

DRESS

CODE

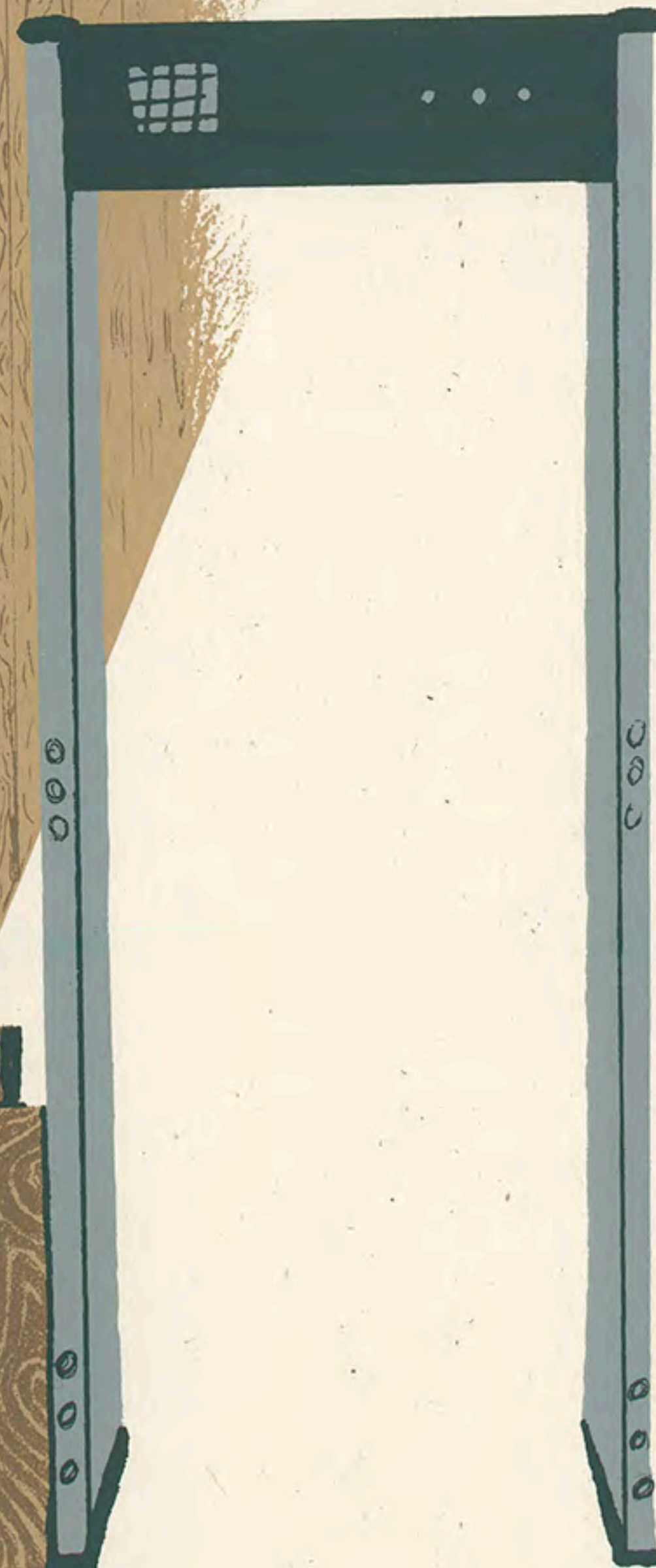
**STRICTLY
ENFORCED**

QUIET

COURT IN SESSION

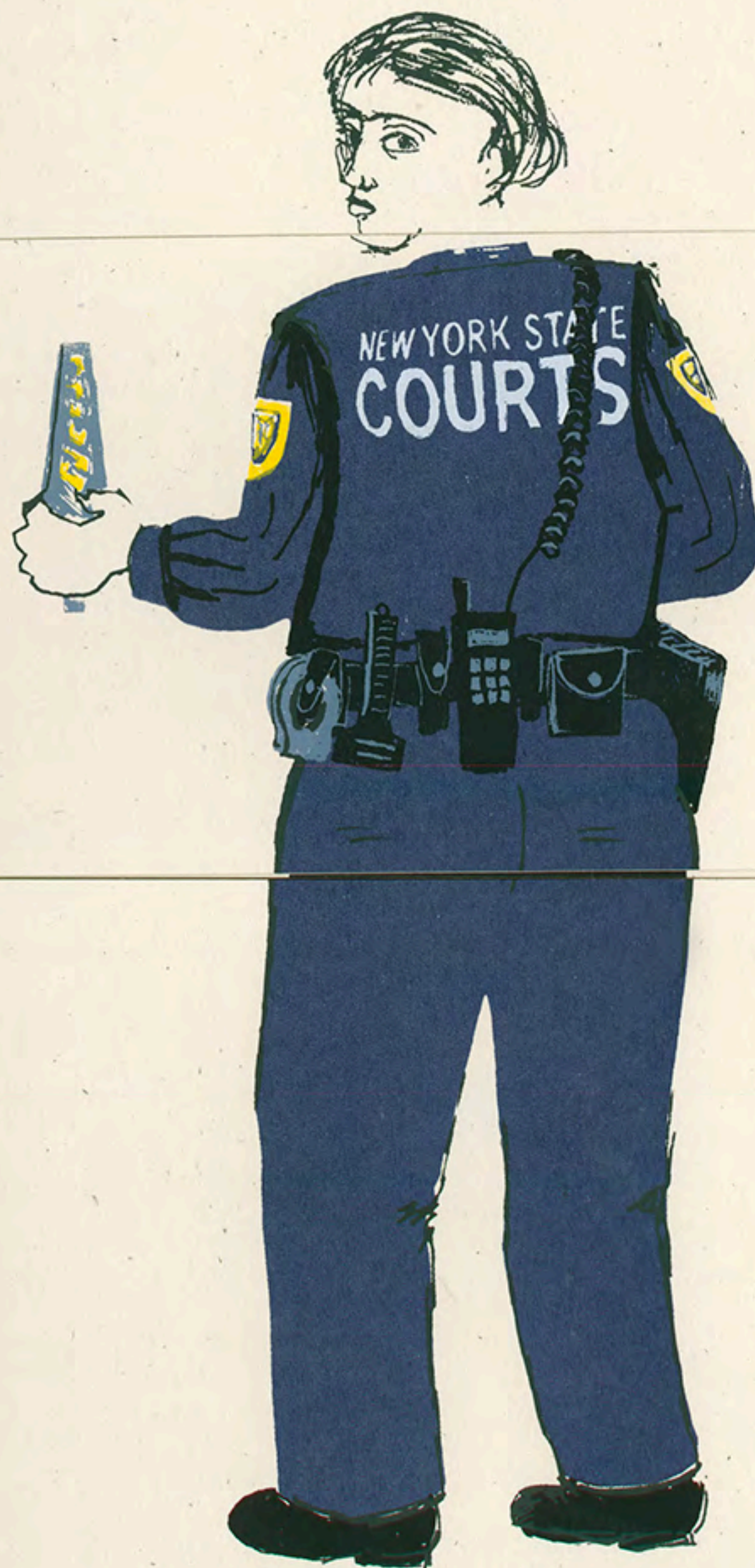
NO FOOD
OR DRINK
NO SMOKING
NO GUM
IN COURTROOM

KEYS



You're going to have to
turn off that cellphone -
not on vibrate
not on silent
OFF -

and please
remove your hat.



I'm going to

read the charges
against you

and ask how you plead -

Guilty?

or Not Guilty?



