

## Chapter 14 - Custody Handling

Custody control is one of the most frequent and hazardous functions a bailiff performs. Safely maintaining control of custodies can be accomplished through awareness and consistent safety practices. The purpose of this section is to provide the bailiff with safe restraint, search and transportation procedures. For detailed lockup procedures, refer to Court Services Division Manual, Lockup Volume.

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### • 3-14/010.00 - Custody Handling Policy and Procedures

The following policy and procedures are designed for the Court Services Division, additional procedures are contained in the Manual of Policy and Procedures relating to juveniles and prisoners.

- When an inmate needs immediate medical care, first aid and cardiopulmonary resuscitation shall be administered whenever necessary and when conditions permit. Prompt action shall be taken to summon emergency medical care personnel.
- Constant vigilance shall be maintained to prevent escapes.
- Extreme care shall be taken to keep weapons inaccessible to inmates at all times. This will be accomplished through the use of approved weapons storage lockers when working inside lockup areas. Deputies managing inmates in the courtroom shall utilize appropriate positioning, backup and weapon retention techniques.
- Cooperation with other law enforcement agencies leaving custodies in our custody is expected.
- The branch supervisor shall prepare custody handling procedures for their facility. The Bureau Commander shall approve handling procedures consistent with the Manual of Policy and Procedures.
- Males and females shall not be handcuffed or chained together absent exigent circumstances.
- Males and females shall be confined separately from each other.
- Juveniles shall not be handcuffed or chained with adults.
- Juveniles shall not be confined with adults.
- When transporting a female inmate, in an area that is not monitored by security cameras, a female deputy/CA should escort the inmate to/from court. If a female deputy/CA is not available, no less than two male deputies or CAs shall be utilized.
- Female personnel shall search female inmates for propriety reasons.

Searches will be conducted in accordance with Manual of Policy and Procedures related to cursory (Pat-Down) searches in the field and in-custody situations.

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### • 3-14/010.05 - Pro-Per Status of Inmates

When a court issues an order that an inmate is to be placed in a pro-per status, the concerned bailiff shall contact the Central Jail Legal Unit and advise them of the following:

- The inmate's name
- Booking number

- Date the order was issued
- The judicial district or superior court issuing the order along with the judge's name and division or department number
- The case number under which the inmate is to have pro-per status

After completing this, the bailiff shall deliver the pro-per status order to lockup personnel for transmittal to IRC.

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### • 3-14/015.00 - Safety and Security

Each branch shall develop and maintain local policies and procedures for the movement of custodies within the courts. A part of that procedure shall be a means of tracking the location of all custodies at all times. The lead lockup deputy shall maintain control of all custodies in the facility.

- At no time shall any deputy enter any lockup or holding tank while armed. All weapons shall be secured in an approved weapons locker prior to entering any lockup or holding tank. Weapons are defined as any firearm, baton (except the handler 12, if the deputy is qualified), knife or instrument that can be used as a cutting or stabbing device. This requirement applies to all law enforcement personnel. Attorneys shall not take O.C. spray into any court or lockup facility.
  - Generally, lockup personnel, or if not available, the bailiffs shall be responsible for the movement of inmates from the main lockup to court lockups or holding areas. While en route they shall be responsible for securing any entry or stairwell door in the lockup area and along the route custodies will be transported. If it is necessary to move custodies through public halls, increased security is essential. The public shall not be allowed to interfere with the movement of custodies.
  - The bailiff shall be responsible for the safety and security of custodies in the courtroom until they are returned to the holding area or turned over to lockup personnel. In a situation where several custodies are present in a courtroom, such as, arraignments or multi defendant cases, additional deputies should be present.
  - When custodies are no longer needed in the courtroom, they shall be returned to the lockup as quickly as possible. The appropriate remanding order shall be taken to the lockup by the bailiff as soon as it is completed.
  - When returning custodies to the main lockup, lockup personnel or bailiff shall insure that the lead lockup deputy is aware of who has been returned.
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### • 3-14/015.05 - Weapon Security

Weapon retention procedures by a bailiff should be the primary concern in any attempted custody rescue, escape or hostage situation. Weapon retention and security shall remain a top priority at all times. Personnel shall secure their weapons in an approved storage locker when working inside secure custody areas. All personnel will take precaution to ensure that weapons locker keys and electronic combinations are carefully guarded at all times.

**Note:** Supervisors shall ensure that electronic weapons storage combinations are changed frequently.

Armed personnel shall remain aware of their weapons and their surroundings at all times, especially

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when managing inmates in the courtroom.

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### • 3-14/015.10 - Inmate Movement

The movement of inmates in a courthouse is the weakest link in the security of inmates. It is necessary for all deputies to be aware of their surroundings and the public when moving inmates. In many courts, there are no secure routes to a courtroom from the lockup. Inmates must be moved through public areas, sometimes moving outside the building; therefore, such movements make bailiffs and lockup deputies vulnerable to attack and potential escapes. Sufficient deputies shall be used to protect the public and prevent the escape of inmates. Custody assistants (CA) shall only move inmates in secured areas of court facilities.

Each branch supervisor shall include, in their security contingency plans, procedures for the movement of inmates. The following guidelines are provided for the guidance of branch supervisors, deputies and custody assistants:

- Deputies transporting inmates shall not wear firearms in the lockup or other secure areas.
- Inmates transported to courtrooms or holding areas through secured areas should be handcuffed even if sufficient backup is available. Sufficient backup is defined as visual contact or within 'earshot'.
- All inmates that must be transported to or from court through open unsecured or public areas shall be handcuffed.
- When transporting three or more inmates through open unsecured or public areas, the inmates shall be chained together.
- At least two deputies shall be used to transport four or more inmates through open unsecured or public areas and up or down areas accessed by stairways.
- When transporting a female inmate in an area that is not monitored by security cameras, a female deputy/CA should escort the inmate to/from court. If a female deputy/CA is not available, no less than two male deputies/CA shall be utilized.
- Inmates being moved by secure elevator shall be escorted by a deputy/CA, unless it is the branch's individual policy to monitor inmate movement by video camera. All inmates should face the rear of the elevator and shall be handcuffed.
- A single deputy may transport a maximum of four inmates on a chain through semi-secure hallways, not accessed by the public, when backup has been requested and is not available.
- Handcuffed inmates should not be taken into court when a jury is present. Where security conditions permit, the handcuffs should be removed outside the presence of the jury. If a strong security risk exists, inform the judge prior to bringing a handcuffed custody into court.

