escape risk. This identification will be based on the defendant's past behavior, classification and departmental employee's personal knowledge, which may include the following:

- Documented attempts or actual escape from custody
- Documented violent or assaultive behavior while in custody
- A history of prior attacks or assaults on peace officers, corrections officials, court staff, judges, attorneys, or courtroom occupants
- Threats of violence toward any victim, witness, court employee, or any courtroom occupant

Inmates Exempt from Use

The Belt will not be used on inmates having the following physical conditions:

- Pregnant women
- Those known to have heart disease or any muscular disease affecting mobility such as Multiple Sclerosis
- Any persons suffering from a mental illness, unable to comprehend the Belt's possible affect, or understand the Belt admonishment

Deployment of the Belt by Transportation Bureau

Deployment of the R.E.A.C.T. Belt shall be approved by a Watch Commander prior to being placed on any person. The supervisor shall ensure the defendant meets the criteria outlined for its use and ensure a notification and waiver form has been completed. The Bureau Commander shall be notified of all deployments.

Deployment on Defendants Appearing in Court before a Jury

When branch supervisors or a trial judge believes a defendant fits the above criteria and would pose a threat to courtroom security and/or courtroom occupants, the branch supervisor shall follow the below procedures prior to its application in any court:

- Complete a memo addressed to the Unit Commander requesting the use of the R.E.A.C.T. Belt. The memo will include the following:
 - The defendant's name and booking number
 - Charges pending
 - Court of appearance and date
 - The judge's name, if known

- Factual justification for the use of the Belt, including copies of all supporting documentation

- Complete a copy of the form, Court Declaration for Restraint Purposes, (Refer to CSDNet, "Forms")
- The factual justification that is needed to obtain judicial authorization for use of the Belt in a courtroom must be based upon specific and verifiable facts that reasonably establish that the defendant is a threat or risk to courtroom security. The factual justification cannot be based upon a mere hunch, suspicion, or speculation, but must be based upon either known or documented prior acts, conduct, threats, or behavior of the defendant.

Submit the request and supporting documentation to the Area Lieutenant, who will forward it to the Unit Commander with a cover memo to the County Counsel's office. The cover memo will request the declaration be presented to the trial judge for approval via a court order. The trial judge will conduct a hearing, in the presence of the defendant, to determine whether the placement of the Belt on the defendant while in court is appropriate.

Once the court order approving or rejecting the use of the Belt has been issued, a copy will be placed in the defendant's jail file and a copy sent to the concerned lockup. The lockup will create a file on each defendant where a request was made, regardless if approved or rejected, and kept on file for at least five years. In either case, the Area

Commander will be notified of the outcome of the judicial request. Once a judge has rejected the use of the Belt, a second request may not be resubmitted on that defendant unless new and additional factual information has been obtained that would support reconsideration. This would require a new declaration and supporting documentation.

When the lockup supervisor receives the court order approving the use of the Belt, they will identify deputies trained in the Belt's use, assigning the responsibility for operation and control of the device.

Minimally, two (2) deputies will be assigned to escort and maintain security of the defendant. The court bailiff will be one of the two deputies assigned and will be responsible for handling the inmate. The second deputy will have the sole responsibility for operating the remote transmitter.

A Belt control log will be established at the branch for the device. It will be signed when checked out and upon its return.

Subject Notification Check off Form

The presentation of the "Subject Notification" form to the defendant and the installation of the Belt will be videotaped in the presence of a supervisor.

The "Subject Notification" form shall be completed prior to the installation of the Belt. In the event the defendant refuses to sign the form, the assigned deputy and branch supervisor shall sign the form, noting the refusal to sign. All notification forms shall be kept on file in the defendant's court lockup file with a copy sent to IRC, Bureau Headquarters and the Court Services Training Unit.

Only one "Subject Notification" form is required for each court day, as long as the defendant is handled by at least one deputy who was present during the presentation of the "Subject Notification" Form to the defendant.

Installation of the Belt

The Belt will be installed in compliance with the manufacturer's recommended procedures.

NOTE: No inmate will be left unattended with a device installed on their person.

Activation of Belt

The Belt may only be activated under the following situations listed below and must be used in compliance with the Department's Use of Force Policy. The deputy controlling the device will have the sole discretion on when to use the Belt, unless ordered to do so from a Sheriff's Department sworn supervisor. It may be used under the following conditions, actual or threatened acts of violence. This may include but is not limited to:

- An overt act or movement that could reasonably be interpreted as an assault or attack on another person
- If the defendant attempts escape
- Any tampering with the device that could reasonably be construed as to trying to disable or remove it

Non-Activation of Belt

The Belt shall not be activated due to any of the following events or reasons:

- Any verbally disruptive outbursts
- Solely upon comments made by the defendant, even if it is inappropriate or disruptive
- To punish or torture the defendant
- Anything that is prohibited by this policy

Once the device has been activated, and the activation cycle has stopped, assisting deputies shall handcuff the inmate and remove them from the court, where they will install waist and ankle chains. If the inmate is not cooperative or shows no signs of submission, other means of control should be considered before a second activation is made. The Department's Use of Force reporting procedures will be followed when it becomes necessary to activate the Belt to subdue the defendant. The activation of the Belt is considered "significant" and all notifications for this classification shall be made.