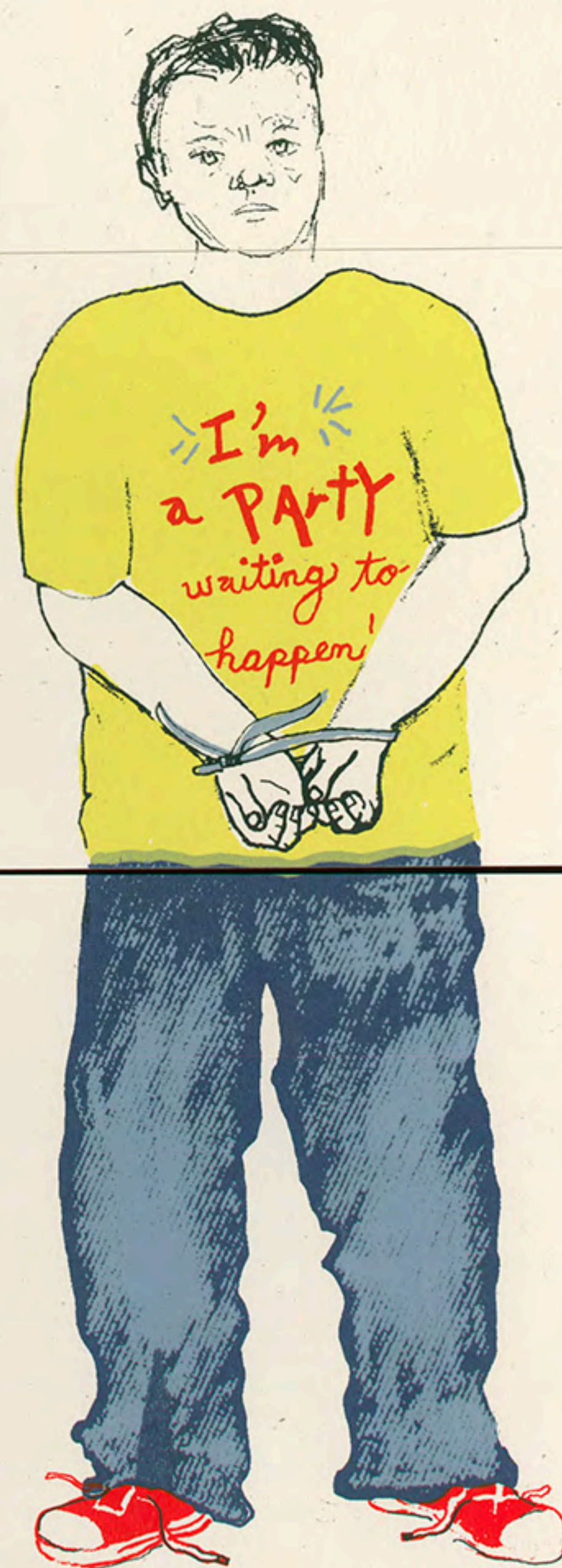
You have the right to

be represented

by counsel

(and by that I mean
an attorney)

at all times during
these proceedings.



I need a moment to

Speak with my clients,

if that's possible,

Your Honor.



You are indicating to me
that you wish to

plead guilty, and waive your
right to a jury trial, to a
bench trial, and to call
witnesses on your behalf,

and give up
any right to appeal.
Is that correct?



I can't

come back to court,
because I'll be fired
if I miss any more
time at work,

so I want to plead guilty.