Custody assistants may move, transport, and otherwise handle any inmate (\*\*except the below specified type of inmates) within the confines of the secured lockup areas of a court facility on any floor.

\*\*Deputies shall be used exclusively for supervision, escort, and control of the following inmates (as defined in the Manual of Policy and Procedures):

(1) Noteworthy

- (2) Condemned prisoners
- (3) Highly dangerous
- (4) High escape risk
- (5) K1: Keep away from all except other K-1's
- (6) K-9: Informants - keep away from all except other K-9's
- (7) K-10: Keep away from all 611DLW
- (8) Any inmates requiring handcuffs and waist chains
- (9) Romero hearings

Branch supervisors will make every attempt to ensure that appropriate staffing levels are maintained at their branches to meet the requirements of this section.

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- **3-14/015.15 - High Security Inmates**

All bailiffs shall review the Daily Court Custody List and note if any custodies are considered as a security risk. Lists with appropriate information, regarding high security custodies, will be made easily available to all bailiffs and other court representatives on a daily basis. Additionally, all such activity shall be conducted on county time. Bailiffs and lockup personnel shall take additional precautions moving and handling all high security custodies. The use of additional restraints may be used to prevent injury or escape. Any use of additional restraints shall be noted in the lockup log, approval should be gained from the branch supervisor prior to the use, except in exigent circumstances where the safety of personnel is involved.

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- **3-14/015.20 - State Prisoners**

Requests to remove state prisoners from state prison system, to assist with investigations, causes a significant risk of liability for the Department. Should a state prisoner be removed from the state prison system and returned to county jail for investigation purposes only, no removal order will be accepted to move a state prisoner to a court facility solely for the purposes of an interview or interrogation.

Should a state prisoner be removed for the purposes of being a witness on a particular case, the prisoner shall be transported using special transportation. Extreme caution must be taken when handling those who have been committed to state prison terms. All state prisoners shall be handled as a potential escape risk. If they are to be used as a witness for the defense in a jury trial, a court order will be needed to supply them with civilian clothes.

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- **3-14/015.25 - Federal Prisoners**

Federal prisoners housed in the system are under the control of the U.S. Marshal's Office and may not be transported to a state court facility without the consent of the U.S. Marshal. All federal prisoners are to be handled in the same manner as county inmates.

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### • 3-14/020.00 - Inmate Restraint Devices

Deputies are vulnerable to attack by the inmate during the application or removal of any restraint device. It is essential that the deputy be in a position of advantage at all times when applying or removing the potentially dangerous equipment. Handcuffs should be held securely at all times when not in place; remembering that until the restraint device is properly applied, it is a piece of metal at the end of a chain. Custodies can conceivably free themselves from any type of equipment if they are not kept under close supervision.

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### • 3-14/020.05 - Handcuffing

One of the most important tools the bailiff or lockup personnel uses frequently in court are handcuffs. They are the most common restraint used for short trips to court and to the lockup. Handcuffs are only as secure as the bailiff makes them. They are a restraining device to give the bailiff greater control of an inmate. They do not immobilize custodies; they merely limit their activities and act as a reminder that they are in custody. No two persons react in the same manner when confronted with the fact that they have been placed under arrest and are about to be taken to jail. Every person taken into custody must be considered dangerous until placed in a cell, and generally all persons shall be handcuffed regardless of age, size or sex.

Handcuffing custodies is a "routine" exercise but improper procedures could lead to serious injury to the bailiff or another person. To assure safety, it is an advantage to handcuff and search an inmate as soon as possible.

Procedures and Precautions for Handcuffing:

- After placing handcuffs on an inmate's wrist, the bailiff should inspect the ratchets to make sure they are secure. Always double-lock handcuffs.
- Handcuffs should never be carried double-locked. They will be useless if needed in an urgent situation.
- Particular care should be taken when searching custodies for objects that may be used to disengage handcuffs, never assume that the custody's arms are secured by the handcuffs. Be alert for such items as a secreted handcuff key, a paper clip, a thin piece of metal etc. All of these items can be used to disengage the ratchet on handcuffs.
- Unless physical impairment prevents it, handcuff all single custodies behind their back.
- Pursuant to California Penal Code section 3407, the following policies and procedures shall be adhered to:
  - All pregnant inmates shall only be handcuffed with their hands in front of their body; no waist chains shall be used. In addition, leg irons or any other leg restraint device such as the "Ripp Hobble", shall not be used on pregnant inmates at any time;
  - A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the waist, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public;

- Restraints shall be removed when a medical professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary;
  - This section shall not be interpreted to require restraints in a case where restraints are not required pursuant to a statute, regulation, or correctional facility policy;
  - Upon confirmation of an inmate's pregnancy by medical staff, the inmate shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to: the provisions of this section, P.C. 3407, the relevant regulations, and the correctional facility policies;
  - For the purposes of this section, 3407 PC, "inmate" means an adult or juvenile who is incarcerated in a state or local correctional facility.
- Lone deputy or custody assistant shall use the available safety options to handcuff an inmate housed in a cell prior to opening the door.

Refer to CSDM, 1-04/060.00 – Handcuffing Port Use and Tactical Deployment of All Safety Equipment.

- Two custodies may be handcuffed with one set of handcuffs.