In all situations where this device is used, the defendant shall be examined by a doctor or qualified EMT specialist and approved for the appropriate custody housing.

The on-site supervisor shall initiate a Use of Force Investigation and make all necessary notifications. In all cases, the Bureau Commander and Division Area Commander shall be notified.

Maintenance Responsibilities

The branch supervisors shall be responsible for the upkeep and maintenance of the equipment. The branch supervisor may assign a deputy, hereafter designated as the "control deputy" to maintain the equipment.

The control deputy responsible for maintaining the equipment, will exercise due care and diligence in making

sure the batteries are charged and serviced as necessary.

No deputy will attempt to repair or alter the units without first consulting with factory personnel.

The equipment will be kept in a secure location when not in use.

Refer to CSDM, 1-04/050.00-Weapon and Safety Equipment Storage and Control.

• • **3-14/025.00 - Communicating with Persons in Custody**

Section 4570 P.C. provides, in part: "Every person who, without the permission of the officer in charge of any jail who communicates with any prisoner or person detained therein is guilty of a misdemeanor."

Inmates shall not be allowed to communicate, with anyone, except the attorney representing them or others who are conducting court business. If the court so orders, permission shall be granted to attorneys to confer in private with their clients if facilities are available which provide prisoner security. No other person shall be allowed to visit an inmate in a court facility except on direct orders of the judge.

No property, money, or any other items shall pass between any person and an inmate. Persons wishing to give money or property to an inmate shall be referred to the county jail facility in which the inmate will be held. Exceptions to this rule are prescription eyeglasses and clothing for jury trial.

Refer to CSDM, 3-14/065.05 - Prescription Eyeglasses and 3-14/065.00 - Clothing Exchange; for policy and procedures to be followed regarding these two items).

No items shall be passed to an inmate, not even by an attorney, (a public defender or private counsel), without permission from the judicial officer. If the judicial officer orders that an inmate receives any other item, except legal paperwork, eyeglasses or clothing contact your branch supervisor. If the judicial officer orders an item to be given to an inmate, the item shall be thoroughly inspected for contraband, while still maintaining the inmate's right to privacy.

If the judicial officer orders the inmate to receive any legal paperwork, you must inspect all documents for paperclips, staples or any other paraphernalia prohibited to in-custody defendants, while still maintaining the inmate's right to privacy. The attorney or judge should redact any victim or witness information out of the paperwork.

• • **3-14/025.05 - Security Precautions for In-Custody Inmates**

When inmates are allowed to sit at the counsel table with their attorney and other co-defendants who might be out on bail, security is weakened, and the following precautions shall be taken:

- Inspect the drawers and the underside of the table and chairs for the presence of concealed weapons or contraband before court convenes and during each recess.
 - Have the inmate's attorney sit between the inmate and any other defendants.
 - Whenever possible, the bailiff shall be in a position to see the inmate and the spectators at the
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same time.

- No items shall be passed to an inmate, not even by an attorney (public defender or private counsel), without permission from the judicial officer. (Refer to CSDM, 3-14/025.00 - Communicating with Persons in Custody)
 - Place the inmate in a chair without wheels to hinder a possible escape attempt.
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• • 3-14/030.00 - Inmate Interviews

Interviews with custodies shall be in accordance with the provisions of the Manual of Policy and Procedures.

It is the policy of the Department to provide the most expedient method of communications between persons in custody of the Department and their attorneys or other persons attempting to secure their release.

Such communications are privileged and shall be subject to only the minimal restrictions required to maintain adequate security. Legal requirements shall be met when an attorney or bondsman requests an interview; however, officer safety and custody security shall not be compromised. Custodies are transported to court lockups for court appearances only. Any removal order for interview purposes by attorney's, probation officers, investigating officers etc. will not be accepted. All such interviews shall be done at the custodial facility where the inmate is housed.

• • Psychological Evaluations - Penal Code, 4011.6

The following procedure shall be observed whenever an inmate is ordered by the court to be psychologically evaluated under, 4011.6 PC:

The bailiff of the concerned court shall:

- Obtain a copy of 4011.6 PC order for the psychological evaluation from the court clerk.
 - Deliver a copy of the order to lockup personnel when returning the inmate to the main lockup.
 - Make sure lockup personnel are aware the inmate shall be separated pursuant to 4011.6 P.C. and DOJ Provision 37.
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• • 3-14/040.00 - New Remands

When a judge remands a defendant to the custody of the Sheriff, the bailiff shall immediately handcuff and remove the individual from the courtroom. If the individual desires to give any property to a relative in the audience, they may do so; however, the bailiff must maintain full control of the situation. Prior to or immediately after entering the holding area, the bailiff or the transporting Deputy shall conduct a pat-down search for weapons. Female personnel shall search female remands for propriety reasons.

