

## Court Services Directives

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- **2026 DIRECTIVES**

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- • **REPORTING OF CIVIL ARRESTS IN COURTHOUSE FACILITIES – IMPLEMENTATION OF RULE OF COURT 10.440**

Los Angeles County Sheriff's Department

COURT SERVICES DIVISION

Court Services Division Directive



Number: 26-01

Effective: May 28, 2026

### **REPORTING OF CIVIL ARRESTS IN COURTHOUSE FACILITIES – IMPLEMENTATION OF RULE OF COURT 10.440**

Purpose

The purpose of this directive is to establish procedures for reporting **civil arrests** occurring within court facilities, in accordance with **California Rules of Court, Rule 10.440**. This rule requires all superior courts statewide to submit standardized information regarding civil arrests to the Judicial Council.

**Definition – Civil Arrest**

For purposes of this directive and Rule 10.440:

**Civil Arrest:**

An arrest of an individual, or a communicated intent to arrest an individual, for an alleged violation of **civil law**.

**Civil arrests do not include:**

- Arrests for an alleged violation of criminal law
- Arrests for contempt

**Court Facilities Include:**

- Courthouse buildings
  - Grounds adjacent to the building
  - Public parking areas used for court access
- (As defined in Government Code 70301(d))

Order

Each courthouse will complete a Civil Arrest Reporting Form for **every known civil arrest** occurring within a court facility. Information shall be reported **if known**, and **no personal identifying information** of the subject shall be included.

Order (Continued)

Completed reports shall be submitted to their respective:

- Bureau Operations

- Superior Courts Office of Public Safety
- Court Supervising Judge
- Court Administrator

Reports shall be transmitted as soon as practicable following the incident.

#### RESPONSIBILITIES

- Branch Supervisors and Watch Commanders shall ensure compliance with all reporting requirements.
- All personnel assigned to Court Services Division shall notify supervisory staff upon observing or receiving information regarding a civil arrest occurring within a court facility.
- Completed forms shall be reviewed for accuracy and forwarded through the appropriate channels.

The policies and procedures outlined in this directive shall remain in effect until this operational directive is revised or rescinded.

Questions regarding this directive should be directed to the Court Services Training Unit at (213) 229-2195.

Attachments: Civil Arrest Reporting Form

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• • • **CIVIL ARREST REPORTING FORM – RULE OF COURT 10.440**

**CIVIL ARREST REPORTING FORM – RULE OF COURT 10.440**

**Courthouse location:** \_\_\_\_\_

**Date of Incident:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Time of Incident:** \_\_\_\_\_ (AM / PM)

**Exact location (Building / Floor / Area / Parking Lot):**

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**Was the individual taken into custody?**

Yes  No  Unknown

**Agency conducting the Civil Arrest:**

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**Were officers in uniform or plain clothes?**

Uniform  Plain Clothes  Unknown

**Did officers present government-issued law enforcement identification?**

Yes  No  Unknown

**Did officers present a warrant?**

Yes  No  Unknown

**If a warrant was presented, indicate the type:**

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**Additional information (if known or observed):**

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**Reporting employee:** \_\_\_\_\_

**Employee number:** \_\_\_\_\_

**Supervisor reviewing report:** \_\_\_\_\_

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Date submitted: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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• **2025 DIRECTIVES**

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• • **CSD DIRECTIVE 25-03 USE OF LAPTOPS AND-OR TABLETS IN THE COURT LOCKUP AND ATTORNEY INTERVIEW ROOMS**

Los Angeles County Sheriff's Department

**COURT SERVICES DIVISION DIRECTIVE Number 25-03**

Effective: December 16, 2025

**USE OF LAPTOPS AND/OR TABLETS IN THE COURT LOCKUP AND ATTORNEY INTERVIEW ROOMS**

**PURPOSE**

The purpose of this Court Services Division (CSD) Directive is to establish policies and procedures for Department members regarding the use of laptops and/or tablets by attorneys while conducting interviews in a court lockup or attorney interview room.

The Court lockup refers to a designated secure area that contains a physical barrier between the attorney and the client. Attorney interview room refers to a secure room, adjacent to the courtroom, that does not contain any physical barrier between the attorney and the client.

This CSD Directive does not apply to Field Operations or the Custody Division, which have different requirements.

**ORDER**

In order for an attorney to access and use a laptop and/or tablet in a court lockup or attorney interview room, an attorney must possess valid government issued photo identification, and a valid California State Bar card.

## Court Services Directives

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These items shall be presented to the designated Los Angeles Sheriff's Department deputy, assigned to monitor the court lockup or attorney interview rooms, for inspection upon request, with the exception of attorneys from the Los Angeles County Public Defender's or Alternate Public Defender's Offices

A Los Angeles County Deputy Public Defender or Alternated Deputy Public Defender's valid department identification card shall be acceptable for access and use of a laptop and/or tablet in the court lockup or attorney interview room. Public Defender or Alternate Public Defender law clerks shall be allowed to access and use a laptop and/or tablet in a court lockup or attorney interview room, if they are accompanied by a Public Defender or Alternate Public Defender attorney or paralegal who possessed a valid Public Defender or Alternate Public Defender's Identification Card.

Attorneys in possession of a valid California State Bar card; representatives from the Office of Inspector General (OIG), and American Civil Liberties Union (ACLU) representatives (staff, interns, or volunteers with a laptop marked "PROPERTY OF ACLU" laptop) may use laptop computers or tablets in the court lockup or attorney interview rooms during their professional visit with a client, and upon signing and agreeing to the terms and conditions outlined on the - "Laptop Request and Acknowledgement Form" (SH-J-460). The form shall be provided by Court Services personnel and shall be completed for each visit by an attorney/professional requesting to use a laptop computer or tablet in any courthouse facility lockup or attorney interview room.

- The designated deputies assigned to monitor the court lockup or attorney interview room must inspect all items before the professional visitor enters the court lockup or attorney interview room.
- Attorney/Professional visitors shall not possess an unauthorized wireless communication device, including, but not limited to, a cellular telephone, pager, or any wireless device described in PC section 4575(a), "Possession of Wireless Communication Devices."
- Laptop computers or tablets shall not be used to record audio, video, take photographs, or stream video or audio. All wireless device connectivity functions shall be turned off and/or set to "airplane mode" or the equivalent.
- In facilities without secure interview areas, access may be restricted to ensure officer safety and inmate security are not compromised. The overall security and integrity of the building and lockup areas are at the discretion of the bureau unit commander or their designee, and interviews may be revoked if necessary.

