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CLERK, U.S. DISTRICT COURT
FEB - 6 2002
2-6-02
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature]

ENTERED
CLERK, U.S. DISTRICT COURT
FEB - 8 2002
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature]
UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

RONNIE HAWKINS, individually, and as the representative of the class of persons defined in averment 16,

Plaintiff,

vs.

JOAN COMPARET-CASSANI, THE LOS ANGELES MUNICIPAL COURT, THE LOS ANGELES SUPERIOR COURT, SHERMAN BLOCK, COUNTY OF LOS ANGELES, JANE DOE 1, and ONE HUNDRED UNKNOWN NAMED DEFENDANTS,

Defendants.

CASE NO. CV 98-5605 DDP

ORDER DISSOLVING INJUNCTION, DE-CERTIFYING CLASS, AND DISMISSING THE ACTION WITH PREJUDICE

THIS CONSTITUTES NOTICE OF ENTRY AS REQUIRED BY FRCP, RULE 77(d).

Docketed
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INJUNCTION

On February 3, 1999, pursuant to Plaintiff Ronnie Hawkins' motion, the Court issued a preliminary injunction ordering the Los Angeles County Sheriff not to seek a judicial order to either place or activate a Remote Electronically Activated Control Technology (REACT) belt, also known as the stun belt, on a prisoner in his custody pending the outcome of trial. (See Court's order filed February 5, 1999)

1 The Defendants appealed from the order and on May 30, 2001, the Ninth Circuit Court of
2 Appeals issued an opinion reversing in part and remanding for modification of the injunction
3 consistent with the opinion. See Hawkins v. Comparet-Cassani, 251 F. 3d 1230, 1243, (9th Cir.
4 Cal. 2001).

5 On September 7, 2001, the Defendants submitted to the Court the Sheriff's Department's
6 revised policy regarding the use of the stun belt. The Sheriff's Department's revised stun belt
7 policy restricts the deployment of the stun belt to the following situations:

- 8 ▶ *Documented attempts or actual escape from custody;*
- 9 ▶ *Documented violent or assaultive behavior while in custody;*
- 10 ▶ *A history of prior attacks or assaults on peace officers, corrections*
11 *officials, court staff, judges, attorneys, or courtroom occupants;*
- 12 ▶ *Threats of violence toward any victim, witness, court employee, or any*
13 *courtroom occupant.*

14 The revised stun belt policy restricts the activation of the stun belt to the following
15 situations:

- 16 ▶ *Actual or threatened acts of violence. This may include but is not limited*
17 *to an overt act or movement that could reasonably be interpreted as an*
18 *assault or attack on another person;*
- 19 ▶ *If the defendant attempts escape;*
- 20 ▶ *Any tampering with the device that could reasonably be construed as*
21 *trying to disable or remove it.*

22 The revised policy specifically prohibits the activation of the stun belt *solely for verbal*
23 *disruptive outbursts* and the defendant will be notified of that fact during the deployment of the
24 stun belt. A copy of the revised stun belt policy is attached to this order.

25 Since the Sheriff's Department's policy complies with Federal law with respect to
26 appropriate use of the stun belt, there is "nothing left to enjoin". Therefore, the preliminary
27 injunction issued on February 3, 1999 is hereby DISSOLVED.
28

CLASS DE-CERTIFICATION

Also on February 3, 1999, pursuant to Hawkins' motion, the Court certified a class that included all persons who (1) are in the custody of the Los Angeles County Sheriff, (2) are appearing in either a Los Angeles County municipal or superior court, (3) who engage in conduct that is perceived to be disruptive, and (4) upon whom the custodial officer may subject to the use of the stun belt. (See Court's order filed February 5, 1999)

The Defendants also appealed from that order and on May 30, 2001, the Ninth Circuit Court of Appeals, in the same opinion, reversed in part and remanded to remedy various class defects consistent with the opinion. See Hawkins, 251 F. 3d at 1238.

The Ninth Circuit found that Hawkins was not an appropriate class representative for all prisoners, only "those convicted of crimes". Hawkins, 251 F. 3d at 1238. The Court further ruled that "These claims can be maintained in a class action only by certifying sub-classes with appropriate representation. . . The district Court is not "to bear the burden of constructing subclasses" or otherwise correcting Rule 23(a) problems; rather, the burden is on Plaintiffs to submit proposals to the Court." Id. at 1238.


The Court has been informed that Plaintiff Ronnie Hawkins has settled his claims with the Defendants. Therefore, he is no longer a class representative for any class members. The Court has also been informed that no other class members have stepped forward to maintain claims on behalf of the class. Since there are not any class representatives to maintain the action on behalf of the class, and since the number of class members is de minimus or non-existent, the class is hereby DE-CERTIFIED.

