



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

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*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: INTRODUCTION/ORGANIZATION</b>		<b>NO: A-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> <b>January 31, 2012</b>	<b>REVIEWED:</b> <b>December 10, 2019</b>	<b>REVISED:</b> <b>January 28, 2013</b>	<b>UPDATED:</b> <b>December 10, 2019</b>

**POLICY**

The Sheriff of Kern County is required by law under Government Code 24000b to act as an Officer of the Court for service of civil matters. The Support Services Section performs those duties as described in the California Code of Civil Procedures, California Civil Code, and California Government Code.

The serving and processing of civil matters requires a high degree of professionalism, knowledge of the applicable laws, and due diligence. The Kern County Sheriff's Office is committed to carrying out these required duties as directed by the California Code of Civil Procedure and in keeping with the Kern County Sheriff's Office Law Enforcement Mission Statement.

**DIRECTIVE – A**

This manual is a guideline as to the overall operation of the Civil Field Enforcement Unit and the Civil Processing Unit. All personnel should follow, Sheriff's Office Policy and Procedure, State and Federal law, utilize the Civil Procedure Manual produced by the California State Sheriff's Association Civil Procedures Committee, applicable Case Law, and adhere to the Law Enforcement Code of Ethics whenever confronted with any situation not covered by this manual.

**DIRECTIVE – B**

Personnel assigned to the Support Services Section are prohibited by law to give any legal opinion or advice in any matter and/or in conjunction with their official duties. All legal questions pertaining to the operation of the Support Services Section are referred to the Kern County Counsel's Office for review. Personnel are to conduct business professionally without showing preferential treatment to parties involved in the civil documents/writs they process and serve.

**DIRECTIVE – C**

The Commander in charge of the Support Services Section has the sole responsibility of ensuring that this manual meets and conforms to all applicable State and Federal Laws and that it is in keeping with the guidelines expressed in the Kern County Sheriff's Office's Policy and Procedures Manual.

## **DIRECTIVE – D**

The Support Services Division Commander will conduct a review of this manual on an annual basis and revisions, if required, will be accomplished in the appropriate manner. All previous editions of this manual must be kept for the applicable time periods as prescribed by law.

## **PROCEDURE**

- I. Recommendations for new policies and modifications:
  - A. The recommendation for a new policy or modifications of an existing policy will be submitted to the Support Services Division Commander via the chain of command in memorandum form.
    - The memorandum should outline the justification for the addition of a new policy, or modification of an existing policy, and provide sufficient information as to the need for the addition or change.
  - B. The Support Services Division Commander will review the request and either approve or disapprove the recommendation.
    1. **APPROVAL**
      - The Support Services Section Commander will make the final change or addition to the appropriate section, noting the date of the revision.
      - Retain a copy of the section that was revised in its original form for a period of five (5) years.
      - Distribute the new policy or revision to:
        - Civil Field Enforcement Unit - Sergeant
        - Legal Process Unit - Supervising Legal Process Tech.
    2. **DISAPPROVAL**
      - The Support Services Section Commander will return the original request to the sender, via the chain of command, with a memo outlining the reasons for the denial or a request for further information and follow-up.

## **ORGANIZATION**

The Support Services Section includes the Civil Processing Unit and the Civil Field Enforcement Unit. The Civil Section Office is open to the public Monday through Friday, between the hours of 9:00 A.M. to 4:00 P.M., excluding weekends and holidays. The Civil Processing Unit work schedule varies. The Civil Field Enforcement Unit generally works Monday through Friday and their schedules vary.

The Civil Field Enforcement Unit Sheriff's Aides work Monday through Friday, 7:30 a.m. to 3:30 p.m.

## **I. Staffing**

The Civil Field Enforcement Unit and Civil Processing Unit staffing consists of:

- 1 - Sergeant – Field Enforcement Unit
- 1- Senior Deputy Sheriff
- 4 – Deputy Sheriffs
- 2– Sheriff's Aides
- 1 – Supervising Legal Process Technician
- 1 – Senior Legal Process Technician
- 6 – Legal Process Technicians
- 1 – Fiscal Support Specialist
- 1 – Fiscal Support Technician

## **II. Legal Process Unit**

The Civil Processing Unit is comprised of the Legal Process Technicians and Fiscal Support Staff. All civil processes are received by the Civil Processing Unit and a time stamp log-in is accomplished. The processes are screened and reviewed for legal requirements. This unit is responsible for ensuring that all legal processes meet the necessary requirements as prescribed by law in order for them to be valid for service. The Civil Processing Unit is also responsible for receiving fees for service and for the disbursement of monies collected in accordance with court orders and applicable laws.

The civil processes that are suitable for service in accordance with this policy and procedure manual and all applicable state and federal laws are processed and assigned to the Civil Field Enforcement Unit for actual service.

## **III. Field Enforcement Unit**

The Civil Field Enforcement Unit is responsible for the actual service of the various civil processes, such as subpoenas, writs of possession – evictions, restraining orders, and wage garnishments which are handled by the Support Services Section. This unit must use proper due diligence and a high degree of professionalism in the lawful service of civil processes. There are specific legal requirements which must be met in order for the service to be valid. This requires the deputies and aides assigned to the unit to have a clear understanding of the various legal requirements for civil process service. Deputies assigned to the Civil Field Enforcement Unit must have completed the Field Training Officer program (F.T.O.) Deputies will respond to critical calls when nearby, and to in-progress calls for service when they are available after completing their various civil processes for the day.

The Civil Field Enforcement Unit is comprised of a Sergeant, a Senior Deputy Sheriff, 4 Deputy Sheriffs, and 2 Sheriff's Aides.

**The Support Services Division Commander:** is responsible for the overall operation of the Section and is responsible for conducting the major "real property sales" processes and approving large money distributions.

**The Civil Field Enforcement Unit Sergeant:** receives, reviews, and assigns the processes to the appropriate deputies or sheriff's aides for service. The Sergeant or his or her designee reviews the service tickets for accuracy and compliance with due diligence requirements. The Sergeant maintains the eviction schedules and monitors writs and processes held at the office for pick-up by defendants. The Sergeant is responsible for conducting major "real property sales" in the absence of the Support Services Division Commander. The Sergeant will review and approve all reports generated by the deputies assigned to the Civil Field Enforcement Unit. The Sergeant will ensure sufficient coverage for professional accomplishment of the tasks assigned to the unit. The Sergeant will develop holiday schedules to ensure due diligence in the service of all civil processes received.