The policies and procedures outlined in this directive shall remain in effect until this operation directive is revised or rescinded.

• **2014 DIRECTIVES**

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• • **CSD DIRECTIVE 14-01 BLUECHECK MOBILE FINGERPRINT DEVICE**

**Los Angeles County Sheriff's Department**

COURT SERVICES DIVISION

DIRECTIVE

Number 14-01

Effective: February 11, 2014

BLUECHECK MOBILE FINGERPRINT DEVICE

PURPOSE

The purpose of this directive is to provide direction to ensure that the BlueCheck Mobile Fingerprint devices are properly secured, cared for, and always available for use by court personnel.

BACKGROUND

The BlueCheck Mobile Fingerprint devices were issued to courts for the quick identification or identity verification of persons in courthouses or court lockups. The BlueCheck device captures fingerprints and immediately submits them to a state's AFIS or other fingerprint database. Once the identity is confirmed, any available images, criminal history, wants and warrants, and demographic data can be viewed on the paired device.

POLICY

The Branch Supervisor shall ensure the below areas of care, security, and accountability are followed:

- BlueCheck devices are not to be stored in an unsecured area overnight.
- BlueCheck devices are to be accounted for on a daily basis. The BlueCheck device should be added to the list of other equipment that has to be accounted for daily.
- Missing or inoperable BlueCheck devices are to be reported upon discovery to your Bureau's Operations.

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CSD DIRECTIVE 14-01 FEBRUARY 11, 2014

- The annual inspection is to be amended to include the BlueCheck device.
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## • **2013 DIRECTIVES**

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### • • **CSD Directive 13-01 ADMITTING SERVICE ANIMALS INTO COURT FACILITIES**

**Number 13-01 (Revised)**

**Effective: December 24, 2013 (Revision Date 7/18/16)**

#### **ADMITTING SERVICE ANIMALS INTO COURT FACILITIES**

##### **PURPOSE**

The purpose of this Directive is to establish procedures for providing access to persons with disabilities utilizing service animals into court facilities.

##### **REASON**

In 1990, the Americans with Disabilities Act (ADA) passed, guaranteeing national access rights for service animals. Service animals are animals trained to perform tasks for people with disabilities. These tasks can include: guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing additional specialized tasks.

However, in March 2011, only dogs are now recognized as service animals under titles II and III of the ADA. It was also determined that dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

## PROCEDURE

Under the ADA, people with disabilities must be allowed to bring their service animals into all areas of a facility where the public is normally allowed to go. Service animals are working animals and not pets. These animals should not be approached by Sheriff's personnel unless the dog's owner is unable to control the animal.

A service animal is a dog that has been trained to perform specific tasks to assist people with disabilities in their daily needs. If you are uncertain if an animal is a

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service animal, you may ask the person who has the animal: If it is a service animal required because of a disability?

- What work or tasks has the animal been trained to perform?

Please keep in mind when inquiring about a service animal you cannot:

- Ask about a person's disability.
- Require proof of specific training or certification of that service animal.

There are no legal requirements for service animals to be specifically identified; some service animals wear special collars, harnesses, or vests, but is not a requirement. If, after making the appropriate inquiries and the animal's status cannot be determined, contact your supervisor.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

A person with a disability cannot be asked to remove his/her service animal from the premises unless that animal's behavior poses a direct threat to the health or safety of

others. Under the ADA, a person with disability will be asked to remove his service animal from the premises if:

- i. If the animal barks or growls
- ii. The animal is out of control and the animal's handler does not take effective action to control the dog
- iii. The animal is not housebroken

When the request to remove the service animal is made, Sheriff's personnel must offer to provide a re-entry and access to services to the person with a disability without the service animal present. This offer of reasonable accommodation should also be extended in cases when non-admittance of comfort and emotional support animals occurs.

If the animal is not a service animal then access will not be allowed.

Personal contact with persons in control of service animals should be documented on a Security Activity Report.

In addition, should a person with a disability want to file an ADA complaint Sheriff's personnel shall provide them with the "Americans with Disabilities Act (ADA) Complaint Procedure" (SH-AD-680). The Department's ADA coordinator can be reached at (323) 526-5671.

What is a Service Dog?

The Americans with Disabilities Act (ADA) defines Service Dogs as dogs that are individually trained to do work or perform tasks for people with disabilities. (Some state and local laws define service dogs more broadly than the ADA.) There are different types

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of service dogs: guide dogs for the blind, hearing dogs, mobility dogs, medical assistance

dogs, and psychiatric service dogs.

Service dogs undergo extensive training to perform their jobs. Service dogs are not pets.

Do not pet, talk to, or distract a working service dog.

The only types of animals recognized by ADA as trained to do work/perform tasks for people with disabilities are dogs.

Under the ADA, service dogs are allowed access to any place that is open to the public; however, can be asked to leave if not under control. A service dog must accompany a disabled person in order to be granted access, the ADA protects the rights of the disabled handler, not the dog. (Remember, not all disabilities are apparent.)

Service dogs can be any breed or size. While larger dogs such as Labradors are commonly used as guide and mobility dogs, smaller dogs can also be service dogs.

A service dog is expected to behave in accordance with strict standards and its handler is expected to adhere to service dog handler etiquette.

Security personnel shall consult a supervisor before prohibiting or denying anyone access to the courthouse. The only exception would be if a judge has granted an accommodation request in advance that allows the person to bring the service animal into court.

WRA:dn

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## • • • CSD DIRECTIVE 13-02 SCREENING OF BABY CARRIERS AND STROLLERS

**Number 13-02**

**Effective December 24, 2013**

### **SCREENING OF BABY CARRIERS AND STROLLERS**

#### **PURPOSE**

The purpose of this directive is to provide guidance to Court Services security screening personnel regarding their expected involvement when conducting screening and searches of baby carriers and strollers. The overriding purpose of this directive is to provide for the safety of our personnel and the public.

## **BACKGROUND**

Court Services security officers are trained to screen all baby carriers, strollers, backpacks, and baby slings. Security screening personnel will not ask parents to do anything that will separate them from their child. A parent or guardian cannot leave their child in an infant carrier and attempt to put it through the X-ray machine. The child should be carried past a walk-through metal detector by a parent or guardian. All children's toys, bags, and items, will be screened. All child-related equipment that can fit through the X-ray machine shall be screened.