The bailiff shall complete the "Medical Screening Form." The "Outside Agency Medical Declaration" section does not apply. The bailiff shall ensure that the court commitment paper and the Medical Screening Form accompany the new remand to the main lockup. Under no circumstances shall a newly committed person be

placed in a cell with other inmates without having been searched for weapons or contraband.

In the event the individual is combative or reluctant to be placed in custody, the bailiff shall immediately request assistance. A combative individual shall immediately be taken to the main lockup, after a cursory search, the remand papers shall follow as soon as possible. A supervisor shall be advised when a new remand has become combative and force may have to be or was used.

Note: When an out of custody defendant is going to be "remanded into the custody of the Sheriff", by the bench officer, it is essential that the bailiff has forewarning from the bench officer of the impending remand. The bailiff and bench officer shall have a pre-arranged signal or code word that advises the bailiff of the bench officer's intention to remand an individual into custody. The use of the signal or code word will allow the bailiff to place themselves in a position of tactical advantage to safely take the defendant into custody and potentially dissuade the defendant from attempting an escape or an assault upon the bailiff.

• • 3-14/040.05 - Temporary/Short Term Remand

On occasion, a judge will order a bailiff to place a defendant who is in a courtroom under temporary custody without issuing a warrant or remand order. While the judge has the power to do this, arresting a person who has committed no apparent crime without authorizing documents places the Department in extreme liability for a future civil suit. Bailiffs and lockup personnel must use extreme caution when faced with this situation. The following is a guide to assist in handling this situation:

- The bailiff will handcuff the defendant, check him/her for weapons and escort him/her to a non-occupied holding cell near the courtroom. Before placing the defendant in a holding cell, the bailiff shall ensure that he/she is not carrying any contraband. Defendants temporarily detained on a judge's order will not be placed with other inmates and should not be taken to the main lock-up, unless no other areas of secure confinement are available.
- The bailiff will ask the court clerk to prepare a remand order authorizing the continued detention of the defendant. If the court clerk issues the remand, the booking process shall be completed. If a release is ordered for the same day, the inmate can be released from the court and all paperwork must be kept on file at the court for one year. No papers will be sent to IRC.

If the court clerk cannot provide a remand order, the bailiff is to immediately notify the branch supervisor and explain the circumstances.

- The branch supervisor will then meet with the concerned judge and explain the Department needs a written court order directing us to further detain the defendant.
 - If the judge refuses to provide a written order, the branch supervisor shall immediately notify the Bureau Commander, who will exercise the option of calling the judge and/or terminating the detention.
 - If the issue cannot be resolved by the Bureau Commander, the Area Commander or Division Chief will contact Superior Court executives for a resolution.
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• • 3-14/040.10 - Searching New Remands

The bailiff, transporting deputy or lockup personnel shall have the responsibility of taking custody of all newly remanded persons and searching them for weapons and contraband.

After a person is taken into custody, a pat-down search for weapons shall be made as soon as possible. This should be done out of the presence of the public to avoid any embarrassment.

Upon entering lockup, a hand-held metal detector shall be used to supplement the pat-down search of all inmates prior to removing the handcuffs of the remand.

Under no circumstances, should a newly committed person be placed in the lockup with other inmates without having been searched, both physically and with a hand-held metal detector, for weapons or contraband.

Contraband items that are not illegal will normally be placed in an envelope or property bag and sealed. The remanded person's name shall be written on the outside of the envelope/bag along with a complete inventory of the items. If the person is subsequently remanded to the custody of the Sheriff, the envelope shall be delivered to lockup personnel with the newly remanded person. The contents of the envelope/bag shall be returned to the person only when the person is released from the custody of the Sheriff. When returning property to a person who is being released, obtain the person's signature for receipt of the property on the envelope below the listed inventory.

• • 3-14/045.00 - Searching Inmates

All inmates shall be searched as soon as possible after arrival at a court facility.

Hand-held metal detectors should be used, if available, to supplement the "hand search" of all inmates. Hand-held metal detectors shall be a secondary search to the pat down search on all station bookings, outside agency bookings, and new remands.

The handling of the inmate's property shall be governed by individual branch policy.

• • 3-14/050.00 - Contraband

Contraband includes but is not limited to: money, tobacco products, liquor, pocket knives, lighters, ball point pens, pencils over 2" in length, metal combs, medicines (whether prescription or non-prescription), hair spray, paper clips, keys, belt buckles, necklaces and all edibles including chewing gum.

