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.