

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.

• 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.