**The Civil Field Enforcement Unit Senior Deputy:** is responsible for complex civil cases involving "keepers," levies," till taps, and "personal property sales". The Senior Deputy will advise the Sergeant on the status of all civil processes assigned to him/her and review estimates developed for larger personal property seizures. The Senior Deputy will conduct a debrief of the more complex civil processes he/she performs. The Senior Deputy will maintain a file on all individuals used as keepers and develop additional resources as needed to ensure our ability to comply with the variety of levies we receive. When not occupied with various civil processes, the Civil Senior Deputy will respond to critical calls when nearby, and to in-progress calls for service when they are available.

**The Civil Field Enforcement Unit Deputies:** are responsible for conducting real property restorations, service of eviction notices, temporary restraining orders, criminal subpoenas, and civil warrants. The service of real property restorations and eviction notices, and Temporary Restraining Orders take precedence over other civil process services. Deputies will make themselves available to respond to assist patrol in the event of any critical incidents or any priority in-progress calls in their vicinity. When the critical incident might interfere with the eviction (restoration) schedule they are to contact the Civil Field Enforcement Sergeant.

Deputies are assigned in two man teams. The service of real property restorations and Temporary Restraining Orders will be conducted with two deputies unless a second deputy is unavailable. Each deputy in the Civil Field Enforcement Unit is assigned a personal marked patrol unit. To ensure each deputy has access to all their required tools and equipment, they will always drive their own vehicles while on-duty. Exceptions can be made with the Civil Field Enforcement Unit Sergeants permission.

**Civil Field Enforcement Unit Sheriff's Aide's:** are responsible for serving court papers, civil and criminal subpoenas, summons and complaints, bank levies, wage garnishments, and protective orders to in custody inmates. Enforcing all orders to the Sheriff of Kern County, by the court, which are not criminal in nature. Coordinate with other government agencies, as well as private entities, during the course of performing their duties if and when necessary. Serving court papers to inmates confined with in Kern County. Assist the Legal Process Unit. Check the Post Office Box daily and retrieve certified mail.

Sheriff's Aides will coordinate with each other to trip plan at the start of each shift.

Sheriff's Aides are required to use the Sheriff's radio insuring proper radio codes to advise the communication center of their status.

At no time will a Sheriff's Aide represent themselves as a peace officer. If a situation requires a peace officer, the Sheriff's Aide will contact the communication center. The communication center will notify the proper agency of jurisdiction.



*Kern County Sheriff's Office Support Services Section*

**Policies and Procedures**

<b>TITLE: General Duties / Personnel</b>		<b>NO: A-101</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 28, 2013</b>	<b>REVIEWED: December 10, 2019</b>	<b>REVISED: February 28, 2013</b>	<b>UPDATED: December 10, 2019</b>

**POLICY**

All personnel are to conduct themselves in accordance with the KCSO DPPM, Law Enforcement Code of Ethics, and the KCSO Mission Statement. It is expected that all personnel do their utmost in carrying out their assigned duties with a high degree of professionalism and in following with the requirements of all applicable State and Federal Law as it pertains to civil processes and in accordance with the guidelines set forth in this manual.

**I. Duties of Personnel / General:**

**A. Commander**

The Commander assigned to the Support Services Section is responsible for the overall operation of the units within the Section. The units are the Civil Processing Unit and Civil Field Enforcement Unit. In addition to this overall supervisory responsibility; the Commander is responsible for the following:

- Monitor and administer three Civil Trust Funds.
- Keeper of the Records for the Civil Section.
- Oversee the purchase and issuance of required safety equipment for designated staff.
- Review and approve all major levies, sales, and disbursements of monies, over \$10,000, conducted by the Legal Process Unit and Field Enforcement Unit.
- Oversee all real property sales.
- Review and revise all applicable policy and procedures that pertain to the operation of the Civil Section.
- Coordinate, review and render proper decisions on various civil processes utilizing County Counsel for opinions and all applicable law.
- Attend annual Civil Procedures Seminar training.
- Coordinate, review and determine the annual operational budget for the Civil Unit's.

## **B. Sergeant – Civil Field Enforcement Unit**

The Sergeant assigned to the Civil Field Enforcement Unit is responsible for the line staff and operational supervision of the Civil Field Enforcement Unit. The Sergeant is required to review and assign the various civil processes to staff assigned to the Field Enforcement Unit for service and to ensure the processes follow all applicable legal requirements. The Sergeant is required to carry out the following specific tasks:

- Immediate supervisor for the Field Enforcement Unit.
- Assign all civil process to field deputies and aides.
- Review and monitor the Field Enforcement Unit operation.
- Scheduling of vacations, training, and other logistical considerations.
- Conduct real property sales, in the absence of the Section Lieutenant.
- Serve various civil processes as required.
- Approve disbursements over \$10,000.00, in the absence of the Division Commander.
- Attend annual civil seminars and other pertinent training sessions.
- Assists in updating the Civil Section Policy and Procedures as necessary.
- Review California Code of Civil Procedure for changes and updates and implement as appropriate.
- Coordinate and assist in implementing changes to civil processes with the Supervising Legal Process Technician.
- Audit the various processes for accuracy and due diligence.
- Conduct performance evaluations and maintain employee files, and participate in disciplinary process if necessary.
- Complete Divisional IA's as assigned.
- Reviews all complex levy cases including real property and personal property sales for accuracy and assist at real and personal property sales.
- Have a working knowledge of Civil Automated System (Sirron) for management purposes, reports and case management.
- Maintain tracking of Civil Warrant assignment and status, and forward promptly to Arrest Records Unit when expired or cited.
- Reviews and approve all reports assigned to Civil Enforcement deputies.
- Additional duties as required

## **C. Senior Deputy / Civil Field Enforcement Unit**

The Senior Deputy assigned to the Civil Field Enforcement Unit is responsible for all major levies and seizures processed by the Civil Section. The Senior Deputy is

responsible for assisting the Deputies and Sheriff's Aides with their assignments as needed. Specific processes the Senior Deputy is responsible for include the following:

- Major levies for sales of real property and personal property sales.
- Till taps.
- Keepers.
- Seizure of property for sales.
- Temporary restraining orders involving child custody issues.
- Fleet management for all civil personnel.
- Training of newly assigned civil personnel.
- Reviews property levy requests to determine applicable fees for service.
- Assumes the Civil Sergeant's responsibilities in his/her absence.
- Additional duties as required.