We request that you

set bail as high as possible

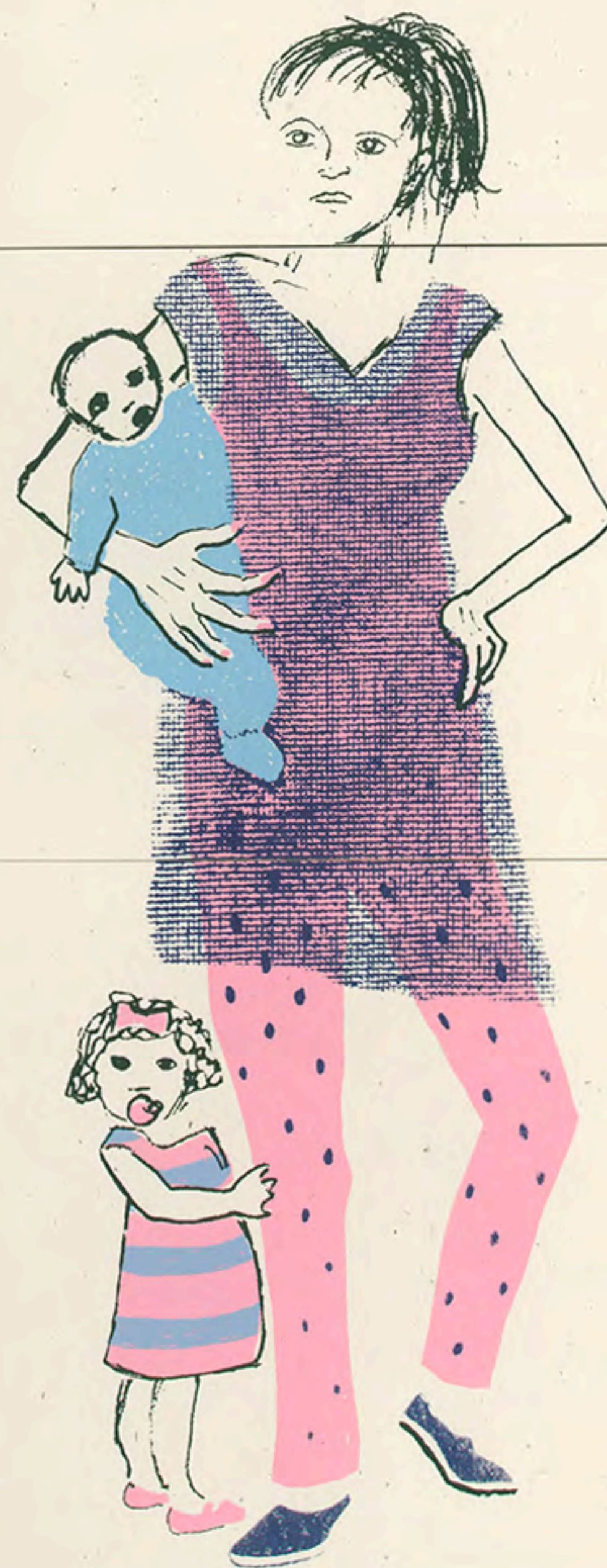
because the defendant
is here illegally
and is a flight risk.



You will be required to

perform 100 hours
of community service

and attend
a shoplifting class.



Yes, Sir, ready to

take the subject
into custody

on the outstanding
bench warrant.



You must

install an
ignition
interlock
device

in any vehicle
registered in your name
or available for your use.



It is outrageous to

sustain the charge of
resisting arrest

when the State
has repeatedly
failed to produce
the police video.



We would

release you today

but there's
an ICE hold.



It is impossible to

locate a bed
for my client

until at least
February.



The sentences are to

run consecutively,

so you will serve
this sentence after
your original sentence
of 35 years to life.



And don't let me

see you back here,

because the next time

it's going to be

a lot worse.



Notes and glossary

Dress Code

Strictly Enforced

In the course of my work as a Spanish language court interpreter, I've spent time in many courtrooms. Sometimes, waiting, I've felt as though I'm at the theatre. One knows a lot about the role that a particular person is playing from his or her stance and gestures, placement on the "stage," and clothing, as well as by the words spoken.

Some of the players wear uniforms that are required, or that are prescribed by custom. No such uniforms exist for some other participants, but what these people wear influences the way they are treated while in the courtroom, and even the outcome of their time there.

Only a few of the principal players—judges, attorneys, law enforcement and defendants—are shown in this book. Other roles include those of complainants, crime victims, family members, expert witnesses, clerks, probation officers, members of the jury, social workers, and interpreters. Our clothing, too, is influenced by convention, and the impression we make can influence outcomes.

Some of the "main characters" have major speaking roles; others say very little (although what they do say can change their lives). In this book, short texts face the images. The words printed flush right might be spoken by a person in the role shown opposite. Those printed flush left might be said to someone in that role.

You can mix and match, with pictures and with words. Change the costume, and you change anyone's role. Make the words as absurd as you wish. Let the judge step into the prisoner's role, the defendant into the role of the attorney.

"Show me the prison, show me the jail

Show me the prisoner, whose life has gone stale

And I'll show you a young man

With so many reasons why

And there but for fortune, go you or I."

Phil Ochs (version as sung by Joan Baez)

Glossary

This "glossary" contains some of my notes, and some quotes from other sources, giving small tidbits of information and opinion to explain and shed more light on the images and words.

Most courts are entered through a walk-through metal detector. If it sets off an alert, a court officer may perform another scan using a handheld wand.