All illegal contraband, narcotics or drugs, found on a defendant shall be handled in the following manner:

- Immediately take possession and secure the contraband.
- Notify the branch supervisor.
- Write a Complaint Report (SH-R-49) relating the circumstances under which the contraband was discovered.

• • 3-14/055.00 - Court Papers

The accurate handling and tracking of custody paperwork plays a significant role in reducing over-detentions and erroneous releases. It is the responsibility of the court clerk to prepare all custody papers, i.e., remands orders, releases, removal orders and commitments. The bailiff is responsible for ensuring that the paperwork received from the court clerk includes the correct defendant, case number, booking number, and a signature with the court seal. The bailiff is also responsible for documenting and cross checking the type of paper that was ordered by the court (release, remand, removal, commitment, special order, (Refer to CSDM, 3-14/055.05 - Papers Only Holds) etc.), as well as, the time the paper was received from the clerk.

Bailiff personnel shall create a tracking form to log all papers pertaining to cases that appear before their courtrooms. Optional methods for tracking documents shall only include: Transportation Master Court Calendar list, Daily Court Calendar, Superior Court generated custody list, or the "Daily Tracking Form for Court Custody Paperwork" located in the CSDNet "Forms." This form shall be retained by the bailiff for a period of six months.

Note: The gathering of this information shall not diminish the bailiff's primary duty of security for the courtroom.

The bailiff shall assist the clerk by ensuring that all custody papers are taken to the main lockup. It is imperative that the bailiff check with the lockup personnel to ascertain that all papers for their court have been received before the bailiff leaves for lunch or at the end of the day. The expeditious preparation and delivery of court papers to the lockup will assist lockup personnel in the preparation of court transmittals and the ordering of transportation.

The initial appearance of a defendant is automatically scheduled by the court clerk placing an entry into the Automated Justice Information System (AJIS) at the conclusion of the preliminary hearing or on a certified plea in a felony case. The inmate will then be automatically placed on a Superior Court Custody Appearance list.

At the conclusion of the inmate's daily court appearance, the bailiff shall fill out a removal order for in-custody defendant (SH-CI-375). This form reflects the following information:

- Case number
- Department number
- Date of appearance and time
- Reason for court appearance (arraignment, motions, trial, etc.)
- Inmate's name
- Booking number
- Bailiff's name and employee number

Upon completion, this form shall be presented to lockup personnel for forwarding to the AJIS, which will cause the inmate to be listed for his/her, next court appearance.

Upon completion of the inmate's case(s) before the court, the bailiff shall obtain from the clerk either a temporary commitment (76C583I) or a release order (76O743). The particular document shall be taken to lockup personnel for further processing of the inmate and for jail records. The temporary commitment is also issued when there is a change in the inmate's custody status, such as lowering or raising the bail.

In the event the inmate is a witness and his attendance is no longer required, the bailiff shall use the removal order form noting, "no longer needed."

Branch Supervisor's Responsibility

The branch supervisor shall physically review each bailiff's own procedures for documenting the required information and perform random audits of the bailiff's saved forms.

Although there is no defining method to capture the described information, the branch supervisor shall attempt to have consistency throughout the courthouse. Simple, effective, and easy to understand should be the guideline in determining the method of tracking this information.

Area Lieutenant's Responsibility

The Area Lieutenant shall ensure that each branch supervisor has complied with their responsibility by conducting their own random audits of the bailiff's saved forms.

• • 3-14/055.05 - Papers Only Holds

Bailiffs and all other Sheriff's personnel shall immediately review all paperwork given to them by court clerks. If the paperwork involves a remand, sentence, or other action which would cause an inmate not to be released, the bailiff shall immediately contact a supervisor. The supervisor is to be advised that a papers only hold was just received and the inmate did not appear in their court

Note: a Removal Order is not a hold and the clerk should be advised of this.

• • 3-14/060.00 - Feeding Custodies

Bailiffs with custodies in court holding areas shall return all custodies to the main lockup for feeding.

• • 3-14/065.00 - Clothing Exchange

An in-custody defendant, who is not in a jury trial, must obtain a court order authorizing civilian clothing or a clothing item during their hearing.

In each instance, when civilian clothing is to be provided to an in-custody defendant, whether a court order was issued or not, the following steps shall be taken in the order listed:

When a person enters a courthouse with clothing for an in-custody defendant, they shall pass through weapons screening and the clothing shall be scanned with the x-ray machine. A deputy sheriff shall be summoned to weapons screening to receive the clothing, obtain valid photo identification from the individual supplying the clothing, and complete the applicable sections of the "Inmate Clothing" form. The deputy shall hand search the clothing and, when necessary, search the clothing with a hand wand. Once the clothing is searched, a Department representative shall deliver the clothing to the bailiff of record in the courtroom where the case is

pending.