## **POLICY**

Security screening personnel shall not have any physical contact with the child or attempt to remove the child from the baby carrier or stroller. The screening officer will request the parent to remove the child, collapse or fold strollers, and any other child-related equipment while in the queue. If any equipment will not fit through the X-ray machine, security personnel shall personally inspect it.

RJB:dn

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## **• 2012 DIRECTIVES**

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### **• • 12-01 CCTV / FORCE / RETENTION**

**Number 12-01**

**Effective: December 16, 2011** (Updated 10/03/12)

### **CCTV / FORCE / RETENTION**

#### **PURPOSE**

The purpose of this Directive is to establish procedures for the recovery of recorded footage from closed circuit television monitoring systems (CCTV) within Court Services Division during the course of a supervisory inquiry, administrative or criminal investigation.

#### **REASON**

CCTV monitoring systems are in place to enhance the security of the court and record critical information related to any incident. This Directive will establish areas of

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responsibilities for ensuring that all CCTV equipment is properly functioning, to ensure that all angles of the recorded footage is appropriately reviewed and retrieved, as well as the retention of CCTV captured footage.

**PROCEDURE**

It is the Branch Supervisors responsibility to ensure that all CCTV equipment is functioning and is recording on a daily basis. If the equipment is not recording, a notification by the Branch Supervisor shall be made to their Bureau Operations via email to include the date, times, and reason the CCTV monitoring equipment was not recording and the action taken. If repairs were needed, a copy of the repair order shall be attached. The Branch Supervisor will also ensure to document the dates and times the equipment was not recording in the log book, as well as, a detailed description of the problem and the action taken to have the equipment repaired.

It is the Branch Supervisors' responsibility to ensure that a sufficient number of personnel are properly trained in operating and retrieving data from the CCTV monitoring system. Whenever possible, non-involved employees trained in the system's retrieval function shall be directed to retrieve the footage.

During the course of any inquiry, the Branch Supervisor shall review all available CCTV footage and advise the Area Lieutenant that an inquiry has been made. The Branch Supervisor will review each of the CCTV's camera angles to determine which camera(s)

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captured the incident and then advise the Area Lieutenant of their findings. It is the Area Lieutenant's responsibility to ensure that all footage of the incident is recovered from the server and stored to a DVD, flash drive, or other retrievable medium as soon as possible. The decision as to the relevance of a particular view will not be made at the Branch level.

In an effort to reduce the question of possible concealment of evidence: if a CCTV device should have recorded the incident, but for some reason did not, the lack of recorded data will be explained in the course of the investigation by the handling supervisor.

Any review or request to review and retrieve CCTV footage shall be authorized by the Branch Supervisor Area Lieutenant. The Branch Supervisor will notify the Area Lieutenant that a review of CCTV footage is occurring and provide an explanation of the events leading to the review.

Procedures for viewing of video following Use of Force Incidents are as follows:

Ensure that Department members who used force or witnessed force prepare required reports in a timely manner,

Review first reports and separate supplemental reports to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions,

In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the Watch Commander before proceeding further,

After first reports and separate supplemental reports have been reviewed by the supervisor and Area Lieutenant, and where there is no such evidence of apparent misconduct, or a failure to properly notify, afford Department members an opportunity to review the recording of the force incident to facilitate recollection of additional details,

Ensure that any initial review of a recording by a Department member for this purpose be undertaken individually and documented in their reports. This review should not be

undertaken in the presence of another Department member who was either involved in, or a witness to, the force incident,

Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection, perception of specific actions, etc., afford the Department member the opportunity to either continue their initial report, or to prepare a separate supplemental report. Any additional information should be added with transitional language such as, "After reviewing video of the incident, additional details are noted as follows:",

NOTE: The Sheriff's Department and its personnel have a duty to accurately account for the facts of every incident through normal reporting procedures. This includes amendments and supplemental reports when additional information or clarification is available. Since the Department is requiring personnel to provide a written account of their actions prior to viewing video recordings, the Department shall not be unduly prejudiced, nor assume any adverse inference, when personnel amend or supplement their reports if a video review prompts further recollection of incident details.

Prior to reviewing the video recording, Department members shall read the following admonition:

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**VIDEO ADMONISHMENT**

*You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.*

*The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.*

*This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.*

***Additional admonishment to personnel involved in recorded incident:***

*If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.*

All force and service comment form investigations retention periods will be followed per Department policy. The investigation shall include a complete recorded history of the event, as available. If an inquiry is conducted where recorded data is part of the investigation, a copy of all recorded data and documentation will be retained at the Branch for a period of two (2) years. If the person is in custody an additional two (2) years retention will be added on by federal regulation standards making it a total of four (4) years retention.

**APPROVED: Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

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• • • **12-02 COURT SERVICES RAPID RESPONSE FORCE**

**Number 12-02**

**Effective January 08, 2012**

**COURT SERVICES DIVISION RAPID RESPONSE FORCE**

**PURPOSE**

The purpose of this directive is to provide for a Rapid Response Force within Court Services Division to respond to emergencies and other large scale operations that impact court operations that go beyond the capabilities of assigned branch personnel.

**BACKGROUND**

Recent events in Los Angeles County and around the country have caused law enforcement agencies to respond to situations involving mass demonstrations and take appropriate action. The manner in which these agencies have responded is closely monitored by the media and the public. In order to deal with events affecting court operations in Los Angeles County that go beyond the capabilities of branch personnel, Court Services Division has established a Rapid Response Force that will be available during the hours of court operations. Primarily, the Rapid Response Force will respond to emergencies within courthouses where the local agency is unable to respond or the response would extend beyond their capabilities. The Rapid Response Force will also respond to events outside of our courts that impact court operations, such as the ingress and egress of judges, court personnel, inmates, etc. where the local agency is unable to handle the situation. Rapid Response Force team members have the ability to respond Code-3 countywide if the request is of an emergent nature. Upon their arrival, the mission of the Rapid Response Force is to restore order and return court operations to normal as soon as safely possible. The Rapid Response Force is not

intended to respond to routine court activities such as high profile media cases, extreme shortages of personnel, etc.

## **CONFIGURATION**

The Rapid Response Force will consist of a platoon with four squads. The platoon will be led by a lieutenant and sergeant. Each squad will be led by a sergeant and bonus deputy and will be comprised of approximately twelve deputies from the Civil Management Unit (CMU), Court Services Division Headquarters Training, and the Judicial Services Unit (JSU) who will act as a plain clothed, advance scout team. The squads are configured based on the basic geographic location, North, South, East, and West, where squad members are normally assigned to ensure a rapid response to an emergency anywhere within the County.