#### **D. Deputy Sheriff / Civil Field Enforcement Unit**

The Civil Field Enforcement Unit is an operations assignment and requires completion of the Field Training Program per DPPM M-500. Deputies assigned to the Field Enforcement Unit are responsible for the timely and accurate service of civil processes assigned to them. These processes must be served with due diligence in a professional and courteous manner. The responsibilities include service of the following:

- Civil Restraining Orders: Temporary and permanent.
- Writs of Possession.
- Eviction: Posting and restorations.
- Domestic violence temporary and permanent restraining orders.
- Wage garnishments (EWOs).
- General subpoenas.
- Other non-writ processes including civil warrant service.
- Writs of execution – levies (money judgments).
- Receive and determine accuracy of claim of right to possession and TRO's.
- Unlawful Detainer service.
- Additional duties as required.

Additionally, to assist in compliance with service of warrants deputies will attempt

service on the Civil Bench Warrants assigned to them.

**E. Sheriff's Aides / Civil Field Enforcement Unit**

Sheriff's Aides assigned to the Civil Field Enforcement Unit are responsible for the service of civil processes assigned to them. They are responsible for the timely service of processes using due diligence and doing so in a professional and courteous manner. Sheriff's Aides are restricted by law as to the type of processes they can serve. The processes which Sheriff's Aides are prohibited from service are those involving the seizure of property or the removal of person(s) from property. Sheriff's Aides are responsible for service of the following:

- In-custody temporary restraining orders.
- Wage garnishments.
- General civil subpoenas.
- Bank levies.
- Other non-writ processes.
- Order to Appear for Examination.
- Additional duties as required.

**F. Supervising Legal Process Technician**

The Supervising Legal Process Technician in the Civil Section performs full supervisory duties of the Legal Unit staff, including one (1) Senior Legal Process Technician, six (6) Legal Process Technicians, one (1) Fiscal Support Specialist, and (1) Fiscal Support Technician for the purpose of monitoring office operations. Specific duties include the following:

- Prioritize and assign work of support staff including caseload alpha distribution, cash drawer assignments, schedule vacations, and distribute assignments during employee absences.
- Conduct performance evaluations, maintain employee files, and participate in hiring, termination, and disciplinary recommendations.
- Provide clear written and verbal instruction to support staff for purposes of informing, training and establishing consistent procedures.
- Research local, state and federal laws for application in legal processing
- Confer with attorneys, the general public, interested parties and County Counsel over the phone, through correspondence and in person in regard to specific cases.

- Update forms, manuals, and fee schedules on a yearly basis or as necessary.
- Monitor progress of open files, file management for writ returns, closed files and files eligible for destruction.
- Request Kern County Board of Supervisor approval for destruction of files and coordinate the destruction process.
- Maintain office supplies, inventory (including preparing requisitions), maintain all office equipment, and coordinate repair and maintenance calls.
- Oversee fiscal support activities including check request reports, auditor vouchers for Trust Fund payments, review and approve warrant payments up to \$10,000.00, and all other miscellaneous accounting forms and reports.
- Prepare invoices to Superior Court for reimbursement for service of domestic violence restraining orders.
- Attend annual civil seminars and other pertinent training sessions.
- Review all complex levy cases including real property and personal property sales for accuracy and assist at real and personal property sales.
- Review all incoming cases in Senior Legal Processing Technician's absence and return incomplete or inaccurate legal processes to requestor.
- Prepare legal documents and compose clear and concise reports and correspondence to creditors, debtors, attorneys, employers, and other interested parties.
- Knowledge and maintenance of Civil Automated System (Sirron) for management purposes, reports and case management.
- Respond to requests for information from other agencies and provide update information for various statewide reference manuals.
- Process and monitor all bankruptcy cases.
- Perform other duties of similar nature or level as required.

**G. Senior Legal Process Technician**

Under the direct supervision of the Supervising Legal Process Technician, the Senior Legal Process Technician in the Civil Section serves as a lead position to assist in providing supervision of case management and training to other legal and fiscal staff. Specific duties include the following:

- Assist the Supervising Legal Process Technician with the supervision of staff and other supervisor duties.
- Review incoming actions and processes for accuracy, including writ

accounting, and return incomplete or inaccurate legal processes to requestor.

- Review and assign private process server cases.
- Assign cases to staff, control cases pending correction, and monitor progress of cases.
- Assist at real and personal property sales.
- Provide reception duties at counter and via telephone.
- Utilize computer system and software programs including Civil Automated System (Sirron).
- Research local, state, and federal laws for application in legal processing.
- Confer with attorneys, the general public and interested parties over the phone, through correspondence and in person in regard to specific cases.
- Perform other duties of similar nature or level as required.

#### **H. Legal Process Technician**

Under direct supervision of the Supervising Legal Process Technician and Senior Legal Process Technician, the Legal Process Technician in the Civil Section performs all duties related to civil process. Specific requirements and duties include the following:

- Knowledge of legal terminology, rules, regulations and procedures pertaining to the process of civil cases presented to the Sheriff for enforcement.
- Provide reception duties at counter for the purpose of receiving and reviewing cases which are personally presented for service. This also requires operating the cash register and maintaining a cash drawer for acceptance of fees.
- Knowledge of computer system for input of cases in Civil Automated System (Sirron).
- Ensure proper fee assessment of cases prior to processing.
- Ability to process small claims actions, landlord-tenant notices, orders to appear, orders to show cause, subpoenas, summons and complaints, non-writ processes, levies pursuant to writs of execution/possession including earnings withholding orders, bank levies, third party levies, keeper levies, "till taps", personal property levies, real property levies, evictions, personal and real property sales and actions related to these cases.
- Organize and prioritize cases for timeliness. Track cases after processing for completion of service and provide proofs of service when required.
- Calendar dates for claims of exemptions, notice of oppositions, and court hearings related to these issues.

- Immediately notify employers and other garnishees regarding stays, modifications and terminations of levies.
- Determine correspondence required for assigned cases.
- Assist at real and personal property sales.
- Communicate effectively with attorneys, the general public and interested parties over the telephone, in person, by letter and by fax.
- Communicate effectively with sworn staff in regard to service of processes.
- Perform other duties of similar nature or level as required.

### **I. Fiscal Support Specialist**

Under the direct supervision of the Supervising Legal Process Technician, the Fiscal Support Specialist in the Civil Section is responsible for all accounting duties related to civil process including the following:

- Serves as a lead, to include assigning and monitoring work, training employees on work methods, and providing direction in the absence of the Supervising Legal Process Technician.
- May supervise fiscal support staff including conducting performance evaluations and making hiring, termination and disciplinary recommendations.
- Assists customers and employees with requests for information over the phone and in person.
- Prepares, balances, reconciles, and records a variety of financial data and information.
- Sets up account records, computes accounts receivables, records payments, reconciles ledger accounts, and prepares related reports.
- Verifies and processes a variety of financial documents.
- Prepares, updates, and maintains a variety of correspondence, billings, records, and files.
- Analyzes and reconciles a variety of financial account activities.
- Compiles and maintains financial and statistical data records.
- Prepares and distributes related reports.
- Enters a variety of fiscally-related information into databases; maintains fiscal records and files.

