Chapter 16 - Miscellaneous Procedures

Any situation which is out of the ordinary or not covered by a current policy or procedure shall be referred to a branch supervisor.

• 3-16/010.00 - Temporary Restraining Orders

Temporary Restraining Orders (TRO's) and injunctions are court orders issued to prohibit or direct certain activities on the part of a person or group of persons.

A Temporary Restraining Order (TRO) is an ex parte order initiated by one party and issued prior to a formal hearing. An injunction is issued at the time of a hearing. It is a formal order signed by the judge of the superior court issuing the order.

When a TRO is directed to the Sheriff's Department, the bailiff shall inform the petitioner to deliver one copy to the nearest Sheriff's Court Services process branch for service on the defendant; there is a service fee involved, unless the petitioner has been granted a fee waiver by the court. If a waiver has been granted the petitioner shall present a certified copy of the waiver to the process office. It is the petitioner's responsibility to deliver additional copies of the TRO to the applicable law enforcement agencies. Bailiffs should advise the petitioner to retain at least two copies of the TRO in the event the defendant violates the restrictions and a local law enforcement agency is called. The petitioner can then request the responding officer to serve the defendant. No action on a TRO can be taken until the defendant has been served.

• 3-16/015.00 - Printing Felony Defendants after Arraignment

Per 992(a) PC, bailiffs shall require felony defendants to provide a right thumb print on a Judicial Council form, provided by the court clerk. The procedure shall take place immediately following the arraignment stage.

In-Custody

Immediately after the arraignment, the bailiff shall remove the inmate from the courtroom to the court lockup for printing.

Out of Custody

Immediately after the arraignment, out of custody defendants, who will remain out of custody, may remain in the courtroom for printing.

Upon completion, the bailiff shall return the form to the court clerk.

• 3-16/020.00 - Orders Issued by a Judicial Officer (Verbal or Written)

All court orders shall be in written form. Court Services personnel shall not accept verbal court orders from a

judicial officer. Anytime a judicial officer issues a verbal order to Department personnel a written order from the court shall be requested.

Personnel receiving a court order, which affects the status of an inmate, shall comply with the order in an expeditious manner. Orders that dictate special treatment, visits, transportation, medical treatment, etc. are commonly issued by courts and should comply within the normal course of duties. If the order is in conflict with Department policies and practices, personnel shall immediately contact the branch supervisor. Branch supervisors shall review the order to determine if there is a conflict, and/or if the court will consider modifying the order to comply with the Department's policy.

Any request made of Sheriff's Department personnel by a judicial officer in open court shall be considered a court order and a written court order must be requested. If the judicial officer/court does not wish to issue a written court order contact the branch supervisor.