The bailiff of record shall thoroughly search the clothing, check the "Inmate Clothing" form for accuracy, and sign the form acknowledging the search and receipt of the clothing.

If the clothing includes a tie, it shall be given to the defendant just prior to entering the courtroom and removed from the defendant out of the jury's view.

At the conclusion of every court day, it shall be the responsibility of the bailiff of record to ensure that all of the clothing items worn by the defendant are recovered and secured in the courtroom for the duration of the trial.

If clothing is received by the bailiff of record directly at the courtroom, the bailiff of record shall direct the party with the clothing to the property table in the weapon screening area, or the appropriate location for that branch to begin the process.

At the conclusion of court proceedings, all clothing shall be returned to the responsible party as described in the "Inmate Clothing" form. If the inmate clothing is not recovered, it shall be handled as "Bulk Prisoner Property", refer to Manual of Policy and Procedures, or donated to charity if authorized on the "Inmate Clothing" form.

The "Inmate Clothing" form retention period shall be one year.

• • 3-14/065.05 - Accepting Prescription/Corrective Eyeglasses

Bailiff personnel will accept prescription/corrective eyeglasses from a family member or attorney for the inmate scheduled to appear in their courtroom. Bailiffs will not accept property for an inmate that is not physically at that branch (i.e., scheduled to appear at a later date or at another branch). If the inmate is not at the branch, the bailiff will instruct the family member to deliver the eyeglasses to the inmate's custody facility or return when the inmate is at the courthouse.

Note: Custody Division policy allows for the possession of one (1) pair of prescriptive/corrective eyeglasses only. Sunglasses will not be accepted.

Once the bailiff accepts the eyeglasses, he/she shall complete the "Custody Division Inmate Personal Property Inventory" form. When the eyeglasses are received by the bailiff and delivered to the inmate, the bailiff shall have the inmate sign the form for receipt of the property. The bailiff will then give the third copy of the form to the inmate as a receipt.

The form shall be completed including:

- Date and time of property received,
- Inmate's name and booking number,
- Inventory of inmate's personal property,
- Name and employee number of bailiff accepting property,
- Destination of property.

Branch supervisors shall ensure that the "Custody Division Inmate Personal Property Inventory" form is complete and documents the collection and receipt of the property.

The original will be kept on file in the branch sheriff's office. The second copy shall be affixed to the court paperwork being returned to custody and the third copy shall be given to the inmate as a receipt.

• • 3-14/070.00 - Inmate Escape/Erroneous Release

In the event of an escape from a courtroom, detention area, etc. or the erroneous release from detention of an inmate, Deputies shall follow the Branch's Security Contingency Plan for response and the Manual of Policy and Procedures, for reporting.

• • 3-14/070.10 Deputy's Responsibility

Bailiffs shall immediately initiate an emergency broadcast by radio or the Court Security Alarm System (Ai-Phone) informing the branch office of the situation. A description of the escapee, the charge the inmate was being held on and a direction of travel shall be the primary broadcast by the bailiff. The bailiff shall then secure any remaining custodies and proceed to pursue the escapee(s). During a pursuit, the pursuing deputies shall continually broadcast the last known location or any sighting of the individual.

Lockup personnel shall immediately return all custodies to the main lockup and secure them. If the escape is from lockup personnel, they shall immediately broadcast an alarm by radio, or other means available, relaying the same information that a bailiff would. An Unarmed Deputy Who Chooses to Pursue an Escapee Shall Use Extreme Caution.

Deputies present in the lockup shall not leave the lockup unattended to pursue an escapee.

The branch supervisor shall initiate the Court Security Contingency Plan. Escapes of county custodies shall be investigated by the Jail Investigations Unit. Notification regarding the escape shall be made to the watch sergeant at IRC or CRDF.

• • 3-14/070.15 - Supervisors Responsibility

- Take immediate command of the situation by initiating the Branch Security Contingency Plan.
 - Secure the building using available deputies and other law enforcement personnel in the building at appropriate locations. Establish a containment area with responding units.
 - Notify the local law enforcement agency and initiate an emergency broadcast through the Sheriff's Communications Center. Request the nearest Sheriff's station broadcast an emergency JDIC message. Coordinate the response of all responding units.
 - Maintain control of the situation until the individual is returned to custody or the search is terminated.
-

- Notify Major Crimes Bureau, Sheriff's Headquarter Bureau and IRC or CRDF watch sergeant by telephone.
 - Verbally notify the Area Lieutenant and the Bureau Commander of the situation.
 - Initiate a preliminary inquiry into the circumstances of the escape.
 - Complete the necessary reports required by Manual of Policy and Procedures related to case assignment and reporting escapes.
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• • 3-14/075.00 - Releases

The following procedures shall be used when inmates are eligible for release from the court. This process shall be followed by all branches.