- Assists in preparing complex financial documents, which may include proposals and analytical documents.
- Tracks project expenses.
- Responds to requests for information and inquiries related to programs, policies, and/or other related information; researches customer discrepancies.
- Resolves customer problems.
- Performs other duties of similar nature or level as required.

**J. Fiscal Support Technician**

Under the direct supervision of the Supervising Legal Process Technician, the Fiscal Support Technician in the Civil Section is responsible for all accounting duties related to civil process including the following:

- Receive, review and process garnishment monies received.
- Review the check request report for the processing of warrants.
- Generate and mail payment receipts, and perform daily cashier balance of cash drawers, revolving fund, and daily deposit.
- Review and reconcile monthly trial balance report.
- Generate various daily, monthly and yearly reconciliation and revenue reports, and verify disbursement reports.
- Communicate effectively with Auditor-Controller, legal staff and interested parties in regard to specific cases.
- Utilize computer system and software programs including Civil Automated System (Sirron), EROD, and COLD system.
- Maintain property room vault records and prepare property room deposits.
- Perform other duties of similar nature or level as required.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: FORMS, TERMS AND DEFINITIONS</b>		<b>NO: A-102</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> <b>January 31, 2012</b>	<b>REVIEWED:</b> <b>December 13, 2019</b>	<b>REVISED:</b> <b>December 13, 2019</b>	<b>UPDATED:</b> <b>December 13, 2019</b>

**DIRECTIVE**

The Support Services Section, Civil Units utilize various legal terms and abbreviations. This is necessary for the efficient operation and to comply with statutory requirements. The following are terms, abbreviations, and their definitions that are commonly utilized in the day-to-day operation and in various documents associated with the civil process.

**I. Abbreviations**

DPPM	Department Policy and Procedures Manual
LPT	Legal Process Technician
FSS	Fiscal Support Specialist
FST	Fiscal Support Technician
FEU	Field Enforcement Unit
CCP	California Code of Civil Procedure
CC	California Civil Code
FC	California Family Code
GC	California Government Code
EWO	Earnings Withholding Order
PPS	Private Process Server
TRO	Temporary Restraining Order
DV	Domestic Violence
POS	Proof of Service
S&C	Summons and Complaint
S&C UD	Summons and Complaint Unlawful Detainer

**II. Definitions**

<u>Proof of Service</u>	The form provided and/or submitted to the court as evidence of successful service of process to a party certifying that service was made as prescribed by law by the field process personnel.
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<u>Posting</u>	The actual physical posting of a civil service process at a specified location accomplished by adhering the process to a conspicuous place.
<u>Drop Service</u>	The service accomplished by dropping a civil process at an individual's feet to complete service as instructed by the plaintiff/creditor.
<u>Sub-Subservice</u>	The service of a civil process or subpoena to another individual who is allowed by law to accept service for the named individual.
<u>Defendant</u>	The party sued in a civil lawsuit or the party charged with wrongdoing. The person defending or denying, or against whom relief or recovery is sought. Also referred to as a respondent.
<u>Due Diligence</u>	A legal application of what is required to constitute proper service or the attempts made in the service of a civil action. Due Diligence as defined by the Code of Civil Procedures is: "A fair, proper and due degree of care and activity measured with reference to the particular circumstances. Three attempts at different times and different days are considered reasonable. The three different times are generally morning; mid-day; and late afternoon."
<u>Instructions</u>	Written instructions to the Sheriff with the original signature of the attorney of record, or the plaintiff if there is no attorney. The Sheriff has no responsibility to act until instructions are received.
<u>Levy</u>	The seizure of property by the Sheriff pursuant to a writ of execution issued by the court to pay a money judgment granted in a lawsuit. The levy is made by the Sheriff at the request of the holder of the judgment.
<u>Keeper</u>	A levy under a writ of execution in which money is actually seized from the debtor, usually at a place of business. The process involves having a civil deputy or paid "Keeper" stationed at the business over a specified time period as a custodian of the property under levy.
<u>Till Tap</u>	A levy under a writ of execution in which money is actually seized from the debtor, usually at a place of business. This is a single action where the civil deputy seizes the money on-hand and does not stay at the place of business.
<u>Trip Ticket</u>	The form given to the deputy advising details of service on which the deputy will provide the outcome of the service including attempts
<u>Writ</u>	A writ is issued by the court for the purpose of enforcing a judgment. Types of writs include writ of attachment, writ of execution, writ of possession of personal property, writ of possession of real property, and writ of sale.
<u>Claim of Exemption</u>	A claim by the defendant in an action asserting their property is exempt after it has been levied upon.
<u>Claim of Right to Possession</u>	A claim served upon tenants not identified on the writ of possession to

contest an eviction in accordance with CCP 415.46. Any occupant not named in the judgment for possession, who occupied the property on the date of filing of the Writ of Possession of Real Property, may object to the enforcement of the judgment against that occupant by filing a Claim of Right to Possession.

Notice of Eviction The form which is given to the defendant at the location (real property) to be restored. The notice can be posted on the door (or other marked structure) and mailed to the defendant (resident).

Notice of Restoration The form provided to the defendant (if present) and the plaintiff's agent at the time the real property is restored to the plaintiff. (When the defendant is not present, the form is affixed to the real property being restored to the plaintiff.)

Plaintiff The person who is suing or the one who claims he/she has been wronged or injured, also known as the complaining party.

Unlawful Detainer Action taken against a tenant who is keeping possession of real property without a right, such as after a lease is expired, or after receiving a notice to vacate.

### **III. Forms**

Forms used by the Civil Units include Judicial Council forms which are readily available at numerous locations including court houses and on court websites. Samples of many of these forms are provided in the California State Sheriff's Association's Civil Procedures Manual. Optional forms used by our office include instructional forms and informational forms such as fee schedules, which are available through the Sheriff's Civil office and online through the Sheriff's Office Website.

All civil processes require written instructions from the plaintiff with the exception of criminal subpoenas, which do not require instructions, and Earnings Withholding Orders which require an Application of Earnings Withholding Order in place of an instructional letter.

