

Juries

10009.1 JURY SELECTION

(a) Jury Panel Selection

1. 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.
2. 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.
3. 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.
4. 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.
5. The defendant shall be present during these and all other proceedings of trial unless otherwise ordered by the court.
6. The court clerk will call twelve or more names from the panel of prospective jurors from the list. Each prospective juror will be assigned a seat in the jury box in the order in which their names were drawn. The clerk will continue to call names from the panel to replace any juror excused from the original twelve prospective jurors drawn.

(b) Examination of Jurors

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

(c) Alternate Jurors

1. Alternate jurors are often selected to sit with the jury. Throughout the trial, up to the time of deliberation, the alternates are treated the same and are subject to the same rules as are the members of the regular jury panel.
2. Alternate jurors are seated as closely as possible to the regular jury panel. Care should be taken to insure that they are in a position to observe the entire proceedings. Should a member of the regular panel become ill or unable to finish

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the case, the alternate juror will be appointed by the court to take the excused member's place in the jury box.

3. The alternate jurors receive the same instructions as the regular jurors, but only the regular jurors go into the jury deliberation room to decide the case.
4. Until otherwise instructed by the court, the bailiff shall not speak to alternate jurors or allow anyone else to speak to them upon any matter connected with the case except by order of the court. Absent an order from the court to the contrary, any time the jury is brought back into the courtroom during their deliberations, the alternate jurors must also be present.

10009.2 COURTROOM PROCEDURES FOR JURORS

- (a) At the first opportunity, the bailiff shall instruct the jury on the rules and procedures of that court.
- (b) The bailiff shall instruct the jury when to enter the courtroom upon reporting, at recesses and upon adjourning. An emergency telephone number is usually provided to prospective jurors by the Jury Commissioner's Office. The Jury Commissioner's Office phone number or the courtroom telephone number should be made available to the jury for notifying the court if for any reason they will be reporting late or unable to report at all.

10009.3 COURT RECESSES

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

10009.4 JURY INSTRUCTIONS

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

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10009.5 JURY DELIBERATIONS

(a) Deliberations

1. 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.
2. The jury shall be secured in the jury room. The bailiff shall explain the use of the alarm panel or other signaling device to the jury and remain available during their deliberation to respond to the needs of the jury. If the jury room is locked, the bailiff shall be available with the key in the event of an emergency.
3. If it becomes necessary for the bailiff to assume other duties which will limit his ability to respond to a jury's call, a bailiff in an adjacent court may be sworn to handle the jury's needs.
4. "Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence...." (California Penal Code section 113 [1]). The bailiff shall be responsible for placing exhibits into the jury room; this policy does not apply to physical evidence. For physical evidence instructions refer to CCOM Section 10007.4 – Handling Evidence and Exhibits.
5. When the jury leaves the jury room while deliberations are ongoing, the bailiff shall secure the jury room and its contents.

(b) Bailiff Summoned by Jury

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

10009.6 VERDICT REACHED BY JURY

(a) When the jury has agreed upon its verdict, they must be brought into court by the bailiff having charge of them.

1. When the jury appears, the judge will ask if they have agreed upon a verdict.
2. If the foreperson answers in the affirmative, the judge will instruct the jury foreperson to hand the verdict forms to the bailiff.
3. The bailiff will then take all the verdict forms from the foreperson, without looking at them, and hand them to the judge.

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- (b) After the courtroom clerk has read the verdict, the judge will discharge the jury. The defendant will remain seated until all jurors have left the courtroom, then the judge will finalize the proceedings on the record.

10009.7 JUROR ILLNESS OR INJURY

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