Bailiff Responsibilities

At the start of each shift, the bailiff shall check the in-custody court list to determine which inmates may potentially be eligible for release:

- The bailiff shall check to see if the inmate has any other cases or holds pending.
- Notify the court clerk of the inmate's potential release status and encourage the court to hear those matters first (when possible) on a priority basis.
- Notify lockup release personnel of the inmate's potential release status.
- Monitor the status of court cases involving potential releases.
- Upon completion of the court case, notify the lockup release personnel of the status and if ordered released, attach the court release documents (if immediately available) to the front of an inmate transmittal form. After notification of the release, obtaining the release order shall be the responsibility of lockup release personnel.
- Also, advise if a "conditional release" exists, i.e., a psychological, physical, medical exam, etc. as this could prevent the inmate's release from the lockup.
- If the release order is for a wheel chair inmate, or one housed in the medical section of the jail, and the judge orders a release from court a specific order shall be required from the judge acknowledging the inmate's condition and ordering the Sheriff's Department to release the inmate forthwith and not return them to the jail. Have the inmate sign and acknowledge, on the back of the release order, that they are responsible for returning county property to the county jail within sixty days of release.

See the CSDM, 2-11/000, Release Procedures, for complete release instructions.

• • 3-14/080.00 - Sick/Injured Inmate

When an inmate becomes ill and requires care, the bailiff shall request paramedics and, if possible, retain the inmate in the custody area until such help arrives. The bailiff shall also contact the branch supervisor for the possible need to accompany/transport the inmate to an emergency medical facility. Further action will be determined based on the recommendation of the medical attendants, with security of the inmate considered at all times. If the inmate is to be transported by ambulance to a local hospital, an armed deputy shall escort the

inmate in the ambulance. If possible the inmate shall be handcuffed to the ambulance stretcher. While at the hospital the escorting deputy shall never leave the inmate. In the event the hospital will not release the inmate, the escorting deputy shall contact the IRC or CRDF desk for relief at the hospital after normal duty hours. The necessary reports shall be prepared.

• • 3-14/085.00 - Ordering Inmates

When necessary to order an inmate for the next court day and transportation is unavailable to deliver the removal order to the Inmate Reception Center (IRC), the bailiff shall make telephonic notification to IRC's court liaison section, and so order the inmate.

• • 3-14/085.05 - Expediting Appearance of Last Day or in-Trial Inmates

Bailiff's Responsibility

When an inmate has been ordered to begin trial or is last day (10 of 10), it is the responsibility of the bailiff to prominently mark the removal order with the proper notation, ("IN-TRIAL INMATE" or LAST DAY) in the upper right hand corner, either in red or highlighted in yellow marker. The bailiff then takes the paper to the lockup and personally informs lockup personnel regarding the status of the inmate. The bailiff will also have the responsibility of entering the inmate information on the "In-Trial/Last Day" List.

Supervisor's Responsibility

The branch supervisor shall maintain the "In-Trial/Last Day" List in a centralized location for all bailiffs to list their In-Trial or Last Day inmates for the next day. One list shall be created daily for the entire courthouse. The branch supervisor, at the end of the day, shall fax the list to CST In-Trial Facilitator.

• • 3-14/085.10 - Handling the Transportation of Forthwith Cases to Other Courts

When an inmate is ordered by a judge to forthwith or immediately be transported to another court for further proceedings, it is the responsibility of the bailiff to immediately make the following four (4) notifications:

1. CST Transportation Desk (213) 974-4571 or (213) 974-4572

Once notified, CST Desk will attempt to have the inmate picked up from the first court during morning pickup (approximately 1000 hours depending on the court and if the inmate is ready to return) and returned to CST Headquarters. The inmate will then be put on another bus for transportation to the second court during the afternoon.

If, because of time constraints or the inmate is a "forthwith" to the second court, then CST desk will

attempt to send a crew to the first court to pick up the inmate for transport directly to the second court.

2. IRC Court Liaison (213) 893-5792 or 893-5793

After the inmate and court information is provided to Court Liaison, they will send a JDIC Notice (AKA - Teletype) to CST requesting the transfer and make the necessary update in the computerized tracking system.

3. Inform lockup supervisor and update as to status of inmate to be transported.

4. Branch Supervisor

If CST is unable to transport the inmate in a timely manner, it then becomes the responsibility of the branch supervisor to make arrangements for the inmate's transportation using Court Services personnel, either from their branch or from the receiving branch, in order to expedite the transfer.

• • **3-14/090.00 - Failure of Inmate to Appear**

At the beginning of each court day the bailiff shall check the custody transportation list to make sure that all custodies ordered have been secured in the holding facilities. If it is noted that there is a "miss out" the bailiff shall immediately notify lockup and ask lockup personnel to DIMMS the booking number for current housing location of the missing inmate. If DIMMS does not show the inmate in court-line or on a bus, then ask lockup personnel to run the inmate's booking number in the AJIS System to see if the inmate was ordered out to court. If the inmate was not ordered out to court, contact the court Liaison. Arrangements will then be made for a special transportation run to that court to minimize any delay in the court proceedings.