There are various instructional forms provided for plaintiff's optional use including instructions for the service of Temporary Restraining Orders, Writs of Possession and Bank Levies.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE:</b> Civil Processes / General Requirements		<b>NO:</b> A-103	
<b>APPROVED:</b> Support Services Commander			
<b>EFFECTIVE:</b> January 31, 2007	<b>REVIEWED:</b> December 13, 2019	<b>REVISED:</b> January 28, 2013	<b>UPDATED:</b> December 13, 2019

**POLICY**

Government Code 26608 requires the Sheriff serve all civil processes. The service of civil processes must conform to the applicable laws of the Code of Civil Procedure, Civil Code, Government Code, and Family Code. Proper service has to be accomplished using due diligence in order for the process to be valid. All personnel will ensure that all laws are followed accordingly as per the following procedure.

**DIRECTIVE**

All civil processes must be valid on their face and complete and accurate for proper service. The Civil Procedure Manual, published by the California State Sheriff's Association – Civil Procedures Committee, provides a comprehensive and detailed guideline as to the service and processing of civil matters.

**PROCEDURE**

**I. Review Process**

- A. All civil documents will be checked for accuracy and completeness. If there are any discrepancies, which would render the process invalid on its face, then the process will be returned to the submitting party for correction.
1. Addresses must be correct and will be verified utilizing an approved map resource or other accepted methods such as CAD/MDC and the following:
    - Kern County GIS Maps and the Kern County Fire Department's maps are used for this purpose. A mapping system which does not auto correct an address is recommended.
    - Maps included in instructions provided by the plaintiff.
    - Name and/or numbers as shown on official street signs.
    - USPS address verification system.

2. Instructions submitted by plaintiffs must be accurate and clear in order for them to be carried out appropriately and according to law.
3. Instructions must be signed by the judgement creditor's attorney of record or, if the judgment creditor does not have an attorney of record, by the judgment creditor.
3. All necessary forms must be present and filled out accurately and completely.
4. All fees, if applicable, must be pre-paid as prescribed for proper service.

## **II. Service**

- A. Once the process of validation is complete, the civil process will be handled and served as outlined in sections B-100 and B-101 of this manual.
- B. Due diligence, as defined and described per the California Code of Civil Procedure and the Kern County Superior Court, is required in the serving of all civil processes. This requirement is necessary for the proof of service requirement and to render the process valid for further action.
- C. The Kern County Sheriff's Office Civil Section accepts due diligence (as per CCP and the Kern County Superior Court), as three attempts on three different days with separate attempts being made in the a.m. and p.m.

## **III. Proof of Service**

- A. No Sheriff's Office employee shall sign a blank "Proof of Service" form prior to the actual service of the process being certified as "served".
- B. The Field Unit will be given a Civil Unit service envelope with a trip ticket attached. After service, the person completing the service will:
  - Complete all questions on the trip ticket relative to the service of the process and sign the trip ticket.
  - Return the trip ticket to the Legal Unit who will then generate a proof of service from the Civil Automation System. The proof of service and the file, along with the trip ticket, will be given to the Sergeant for review and signature of the appropriate personnel.
- b. If the staff of the Civil Section do not have sufficient or legible information provided to them they shall contact the supervisor in the work unit that made the service to determine which employee completed service; fill in as much information as they can and transmit the partially completed Proof of Service form to the serving employee's supervisor. The serving employee's supervisor shall have the serving employee sign the Proof of Service and return it to the Civil Section.
- c. A signature may be written or stamped.

- C. In the absence of an original signature, Civil Section Legal Process Technicians may, in some cases and/or for certain states or countries, prepare a Proof of Service form for the signature of the Sergeant of the Civil Field Enforcement Unit.

The Civil Field Enforcement Unit Sergeant is defined as the Sheriff's Sergeant assigned to the Civil Field Enforcement Unit. In the absence of the Sergeant the Commander assigned to the Support Services Division may sign.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: FIELD ENFORCEMENT UNIT DUTIES</b>		<b>NO: B-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> January 31, 2012	<b>REVIEWED:</b> December 17, 2019	<b>REVISED:</b> December 17, 2019	<b>UPDATED:</b> December 17, 2019

**POLICY**

The Civil Field Enforcement Unit (CFEU) is responsible for the service of all civil processes presented to the Support Services Division in accordance with all applicable State and Federal law. These processes must be served in a professional and timely manner with due diligence as prescribed by law.

**PROCEDURE A**

All civil processes are received and time stamped by the Civil Processing Unit (CPU). The processes are reviewed, fees collected, and the civil file is created. Refer to Section B-101 of this manual for further on the CPU procedure. The CFEU Sergeant then reviews and assigns the various processes to the deputies and sheriff's aides for service utilizing the following procedure:

- I.** The Sergeant or his/her designee reviews and monitors the writ of possessions.
  - A.** The civil tracking calendar is maintained daily for scheduling purposes.
  - B.** Holidays require exceptional scheduling and should be completed several weeks prior to the holiday in question.
- II.** The Sergeant or his/her designee reviews all other civil processes as to their geographical location in order to assign them to the appropriate Deputy or Sheriff's Aide for service.
  - A.** Review of processes for assignment
    - 1. Review for completeness, accuracy and geographical location.
    - 2. Check for any unusual conditions and advise the Senior Deputy or Sheriff's Aide in person.
    - 3. Confirm dates and times are correct and identify those which are time critical.
    - 4. Major levies are checked for adequate instructions.
    - 5. Make the final assignment based on service criteria as listed in A-101, General Duties for Senior Deputy, Deputies, and Sheriff's Aides.
  - B.** Assignments of civil processes are made as follows:
    - 1. Kern County is divided up into service areas designated as North Valley, South Valley, Northeast area and East area. Deputies are teamed up and assigned either the valley runs or area runs. The assignments are rotated

on a regular basis.

2. Substation areas are scheduled as separate areas and on a specifically designated day of the week due to distance and accessibility. Northeast area includes Lake Isabella, Kernville, Ridgecrest, and Inyokern, and is calendared for Tuesdays. East area includes Tehachapi, Hart Flat, California City, Mojave, Boron, and Rosamond, and is calendared for Thursdays. North Valley includes Shafter, Wasco, McFarland, Buttonwillow, Lost Hills and Delano, and is calendared for Wednesdays. South Valley includes, Lamont, Arvin, Taft, Frazier Park, Lebec, and is calendared for Fridays.
3. Sheriff's Aides are assigned to the greater Bakersfield area by zip codes and divided into North and South areas. The Sheriff Aide that works the South area serves some civil processes to the Lamont/Arvin area, Central Receiving Facility, California City Correctional Facility and California Correctional Institution Tehachapi. The Sheriff Aide that works the North area serves some civil processes in the Shafter, Wasco, Delano, McFarland areas, Wasco State Prison, Kern Valley State Prison, North Kern State Prison, Delano Modified Community Correctional Facility, and McFarland Modified Community Facility.