Alternate restraints, are devices which may be used on an inmate in the courtroom depending on several factors, including the type of hearing or trial, whether the inmate is dressed in jail or civilian attire, and the policies of the individual judge. Each situation must be individually evaluated, and procedures implemented accordingly. The bailiffs should always be aware of the judge's policies. It is the bailiff's responsibility to communicate to the judge what the Department's policies are regarding restraint devices. It will be difficult to use restraints on some custodies due to a cast, crutches, slings, etc. The bailiff will have to determine the extent of the restriction of movement of the inmate and use discretion as to whether restraints can or should be used.

### **Flex Cuffs**

Flex cuffs are a sturdy nylon strap with a metal clip on one end. This device is not as secure as handcuffs, and should only be used when handcuffs are unavailable or unusable. Flex cuffs are a temporary measure to be used for the immediate and short-term on a custody that will be in constant view of a bailiff. The cuff is applied snugly to a custody's wrists, behind his back. Care should be taken to avoid applying it too tightly as it cannot be loosened and should only be removed with heavy duty cutters. The device is not reusable.

### **Leg Chains**

Leg chains are merely a length of chain with a padlock on each end. When applied to the inmate, they only allow him to take a step of approximately 12 inches. They can walk slowly but cannot run. These are also a psychological restraint and constant

reminder to the inmate that they are in custody and escape is unlikely. The proper method of applying leg chains is to have the inmate stand in an off-balance position, or on their knees, facing away from the bailiff. The bailiff wraps an end of the chain around each leg and padlocks them snugly into place.

### **Waist Chains**

Waist chains are restraints made from a length of chain that encircles the waist. Handcuffs are attached to this chain by short lengths of chain in such a manner that the custody's hands are held closely at their sides. The waist chain is locked snugly around the waist with a handcuff. This type of restraint is used when the possibility of escape is greatest or on long trips.

### **Leg Irons**

Leg irons are merely a set of handcuffs designed for the ankle. When applied to an inmate they only allow them to take a small step, thus they cannot run. The application of leg irons is the same as leg chains.

### **Leg Braces**

Leg braces are a medical device that fits over a custody's leg and knee. It is normally worn under clothing so it can be used discreetly on an inmate during a jury trial and cannot be viewed by jurors. Custodies should never be left unattended when wearing a leg brace.

The use of any other type of restraint device, at the request of the judge, i.e. gags, medical restraints, Stealth Belt or REACT Belt, shall only be used with approval of the Branch Supervisor. Branch Supervisors may contact the Custody Division Watch Commander for advice or concurrence on the use of any other types of restraints. (Custodies should never be left unattended when wearing the REACT Belt.)

Bailiffs should keep in mind the custodies can conceivably free themselves from any type of equipment.

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## **• 3-14/020.10 - Stealth Belt**

The "Stealth Belt" is designed to be utilized during inmate movement and courtroom proceedings. The purpose of the belt is to provide a greater measure of control for suspects or defendants whose actions pose a serious or significant threat to their own safety, the safety of officers or potential damage to property.

Prior to deploying the "Stealth Belt" during a court session, Department personnel shall have approval from the Branch Supervisor and the bench officer. Each time the "Stealth Belt" is deployed, it shall be documented by completing the Court Services Division "Court Restraint Device Record" form (Refer to CSDM, 3-14/020.15 - Court Restraint Device Form).

The secured inmate must always be under the direct supervision of department personnel and at no time is the inmate to be left unattended while wearing the "Stealth Belt."

The equipment will be kept in a secure location when not in use.

Refer to CSDM, 1-04/050.00 - Weapon and Safety Equipment Storage and Control.

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## **• 3-14/020.15 - Court Restraint Device Form**

A "Court Restraint Device" refers to any device that is used to prevent or restrict the inmate/defendant's ability to verbally or physically disrupt the trial proceedings inside the courtroom.

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The use of any control restraint device (i.e., waist or leg chains, handcuffs or other devices) outside the courtroom or in the courtroom during non-trial procedures does not need to be reported in this manner.

The simple deployment of any "Court Restraint Device" is not considered force. However, if force is used during the installation or removal of any device, the force shall be reported as required per Department Policy.

Prior to deploying any "Court Restraint Device" during a court session, Department personnel shall obtain a written court order from the bench officer. The original court order shall be placed in the court files and a copy will be attached to the "Court Restraint Device Record."

**Note:** (Only one court order needs to be issued for the defendant(s) and it will remain in effect for as long as the defendant(s) appears in front of the bench officer who issued the order.)

When the court order (original or copy) is presented to the bailiff, notification and approval of the branch supervisor is needed each time prior to the device being used. The notification process will be recorded on the "Court Restraint Device Form" by printing the supervisor's name in the appropriate box.

### **Procedures for Using the Form**

Each time a "restraining device" is deployed in the courtroom, it shall be documented by using the Court Services Division "Court Restraint Device Record" which provides the following information: defendant's name and booking number, the court, bench officer's name, branch supervisor's name, reason for using the device and the name of the deputy who installed and removed the device.

Each branch will retain the original Court Restraint Device form (along with a copy of the signed court order) filed by defendant's last name, in a notebook designated specifically

for that purpose. Reports can be purged from the notebook after three years from the last date listed on the form.

### **Supervisor's Responsibility**

Branch supervisors shall be accountable for routinely ensuring that the use of any device in a courtroom session is properly documented. The recorded information will be subject to annual Command Inspection to verify compliance.

Refer to CSDNet - "Forms" for the Court Restraint Device form.

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## **• 3-14/020.20 - R.E.A.C.T. Belt (Court Services not currently authorizing the use of the R.E.A.C.T. Belt)**

The R.E.A.C.T. Belt System (the Belt) is a less lethal, remotely operated electronic restraint device. It produces an electrical shock for eight (8) continuous seconds that can disorient, temporarily immobilize, and stun a person without causing permanent injuries. It is activated by a small radio transmitter with a range of up to 300 feet. The Belt is a low profile security device and may be combined with other approved security restraint devices.