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## **COURT SERVICES DIVISION RAPID RESPONSE FORCE 2**

Platoon Leader Civil Management Unit Lieutenant

Back-up Platoon Leader Division Operations Lieutenant

Platoon Sergeant Division Training Sergeant

Back-up Platoon Sergeant Civil Management Unit Operations Sergeant

## **REQUESTING THE RAPID RESPONSE FORCE**

Any branch supervisor determining the need for the Rapid Response Force may request a response. Prior notice, if feasible, should be made to the Civil Management Unit Lieutenant. The fastest way to request a response during emergency situations is by contacting Sheriff's Communication Center by radio on the SCC Access Channel, the home frequency of the vast majority of personnel on the Rapid Response Force.

Immediate notifications should be made to the assigned Area Lieutenant, Bureau Operations Headquarters, as well as immediate telephonic notification to Court Services Division Headquarters.

## **RESPONSIBILITIES**

Court Services Division's Training Unit shall ensure that Rapid Response Force team members receive periodic training regarding crowd and riot control procedures. The Training Unit shall ensure that each courthouse is equipped with the necessary less lethal weaponry, such as sting ball grenades, 40 mm weapons, etc. to handle emergency situations.

Civil Management Unit Headquarters personnel shall ensure that the Rapid Response Force team rosters are updated as personnel transfers occur.

Rapid Response Force team squad sergeants shall ensure that they have contact numbers for deputy personnel assigned to their squad in the event they are unable to be reached by radio.

Rapid Response Force team personnel shall ensure they monitor their radio during their assigned working hours. Team personnel shall be in full uniform during their tour of duty and have all response gear, including helmets, ballistic vests, PR-24, etc. available.

Personnel who are taking time off, including vacations, sick days, etc. shall inform their respective squad sergeants of their unavailability.

**APPROVED: Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

CSD Rapid Response Force Roster can be found in CSDNet in Forms under "Rapid Response Force Roster".

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- **2011 DIRECTIVES**

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- **2010 DIRECTIVES**

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- **2009 DIRECTIVES**

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- • **09-03 INMATE SECONDARY SEARCH**

**Number 09-03**

**Effective October 01, 2009**

**SECONDARY SEARCH OF INMATES PRIOR TO ENTERING A  
COURTROOM DURING A JURY TRIAL**

**PURPOSE**

The purpose of this policy is to enhance security of the Superior Court during jury trials. Recently, we have witnessed an increase of inmates inflicting injury to themselves with altered razors in front of jurors **during their jury trial**.

This policy is designed to heighten safety of Sheriff's Department personnel, the employees of the Superior Court, and anyone who may be affected by an inmate's actions.

**POLICY**

Immediately, prior to an inmate entering a courtroom for a jury trial, personnel shall conduct a secondary pat down search. The search should include utilizing a handheld metal detector (if available) to find altered razors or any other metal object on the inmate's body or clothing. The use of the handheld wand can initially be conducted at the main service level or an adjacent lockup holding area prior to escorting the inmate

into the courtroom. Additionally, a visual inspection of the inmate's mouth shall be conducted. The visual inspection shall include directing the inmate to swipe the interior of his/her mouth to ensure it is void of a slicing device (razor blade).

After the secondary search has been conducted, the inmate should be escorted directly into the courtroom or a secured holding cell. Should the inmate return to the holding cell after court proceedings, personnel shall again conduct the secondary search (including visual search and finger swipe of their mouth) before allowing the inmate to return to the courtroom. If a handheld metal detector is available, the bailiff is encouraged to use it again to ensure a thorough search is conducted.

APPROVED: **ORIGINAL SIGNED**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

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• • • **09-02 RESTRAINT DEVICES AND JUVENILE OFFENDERS**

**Number 09-02**

**Effective September 9, 2009**

**RESTRAINT DEVICES AND JUVENILE OFFENDERS**

**PURPOSE**

This directive provides Court Services Division personnel with procedures to follow when securing juvenile detainees in restraint devices.

**BACKGROUND**

Juvenile detainees have customarily been transported to Superior Court lockups while restrained in waist chains by personnel from the Los Angeles County Probation Department or deputies assigned to C.S.T. (Transportation Bureau). Until now, policy

within Court Services Division has not specifically addressed how juvenile detainees would be restrained after acceptance at a court lockup facility.

**POLICY**

Juveniles shall be accepted into a court lockup facility in accordance with established policies and procedures for court processing. They shall also be searched for contraband before the removal of restraint devices such as waist chains. Juveniles shall be secured in appropriate cells in accordance with their individual classification or keep-away status.

Juveniles shall not be restrained with handcuffs, waist chains or other CSD approved restraint devices after placement in a holding cell unless articulable facts exist to support the specific need for such restraint. Immediate notification shall be made to a branch supervisor of the rank of sergeant or above in cases where the necessity exists for the continued restraint of a juvenile in a court lockup. The specific justification for the use of restraints and the time the restraints were added and removed shall be documented in the Daily Facility Lockup log.

Juveniles should be secured with handcuffs or waist chains prior to removing them from holding cells. Restraint devices can be removed, as reasonably necessary, once a juvenile appears in court.

CSD DIRECTIVE 09-02 SEPTEMBER 9, 2009

Page 2 of 2

Juveniles shall be secured with waist chains prior to transport from a court lockup to juvenile hall.

APPROVED: **ORIGINAL SIGNED**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

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**• • • 09-01 HANDCUFFING PORT USE AND TACTICAL EMPLOYMENT OF ALL SAFETY EQUIPMENT**

**Number 09-01**

**Effective January 15, 2009**

**HANDCUFFING PORT USE AND TACTICAL EMPLOYMENT  
OF ALL SAFETY EQUIPMENT**

**PURPOSE**

This Directive provides Court Services Division personnel with procedures to follow while handcuffing a prisoner while utilizing a handcuffing port.

**BACKGROUND**

Although not every situation can be anticipated, this Directive will provide guidance when dealing with difficult and complicated issues. The prioritization and installation of safety equipment such as handcuffing ports, coded weapons lockers, less-lethal weapons, prisoner restraints, and camera systems has been undertaken with the primary goal of providing Court Services Division personnel valuable equipment to make their daily operation safer. It is recognized that many of our duties, specifically prisoner handling, involves risk and that equipment alone cannot eliminate all potential problems. The complexity of our operations and variation in facilities makes it impossible to mandate specifically how or when to employ safety tools and tactics for the greatest benefit.

