

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: COURT APPEARANCE REFUSALS

C-600

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
July 30, 2013	07-11-24	08-12-13	07-11-24

APPROVED BY: Detentions Bureau Chief Deputy Cindy Cisneros

REFERENCE: DPPM C-300, F-100, F-200

POLICY

The Kern County Sheriff's Office Detentions Bureau has a duty to transport incarcerated people in custody to all scheduled court appointments and hearings. If an incarcerated person refuses to leave their cell or housing unit solely for being transported to court, force will not be used to extract the incarcerated person unless directed by a court order.

DIRECTIVE #1

If force is used to remove an incarcerated person for court, the shift supervisor will ensure that the incarcerated person is cleared by medical staff prior to being transported, including a medical check of any restraints.

DIRECTIVE #2

Incarcerated persons do not have the right to refuse to attend scheduled court hearings. Refusal to do so is a violation of Bureau Policy I-0100, Serious Rule #1: incarcerated people must immediately obey all orders from staff. Incarcerated people who refuse to go to court will be referred to the incarcerated person disciplinary process pursuant to Bureau Policy I-0100.

Procedure A: Incarcerated Person Refusals

If an incarcerated person refuses to leave their cell or housing unit to go to court,

The Housing Deputy will:

Tell the incarcerated person that they do not have the right to refuse to go to court and attendance is mandatory.

- Attempt to gain compliance through verbal persuasion.
- If the incarcerated person continues to refuse after a reasonable effort is made to gain voluntary compliance, notify the facility court officer, and shift supervisor of the refusal.

The Shift Supervisor will:

- Speak to the incarcerated person and make a reasonable attempt to gain compliance verbally.

If the shift supervisor is not able to gain voluntary compliance from the incarcerated person, the shift supervisor will:

- Notify the transportation deputy and the classification supervisor of the incarcerated person's refusal.
- Determine if a mental health referral is necessary.

The Classification Supervisor will:

- Notify the court that the incarcerated person is refusing to go to court.
- Notify the court that force will not be used to remove the incarcerated person without a court order.

If the judge determines that the incarcerated person's court appointment can be rescheduled, the classification supervisor will coordinate with the courts to reschedule the court appointment. Classification staff will enter the new appointment in JMS.

Procedure B: Enforcing the Court Order

If the judge orders that the incarcerated person be removed from their cell and brought to court,

The Classification Supervisor will:

- Obtain either a written order or verification of the order in JMS court documents.
- Notify the facility shift supervisor and transportation of the order.

The Shift Supervisor will:

- Assemble an extraction team and have the incarcerated person removed from their cell for transport to court, only after verbal attempts to gain voluntary compliance have failed.
- Ensure that all applicable documentation is completed (JMS, MOBILE/LERMS, and Use of Force reporting system).