

## 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)(1), (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