All personnel are granted reasonable discretion and tasked with personal responsibility to incorporate these and other equipment, within policy, into the performance of their duties in ways that maximize their own safety as well as that of their partners, the

facility, and the prisoners they manage. In every situation, personnel shall regularly evaluate the need for appropriate notification, use of back-up personnel, and the use of available safety equipment when performing their duties. Personnel shall not fail to use appropriate tactics or available tools, or operate with undue risk simply to save time or effort.

CSD DIRECTIVE 09-01 JANUARY 15, 2009

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**POLICY**

A lone deputy *shall* use the available safety options to handcuff an inmate housed in a cell prior to opening the door. A lone deputy is defined as any deputy who does not have backup that can immediately intervene to render aide and assistance to prevent or stop an attack. The handcuffing port shall be used as a physical barrier between the employee and the inmate during the handcuffing process. Sally port gates shall be used as designed to create separation and optimize safety. Personnel who fail to use sound tactics or equipment appropriate to the situation risk facility security, their own safety, and that of others, potential civil liability and administrative discipline.

Supervisors shall regularly monitor and remain familiar with the tactics, practices, and methods used by the personnel they supervise. They shall take positive action to improve the efficiency and safety of their tactics whenever appropriate, including the use of administrative discipline when necessary. It is essential that supervisors also perform the role of liaison with court supervisors and staff with the goal of educating them in the necessity and value of sound tactics and equipment, and to develop their positive support whenever possible. All personnel are encouraged to make timely recommendations for procedural improvement and requests for the repair or

improvement of equipment or facilities.

APPROVED: **Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

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## • **2008 DIRECTIVES**

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### • • **08-05 (Revised 06/22/2010) HANDLING INMATES THAT ARE DEAF OR HARD OF HEARING**

**Number 08-05**

REVISED: 06/22/2010

**Effective November 1, 2008**

#### **HANDLING INMATES THAT ARE DEAF OR HARD OF HEARING**

##### PURPOSE

The purpose of this directive is to provide direction to Court Services personnel on how to interact with deaf or hard of hearing persons and how to properly identify deaf or hard of hearing inmates scheduled to appear in court.

##### DEFINITIONS - EFFECTIVE COMMUNICATION:

The general Effective Communication requirement under the Title II of the Americans with Disabilities (ADA) Act requires all state and local governments, law enforcement agencies included, take steps to ensure that their communications with people with disabilities are as effective as communications with others. Additionally, government entities are required to make appropriate auxiliary aids and services available to ensure effective communication with people who are deaf or hard of hearing. These include a wide range

of services and equipment such as: written materials in alternate format, note takers, teletypewriters (TTYs), assistive listening devices (ALDs), and qualified sign language interpreters.

### BACKGROUND

A lawsuit was filed by Mr. Humberto Suarez, a deaf inmate, against the Los Angeles County Superior Court and the Los Angeles County Sheriff's Department. Mr. Suarez alleged that he was not provided a qualified sign language interpreter to ensure effective communication which led to his eight day incarceration. As a result, the 9th Circuit Court of Appeals recommended that the Department establish protocol to ensure effective communication is provided pursuant to Title II of the American's with Disabilities (ADA) Act and to minimize the risk in a similar event.

### DEAF OR HARD OF HEARING INMATES FROM CUSTODY FACILITIES

Inmates classified as deaf or hard of hearing are housed in a designated module at TTCF and CRDF and are issued a jail uniform consisting of an orange shirt and dark blue pants in accordance with CDM 5-01/015.00. In addition, the deaf or hard of hearing inmates are issued a green wristband (CDM 5-01/030.00) that displays the letter "D", indicating the inmate is deaf or hard of hearing.

Lockup personnel shall utilize the Special Handling Court list to identify the deaf or hard of hearing inmates scheduled to appear in court that day. Lockup personnel, upon identifying this class of inmates, shall ensure they are placed in a holding cell designated for deaf or hard of hearing inmates.

Deputy personnel shall immediately make contact with the inmate to determine if a qualified sign language interpreter or other assistive listening device(s) will be needed.

Deputy personnel shall notify a supervisor and the Court Clerk in the respective

courtroom, of the deaf or hard of hearing inmate's court appearance and whether a qualified sign language interpreter or other assistive listening device(s) will be required.

#### HANDLING NEW BOOKINGS

When lockup personnel receives new bookings who are deaf or hard of hearing, lockup personnel shall complete a special handling card and ensure the inmate is placed in a holding cell designated for deaf or hard of hearing inmates. Lockup personnel shall notify a supervisor and the Court Clerk in the respective courtroom, of the deaf or hard of hearing inmate's court appearance and whether a qualified sign language interpreter or other assistive listening device(s) will be required.

#### HANDLING REMANDS

When a deaf or hard of hearing inmate is remanded in court, the bailiff must complete a special handling card and ensure the inmate is placed in a holding cell designated for deaf or hard of hearing inmates. It is the bailiff's responsibility to ensure the special handling card is given to lockup personnel.

#### SPECIAL HANDLING TRANSPORTATION FROM COURT

When an inmate who is deaf or hard of hearing is returning to a custody facility, the inmate shall be transported by Transportation Bureau to either the Inmate Reception Center or the Century Regional Detention Facility. Custody Division personnel shall then ensure that the inmate is returned to their appropriate housing facility.

When an inmate (new booking) or court remand that is deaf or hard of hearing is being transported to a custody facility, the completed special handling card shall be given to deputies from Transportation Bureau. The inmate shall be transported to either the Inmate Reception Center or the Century Regional Detention Facility where the inmate will be processed, medically screened, classified, and housed in the appropriate location by

Correctional/Custody Division personnel.

#### TELETYPEWRITER (TTY) USAGE

Title II of the ADA requires that auxiliary aids or devices be provided to ensure effective communication and equal access to programs and services is provided. Therefore, the same standards, programs, and services provided to able-bodied inmates in accordance to Title 15, shall be provided to inmates with disabilities.

A deaf or hard of hearing inmate in lockup at a court facility requesting the use of a TTY shall be accommodated. Calls made using a TTY require typing messages back and forth; therefore, allowing double the allotted time given for a telephone call made by hearing inmates, is necessary to ensure that equivalent conversation time is provided. Lockup personnel shall notify either the Sheriff's Office or Civil Management Unit Office at their respective court and request that the TTY be made available. The TTY shall be set up in a place where security is not compromised and the safety of Department personnel and the inmate shall always be considered.