"All court officers state-wide are now required to wear bullet-proof vests on duty in the wake of a courthouse shooting upstate last year. ...[S]ome female officers found the new vests ill-fitting." ¹

(I've seen court officers, both male and female, who do not appear to be wearing bulletproof vests.)

"Equipment commonly carried on the belt includes: handcuff [sic], radios, baton, hand-held protection devices such as pepper spray, firearms and ammunition, taser, flashlights, batteries, gloves, pens, pencils, keys, multi-tool, window punch, etc." ²



"Today, every federal and state judge in the country wears a very similar, simple black robe. ...Remarkably, this similarity among our judges and justices is purely a matter of tradition. There are no rules that dictate what judges or justices must wear on the bench, nor is there even a common source for Supreme Court robes." ³

"Judge [Judith S.] Kaye said the V-cut of robes makes for an awkward fit for women, while a perfect fit for a man with a shirt and tie." ⁴



"Zip Tie Handcuffs are not for use on high-risk prisoners. ... But if it is for use in riots where those arrested are not particularly violent they can be great. I've used them when we arrested a large crowd during a mass brawl. ...As we came with more police patrols and gained control they were Zipped one by one. It was effective and actually a little fun." ⁵

counsel

The Sixth Amendment to the United States Constitution, part of the Bill of Rights, gives all accused persons the right to "the Assistance of Counsel."

"In 1963, the landmark *Gideon v. Wainwright* supreme court ruling enshrined the constitutional right for indigent criminal defendants—those who cannot afford to pay for a lawyer—to access legal counsel. But 53 years on... up to 90% of criminal defendants in the US qualify as indigent." ⁶



"'Public defenders are the pack mules of the system,' [Ed Mo-nahan, Kentucky's Public Advocate and Chief Defender] said. 'Pack mules can carry a lot. But you put one more box on an overburdened mule, and it won't be able to function.'" ⁷

"On average, a public defender would need about 3,035 work hours—a year and a half—to do a year's worth of work. ...It's no wonder that many well-meaning defense lawyers are sucked into a "meet 'em and plead 'em" routine (PD parlance for meeting clients just a few minutes or hours before their hearings and then encouraging them to admit guilt just to get rid of the case)." ⁸





In New York State, jail uniforms vary by county, but I've seen more orange than any other color.

*"One recent study showed that if a prisoner wears an orange jumpsuit to court, the person is more likely to get convicted."*⁹

Typical jail footwear used to be orange canvas slip-on shoes; recently, I've seen orange plastic Crocs knockoffs.



There is a some online controversy about wearing scrubs to court. Here are just two opinions I found:

*"Skinny says: My friend is a nurse and she always wears her scrubs to traffic court...probably not by coincidence but she always seems to get let off or face lesser penalties."*¹⁰

*"You can [wear scrubs to court], but you'll look like you don't have any respect for the judge... scrubs is probably the worst thing besides a trash bag."*¹¹

a shoplifting class

Yes, that is what it is called, even though it is *not* a class to teach one how to shoplift.

"Chronic fatigue and acute back pain induced by a gun belt often require medication and are both avoidable. Combinations of poor belt design, pain, fatigue and meds contribute to drowsiness, delayed reaction time, improper progression of the use of force, increased workers' comp claims and other effects. ..."



*"LEO's [Law Enforcement Officers] are equipped with a lethal weapon, one or two other less-than-lethal tools, perhaps a Taser®, together with multiple communications devices often including a camera mic, plus extra magazines, a flashlight and the supplemental gear their job demands."*¹²



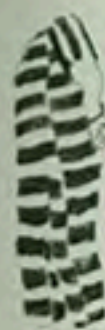
When Sheriff's deputies, court officers or other law enforcement officers must touch a prisoner or defendant, they often wear disposable plastic gloves; I've also seen more substantial black gloves. Some online comments express concern that the black gloves make officers look like "thugs," but others argue that they are better protection from injury than the thin plastic ones.