No deputy shall be assigned to operate the R.E.A.C.T. Belt unless that deputy has successfully completed the Departmental approved basic R.E.A.C.T. Belt Training Course. Required qualification before deployment of R.E.A.C.T. Belt.

The defendant must be identified as a threat to courtroom security or pose an escape risk. This identification will be based on the defendant's past behavior, classification and departmental employee's personal knowledge, which may include the following:

- Documented attempts or actual escape from custody
- Documented violent or assaultive behavior while in custody
- A history of prior attacks or assaults on peace officers, corrections officials, court staff, judges, attorneys, or courtroom occupants
- Threats of violence toward any victim, witness, court employee, or any courtroom occupant

### **Inmates Exempt from Use**

The Belt will not be used on inmates having the following physical conditions:

- Pregnant women
- Those known to have heart disease or any muscular disease affecting mobility such as Multiple Sclerosis
- Any persons suffering from a mental illness, unable to comprehend the Belt's possible affect, or understand the Belt admonishment

### **Deployment of the Belt by Transportation Bureau**

Deployment of the R.E.A.C.T. Belt shall be approved by a Watch Commander prior to being placed on any person. The supervisor shall ensure the defendant meets the criteria outlined for its use and ensure a notification and waiver form has been completed. The Bureau Commander shall be notified of all deployments.

### **Deployment on Defendants Appearing in Court before a Jury**

When branch supervisors or a trial judge believes a defendant fits the above criteria and would pose a threat to courtroom security and/or courtroom occupants, the branch supervisor shall follow the below procedures prior to its application in any court:

- Complete a memo addressed to the Unit Commander requesting the use of the R.E.A.C.T. Belt. The memo will include the following:
  - The defendant's name and booking number
  - Charges pending
  - Court of appearance and date
  - The judge's name, if known

- Factual justification for the use of the Belt, including copies of all supporting documentation

- Complete a copy of the form, Court Declaration for Restraint Purposes, (Refer to CSDNet, "Forms")
- The factual justification that is needed to obtain judicial authorization for use of the Belt in a courtroom must be based upon specific and verifiable facts that reasonably establish that the defendant is a threat or risk to courtroom security. The factual justification cannot be based upon a mere hunch, suspicion, or speculation, but must be based upon either known or documented prior acts, conduct, threats, or behavior of the defendant.

Submit the request and supporting documentation to the Area Lieutenant, who will forward it to the Unit Commander with a cover memo to the County Counsel's office. The cover memo will request the declaration be presented to the trial judge for approval via a court order. The trial judge will conduct a hearing, in the presence of the defendant, to determine whether the placement of the Belt on the defendant while in court is appropriate.

Once the court order approving or rejecting the use of the Belt has been issued, a copy will be placed in the defendant's jail file and a copy sent to the concerned lockup. The lockup will create a file on each defendant where a request was made, regardless if approved or rejected, and kept on file for at least five years. In either case, the Area

Commander will be notified of the outcome of the judicial request. Once a judge has rejected the use of the Belt, a second request may not be resubmitted on that defendant unless new and additional factual information has been obtained that would support reconsideration. This would require a new declaration and supporting documentation.

When the lockup supervisor receives the court order approving the use of the Belt, they will identify deputies trained in the Belt's use, assigning the responsibility for operation and control of the device.

Minimally, two (2) deputies will be assigned to escort and maintain security of the defendant. The court bailiff will be one of the two deputies assigned and will be responsible for handling the inmate. The second deputy will have the sole responsibility for operating the remote transmitter.

A Belt control log will be established at the branch for the device. It will be signed when checked out and upon its return.

### **Subject Notification Check off Form**

The presentation of the "Subject Notification" form to the defendant and the installation of the Belt will be videotaped in the presence of a supervisor.

The "Subject Notification" form shall be completed prior to the installation of the Belt. In the event the defendant refuses to sign the form, the assigned deputy and branch supervisor shall sign the form, noting the refusal to sign. All notification forms shall be kept on file in the defendant's court lockup file with a copy sent to IRC, Bureau Headquarters and the Court Services Training Unit.

Only one "Subject Notification" form is required for each court day, as long as the defendant is handled by at least one deputy who was present during the presentation of the "Subject Notification" Form to the defendant.

## **Installation of the Belt**

The Belt will be installed in compliance with the manufacturer's recommended procedures.

NOTE: No inmate will be left unattended with a device installed on their person.

## **Activation of Belt**

The Belt may only be activated under the following situations listed below and must be used in compliance with the Department's Use of Force Policy. The deputy controlling the device will have the sole discretion on when to use the Belt, unless ordered to do so from a Sheriff's Department sworn supervisor. It may be used under the following conditions, actual or threatened acts of violence. This may include but is not limited to:

- An overt act or movement that could reasonably be interpreted as an assault or attack on another person
- If the defendant attempts escape
- Any tampering with the device that could reasonably be construed as to trying to disable or remove it

## **Non-Activation of Belt**

The Belt shall not be activated due to any of the following events or reasons:

- Any verbally disruptive outbursts
- Solely upon comments made by the defendant, even if it is inappropriate or disruptive
- To punish or torture the defendant
- Anything that is prohibited by this policy

Once the device has been activated, and the activation cycle has stopped, assisting deputies shall handcuff the inmate and remove them from the court, where they will install waist and ankle chains. If the inmate is not cooperative or shows no signs of submission, other means of control should be considered before a second activation is made. The Department's Use of Force reporting procedures will be followed when it becomes necessary to activate the Belt to subdue the defendant. The activation of the Belt is considered "significant" and all notifications for this classification shall be made.

In all situations where this device is used, the defendant shall be examined by a doctor or qualified EMT specialist and approved for the appropriate custody housing.

The on-site supervisor shall initiate a Use of Force Investigation and make all necessary notifications. In all cases, the Bureau Commander and Division Area Commander shall be notified.

## **Maintenance Responsibilities**

The branch supervisors shall be responsible for the upkeep and maintenance of the equipment. The branch supervisor may assign a deputy, hereafter designated as the "control deputy" to maintain the equipment.