The California Relay Service can be reached at the following numbers:

- Voice- 1-800 735-2922
- TTY- 1-877 735-2929

For further information regarding TTY set up and usage, refer to the attached user guides: Superprint 4425 Manual (attachment #1), Superprint 4425 Quick Guide (attachment #2), and Superprint 4425 Get Started (attachment #3).

#### ASSIGNED RESPONSIBILITY: SIGN LANGUAGE INTERPRETER OR

#### ASSISTIVE LISTENING DEVICE REQUESTS

Communication between Sheriff's Department personnel and Superior Courts staff is essential in ensuring that effective communication is provided to the deaf or hard of

hearing inmates. It is important that Sheriff's personnel understands each Department's requirement to provide a qualified sign language interpreter.

In all courtroom proceedings, it is the Courts responsibility to provide effective communication to include qualified sign language interpreters and/or assistive listening devices for an inmate who is deaf or hard of hearing, when necessary.

Interactions occurring between deaf or hard of hearing inmates and Sheriff's personnel in lockup (e.g. medical situations, Use of Force incidents, etc.), it is the responsibility of the Sheriff's Department personnel to provide effective communication to include qualified sign language interpreters and/or assistive listening devices for an inmate who is deaf or hard of hearing, when necessary.

Contact Sheriff's Headquarters Bureau at (323) 526-5541 to request a qualified sign language interpreter (MPP5-09/005.30 Communicating Through A Sign Language Interpreter).

#### ADA COORDINATORS

On January 4, 1994, the Los Angeles County Board of Supervisors established County policy of non-discrimination on the basis of disability (**#3.060**) in accordance with the ADA of 1990. The policy mandates that each County Department designate an ADA Coordinator to ensure compliance with the non-discrimination provisions of the ADA.

It is important that all Court Services personnel be aware of the appropriate Department ADA Coordinator to contact for assistance regarding ADA compliance issues.

For further ADA compliance matters relating to the Superior Courts, contact Nagi Ghobrial, ADA Coordinator at (213) 974-5426.

For additional information regarding effective communication or other ADA compliance matters, contact Marie Villalobos, Sheriff's Department ADA Coordinator at (323) 526-

5675.

APPROVED: ORIGINAL SIGNED

RICHARD J. BARRANTES,

CHIEF COURT SERVICES DIVISION

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**• • • 08-02 VIOLATIONS OF THE SUPERIOR COURT'S GENERAL ORDER**

**Number 08-02**

**Effective February 6, 2008**

**VIOLATIONS OF THE SUPERIOR COURT'S**

**GENERAL ORDER**

**PURPOSE**

This Directive provides Court Services personnel with procedures to follow when confronted with violations of the Superior Court's General Order. Although not every situation can be anticipated, this Directive will provide guidance when dealing with difficult and perplexed issues.

**BACKGROUND**

The Superior Court of the State of California issued a General Order that describes prohibitive activity within 100 feet of any doorway to all courthouses. The original General Order, dated November 15, 2005, was conclusively upheld by a United States District Court and is a valid order.

In an effort to keep the General Order current, whenever there is a new Presiding Judge, the existing General Order will be re-signed. However, the General Order remains valid and enforceable until a new order replaces it. See attached document.

**ORDER**

Compliance will be the main objective of the General Order. All Branch Supervisors shall have a working relationship with their Site Judge. This will ensure cohesiveness and a mutual understanding of the objectives at the time of enforcement. Each Branch Supervisor shall discuss the General Order with the Site Judge and convey Court Services Division's procedures for addressing violations of the General Order. It is imperative that the Site Judge understands the following procedures and is aware of the requests that will be made by members of this Department.

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**POLICY**

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 DIRECTIVE 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 Branch Automated Information Management (AIM) report, 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 AIM 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.

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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 (213) 893-1052, Cell (310) 480-8727 or the Los Angeles Superior Court Counsel at work, (213) 893-1224; Cell, (213) 200-3533, 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 Directive 06-04, Procedures for Handling Temporary Remands. 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.**

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**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 Directives 06-03 Misdemeanor Acceptance and Release Criteria for Court Lockups and 04-11 Live Scan of Remand Bookings 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 Directive.

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.

### **AFFECTED DIRECTIVES/PUBLICATIONS**

Manual of Policy and Procedures, Section 3-01/025.00 (Use of Force) - Provides additional guidance defining "Duties".

Manual of Policy and Procedures, Section 5-09/430.00 - Provides supplemental policy defining levels of force reporting.

**APPROVED: Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

**SUPERIOR COURT OF THE STATE OF CALIFORNIA JAN 23 2009**

## GENERAL ORDER

### NOTICE TO ALL PERSONS ENTERING COURTHOUSES IN LOS ANGELES

To ensure the safe and orderly use of court facilities, and to minimize activities which unreasonably disrupt, interrupt, and interfere with

the fair and orderly conduct of trials, and the orderly and peaceable conduct of the court business in a neutral forum free of actual or

perceived partiality, and to facilitate safe, peaceful and orderly public access to courthouses unhindered by threats, confrontation, noise

pollution or harassment, the Court hereby orders:

#### I. Demonstrations, Distributions and Solicitation

##### A. The following definitions apply to this Section.

1. "Prohibited Activity" shall mean demonstrating, picketing, distributing literature or other materials to the general public, soliciting sales or donations, or engaging in oral protest, education or counseling.

2. "Walkway" shall mean: (1) the area of any paved corridor or sidewalk, or other path of pedestrian movement, directly from (a) the edge of the public sidewalk nearest an entrance to any building, or part of a building, containing a courtroom to (b) that entrance; (2) the area of any paved corridor or sidewalk leading directly from (a) any parking lot located in a Curtilage to (b) an entrance to any building, or part of a building, containing a courtroom; or **(3)** a corridor within a multi-purpose building that leads directly to the part of the building containing a courtroom.

**3.** "Curtilage" shall mean the area between any building containing a courtroom and the edge of the public sidewalk surrounding the building. It shall not include the area adjacent to or near that portion of a multipurpose building that is not used for court-related facilities.

##### B. Prohibitions

1. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity within a courthouse, or within that portion of any other

building containing courtrooms and/or court-related offices.

**2.** No person (other than authorized court personnel or peace officers in the performance of their official duties) shall obstruct or unreasonably interfere with individuals entering or leaving a courthouse or the portion of any other building containing courtrooms and/or court-related offices, or with any line of individuals waiting to enter a courthouse or pass through an entrance to any building, or part of a building, containing a courtroom and/or other court-related offices.