## **PROCEDURE B**

Deputies and Sheriff's Aides are responsible for the proper service of all civil processes assigned to them and will utilize the following procedure:

### **I. Assignment of process and review**

- A. The Deputy or Sheriff's Aide will review applicable documents for accuracy and determine any special handling conditions.
- B. The Sheriff's Aide will log the civil process into Sirron using the bar code reader system.
- C. The Deputy or Sheriff's Aide will schedule the processes to be served so they are completed in an efficient manner.

### **II. Service and Return**

- A. All processes will be served in accordance with law and with due diligence.
  - Service is accomplished by personal (direct) service or sub-service using a legally approved method.
- B. Once the process is served, the Deputy or Sheriff's Aide will fill out the trip ticket and return the process to the CPU for further processing.
- C. The CPU will complete the process and provide the Deputy or Sheriff's Aide with the formal proof of service for signature, when necessary.

### **III. Proof of Service**

- A. All civil processes that require "Proofs of Service" will be completed by the assigned LPT and then forwarded to the CFEU Sergeant or his/her designee for

review and signature.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: Signature Stamp Control</b>		<b>NO: B-102</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> January 28, 2013	<b>REVIEWED:</b> December 17, 2019	<b>REVISED:</b> December 17, 2019	<b>UPDATED:</b> December 17, 2019

**POLICY**

To ensure employee signature stamps are used by authorized persons only, all signature stamps will be locked in a drawer. Any staff who uses a signature stamp that is not their own, shall place their initials next to the stamped signature.

**PROCEDURE**

All employee signature stamps shall be secured at the end of the business day in a drawer maintained by each employee. Upon the use of an employee signature stamp that is not their own, the staff member will place his/her initials next to the stamped signature. The signature stamps will be secured in a locked drawer at the end of each shift. If a locked drawer is not available, the signature stamp is to be placed in the Civil safe. These signature stamps are for use on civil process documents only. Signature stamps shall not be used for purchase orders or any financial or monetary transaction documents.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE:</b> Communication Equipment and Radio Procedures		<b>NO:</b> B-103	
<b>APPROVED:</b> Support Services Commander			
<b>EFFECTIVE:</b> January 28, 2013	<b>REVIEWED:</b> December 17, 2019	<b>REVISED:</b> January 28, 2013	<b>UPDATED:</b> December 17, 2019

**POLICY**

Mobile Data Computers (MDC) are tools used to provide accurate and timely information to field units actively engaged in the protection of life and property. Proper use of the MDC will eliminate routine radio traffic making those radio channels available when needed for urgent traffic, thus enhancing the safety of field units.

The MDC is a tool to reduce routine radio traffic and enhance safety. All authorized members of the Kern County Sheriff's Office will use the MDC system as fully as possible and comply with all Sheriff's Office directives on usage. Members will safeguard the equipment, integrity of the system and its information.

Personal Patrol Vehicle (PPV) radios shall be on and the deputy shall monitor radio traffic and be able to contact the Communications Center at all times when operating the vehicle. If the PPV is equipped with an MDC, the deputy shall use the MDC in conjunction with the communications radio.

Professionalism is demanded of all who use the Kern County Sheriff's Office radio system. Profanity, vulgarity, or discourtesy have no place on the radio and will not be tolerated. Civility and consideration toward, and from, all users of this system is mandatory. It is the responsibility of those using the radio frequencies of the Kern County Sheriff's Office to adhere to the rules and regulations in this procedure. Call signs (unit identifiers), radio codes, and criminal codes shall be observed for consistency.

**PROCEDURE**

- I. All field personnel will log-on with the Communication Center using their call sign when operating patrol or county vehicles. Throughout the day, civil personnel will keep dispatch advised of all changes in status and locations, and log off at the end of a shift. Department radio procedures will be followed at all times.
- II. Deputies in The Civil Enforcement Unit are assigned marked patrol units equipped with an MDC. Deputies assigned to conduct evictions are required to log-on with the Communication Center via the MDC or radio, notify their location while conducting evictions or other services and provide a disposition via MDC or radio when appropriate.
- III. Civil Unit Sheriff's Aides assigned unmarked units, shall notify the Communication Center via phone or radio to update their activity and off duty status. Civil Sheriff's Aides will notify dispatch over the radio of their service locations and provide a

disposition when appropriate.

- IV. Employees are responsible for reporting and/or correcting any problems identified in their assigned communications equipment.

**Reference DPPM E-100; E-800; and E-850**



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: OFFICIAL RECORDS</b>		<b>NO: C-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> January 31, 2012	<b>REVIEWED:</b> December 17, 2019	<b>REVISED:</b> December 17, 2019	<b>UPDATED:</b> December 17, 2019

**POLICY**

The Kern County Sheriff's Office Civil Unit's (Civil Field Enforcement and Civil Processing) are required to process, maintain, store, and properly dispose of official records as prescribed by law. The Support Services Division Commander, as Keeper of Records, is responsible for this task. The Civil Processing Unit Supervisor and Civil Field Enforcement Unit Sergeant are responsible for carrying out the function of ensuring these records are maintained, stored, and ultimately disposed of in the proper fashion. The following is the procedure for the proper handling, storage, and disposition of the official records.

**PROCEDURE**

- I.** The following procedure outlines the requirements for the maintenance, storage, and disposal of official records utilized by the Civil Section.
  - A. Civil Processing Unit / Civil Case Files**
    - 1.** Contents of civil case files may include copies and/or originals of the following:
      - Plaintiff/Creditor Instructions, Terminations and Modifications.
      - Writs of Execution.
      - Writs of Possession (Real or Personal Property).
      - Writs of Sale.
      - Earnings Withholding Orders.
      - Claims of Exemption and Notices of Opposition to Claims of Exemption.
      - Personal/Real Property Notices of Levy.
      - Proofs of Service.
      - Sheriff's Deeds and Recordings.
      - Various forms and correspondence related to the service of civil processes.
      - Various accounting and financial reports and records.
    - 2.** Maintenance and storage of civil case files is as follows:

- All civil case files (**except** real property cases) are kept in the main office in separate areas with open files in the front office and closed files in the back-file room.
  - Closed files remain on shelves as space permits until they are placed in storage boxes with approximately 100 files per box.
  - Label storage boxes by file numbers and date eligible for destruction (five years from writ return date).
  - Maintain boxes in the back-file room or the allocated space within the Civil office, or other designated area, for storage until eligible for destruction.
3. Maintenance and storage of real property cases:
- Cases involving real property are maintained apart from all other civil case files with cases that resulted in a sale maintained on a separate shelf in the front office. Cases that did not result in a sale are filed with other closed cases upon closure. Real property cases resulting in sale of real property are to be kept indefinitely while others may be destroyed five years from closure.