All complaints relative to the transportation of inmates or the failure of inmates to appear in court when ordered shall be reported to the bailiff's immediate supervisor.

• **Chapter 15 - Warrants, Warrant Recalls and Body Attachments**

It is the individual bailiff's responsibility to make certain the court clerk has supplied complete and accurate identification information for warrants in order to ensure prompt input into the CWS System and the ability to interface with the WPS (Wanted Persons System) and the NCIC (National Criminal Information Center) System. This will assist other law enforcement officers in obtaining complete and sometimes life threatening information in a timely manner. Bailiffs shall check all warrants and recalls before delivering them to their branch supervisor's office in order to ensure that all information is as complete, accurate, and legible as possible. Complete information also eliminates unnecessary delay in the arrest of individuals with arrest warrants or the unnecessary detention of an individual with a warrant that has been recalled. Thus, ensuring less legal and financial ramifications.

It is imperative that warrants, warrant recalls, and body attachments are not held until the end of the day. They shall be handled in the most expedient manner possible. This will enable the bailiff and/or supervisor to address any issues that may arise, during court hours.

For additional information refer to CSDM, 3-15/000.10 - PRE-TCIS and Juvenile Warrant Recall Procedures and 3-15/000.15 - Juvenile Warrants / Hot Warrants / Body Attachment Procedures and 3-15/010.00 Forthwith Bench Warrants

• • 3-15/000.10 - PRE-TCIS and Juvenile Warrant Recall Procedures

Procedure for Pre-TCIS (Trial Court Information System, prior to 1988) and Juvenile Warrant Recalls:

Deputy Responsibilities:

- Deputy obtains a pre-TCIS or juvenile warrant recall(s) from the clerk of the court:
 - Check recall for complete and readable information:

Recall(s):

- ¼ Department number
 - ¼ Case number
 - ¼ Date issued
 - ¼ Defendant's name
 - ¼ Defendant's date of birth
 - ¼ Recall date
 - ¼ Reason for recall
 - ¼ Signatures
 - ¼ Deputy ¼
 - ¼ Clerk
 - Inquire of the clerk if there is a California Information Index (CII) or a Juvenile Automated Index (JAI) number attached to the warrant that is being recalled. If so, note it on the warrant recall as follows: (CII #: for adults and JAI #: for juveniles)
-
- Deputy recalling the warrant shall sign the recall(s) and list their employee number.
 - Upon the earliest opportunity, the deputy shall call Records and Identification Bureau's (RIB) County Warrant System (CWS) to recall the warrant at (562) 345-4457. The deputy shall remain on the phone while the clerk verifies the warrant information and confirms that the warrant has been successfully recalled. The clerk is required to write the name and employee number of the deputy calling in the recall.
 - Obtain the name and employee number of the CWS clerk verifying the warrant recall success.

Note the CWS employee's name, employee number, as well as the date and time on the back of the original document.
 - Fax the copy of the Warrant Recall Transmittal to: CWS (562) 345-4417 or 4418 by the end of your shift.

- Make a copy of the recall slip (front and back) and transmittal. The original warrant recall and the original transmittal will be mailed via county mail to RIB Attention: CWS at 12440 East Imperial Highway, Suite 400-West, Norwalk CA 90650. The copy of both the warrant and transmittal will be maintained in the branch office.
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• • 3-15/000.15 - Juvenile Warrants / Hot Warrants / Body Attachment Procedures

Deputy Responsibilities:

- Deputy obtains juvenile warrant, "hot" warrant, or body attachment from the clerk of the court.
- Review the juvenile warrant, the hot warrant or body attachment for complete and readable information:

Warrants /Body Attachments:

- Defendant's Name
- Case Number
- CII Number for Adults and JAI Number for Juveniles
- Date Complaint Filed
- Authority
- Date Warrant Issued
- Department Number
- Judge
- Clerk
- Charge
- Defendant's Address
- Defendant's Date of Birth, Age, Weight, Height, Hair, Eyes, Race, Sex, Scars, Marks, Tattoos
- Investigating Agency
- Investigating Unit
- Investigator(s)
- Probation Officer
- Area
- NCIC Number (If Possible)
- Bailiff's Signature and Employee Number
- Inquire with the clerk if there is a California Information Index (CII) number attached to the warrant(s) or body attachment(s). If so, note it on the document as follows: (CII #: for adults and JAI #: for juveniles).
- Deputy must sign the warrant or body attachment.

JUVENILE WARRANTS / BODY ATTACHMENTS

- Juvenile warrants / body attachments need to be written on a transmittal.
- Fax the juvenile warrant or body attachment transmittal to County Warrant System (CWS) at: (562) 345-4417 or 4418

- Place the original warrant and the original warrant transmittal in the county mail to Records and Identification Bureau (RIB) Attention: CWS at: 12440 East Imperial Highway, Suite 400-West, Norwalk CA 90650. The copy of both will be maintained in the branch office.