The control deputy responsible for maintaining the equipment, will exercise due care and diligence in making

sure the batteries are charged and serviced as necessary.

No deputy will attempt to repair or alter the units without first consulting with factory personnel.

The equipment will be kept in a secure location when not in use.

Refer to CSDM, 1-04/050.00-Weapon and Safety Equipment Storage and Control.

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### • **3-14/025.00 - Communicating with Persons in Custody**

Section 4570 P.C. provides, in part: "Every person who, without the permission of the officer in charge of any jail who communicates with any prisoner or person detained therein is guilty of a misdemeanor."

Inmates shall not be allowed to communicate, with anyone, except the attorney representing them or others who are conducting court business. If the court so orders, permission shall be granted to attorneys to confer in private with their clients if facilities are available which provide prisoner security. No other person shall be allowed to visit an inmate in a court facility except on direct orders of the judge.

No property, money, or any other items shall pass between any person and an inmate. Persons wishing to give money or property to an inmate shall be referred to the county jail facility in which the inmate will be held. Exceptions to this rule are prescription eyeglasses and clothing for jury trial.

Refer to CSDM, 3-14/065.05 - Prescription Eyeglasses and 3-14/065.00 - Clothing Exchange; for policy and procedures to be followed regarding these two items).

No items shall be passed to an inmate, not even by an attorney, (a public defender or private counsel), without permission from the judicial officer. If the judicial officer orders that an inmate receives any other item, except legal paperwork, eyeglasses or clothing contact your branch supervisor. If the judicial officer orders an item to be given to an inmate, the item shall be thoroughly inspected for contraband, while still maintaining the inmate's right to privacy.

If the judicial officer orders the inmate to receive any legal paperwork, you must inspect all documents for paperclips, staples or any other paraphernalia prohibited to in-custody defendants, while still maintaining the inmate's right to privacy. The attorney or judge should redact any victim or witness information out of the paperwork.

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### • **3-14/025.05 - Security Precautions for In-Custody Inmates**

When inmates are allowed to sit at the counsel table with their attorney and other co-defendants who might be out on bail, security is weakened, and the following precautions shall be taken:

- Inspect the drawers and the underside of the table and chairs for the presence of concealed weapons or contraband before court convenes and during each recess.
  - Have the inmate's attorney sit between the inmate and any other defendants.
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- Whenever possible, the bailiff shall be in a position to see the inmate and the spectators at the same time.
  - No items shall be passed to an inmate, not even by an attorney (public defender or private counsel), without permission from the judicial officer. (Refer to CSDM, 3-14/025.00 - Communicating with Persons in Custody)
  - Place the inmate in a chair without wheels to hinder a possible escape attempt.
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### • **3-14/030.00 - Inmate Interviews**

Interviews with custodies shall be in accordance with the provisions of the Manual of Policy and Procedures.

It is the policy of the Department to provide the most expedient method of communications between persons in custody of the Department and their attorneys or other persons attempting to secure their release.

Such communications are privileged and shall be subject to only the minimal restrictions required to maintain adequate security. Legal requirements shall be met when an attorney or bondsman requests an interview; however, officer safety and custody security shall not be compromised. Custodies are transported to court lockups for court appearances only. Any removal order for interview purposes by attorney's, probation officers, investigating officers etc. will not be accepted. All such interviews shall be done at the custodial facility where the inmate is housed.

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### • **Psychological Evaluations - Penal Code, 4011.6**

The following procedure shall be observed whenever an inmate is ordered by the court to be psychologically evaluated under, 4011.6 PC:

The bailiff of the concerned court shall:

- Obtain a copy of 4011.6 PC order for the psychological evaluation from the court clerk.
  - Deliver a copy of the order to lockup personnel when returning the inmate to the main lockup.
  - Make sure lockup personnel are aware the inmate shall be separated pursuant to 4011.6 P.C. and DOJ Provision 37.
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### • **3-14/040.00 - New Remands**

When a judge remands a defendant to the custody of the Sheriff, the bailiff shall immediately handcuff and remove the individual from the courtroom. If the individual desires to give any property to a relative in the audience, they may do so; however, the bailiff must maintain full control of the situation. Prior to or immediately after entering the holding area, the bailiff or the transporting Deputy shall conduct a pat-down search for weapons. Female personnel shall search female remands for propriety reasons.

The bailiff shall complete the "Medical Screening Form." The "Outside Agency Medical Declaration" section does not apply. The bailiff shall ensure that the court commitment paper and the Medical Screening Form

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accompany the new remand to the main lockup. Under no circumstances shall a newly committed person be placed in a cell with other inmates without having been searched for weapons or contraband.

In the event the individual is combative or reluctant to be placed in custody, the bailiff shall immediately request assistance. A combative individual shall immediately be taken to the main lockup, after a cursory search, the remand papers shall follow as soon as possible. A supervisor shall be advised when a new remand has become combative and force may have to be or was used.

Note: When an out of custody defendant is going to be "remanded into the custody of the Sheriff", by the bench officer, it is essential that the bailiff has forewarning from the bench officer of the impending remand. The bailiff and bench officer shall have a pre-arranged signal or code word that advises the bailiff of the bench officer's intention to remand an individual into custody. The use of the signal or code word will allow the bailiff to place himself in a position of tactical advantage to safely take the defendant into custody and potentially dissuade the defendant from attempting an escape or an assault upon the bailiff.