*"Avoid t-shirts. If you must wear one, be sure it does not contain an offensive slogan or design. A bystander in Lake County was actually jailed for contempt of court after the judge saw she was wearing an inappropriate t-shirt."*¹³



*"Neckties are a great way for male litigators to personalize an otherwise drab and conservative look with different colors and patterns, but remember these simple rules about neckties: Keep it snug. ... Keep it simple. ... Keep it long. A necktie should hang so that the tip just covers the top of your belt (and you better be wearing a belt!)."*¹⁴

*"Translucent Unifoot PVC Sandal... Unifoot design can be worn on either foot providing ultimate inventory management flexibility."*¹⁵



I translate in courts in New York State, mostly in two counties. Most of the people brought to these courts wear the orange uniforms of those county jails, but I've seen stripes on occasion.

*"One warden returned his prison to striped uniforms after the Netflix series Orange Is the New Black... made the color 'cool' amongst his inmates, he told USA Today."*¹⁶

Former Arizona sheriff Joe Arpaio was notorious for (among other things) making inmates under his control wear striped uniforms and pink underwear.

*"As [Sheriff Arpaio] reasoned drily to a Washington Examiner reporter, 'Why give them a color they like?'"*¹⁷

"Subtle touches like stilettos and sparkly earrings might seem trivial, but they actually have made a difference."



"My trial lasted a week, and every day before I went to sleep, I would lay out my clothes for the next day, really putting an effort into my outfits and picking a great pair of shoes to wear," said [Assistant Public Defender Shelley Duff].

"After two days of deliberation, the jurors told the judge they were hopelessly deadlocked."

*"I had a chance to speak to the jury about the case and why they could not reach a verdict," she said. In the middle of my conversation with them, this woman says, 'I have to tell you that I couldn't wait to see what shoes you would have on. I love all your shoes!'"*¹⁸



*"The green of the New York prison uniforms ... is like the color of the money that the state and private companies make off our labor. We made state trooper uniforms, manhole covers, prescription glasses. We only got paid about 15 cents an hour. Those products are then sold at an outrageous markup."*¹⁹

*"Before the escape of two prisoners from Clinton Correctional Facility, in Dannemora, New York in 2015, prisoners were allowed to wear their own boots: since the escape, they have to wear uncomfortable prison-issue boots. The T-shirts under their uniforms could be any color; now they must be white. And hoodie sweatshirts, which prisoners used to wear in the yard, protecting them from rain, sun and mosquitoes, are now banned."*²⁰



*"Although the green uniform shirts are short-sleeved, I met a prisoner who was wearing what looked like a long-sleeved men's dress shirt, with two pockets with buttons, but made with the same green fabric. He'd sewn it himself by hand, with neat, small stitches that look like machine stitching. He'd taken apart short-sleeved uniform shirts; three of them make one long-sleeved shirt. He has also sewn these shirts for others. When the men wear them, they feel much better and more confident."*²¹

Some people develop a lasting aversion to the color of the uniform:

*"Hee, hee! I just re-did the bathroom (my favorite color is green—ANY shade) and I did it in shades of green... When I told my husband he was like, 'WHY GREEEEEEEN?' If he truly hates it when he gets home, we'll change it. ... BUT the color they wear in NYS prison is fondly referred to as 'STATE GREENS.'"*²²

Notes

On the difference between prison and jail

Jails are usually local facilities, mostly city jails and county jails. They are holding facilities for people awaiting court dates if they are unable to post bail or if no bail has been set. In theory, this is for short periods of time, but in practice, court backlogs, high bail, and other factors often mean long stays. Local jails also house people with sentences of under a year.

Prisons are state or federal institutional facilities. People with longer sentences (for felonies) serve them in prison. Some states contract with private jails and prisons, operated by corporations, and do not have as much control over how the facilities are operated.

Some other terms used in this book

A **bench warrant** is a warrant issued by a judge, most commonly when a defendant does not appear at his or her court date.

An **ignition interlock device** is a Breathalyzer installed in an individual's vehicle. To start the vehicle, the driver must blow into a mouthpiece, showing a blood alcohol level below a certain limit. People convicted of alcohol-related driving offenses are often required to install an ignition interlock device.

A **bed**: In some cases, a judge can mandate that a person get drug treatment instead of incarceration. Conditions have to be met for this to happen. There is a shortage of available beds in such facilities. If the person leaves the treatment facility, he or she can be sentenced to jail time.

