1-02.065.05 Procedure for Violations of General Orders

When a violation of the General Order is occurring and observed by any Sheriff's personnel, the Branch Supervisor shall be immediately notified. The Branch Supervisor shall respond to the location to observe the activity and to confirm that a violation of the General Order is in fact occurring. The Branch Supervisor shall advise the Area Lieutenant of the circumstances. The Area Lieutenant shall monitor the situation and notify the Unit Commander.

At the direction of the Unit Commander, the Branch Supervisor or designee shall make contact with the person(s) violating the General Order. The Branch Supervisor shall advise the involved person(s) that they are in violation of the General Order, and that they must comply with the requirements of the General Order. Additionally, the Branch Supervisor shall provide the person(s) with a copy of the General Order and request compliance.

Note: The emphasis of this policy is to gain compliance with the General Order.

If the Branch Supervisor gains compliance, he or she shall advise the Area Lieutenant of the results of their contact. The Area Lieutenant shall advise the Unit Commander, who will determine if notice to the site judge is warranted.

The Branch Supervisor shall complete an entry into the Courthouse Activity Log (CAL), documenting the incident.

If the person(s) refuses to comply with the request of the Branch Supervisor, the Branch Supervisor shall contact the Area Lieutenant, who will advise the Unit Commander. The Area Lieutenant, Unit Commander, or another Lieutenant from within Court Services Division shall respond to the courthouse and assume command of the situation.

The Lieutenant shall initiate contact with the person(s) and a video recording of the contact shall be made to document the violation. During this contact, the Lieutenant shall once again solicit compliance with the General Order. The Lieutenant will also reiterate the Civil Code violation to the person(s) committing the violation, and clearly convey to the person(s) that there is a potential for arrest, and/or Court imposed sanctions of up to $1,500, if they continue to violate the General Order.

If the person(s) now complies and ceases violating the General Order, the Lieutenant shall notify the Unit Commander, an entry into the Branch's CAL report shall be made, a Chief's Memo shall be written to document the incident, the video tape shall be placed in the Branch's safe, preserved for one year, and a reference number will be assigned.

If the person(s) again refuses to comply with the General Order, the Lieutenant shall advise the Unit Commander that all possible efforts have been made to gain compliance with the General Order. The Unit Commander shall notify the Area Commander, who will advise the Chief of the situation.

At the direction of the Unit Commander, after consultation and concurrence with an Area Commander or the Chief, the onsite Lieutenant shall contact the Superior Court Director of Security at work or the Los Angeles Superior Court Counsel and advise them of the situation.

At this point, the site judge shall be advised of the situation and no further action shall be taken until the Superior Court representative arrives on scene.

NOTE: The decision to delay any further action shall not preclude any member of this Department from taking the appropriate steps if a criminal offense occurs. The purpose of the Superior Court representative responding to the courthouse is to assist with any and all legal documents to address the civil violation of the General Order.

The Lieutenant shall immediately notify the Unit Commander that a Superior Court representative has been notified and they are responding to the situation.

A Court Services Division Representative (of the rank of Unit Commander or above) shall respond to the location, and consult with the Superior Court representative to assess the situation and discuss all of the available options. The Superior Court Representative will assist with all legal requirements to address the violation of the General Order.

If the Superior Court representative obtains a court order for the detention of the person(s) in violation of the General Order, the Lieutenant shall make contact with the involved person(s), the person(s) shall be advised that they have been ordered into court because of the described General Order violations.

If the person(s) complies with the court order, the person shall be escorted to the site judge, and the site judge will render a decision regarding the violation of the General Order.

If the site judge decides to admonish the person(s) regarding the General Order and the person(s) is released, an Incident Report (SH-AD 49) is required to document the incident. The classification for the report is, “Civil Contempt of Court - 1209 (a) Code of Civil Procedures” and the stat code is 441 - Special Investigations.

If the person is remanded to the custody of the Sheriff’s Department for a violation of the General Order, personnel shall follow the procedures as outlined in Court Services Division Manual, Bailiff Section. An Incident Report (SH-AD 49) is required. The classification for such a report is, “Civil Contempt of Court - 1209 (a) Code of Civil Procedures” and the stat code is 441 - Special Investigations.

Note: A Violation Of The General Order Is Considered A Civil Remand; This Is Not A Criminal Offense. A Special Handle Designation Form Shall Be Processed.

If the person(s) continues to violate the General Order by refusing to comply with the court order which orders them into court, the person(s) is now in contempt of a court order (violation 166 (a) 5 P.C.) and may be arrested. This violation is specifically related to the court order obtained by the Superior Court representative, not the General Order, ordering our Department personnel to bring the person(s) in violation of the General Order to the courtroom. This is a separate violation from the General Order.

If this occurs, no matter what decision the site judge renders regarding the General Order, the person(s) shall be taken into custody for contempt of a court order, all booking requirements as outlined in Court Services Division Manual shall be followed.

Unit Commander’s Responsibility

It is the Unit Commanders’ responsibility to assign a Lieutenant to manage this incident at the Branch level. It

is imperative that all Branch Supervisors and Area Lieutenants are familiar with the General Order and this policy.

It is the Unit Commanders' responsibility to assure that all Branch Supervisors and Area Lieutenants have discussed the General Order with their site judge and ensure they are familiar with the Sheriff's Department protocols for dealing with a violation of the General Order.

Additional References
The Manual of Policy and Procedures provides additional guidance defining "Duties" and supplemental policy defining levels of force reporting.