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### • **3-14/040.05 - Temporary/Short Term Remand**

On occasion, a judge will order a bailiff to place a defendant who is in a courtroom under temporary custody without issuing a warrant or remand order. While the judge has the power to do this, arresting a person who has committed no apparent crime without authorizing documents places the Department in extreme liability for a future civil suit. Bailiffs and lockup personnel must use extreme caution when faced with this situation. The following is a guide to assist in handling this situation:

- The bailiff will handcuff the defendant, check him/her for weapons and escort him/her to a non-occupied holding cell near the courtroom. Before placing the defendant in a holding cell, the bailiff shall ensure that he/she is not carrying any contraband. Defendants temporarily detained on a judge's order will not be placed with other inmates and should not be taken to the main lock-up, unless no other areas of secure confinement are available.
- The bailiff will ask the court clerk to prepare a remand order authorizing the continued detention of the defendant. If the court clerk issues the remand, the booking process shall be completed. If a release is ordered for the same day, the inmate can be released from the court and all paperwork must be kept on file at the court for one year. No papers will be sent to IRC.

If the court clerk cannot provide a remand order, the bailiff is to immediately notify the branch supervisor and explain the circumstances.

- The branch supervisor will then meets with the concerned judge and explain the Department needs a written court order directing us to further detain the defendant.
  - If the judge refuses to provide a written order, the branch supervisor shall immediately notify the Bureau Commander, who will exercise the option of calling the judge and/or terminating the detention.
  - If the issue cannot be resolved by the Bureau Commander, the Area Commander or Division Chief will contact Superior Court executives for a resolution.
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### • **3-14/040.10 - Searching New Remands**

The bailiff, transporting deputy or lockup personnel shall have the responsibility of taking custody of all newly remanded persons and searching them for weapons and contraband.

After a person is taken into custody, a pat-down search for weapons shall be made as soon as possible. This should be done out of the presence of the public to avoid any embarrassment.

Upon entering lockup, a hand-held metal detector shall be used to supplement the pat-down search of all inmates prior to removing the handcuffs of the remand.

Under no circumstances, should a newly committed person be placed in the lockup with other inmates without having been searched, both physically and with a hand-held metal detector, for weapons or contraband.

Contraband items that are not illegal will normally be placed in an envelope or property bag and sealed. The remanded person's name shall be written on the outside of the envelope/bag along with a complete inventory of the items. If the person is subsequently remanded to the custody of the Sheriff, the envelope shall be delivered to lockup personnel with the newly remanded person. The contents of the envelope/bag shall be returned to the person only when the person is released from the custody of the Sheriff. When returning property to a person who is being released, obtain the person's signature for receipt of the property on the envelope below the listed inventory.

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### • **3-14/045.00 - Searching Inmates**

All inmates shall be searched as soon as possible after arrival at a court facility.

Hand-held metal detectors should be used, if available, to supplement the "hand search" of all inmates. Hand-held metal detectors shall be a secondary search to the pat down search on all station bookings, outside agency bookings, and new remands.

The handling of the inmate's property shall be governed by individual branch policy.

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### • **3-14/050.00 - Contraband**

Contraband includes but is not limited to: money, tobacco products, liquor, pocket knives, lighters, ball point pens, pencils over 2" in length, metal combs, medicines (whether prescription or non-prescription), hair spray, paper clips, keys, belt buckles, necklaces and all edibles including chewing gum.

All illegal contraband, narcotics or drugs, found on a defendant shall be handled in the following manner:

- Immediately take possession and secure the contraband.
  - Notify the branch supervisor.
  - Write a Complaint Report (SH-R-49) relating the circumstances under which the contraband was discovered.
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### • 3-14/055.00 - Court Papers

The accurate handling and tracking of custody paperwork plays a significant role in reducing over-detentions and erroneous releases. It is the responsibility of the court clerk to prepare all custody papers, i.e., remands orders, releases, removal orders and commitments. The bailiff is responsible for ensuring that the paperwork received from the court clerk includes the correct defendant, case number, booking number, and a signature with the court seal. The bailiff is also responsible for documenting and cross checking the type of paper that was ordered by the court (release, remand, removal, commitment, special order, (Refer to CSDM, 3-14/055.05 - Papers Only Holds) etc.), as well as, the time the paper was received from the clerk.

Bailiff personnel shall create a tracking form to log all papers pertaining to cases that appear before their courtrooms. Optional methods for tracking documents shall only include: Transportation Master Court Calendar list, Daily Court Calendar, Superior Court generated custody list, or the "Daily Tracking Form for Court Custody Paperwork" located in the CSDNet "Forms." This form shall be retained by the bailiff for a period of six months.

Note: The gathering of this information shall not diminish the bailiff's primary duty of security for the courtroom.

The bailiff shall assist the clerk by ensuring that all custody papers are taken to the main lockup. It is imperative that the bailiff check with the lockup personnel to ascertain that all papers for their court have been received before the bailiff leaves for lunch or at the end of the day. The expeditious preparation and delivery of court papers to the lockup will assist lockup personnel in the preparation of court transmittals and the ordering of transportation.

The initial appearance of a defendant is automatically scheduled by the court clerk placing an entry into the Automated Justice Information System (AJIS) at the conclusion of the preliminary hearing or on a certified plea in a felony case. The inmate will then be automatically placed on a Superior Court Custody Appearance list.

At the conclusion of the inmate's daily court appearance, the bailiff shall fill out a removal order for in-custody defendant (SH-CI-375). This form reflects the following information:

- Case number
- Department number
- Date of appearance and time
- Reason for court appearance (arraignment, motions, trial, etc.)
- Inmate's name
- Booking number
- Bailiff's name and employee number

Upon completion, this form shall be presented to lockup personnel for forwarding to the AJIS, which will cause the inmate to be listed for his/her, next court appearance.

Upon completion of the inmate's case(s) before the court, the bailiff shall obtain from the clerk either a temporary commitment (76C5831) or a release order (76O743). The particular document shall be taken to lockup personnel for further processing of the inmate and for jail records. The temporary commitment is also issued when there is a change in the inmate's custody status, such as lowering or raising the bail.

In the event the inmate is a witness and his attendance is no longer required, the bailiff shall use the removal order form noting, "no longer needed."

### **Branch Supervisor's Responsibility**

The branch supervisor shall physically review each bailiff's own procedures for documenting the required information and perform random audits of the bailiff's saved forms.

