

<b>DATE:</b>	MAY 23, 2022
<b>NUMBER:</b>	Q.49
<b>SUBJECT:</b>	SEALED COURT ORDERS
<b>RELATED SECTIONS:</b>	P.15

PURPOSE

To establish guidelines for the uniform handling of sealed court orders.

POLICY

Detention facility personnel will comply with confidential court orders and preserve their confidentiality.

Sealed court orders are not intended to restrict viewing by SDSO personnel. Sealing is intended to restrict disclosure to those outside of the Sheriff's Department.

PROCEDURE

- I. Any sealed order is defined as “an instrument closed against inspection of the contents.” This means the contents of the order are to be read only by those persons who need the information in order to accomplish the intent of the order. Unless specified in the order, a sealed order does not restrict viewing by detention personnel.
- II. Any court order received at a detention facility with a notation that it be “sealed” and remains “confidential” will be directed to the watch commander.
- III. The watch commander will review the order and comply with the wishes of the court. If there is a problem with the order, or its interpretation, the facility commander shall be immediately notified. The facility commander shall seek assistance from the Sheriff's Legal Advisor, or the Judge who issued the order, should any uncertainty exist as to proper compliance with the court order. The contents of the sealed order shall be maintained strictly confidential.
- IV. All orders after review will be:
  - A. Clipped together and placed in a blank envelope bearing the words, “SEALED COURT ORDER.”
  - B. Filed in the incarcerated person's custody record.
- V. If the order deals with a professional visit:
  - A. A written authorization will be prepared notifying custody information personnel the specified incarcerated person has a “Sealed Court Order” permitting a professional visitor to enter the facility.
  - B. The authorization will contain the notation that it is to be destroyed upon completion of the visit.

- C. The authorization will contain the name of the incarcerated person, booking number, and the authorizing watch commander.
- D. The authorization will not contain the visitor's name or occupation.
- E. The authorization will be placed into the facility's alphabetical "Pending Professional Visit File." When an individual arrives for the visit, the individual should state the visit is court ordered. The watch commander will confirm the individual's name by reading the "Sealed Court Order" in the incarcerated person's custody record. The detention information assistant will complete the Request to Interview Incarcerated Person (J-47 blue card) with the required information. This information will also be used to verify the individual's name.
- F. At the conclusion of the visit, the authorization form will be given to the watch commander for destruction. The watch commander will place the J-47 card in the envelope along with the Sealed Court Order and file back in the incarcerated person's custody record.
- G. The authorization shall contain the following, or substantially similar language:

TO: PERSONNEL CONCERNED, (Any Sheriff's) Detention Facility

FROM: Watch Commander, (Detention Facility)

SUBJECT: SEALED COURT ORDER – PROFESSIONAL VISITS

Incarcerated person \_\_\_\_\_, (Booking Number) has a court-ordered visit. When the visit is completed, this memo is to be destroyed by the watch commander. The J-47 card is to be retained and secured in the "Sealed Court Order" located in the incarcerated person's custody record.

(Signature)

- VI. If a Sealed Court Order involves matters other than a professional visit, the watch commander will prepare all necessary instructions.
- VII. If a file containing a sealed court order is subpoenaed in a criminal case, Sheriff's personnel shall copy and include the sealed court order among the copied files and transmit the subpoenaed records to the court as directed in the subpoena. The reviewing court will decide whether to disclose the sealed court order.
- VIII. If a file containing a sealed court order is subpoenaed in a civil case, Sheriff's personnel shall not include the sealed court order along with the copied records. Instead, only the cover sheet bearing the words "SEALED COURT ORDER" shall be copied and included with the subpoenaed records.