

DATE:	MAY 23, 2022
NUMBER:	Q.45
SUBJECT:	SERVICE OF CIVIL PROCESS ON INCARCERATED PERSONS
RELATED SECTIONS:	

PURPOSE

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

POLICY

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

“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 incarcerated person, with a note thereon of the time of its service. For a neglect to do so he is liable to the incarcerated person 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 incarcerated persons will be directed to the designated deputy who will determine if the incarcerated person is in custody. Upon determining the incarcerated person is in custody; the deputy will stand by while the incarcerated person is served the documents.

- II. If the incarcerated person 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 incarcerated person. If this is not possible, the watch commander will accept service for the incarcerated person, then later serve the incarcerated person personally; complying with the guidelines set forth in Penal Code section 4013.