Although there is no defining method to capture the described information, the branch supervisor shall attempt to have consistency throughout the courthouse. Simple, effective, and easy to understand should be the guideline in determining the method of tracking this information.

### **Area Lieutenant's Responsibility**

The Area Lieutenant shall ensure that each branch supervisor has complied with their responsibility by conducting their own random audits of the bailiff's saved forms.

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### **• 3-14/055.05 - Papers Only Holds**

Bailiffs and all other Sheriff's personnel shall immediately review all paperwork given to them by court clerks. If the paperwork involves a remand, sentence, or other action which would cause an inmate not to be released, the bailiff shall immediately contact a supervisor. The supervisor is to be advised that a papers only hold was just received and the inmate did not appear in their court

**Note:** a Removal Order is not a hold and the clerk should be advised of this.

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### **• 3-14/060.00 - Feeding Custodies**

Bailiffs with custodies in court holding areas shall return all custodies to the main lockup for feeding.

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### **• 3-14/065.00 - Clothing Exchange**

An in-custody defendant, who is not in a jury trial, must obtain a court order authorizing civilian clothing or a clothing item during their hearing.

In each instance, when civilian clothing is to be provided to an in-custody defendant, whether a court order was issued or not, the following steps shall be taken in the order listed:

When a person enters a courthouse with clothing for an in-custody defendant, they shall pass through weapons screening and the clothing shall be scanned with the x-ray machine. A deputy sheriff shall be summoned to weapons screening to receive the clothing, obtain valid photo identification from the individual supplying the clothing, and complete the applicable sections of the "Inmate Clothing" form. The deputy shall hand search the clothing and, when necessary, search the clothing with a hand wand. Once the clothing is searched, a

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Department representative shall deliver the clothing to the bailiff of record in the courtroom where the case is pending.

The bailiff of record shall thoroughly search the clothing, check the "Inmate Clothing" form for accuracy, and sign the form acknowledging the search and receipt of the clothing.

If the clothing includes a tie, it shall be given to the defendant just prior to entering the courtroom and removed from the defendant out of the jury's view.

At the conclusion of every court day, it shall be the responsibility of the bailiff of record to ensure that all of the clothing items worn by the defendant are recovered and secured in the courtroom for the duration of the trial.

If clothing is received by the bailiff of record directly at the courtroom, the bailiff of record shall direct the party with the clothing to the property table in the weapon screening area, or the appropriate location for that branch to begin the process.

At the conclusion of court proceedings, all clothing shall be returned to the responsible party as described in the "Inmate Clothing" form. If the inmate clothing is not recovered, it shall be handled as "Bulk Prisoner Property", refer to Manual of Policy and Procedures, or donated to charity if authorized on the "Inmate Clothing" form.

The "Inmate Clothing" form retention period shall be one year.

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### • **3-14/065.05 - Accepting Prescription/Corrective Eyeglasses**

Bailiff personnel will accept prescription/corrective eyeglasses from a family member or attorney for the inmate scheduled to appear in their courtroom. Bailiffs will not accept property for an inmate that is not physically at that branch (i.e., scheduled to appear at a later date or at another branch). If the inmate is not at the branch, the bailiff will instruct the family member to deliver the eyeglasses to the inmate's custody facility or return when the inmate is at the courthouse.

Note: Custody Division policy allows for the possession of one (1) pair of prescriptive/corrective eyeglasses only. Sunglasses will not be accepted.

Once the bailiff accepts the eyeglasses, he/she shall complete the "Custody Division Inmate Personal Property Inventory" form. When the eyeglasses are received by the bailiff and delivered to the inmate, the bailiff shall have the inmate sign the form for receipt of the property. The bailiff will then give the third copy of the form to the inmate as a receipt.

The form shall be completed including:

- Date and time of property received,
- Inmate's name and booking number,
- Inventory of inmate's personal property,
- Name and employee number of bailiff accepting property,

- Destination of property.

Branch supervisors shall ensure that the "Custody Division Inmate Personal Property Inventory" form is complete and documents the collection and receipt of the property.

The original will be kept on file in the branch sheriff's office. The second copy shall be affixed to the court paperwork being returned to custody and the third copy shall be given to the inmate as a receipt.

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### • **3-14/070.00 - Inmate Escape/Erroneous Release**

In the event of an escape from a courtroom, detention area, etc. or the erroneous release from detention of an inmate, Deputies shall follow the Branch's Security Contingency Plan for response and the Manual of Policy and Procedures, for reporting.

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### • **3-14/070.10 Deputy's Responsibility**

Bailiffs shall immediately initiate an emergency broadcast by radio or the Court Security Alarm System (Ai-Phone) informing the branch office of the situation. A description of the escapee, the charge the inmate was being held on and a direction of travel shall be the primary broadcast by the bailiff. The bailiff shall then secure any remaining custodies and proceed to pursue the escapee(s). During a pursuit, the pursuing deputies shall continually broadcast the last known location or any sighting of the individual.

Lockup personnel shall immediately return all custodies to the main lockup and secure them. If the escape is from lockup personnel, they shall immediately broadcast an alarm by radio, or other means available, relaying the same information that a bailiff would. An Unarmed Deputy Who Chooses to Pursue an Escapee Shall Use Extreme Caution.

Deputies present in the lockup shall not leave the lockup unattended to pursue an escapee.

The branch supervisor shall initiate the Court Security Contingency Plan. Escapes of county custodies shall be investigated by the Jail Investigations Unit. Notification regarding the escape shall be made to the watch sergeant at IRC or CRDF.