An **ICE hold**: A written request from ICE (Immigration and Customs Enforcement) to hold a person in jail longer, giving ICE time to take him or her into custody if they wish to.

Consecutive Sentence: If a person is sentenced for more than one crime, whether at the same time and in the same court, or at different times and in different courts, the sentence can be either "consecutive" or "concurrent." Two or more concurrent sentences are served at the same time; consecutive sentences are served one after another.

Endnotes

1. Jacobs, Shayna. "Vests the Rule for Court Officers." *NY Daily News*. 24 Mar. 2013. nydailynews.com. Web. 10 Feb. 2018.
2. Wikipedia contributors. "Police duty belt." *Wikipedia, The Free Encyclopedia*. 11 Oct. 2017. wikipedia.com. Web. 10 Feb. 2018.
3. O'Connor, Sandra Day. "Justice Sandra Day O'Connor on Why Judges Wear Black Robes." *Smithsonian Magazine*. Nov. 2013. smithsonianmag.com. Web. 10 Feb. 2018.
4. Eligon, John. "Behind the Gavel, a Sense of Style." *The New York Times*. 5 Sept. 2008. nytimes.com. Web. 10 Feb. 2018.
5. Thompson, John. "Best Zip Tie Handcuffs: Two High-Quality Choices." *Forever Police*. 2016. foreverpolice.com. Web. 10 Feb. 2018.
6. Laughland, Oliver. "Justice Denied: The Human Toll of America's Public Defender Crisis." *The Guardian*. 7 Sept. 2016. theguardian.com. Web. 10 Feb. 2018.
7. *Ibid.*
8. Lee, Jaedah, and Hannah Levintova, and Brett Brownell. "Charts: Why You're in Deep Trouble If You Can't Afford a Lawyer." *Mother Jones*. 6 May 2013. motherjones.com. Web. 10 Feb. 2018.
9. Nelson, Susie. "Prison Uniforms Make It Harder to 'Go Straight'." *Newsweek*. 7 March 2016. newsweek.com. Web. 10 Feb. 2018.
10. Skinny [pseud.]. Comment on article "Traffic Court Apparel," by Barlett, Kristi Gustafson. *Albany Times Union*. Comment posted 30 Dec. 2008. timesunion.com. Web. 10 Feb. 2018.
11. KayBriC [pseud.]. Answer to question "Is it OK to Wear My Scrubs to Court?" *Yahoo! answers*. "9 years ago." answers.yahoo.com. Web. 10 Feb. 2018.
12. Wiersma, Tom. "The Modern Duty Belt Must be a Stable, and Comfortable, Platform for the Deputy's Force Continuum." *Deputy and Court Officer*. 2011. omagdigital.com. Web. 10 Feb. 2018.
13. Keenan, Matt. "How to Dress for DUI Court." 27 June, 2014. dullawyerskokie.com. Web. 10 Feb. 2018.
14. Snider, Esq., Brett. "Guy Court Attire 101: Neckties or Bow Ties?" *Strategist - The FindLaw Law Firm Business Blog*. 7 Jan. 2014. findlaw.com. Web. 10 Feb. 2018.
15. "Translucent Unifoot PVC Sandal" [Advertisement]. Bob Barker Company, Inc. - America's leading Detention Supplier. bobbarker.com. Web. 15 Feb. 2018.
16. Nelson, op. cit.
17. Nelson, op. cit.
18. Banks, Gabrielle. "Dressing for (Legal) Success: Fashion Strategy for the Courtroom and Office." *Pittsburgh Post-Gazette*. 12 March 2012. post-gazette.com. Web. 15 Feb. 2018.
19. Sale, Gregory + Collaborators, wall inscription in art installation, quoted in Blakinger, Kerl. "Ex-cons Launch Reentry Art Installation in Manhattan." *New York Daily News*. 29 Oct. 2015. nydailynews.com. Web. 10 Feb. 2018.
20. Anonymous account.
21. Anonymous account.
22. Lexi74 [pseud.]. Reply to thread "Anyone know what color Upstate CF uniforms are?" *Prison Talk Forums - Archives*. 5 June 2008. prisontalk.com. Web. 10 Feb. 2018.

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