

Court Orders

2510.1 ACCEPTANCE OF COURT ORDERS

- (a) All court orders received by Custody Operations will be reviewed for authenticity and approved or disapproved by the Watch Commander.
 1. An authentic court order consists of either an original, or a copy of the original, court order which is stamped or embossed with an original court and file stamp.
 2. Court orders will also be considered authentic when received by Jail Records via direct facsimile from the issuing court.
- (b) After receiving an authentic court order, review all requirements of the order to confirm whether or not the facility can reasonably comply with the court order.
 1. If the court order is accepted the Watch Commander will sign the order, stamp it, send the original court order to Inmate Records, and copies will be forwarded to all affected areas.
 - i. If the court order relates to medical or mental health treatment, Inmate Records will forward the order immediately to Correctional Health Services.
 - ii. If the court order is for inmate transportation (e.g., to a funeral, to a private doctor, to visit a dying relative), forward a copy to the Transportation Captain and Classification for further review before approval.
 - A. Place a yellow "Post it" note on the court order stating "Pending Transportation review."
 - B. After reviewing the order and consulting with Classification, Transportation will email the order to [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. [REDACTED] is willing to transport the inmate or whether transporting the inmate would be too great of a security risk to the inmate and staff. Transportation is contingent on the inmate's payment in advance of the costs of transportation and escort. If Transportation is willing to transport the inmate, Transportation will provide the cost information to County Counsel. County Counsel will provide this cost information to the inmate's attorney. If the inmate is not willing or able to pay the full cost, the inmate will not be transported. Transportation will confirm with Sheriff's Financial that the full cost has been paid in advance of any transport.
 - iii. If the court order is for a name and/or gender change
 - A. Inmate Records will verify the criminal court has recognized the name change and the Notice to Sheriff has been updated to the desired name and/or gender.
 - (a) If the court order has not been recognized by the criminal court and is not reflected on the Notice to Sheriff, contact County

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Counsel, who will then contact the parties involved to address the issue with the court.

- i. The new name will be added to SDS and the Inmate History Card as an AKA until an updated Notice to Sheriff has been received.
 - B. Once the Notice to Sheriff reflects the new name and/or gender, the Inmate History Card and SDS will be updated to reflect the new name as the "True Name".
 - C. Once the Notice to Sheriff reflects the new name and/or gender, Inmate Records will notify Classification of the changes to allow for updates to Jail ID Name and Photograph (CCOM Section 7300.4).
2. If it is deemed that the order cannot be complied with the following actions shall take place within 24 hours:
 - i. DO NOT sign the court order.
 - ii. The Watch Commander or his designee will attach the unsigned court order to [REDACTED]
[REDACTED]
- (c) For the process of court ordered religious diets, refer to CCOM Section 2304.6 – Court Ordered Diet Meals.

2510.2 CHANGING COURT ORDERS

- (a) Under no circumstances should Sheriff's personnel contact the court or court personnel and attempt to have the court order modified.
 1. NEVER IGNORE A COURT ORDER; SOME ACTION MUST BE TAKEN.
- (b) Due to the time sensitive nature and extensive legal requirements associated with disputing court orders, the Watch Commander shall immediately [REDACTED]
[REDACTED] a copy of the order and describe the reason(s) the order cannot be complied with.
- (c) County Counsel will represent the Sheriff's Departments interests in the matter. County Counsel will contact the opposing counsel and attempt to negotiate changes to the requirements of the court order.
- (d) If the order can be modified through negotiation to enable the department to comply with it, then County Counsel and opposing counsel will file a stipulation to amend the order with the new language, the court will sign the stipulation and the department will accept it.
- (e) If an agreement cannot be reached through negotiation, County Counsel will file a motion to "Set aside the order." ***NOTE*** A court order that was entered without prior notice to the Sheriff's Department or which does not comply with the jail order templates agreed upon by County Counsel and the defense bar is invalid for lack of due process. However, such an order cannot be ignored. To avoid a charge of Contempt against the Sheriff's Department, the above process must be followed.

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2510.3 OUT OF COUNTY COMMITMENTS

- (a) Orange County Jail does NOT accept out of county commitments. There can be exceptions to this policy upon the approval of the Division Commander or Assistant Sheriff. Any approved out of county commitments should be sent to the Records Manager.