

<b>DATE:</b>	FEBRUARY 11, 2016
<b>NUMBER:</b>	Q.45
<b>SUBJECT:</b>	SERVICE OF CIVIL PROCESS ON INMATES
<b>RELATED SECTIONS:</b>	

PURPOSE

To establish a standard operating procedure for the service of civil process on in-custody inmates.

POLICY

Detention personnel shall comply with California Penal Code section 4013, as it applies to the service of judicial proceedings on in-custody inmates.

“A Sheriff or Jailer upon whom a paper in a judicial proceeding, directed to a prisoner in his custody, is served must forthwith deliver it to the inmate, with a note thereon of the time of its service. For a neglect to do so he is liable to the inmate for all damages occasioned thereby.” (Penal Code section 4013)

PROCEDURE

- I. In order to comply with the above referenced penal code section, all persons wishing to serve judicial proceedings on in-custody inmates will be directed to the designated deputy who will determine if the inmate is in custody. Upon determining the inmate is in custody, the deputy will stand by while the inmate is served the documents.
- II. If the inmate is in custody, however, unavailable for service, the deputy will notify the watch commander, who will determine when the processor can return to serve the inmate. If this is not possible, the watch commander will accept service for the inmate, then later serve the inmate personally; complying with the guidelines set forth in Penal Code section 4013.