**B. Accounting Records**

1. Civil Unit accounting/fiscal records may include the following:
- Records of Deposit.
  - Warrant Records.
  - Journal Vouchers.
  - Various fiscal reports generated daily, monthly and yearly.
2. Maintenance and storage of accounting records:
- Accounting records are kept in the fiscal support staff's work area for the current fiscal year.
  - At the end of the fiscal year, records are boxed and labeled with dated neon stickers indicating the date eligible for destruction.
  - Records from past fiscal years are maintained in the allocated space within the back-file room of the Civil Office, or other designated area, until eligible for destruction.

**C. Field Enforcement Unit**

1. The Civil Field Enforcement Unit uses internal use forms, created for administrative purposes. These forms are used in conjunction with requirements as specified by the Department's Policy and Procedure Manual along with the Civil Policy and Procedure Manual.
- Civil Calendar Schedule

- Civil Bench Warrant Log

**D. Retention of Records**

1. The Government Code, as well as county policy, dictates the duration of time records are kept prior to eligibility for destruction. Per the Auditor-Controller, records are retained as follows:
  - Civil case files are retained for five (5) years after the writ is returned to court or for non-writ processes, five (5) years after file is closed.
  - Real property cases resulting in the sale of property are retained indefinitely.
  - Accounting records are retained for a period of five (5) years.
  - Internal administrative records are retained for five (5) years.

**E. Destruction of Files**

1. The County Board of Supervisors must approve and authorize all destruction of files and records. The procedure for file destruction is as follows:
  - The Supervising Legal Process Technician prepares Administrative Form #46, Authorization to Destroy Records, and submits to Support Services Division Commander for signature.
  - When returned with signature, make three copies.
  - Forward original and two copies to County Counsel and retain one copy for your records.
  - The request, if approved by County Counsel, will be sent to the Auditor-Controller. Upon approval by Auditor-Controller, the request will be returned to County Counsel.
  - County Counsel will deliver to the Clerk of the Board for presentation to the Board of Supervisors.
  - Upon Board of Supervisor approval, the authorization will be returned for coordination of destruction.
2. The destruction of files is accomplished as follows:
  - From County Net website, determine what company currently has a price agreement for shredding of documents.
  - Call the company for a price quote. They will quote you a price per box or per weight.
  - Coordinate with the company to schedule date and time for the shredding.
  - Designated staff will be present during the entire shredding

process.

- A certificate or receipt of destruction will be provided by the shredding company. This will be retained along with the original authorization to destroy.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: REAL AND PERSONAL PROPERTY SALES</b>		<b>NO: D-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE:</b> January 31, 2012	<b>REVIEWED:</b> December 20, 2019	<b>REVISED:</b> December 20, 2019	<b>UPDATED:</b> December 20, 2019

**POLICY**

The Kern County Sheriff's Office Civil Units are responsible for conducting sales of real and personal property, keepers and till taps under a writ of sale or execution as per the California Code of Civil Procedure. Sales must be conducted at a time and place as prescribed by CCP 701.510 through 701.680. Keepers and Till Taps are conducted per CCP 700.070 and 687.020. The Support Services Division Commander or his/her designee will conduct the sale. The following procedure outlines the general requirements for conducting these types of sales.

**PROCEDURE A: REAL AND PERSONAL PROPERTY SALES**

**I. Date, time and location of sales – CCP 701.570**

- A. Sales of personal property are generally conducted at the actual site where the item is stored. Examples of these types of items are as follows:
- Vehicles
  - Furniture, televisions and computer equipment
  - Retail merchandise
- B. Sales of real property are conducted at the Sheriff's Civil Unit Office. Examples of these types of property are as follows:
- Vacant land parcels
  - Single lots
  - Dwellings and commercial buildings
- C. The location, date and time of sale is specified in the notice of sale and the sale is held between the hours of 9:00 a.m. and 5:00 p.m.

**II. Method of Sale**

- A. All sales are conducted by the rules public auction and sold to the highest bidder. (CCP 701.570)
- B. All bidders must be prequalified and pay in cash, certified check or money order for the purchase at auction. (CCP 701.590)

- C. All Sheriff's sworn personnel who conduct the sale of property shall read the sale notice verbatim prior to conducting the sale. This notice shall be read aloud in a clear voice at the time and place the sale is conducted.

Any person attending a sale who has a question regarding the property being sold, liens against the property being sold or questions about the right, title and interest being sold should be directed to their attorney for answers. Appropriate sections of the Code of Civil Procedures are printed in the sale notice and are therefore read aloud prior to the sale.

## **PROCEDURE B: KEEPERS AND TILL TAPS**

- I. The Senior Deputy assigned to the Civil Field Enforcement Unit is responsible for conducting keepers and till taps. These processes involve the actual seizing of money from the debtor, usually a business location. This is to be accomplished in a professional and courteous manner as follows:

### **A. Keepers**

1. The Senior Deputy will review the writ and instructions to ensure its accuracy, validity and to determine the appropriate date, time, and location to conduct the keeper.
2. The Senior Deputy will determine if a contract vendor (keeper) will be available or appropriate for conducting the Keeper levy.
  - Any location or situation which has a potential or risk of not being safe for a contract vendor (keeper), the Senior Deputy will conduct the process.
3. The Senior Deputy will accompany the contract vendor (keeper) to the designated location to conduct the Keeper levy.
4. The Senior Deputy will notify the Communication Center of the location and placement of the keeper.
5. The Senior Deputy will notify all relevant individuals on-scene of the process and install the keeper.
6. The Senior Deputy or contract vendor (keeper) will remain on-scene for the specified time frame, seizing all money brought into the location.
7. A copy of the writ along with a receipt for all money seized will be left with the responsible individual on-scene.

### **B. Till Taps**

1. The Senior Deputy will review the writ and instructions to ensure its accuracy, validity, and to determine the appropriate date, time, and location to enforce the levy.
2. The Senior Deputy and a second officer, if needed, will go to the specified

location and contact the responsible individual to proceed with the till tap.