**3.** No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity within 15 feet from either side of, or 15 feet in front of, a doorway to any building, or part of a building, containing a courtroom.

**4.** No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity on, or within 15 feet from any edge of, a Walkway.

**5.** No person (other than authorized court personnel or peace officers in the performance of their official duties) shall, within 100 feet of any doorway to any courthouse, or the portion of any other building containing a courtroom, knowingly approach another person, within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person.

**6.** No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity on the Curtilage.

**7.** No amplification equipment shall be permitted within the Curtilage, or within 25 feet of a Walkway or a doorway to any building, or part of a building, containing a courtroom.

#### C. Exclusions

1. Parts I(B)(l), (3), (4) and (6) shall not apply to individuals engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity (including the sale of newspapers or reading items in conjunction with the sale of non-speech-related items such as candy or snacks or other food) that

is affirmatively authorized by a written space permit, license, or lease from the County of Los Angeles or other owner of a building containing one or more courtrooms authorizing that activity in a specific space not dedicated to court functions.

2. Only Parts I(B)(2) and (5) shall apply to individuals located on a public sidewalk. Accordingly, nothing in this General Order proscribes any Prohibited Activity if both of the following conditions are met: (a) the activity occurs on a public sidewalk and not on the Curtilage; and (b) the activity occurs more than 100 feet from (i) any doorway or entrance to any courthouse or (ii) any doorway or entrance to the portion of any other building containing a courtroom.

#### D. Severability Clause

1. If any provision of this General Order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Order and of the application of such provision to other persons and circumstances shall not be affected thereby.

#### 11. Restrictions on weapons

A. All persons are prohibited from entering a Los Angeles County courthouse with a firearm or deadly or dangerous

weapon unless they are state or Federal law enforcement officers on official business, or persons lawfully entitled to

carry such a weapon who have the written consent from the Presiding Judge or the Supervising Judge of the affected

courthouse to bring such weapon into the courthouse.

B. Under no circumstances shall any peace officer bring a firearm or deadly or dangerous weapon into a Los Angeles

County courthouse if the peace officer is entering the courthouse as party litigant in a private action unless written

permission to do so has first been obtained from the Presiding Judge or the Supervising Judge of the affected courthouse to bring such weapon into the courthouse.

C. Upon entering any courtroom or court office, all persons in the possession of a firearm or deadly or dangerous weapon,

including armed peace officers, must immediately identify themselves to the courtroom bailiff, court liaison, or court

clerk, and indicate they are carrying a weapon and the purpose for their visit.

**111. Compliance with law enforcement directions.** While on or in the premises of any courthouse in Los Angeles County, all

persons are ordered to comply with the lawful requests, directions, and orders of Sheriff Deputies and their agents in the

performance of their duties.

**IV. Posting and Service of Order.** This Order shall be posted at each entrance to every courthouse in Los Angeles County, at each

elevator entrance or at such other places as will reasonably apprise all persons entering such courthouses of its provisions. The

Sheriff of Los Angeles County and his deputies and their agents are directed to serve a copy of this Order personally on any

person who appears to be in violation thereof, advise such person of the apparent violation, and, if the apparent violation

continues after such notice, and the matter cannot otherwise be resolved, to notify the Court's Director of Security, Court

Counsel, or Site Judge, as may be available in that order, to determine if proceedings should be initiated to seek monetary

sanctions, imprisonment or other relief with regard to the violation. This order shall not preclude any peace officer from taking

appropriate steps if an criminal offense occurs or exigent circumstances warrant immediate action..

**V. Penalties.** Violation of this Order may result in the imposition of sanctions in amounts of up to \$1,500 per violation pursuant

to Code of Civil Procedure section 177.5 andlor prosecution for criminal viola

GOOD CAUSE APPEARING THEREFOR,

IT IS SO ORDERED, on January 23,2009.

CHARLES W. MCCOY JR., Presiding Judge

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- **2007 DIRECTIVES**

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- **2006 DIRECTIVES**

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- **2005 DIRECTIVES**

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- • **05-13 (Revised November 2010) COLLECTION OF DNA SAMPLES**

**Number 05-13 (Revised November 2010)**

**Effective November 2, 2010**

**COLLECTION OF DNA SAMPLES**

**REVISION NOTICE:**

The following Directive revisions listed below apply to all courthouses which have lockup personnel.

**LOCKUP RESPONSIBILITIES:**

- Court Services lockup personnel utilizing the Livescan machine to process the booking of court remanded individuals shall be responsible to collect DNA from qualified persons, if required.
- All designated lockup personnel shall verify that a DNA sample has been collected for new bookings which have a qualifying arrest charge. The arresting agencies failure to collect a required DNA sample will result in refusal of the new booking acceptance.

- All lockup personnel shall utilize the Court Services rubber stamp (provided by Headquarters Training Unit ) on the booking slip to document the new booking DNA status (if the arresting agency does not have a stamp or official documentation of offender DNA status).

**BRANCH SUPERVISORS RESPONSIBILITIES:**

- Provide overall supervision and accountability for the DNA collection process at designated locations which have permanently assigned Custody Assistants and/or designated lockup personnel trained in the collection of DNA.
- Lockup supervisor's shall print their name and employee number on the outer flap of the collection kit envelope and return it to the designated lockup personnel.
- Ensure that Court Services personnel shall not use force to obtain a DNA sample when the inmate refuses. All DNA sample refusals shall be returned to IRC for processing. Follow proper guidelines for refusal of DNA collection samples (sign the top portion of the "Use of Force to Obtain DNA" form).

CSD DIRECTIVE 05-13 NOVEMBER 02, 2010

**COLLECTION OF DNA SAMPLES**

Page 2 of 5

**PURPOSE**

The purpose of this Directive is to establish procedures regarding the collection of DNA samples by Court Services personnel from qualified persons pursuant to the DNA and Forensic Identification Database and Databank Act (Proposition 69).

**BACKGROUND**

In November 2004, Proposition 69, a ballot initiative, was voted into law by the citizens of California. The law amends Penal Code Sections 295-300 and adds Government Code Section 76104.6. It expands the

DNA collection categories to include adults and juveniles convicted of any felony, adults arrested for certain felonies, and in January 1, 2009, adults arrested for any felony.

The DNA samples are submitted to the California Department of Justice DNA laboratory for analysis and the DNA profiles are then stored in the California DNA databank. The profiles are also submitted to the Combined DNA Index System (CODIS), a national repository maintained by the FBI. The information in the DNA databank is compared to evidence collected from crime scenes for possible matches.