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### • **3-14/070.15 - Supervisors Responsibility**

- Take immediate command of the situation by initiating the Branch Security Contingency Plan.
  - Secure the building using available deputies and other law enforcement personnel in the building at appropriate locations. Establish a containment area with responding units.
  - Notify the local law enforcement agency and initiate an emergency broadcast through the Sheriff's Communications Center. Request the nearest Sheriff's station broadcast an emergency JDIC message. Coordinate the response of all responding units.
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- Maintain control of the situation until the individual is returned to custody or the search is terminated.
  - Notify Major Crimes Bureau, Sheriff's Headquarter Bureau and IRC or CRDF watch sergeant by telephone.
  - Verbally notify the Area Lieutenant and the Bureau Commander of the situation.
  - Initiate a preliminary inquiry into the circumstances of the escape.
  - Complete the necessary reports required by Manual of Policy and Procedures related to case assignment and reporting escapes.
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### • **3-14/075.00 - Releases**

The following procedures shall be used when inmates are eligible for release from the court. This process shall be followed by all branches.

#### **Bailiff Responsibilities**

At the start of each shift, the bailiff shall check the in-custody court list to determine which inmates may potentially be eligible for release:

- The bailiff shall check to see if the inmate has any other cases or holds pending.
- Notify the court clerk of the inmate's potential release status and encourage the court to hear those matters first (when possible) on a priority basis.
- Notify lockup release personnel of the inmate's potential release status.
- Monitor the status of court cases involving potential releases.
- Upon completion of the court case, notify the lockup release personnel of the status and if ordered released, attach the court release documents (if immediately available) to the front of an inmate transmittal form. After notification of the release, obtaining the release order shall be the responsibility of lockup release personnel.
- Also, advise if a "conditional release" exists, i.e., a psychological, physical, medical exam, etc. as this could prevent the inmate's release from the lockup.
- If the release order is for a wheel chair inmate, or one housed in the medical section of the jail, and the judge orders a release from court a specific order shall be required from the judge acknowledging the inmate's condition and ordering the Sheriff's Department to release the inmate forthwith and not return them to the jail. Have the inmate sign and acknowledge, on the back of the release order, that they are responsible for returning county property to the county jail within sixty days of release.

See the CSDM, 2-11/000, Release Procedures, for complete release instructions.

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### • **3-14/080.00 - Sick/Injured Inmate**

When an inmate becomes ill and requires care, the bailiff shall request paramedics and, if possible, retain the inmate in the custody area until such help arrives. The bailiff shall also contact the branch supervisor for the

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possible need to accompany/transport the inmate to an emergency medical facility. Further action will be determined based on the recommendation of the medical attendants, with security of the inmate considered at all times. If the inmate is to be transported by ambulance to a local hospital, an armed deputy shall escort the inmate in the ambulance. If possible the inmate shall be handcuffed to the ambulance stretcher. While at the hospital the escorting deputy shall never leave the inmate. In the event the hospital will not release the inmate, the escorting deputy shall contact the IRC or CRDF desk for relief at the hospital after normal duty hours. The necessary reports shall be prepared.

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- **3-14/085.00 - Ordering Inmates**

When necessary to order an inmate for the next court day and transportation is unavailable to deliver the removal order to the Inmate Reception Center (IRC), the bailiff shall make telephonic notification to IRC's court liaison section, and so order the inmate.

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- **3-14/085.05 - Expediting Appearance of Last Day or in-Trial Inmates**

#### **Bailiff's Responsibility**

When an inmate has been ordered to begin trial or is last day (10 of 10), it is the responsibility of the bailiff to prominently mark the removal order with the proper notation, ("IN-TRIAL INMATE" or LAST DAY) in the upper right hand corner, either in red or highlighted in yellow marker. The bailiff then takes the paper to the lockup and personally informs lockup personnel regarding the status of the inmate. The bailiff will also have the responsibility of entering the inmate information on the "In-Trial/Last Day" List.

#### **Supervisor's Responsibility**

The branch supervisor shall maintain the "In-Trial/Last Day" List in a centralized location for all bailiffs to list their In-Trial or Last Day inmates for the next day. One list shall be created daily for the entire courthouse. The branch supervisor, at the end of the day, shall fax the list to CST In-Trial Facilitator.

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- **3-14/085.10 - Handling the Transportation of Forthwith Cases to Other Courts**

When an inmate is ordered by a judge to forthwith or immediately be transported to another court for further proceedings, it is the responsibility of the bailiff to immediately make the following four (4) notifications:

1. CST Transportation Desk (213) 974-4571 or (213) 974-4572

Once notified, CST Desk will attempt to have the inmate picked up from the first court during

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morning pickup (approximately 1000 hours depending on the court and if the inmate is ready to return) and returned to CST Headquarters. The inmate will then be put on another bus for transportation to the second court during the afternoon.

If, because of time constraints or the inmate is a "forthwith" to the second court, then CST desk will attempt to send a crew to the first court to pick up the inmate for transport directly to the second court.

2. IRC Court Liaison (213) 893-5792 or 893-5793

After the inmate and court information is provided to Court Liaison, they will send a JDIC Notice (AKA - Teletype) to CST requesting the transfer and make the necessary update in the computerized tracking system.

3. Inform lockup supervisor and update as to status of inmate to be transported.

4. Branch Supervisor

If CST is unable to transport the inmate in a timely manner, it then becomes the responsibility of the branch supervisor to make arrangements for the inmate's transportation using Court Services personnel, either from their branch or from the receiving branch, in order to expedite the transfer.

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• **3-14/090.00 - Failure of Inmate to Appear**

At the beginning of each court day the bailiff shall check the custody transportation list to make sure that all custodies ordered have been secured in the holding facilities. If it is noted that there is a "miss out" the bailiff shall immediately notify lockup and ask lockup personnel to DIMMS the booking number for current housing location of the missing inmate. If DIMMS does not show the inmate in court-line or on a bus, then ask lockup personnel to run the inmate's booking number in the AJIS System to see if the inmate was ordered out to court. If the inmate was not ordered out to court, contact the court Liaison. Arrangements will then be made for a special transportation run to that court to minimize any delay in the court proceedings.

All complaints relative to the transportation of inmates or the failure of inmates to appear in court when ordered shall be reported to the bailiff's immediate supervisor.

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