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.