### **POLICY AND PROCEDURES**

DNA samples shall be collected from all qualifying adults during the Livescan booking process, if required.

DNA samples shall be collected at the courts from adults who are granted an in-court release and meet the following conditions:

- Adults convicted of a misdemeanor with history of a qualifying felony conviction.
- Adults in custody or on probation, or parole, or any other supervised release after any felony offense committed prior to November 3, 2004.
- Adults convicted of any felony offense.
- Any person required to provide DNA as a condition of a plea agreement.

Court services lockup personnel utilizing the Livescan machine to process the booking of court remanded individuals shall be responsible to collect DNA from qualified persons. Adults out of custody (i.e., O.R. status, bail, etc.) will be provided a written order from the court ordering him/her to submit to a DNA sample at the agency of arrest within five days. Should an out of custody defendant request a DNA sample be taken at the courthouse, Court Services personnel will direct the defendant to the appropriate arresting agency as indicated by the court.

#### **Lockup Personnel Responsibilities**

All designated lockup personnel shall:

- Verify that a DNA sample has been collected for new bookings, which have a qualifying

arrest charge. If the DNA sample was required but not collected, the arresting agency will be contacted and instructed to complete the collection prior to accepting the arrestee. The arresting agencies failure to comply will result in the refusal of new booking acceptance. Direct all compliance issues to the lockup supervisor.

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#### COLLECTION OF DNA SAMPLES

Page 3 of 5

- Lockup personnel will utilize the Court Services rubber stamp to document the new booking DNA status (if the arresting agency does not have a stamp or official documentation of offender DNA status ). Lockup personnel will stamp the upper portion of the booking slip and have the agency sign and check the appropriate DNA criteria. The rubber stamp will assist Court Services Division and Custody Division in tracking the new booking DNA status.

Designated lockup personnel trained in the collection of DNA shall:

- Collect a DNA sample if the inmate's release order has been stamped with a court order requiring a DNA sample via the Livescan Crim DNA process. Authorized lockup personnel may also utilize the DNA Tracking Database (DOTS) if the Livescan application is unavailable.
- If a DNA court order is received and Court Services personnel are unable to obtain the DNA sample at the Courthouse, the inmate shall be transported to the Inmate Reception Center (refer to green band release procedures CSD Lockup Section 2-11/000.15).
- Designated lockup personnel shall periodically (at least once a week) send approved DNA collection kits to the Inmate Reception Center via County mail or other internal delivery process accompanied by a tracking log indicating the Collecting agency, number of kits and CII number for each kit being sent in the package.

Branch Supervisors Responsibilities

Court Services Department personnel **shall not** use force to obtain DNA samples. The Branch Supervisor shall provide overall supervision and be held accountable for the DNA collection process. The Branch Supervisor shall:

- Ensure that components of a DNA collection kit are complete and accurately labeled.
- Maintain quality and control by randomly checking DNA collections kits to verify all steps have been followed (utilizing the DNA Collection Kit Instructions) and are accurately completed.
- Print name and employee number on the outer flap of the collection kit envelope and return it to the designated lockup personnel.

#### Refusal of DNA Collection Sample

The Branch Supervisor shall adhere to the below listed guidelines in the case of a refusal to provide a required DNA sample:

- Obtain the assistance of other personnel to video tape the refusal.
- For the camera state:
  - < The date, time, and location of the incident.
  - < The inmate's full name, date of birth, and booking number.
  - < The interviewing sergeant's name and employee number.
  - < The names and employee numbers of any other personnel present, and,
  - < If an interpreter is necessary, name of the interpreter.

CSD DIRECTIVE 05-13 NOVEMBER 02, 2010

#### COLLECTION OF DNA SAMPLES

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- Attempt to obtain compliance by fully explaining the requirements of 296.1(a)PC to the inmate by reading the following admonishment:

*"It is a violation of Penal Code Section 298.1 if you refuse to provide a DNA sample,*

*fingerprints, and palm prints per Penal Code Section 296(a). You may be arrested and booked for this newcrime. Refusal to provide these samples may result in increased time in custody. In addition, pursuant to Penal Code Section 298.1, reasonable force may be employed to collect DNA samples and print impressions from individuals who refuse to voluntarily provide those samples or impressions.”*

- Ask the inmate if he/she will provide the required DNA sample. Try to elicit a verbal response from the suspect.
- Ensure that a report (SH-R-49) is written for violation of 298.1 PC (misdemeanor) Include the arrestee’s admonishment and refusal on tape within the narrative of the report (SH-R-49).
- Ensure that the video tape of the inmate’s refusal is labeled and properly processed as evidence.
- Assign the case to the Jail Investigation Unit.
- The Branch Supervisor (shall be the rank of Sergeant or above) shall complete and sign the top portion of the “Use of Force to Obtain DNA” form authorizing the use of force to obtain a sample. (See attached example). The form shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample or impression and refused.
- The inmate will be transported back to IRC as a green band release (refer to green band release procedure), along with the signed “Use of Force to Obtain DNA” form, where the DNA sample (blood) shall be collected upon approval of the IRC Watch Commander.

#### Supplies

Logistics/Central Supply shall be responsible for obtaining and maintaining an adequate supply of DNA kits from the California Department of Justice. Courts may obtain additional Livescan barcoded DNA kits or DOTS non barcoded kits (stock # SHDNAKT) from Logistics/Central Supply utilizing existing procedures for ordering supplies.

Training

All designated lockup personnel shall be trained in the proper collection of DNA samples utilizing the buccal swab process which shall be documented via APIS in the employee's TRS file. Court Services Division Training Unit shall provide initial training to all bureau designated administrative personnel who will then be responsible for training all other bureau personnel.

DNA collection Livescan Training is available from any Livescan machine by pressing F11, Help and DNA Training Video.

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COLLECTION OF DNA SAMPLES

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**CITE/REFERENCES**

Penal Code, Sections 290-298, 457.1

California Department of Justice Buccal DNA Collection Kit Instructions

Field Operations Directive 05-01

California Code of Regulations (CCR) Title 15 - Section 1059

California Code of Regulations (CCR) Title 15 - Section 1363

Attachment:

"Use of Force to Obtain DNA" Form

APPROVED:

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION

RJB:SEB:LN:ln

- **2004 DIRECTIVES**

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- **2003 DIRECTIVES**

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- **2002 DIRECTIVES**

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- **2001 DIRECTIVES**

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- **2000 DIRECTIVES**

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- **1999 DIRECTIVES**

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