DISMISSAL

Based on the foregoing and pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2), the action is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: 2-6-02


DEAN D. PREGERSON
United States District Judge

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DATE: September 18, 2001
FILE NO.

OFFICE CORRESPONDENCE

FROM: ROY M. PUGH, CHIEF
COURT SERVICES DIVISION

TO: ALL PERSONNEL
COURT SERVICES DIVISION

SUBJECT: REMOTE ELECTRONICALLY ACTIVATED CONTROL TECHNOLOGY BELT
(R.E.A.C.T) COURT SERVICES DIRECTIVE # _____

The purpose of this directive is to establish a policy for the *training, deployment, and use* of the R.E.A.C.T belt.

The R.E.A.C.T belt has been adopted for use by the Los Angeles County Sheriff's Department to provide a safe, effective, security restraint device for use when high security-risk defendants appear in court or are being transported. The device may also be used in other custody situations to reduce the physical force needed to effectively control assaultive prisoners or those with a history of escape. The use of this electronic device will reduce the likelihood of injuries occurring to the defendant or Sheriff's personnel during handling and movement. Its use allows the wearer to move about and not give the appearance of being in custody, but yet under the control of the bailiff. The purpose of the device will be to protect the security of the courtroom and its occupants, and to prevent violence or escape.

This policy is only for the use of the R.E.A.C.T. belt. It does not apply to any other use of force which may be required by our personnel when handling a perceived threat or to subdue a combative suspect. All use of force is governed by the Sheriffs Departments Manual of Policy and Procedures Chapter 3-01.025.

DESCRIPTION:

The R.E.A.C.T belt system is a *less than lethal*, remotely operated electronic restraint device. It produces an electrical shock for eight (8) continuous seconds that can disorient, temporarily immobilize, and stun a person without causing permanent injuries. It is activated by a small radio transmitter with a range of up to 300 feet. The belt is a low profile security device and may be combined with other approved security restraint devices.

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PROCEDURE:

No deputy ***shall*** be assigned to operate the R.E.A.C.T belt unless that deputy has successfully completed the Departmental approved basic R.E.A.C.T belt training course.

REQUIRED QUALIFICATIONS BEFORE DEPLOYMENT OF R.E.A.C.T. BELT

The defendant must be identified as a threat to courtroom security or pose an escape risk. This identification will be based on the defendants past behavior, classification and departmental employee's personal knowledge, which may include the following:

- ▶ *Documented attempts or actual escape from custody*
- ▶ *Documented Violent or assaultive behavior while in custody*
- ▶ *A history of prior attacks or assaults on peace officers, correction's officials, court staff, judges ,attorneys or courtroom occupants*
- ▶ *Threats of violence toward any victim, witness, court employee, or any courtroom occupant*

INMATES EXEMPT FROM USE:

The belt will not be used on inmates having the following physical conditions:

- ▶ Pregnant women
- ▶ Those known to have heart disease or any muscular disease affecting mobility such as Multiple Sclerosis
- ▶ Any persons suffering from a mental illness, who cannot comprehend the belts possible affect or understand the belt admonishment

DEPLOYMENT OF THE BELT BY TRANSPORTATION BUREAU:

The R.E.A.C.T belt's deployment shall be approved by a Watch Commander ***prior*** to being placed on any person. The supervisor ***shall*** ensure the defendant meets the criteria outlined for its use and ensure a notification and waiver form has been completed. The bureau commander shall be notified of all deployments.

DEPLOYMENT ON DEFENDANTS APPEARING IN COURT BEFORE A JURY

When branch supervisors or trial judge believe a defendant fits the above profile and would pose a threat to courtroom security and/or courtroom

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occupants, the Branch supervisor shall follow the below procedures prior to its application in any court:

1. Complete a memo addressed to the Unit Commander requesting the use of the R.E.A.C.T. belt. The memo will include the following:
 - a. The defendants name and booking number
 - b. Charges pending
 - c. Court of appearance and date
 - d. Judges name if known
 - e. Factual justification for the use of the belt, including copies of all supporting documentation
2. Complete a copy of the attached Declaration Form.
3. **The factual justification that is needed to obtain judicial authorization for use of the belt in a courtroom, must be based upon specific and verifiable facts that reasonably establish that the defendant is a threat or risk to courtroom security. The factual justification cannot be based upon a mere hunch, suspicion, or speculation, but must instead be based upon either known or documented acts, conduct, or behavior of the defendant.**

Submit the request and supporting documentation to the District Lieutenant, who will forward it to the Unit Commander with a cover memo to the County Counsel's office attention: Kevin Brazile. The cover memo will request the declaration be presented to the trial judge for approval via a court order. **The trial judge will conduct a hearing, in the presence of the Defendant, to determine whether the placement of the belt on the Defendant while in court is appropriate.**

Once the court order approving or rejecting the use of the belt has been issued, a copy will be placed in the defendants jail package and a copy sent to the concerned lockup. The lockup will create a file on each defendant where a request was made, regardless if approved or rejected and kept on file for at least five years. In either case, the area commander will be notified of the outcome of the judicial request. Once a judge has rejected the use of the belt, a second request may not be resubmitted on that defendant unless additional factual information has been obtained that would support a re-consideration. This would require a new declaration and supporting documentation.

