

3-04/050.00 - Inmate Restraint Motion / Court Declaration

When there is a defense attorney objection to restraining an inmate in the courtroom, and there is a perceived need by Sheriff's personnel to restrain the inmate in the courtroom, one of the two Court Declarations listed below shall be prepared and presented to the court for formal consideration.

If the bailiff should anticipate an objection by the defense, the declaration can be prepared in advance and be ready for immediate presentation to the court. In cases where the declaration is not prepared in advance, and there is an objection to the inmate being restrained, the bailiff should ask the bench officer for a few minutes, before calling the case, to allow sufficient time to prepare a formal declaration indicating the need to restrain the inmate. The bailiff shall then immediately contact their supervisor with the identity of the inmate and the reason for the perceived need to restrain.

The supervisor shall immediately prepare the Court Declaration, based on information provided by the bailiff, respond to the court, and be prepared to formally present the declaration.

- A document entitled "Court Declaration- General" should be utilized in cases where the LASD's policy and practice has been to restrain the inmate and there is a defense attorney objection (Example: arraignments, pre-trial motions, sentencing, etc.). There are only a few lines to complete and two paragraphs to the form.
- A document entitled "Court Declaration- Specific" should be utilized in cases where there is specific cause to restrain a particular inmate (Example: escape risk, assaultive behavior, suicide risk, etc.). It shall be the supervisor's responsibility to fill in a few lines, check the appropriate boxes, and indicate the specific reason that particular inmate should be restrained. Supporting documentation should be attached to the declaration (Examples of supporting documentation: IRTS Reports, RAP Sheets, SHAD 49 reports, etc.).

Note: These forms - Court Declaration General and Court Declaration Specific Forms - are located in CSDNet "Forms".

Presenting these formal declarations should assist the bench officer in making an appropriate determination to uphold or overturn defense attorney objections.