HOT WARRANTS

- "HOT WARRANT" must be written across the top of the original warrant.
- Fax a copy of the Hot Warrant and Transmittal to CWS at: (562) 345-4417 or 4418.
- After faxing the warrant and transmittal to CWS, the deputy needs to call CWS at (562) 345-4457 to obtain the name and employee number of the CWS clerk verifying the warrant has been successfully received, is readable, complete, and able to be entered into the system successfully.
- Note the name and employee number of the CWS employee, as well as, the date and time on the back of the original document.
- Make a copy of the warrant and transmittal. The original hot warrant(s) and the original transmittal will be mailed via county mail to RIB Attention: CWS at: 12440 East Imperial Highway, Suite 400-West, Norwalk CA 90650. The copy of both will be maintained in the branch office.

• • 3-15/010.00 - Forthwith Bench Warrants

On occasion, the court will request (order) that the bailiff make the service of a warrant immediately (forthwith). When this situation occurs, the bailiff shall immediately notify the Branch Supervisor. Court Services Division (CSD) Headquarters will contact the Court's Security Director and a determination will be made as to the appropriate way to handle each individual Forthwith Bench Warrant. Any deviation from this procedure requires the permission of the Bureau Commander. If it is determined that no forthwith action will be taken on the warrant, the bailiff will then proceed with the "Priority Warrant" procedure, which is as follows:

- Write "faxed to CWS" on the bottom of the original warrant.
- Fax the warrant to County Warrant System (CWS) at (562) 345-4417 or 4418.
- Call CWS (562) 345-4457 to verify they have received the fax. Obtain the name and employee number of the CWS clerk verifying receipt of the faxed document.
- Note the name, employee number, date and time on the back of the original document.
- Mail the original warrant to Record and Identification Bureau (RIB) Attention: CWS at: 12440 East Imperial Highway, Suite 400-West, Norwalk CA 90650.
- Follow all normal procedures involving the recall process, when the warrant is recalled.

• Chapter 16 - Miscellaneous Procedures

Any situation which is out of the ordinary or not covered by a current policy or procedure shall be referred to a branch supervisor.

• • 3-16/010.00 - Temporary Restraining Orders

Temporary Restraining Orders (TRO's) and injunctions are court orders issued to prohibit or direct certain activities on the part of a person or group of persons.

A Temporary Restraining Order (TRO) is an ex parte order initiated by one party and issued prior to a formal hearing. An injunction is issued at the time of a hearing. It is a formal order signed by the judge of the superior court issuing the order.

When a TRO is directed to the Sheriff's Department, the bailiff shall inform the petitioner to deliver one copy to the nearest Sheriff's Court Services process branch for service on the defendant; there is a service fee involved, unless the petitioner has been granted a fee waiver by the court. If a waiver has been granted the petitioner shall present a certified copy of the waiver to the process office. It is the petitioner's responsibility to deliver additional copies of the TRO to the applicable law enforcement agencies. Bailiffs should advise the petitioner to retain at least two copies of the TRO in the event the defendant violates the restrictions and a local law enforcement agency is called. The petitioner can then request the responding officer to serve the defendant. No action on a TRO can be taken until the defendant has been served.

• • 3-16/015.00 - Printing Felony Defendants after Arraignment

Per 992(a) PC, bailiffs shall require felony defendants to provide a right thumb print on a Judicial Council form, provided by the court clerk. The procedure shall take place immediately following the arraignment stage.

In-Custody

Immediately after the arraignment, the bailiff shall remove the inmate from the courtroom to the court lockup for printing.

Out of Custody

Immediately after the arraignment, out of custody defendants, who will remain out of custody, may remain in the courtroom for printing.

Upon completion, the bailiff shall return the form to the court clerk.

• • 3-16/020.00 - Orders Issued by a Judicial Officer (Verbal or Written)

All court orders shall be in written form. Court Services personnel shall not accept verbal court orders from a judicial officer. Anytime a judicial officer issues a verbal order to Department personnel a written order from the court shall be requested.

Personnel receiving a court order, which affects the status of an inmate, shall comply with the order in an expeditious manner. Orders that dictate special treatment, visits, transportation, medical treatment, etc. are commonly issued by courts and should comply within the normal course of duties. If the order is in conflict with Department policies and practices, personnel shall immediately contact the branch supervisor. Branch

supervisors shall review the order to determine if there is a conflict, and/or if the court will consider modifying the order to comply with the Department's policy.

Any request made of Sheriff's Department personnel by a judicial officer in open court shall be considered a court order and a written court order must be requested. If the judicial officer/court does not wish to issue a written court order contact the branch supervisor.