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When the lockup supervisor receives the court order approving the use of the belt, they will identify deputies trained in the belt's use, assigning the responsibility for operation and control of the device. Minimally, two (2) deputies will be assigned to escort and maintain security of the defendant. The court bailiff will be one of the two deputies assigned and will be responsible for handling the subject. The second deputy will have the sole responsibility for operating the remote transmitter.

A belt control log will be established at the branch for the device. It will be signed for when checked out and upon its return.

SUBJECT NOTIFICATION CHECK OFF FORM:

The presentation of the "Subject Notification" form to the defendant and the installation of the belt will be video tapped in the presence of a supervisor.

The "Subject Notification" form shall be completed prior to the installation of the belt. In the event the defendant refuses to sign the form, the assigned deputy and branch supervisor shall sign the form, noting the refusal to sign. All notification forms shall be kept on file in the defendants court lockup file with a copy sent to IRC and bureau headquarters.

Only one notification form is required for each court day, as long as the defendant is handled by at least one deputy who was present during the presentation of the "Subject Notification" form to the defendant.

INSTALLATION OF THE BELT:

The belt will be installed in compliance with the manufactures recommended procedures.

**NOTE: NO INMATE WILL BE LEFT UNATTENDED WITH A
DEVICE INSTALLED ON THEIR PERSON.**

ACTIVATION OF BELT:

The belt may **only** be activated under the following situations and must be in compliance with the Departments use of force policy. The deputy controlling the device will have the sole discretion on when to use the belt, unless ordered to do so from a Sheriffs Department supervisor:

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- ▶ **Actual or threatened acts of violence. This may include but is not limited to an overt act or movement that could reasonably be interpreted as an assault or attack on another person.**
- ▶ **If the defendant attempts escape**
- ▶ **Any tampering with the device that could reasonably be construed as to trying to disable or remove it**

NON -ACTIVATION OF BELT

The belt shall not be activated due to the following events or reasons:

- ▶ **Any verbally disruptive outbursts.**
- ▶ **Solely upon comments made by the Defendant, even if what the Defendants says is inappropriate or disruptive.**
- ▶ **To punish or torture the Defendant.**
- ▶ **Anything that is prohibited by this policy.**

NOTE: The device shall not be activated solely for verbal disruptive outbursts.

Once the device has been activated, and the activation cycle has stopped, assisting deputies shall handcuff the prisoner and remove them from the court, where they will install waist and ankle chains. If the prisoner is not cooperative or shows no signs of submission, other means of control should be considered before a second activation is made. The Department's "Use of Force" reporting procedures will be followed when it becomes necessary to activate the belt to subdue the defendant. The activation of the belt is considered "significant" and all notifications for this classification shall be made.

In all situations where this device is used, the defendant shall be examined by a doctor or qualified EMT specialist and approved for the appropriate custody housing.

The on site supervisor shall initiate a use of force investigation and make all necessary notifications. In all cases the Bureau Commander and Division Area Commander shall be notified.

DIVISION

MAINTENANCE RESPONSIBILITIES:

The branch supervisors shall be responsible for the upkeep and maintenance of the equipment. Each unit will be kept locked up and the battery charged.

Attachments:

1. Subject Notification Form
2. Declaration

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

COURT SERVICES DIVISION

Remote Electronically Activated Control Technology

SUBJECT NOTIFICATION FORM

I _____ am aware that I have been ordered by a judge to wear an Electronic Immobilization Belt. I am also aware that the Belt when activated is capable of delivering a shock of 50,000 volts to my body. The result of this shock may be painful and it may cause the instant and complete immobilization of my body. The shock may also cause me to fall to the floor.

I am aware the Belt may be remotely activated only in the following circumstances:

- If I make any movement that could reasonably be interpreted by the deputy operating the Belt as an attack or attempted attack on another person; or
- If I attempt escape; or
- If I attempt to remove or disable the Belt.

I am aware that the belt will not be activated for any reason not expressly stated above. I am further aware that the Belt will not be activated for anything I may say, even if what I say is inappropriate or disruptive.

Subject's Name (Print)

Escorting Deputy's Name (Print)

Subject's Signature

Date