3. The Senior Deputy will then identify any sources of money at the location and seize them.
  - This does not authorize the use of force to enter or open any locked safes, registers, etc.
5. A copy of the writ along with a receipt for all money seized will be left with the responsible individual on scene.
6. Upon returning to the Civil Office, the money will be recounted, and deposited promptly in the Civil safe following procedures indicated in Section A-104.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: Evictions – Writ of Possession</b>		<b>NO: D-101</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 28, 2013</b>	<b>REVIEWED: December 20, 2019</b>	<b>REVISED: December 20, 2019</b>	<b>UPDATED: December 20, 2019</b>

**POLICY**

The Kern County Sheriff's Office Civil Units are responsible for the timely enforcement of the Writ of Possession for real property as per the applicable codes of the California Code of Civil Procedure. Enforcement of the order will be performed in a safe and professional manner with due consideration extended to all involved parties prescribed by CCP 712.010 and 712.020. The following procedure outlines the general requirements for the eviction process.

**PROCEDURE A: WRIT OF POSSESSION**

**I. Required information (CCP 712.020 and 715.010)**

- A. The date of issuance of the writ.
- B. The title of the court where the judgment for possession or sale is entered and the cause and number of the action.
- C. The name and address of the creditor and the name and last known address of the judgment debtor. If the judgment debtor is other than a natural person, the type of legal entity shall be stated.
- D. The date the judgment was entered, and the date of any subsequent renewals, and where entered in the records of the court.
- E. A statement indicating whether the case is limited or unlimited.
- F. A description of the real property.
- G. A statement if the real property is not vacated within five (5) days after the date of service on the occupant, or, if service is by posting, within five (5) days from the date a copy is served on the judgment debtor. The deputy will remove the occupants from the property and place the judgment creditor in possession.
- H. A statement that any personal property remaining on the real property after the judgment creditor has been placed in possession will be sold or otherwise disposed of in accordance with CCP 1174, unless the judgment debtor or owner pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than fifteen days after the judgment creditor takes possession.
- I. The date the complaint was filed in the action resulting in the judgment for possession.

- J. The writ must state whether the Prejudgment Claim of Right to Possession was served and if not served, the date the court will hear objections to the enforcement of judgment and the daily rental value of the property as of the date of the complaint.
- K. If the writ was issued electronically, it must be accompanied by a writ declaration complying with CCP 687.010(e) signed by the same individual signing the instructions.

## **II. Execution of the Writ**

- A. The deputy shall serve a copy of the Notice to Vacate form, Writ of Possession of Real Property, Notice to Vacate and Claim of Right to Possession form (if applicable) by:
  - 1. Personally serving named defendant(s) and mailing a copy to them.
- B. If unable to personally serve the defendant, the deputy shall execute the writ by posting a copy of the supporting paperwork in a conspicuous place on the property and mailing a copy to the defendant(s). The provisions of CCP 684. 120 – extension of time does not apply to the five-day period specified in this subdivision.
- C. If the judgment debtor; members of the judgment debtor’s household; or any occupant holding under the judgment debtor, do not vacate the property within five (5) days, the deputy shall remove the occupants and place the judgment creditor in possession.
- D. The deputy shall not remove any person who (1) validly presents to him/her a Claim of Right to Possession of the property up until the day and time of the eviction (2) is not named as a judgment debtor on the writ of possession **and** (3) the summons, complaint and prejudgment claim of right to possession were not served upon the occupants in compliance with CCP 415.46.
- E. Deputies will not accept a Claim of Right to Possession if the writ indicates the Prejudgment Claim of Right to Possession was served. Exception is in case of foreclosures. Refer to Procedure D Subsection C in this policy.

## **PROCEDURE B: TRIP TICKET**

### **III. Personal Service/Posting Property**

- A. The Deputy assigned to the Civil Field Enforcement Unit is responsible for completing the trip ticket attached to the process. The following information will be entered by the deputy on the trip ticket:
  - 1. How served: Personal or posted.

2. Name and title or person served.
  3. Date and time process served or date posted and mailed.
  4. Name of the deputy completing the process.
- B. In the event the property is posted; the deputy will mark the “posted” box, the reason why it was posted, and mail a copy of the process posted to the address/location of the posted property.
  - C. The deputy will return the trip ticket to the assigned LPT.
  - D. The LPT will notify the property owner/agent by phone of the scheduled eviction, date and time. If the LPT is unable to make phone contact, a notice is mailed indicating the date and time of the eviction. The LPT and/or notice mailed gives specific instructions for the property owner/agent to follow regarding the lock-out date.

**PROCEDURE C: RESTORATION OF REAL PROPERTY TO PROPERTY OWNER/AGENT**

- A. Upon providing the required notice to the occupants to vacate the premises, the LPT will notify the property owner/agent of the steps necessary to meet with the deputy to obtain possession of the property. This culminates in the restoration of the property to the owner/agent, more commonly referred to as the “lock-out.”
- B. The deputies will meet with the property owner/agent at the time scheduled.
- C. The deputies shall comply with knock and notice requirements pursuant to Penal Code 844 and complete the following: Knock loudly, loudly identify themselves, state their purpose and demand entry into the residence/property i.e., “**Sheriff’s Office, eviction, open the door now.**” If no one answers, the deputies will have the property owner/agent open the door if it is secured. It is the owner/agent’s responsibility to open the residence/property.
  1. The property owner/agent will be notified that it is their responsibility to gain entry into the premises by a normal entry portal, by use of a key or locksmith. The deputy will not force entry into the residence or property, attempt entry via a window, or attempt entry via side or rear doors unless entry via the front door is impractical. Entry via the front door is preferred for officer safety reasons.
- D. Once the deputies have gained entry, they will check the premises for occupants. After the deputies are satisfied the premises are vacant, they will turn possession of the property over to the property owner/agent. The property owner/agent will accept possession by signing the trip ticket. The owner/agent will be provided a copy of the Notice of Restoration and attached documents and informed of the procedure by which he/she may report trespass violations to the local law enforcement agency of jurisdiction.
- E. In the event the premises are not clear and no “Claim of Right to Possession” has

been received, the deputy will remove the occupants from the location. The property owner/agent will accept possession by signing the trip ticket. The owner/agent will be provided a copy of the Notice of Restoration and attached documents and informed of the procedure by which he/she may report trespass violations to the local law enforcement agency.

- F. The deputy shall fill out the trip ticket and attached process. The following information will be entered on the trip ticket and the attached process:
1. Check box “Successful” noting date and time completed and include name of deputy completing the eviction.
  2. Fill out the “Notice of Restoration” forms and sign and date each form.
  3. Post one “Notice of Restoration” form on the property and provide the last copy with attachments to the owner/agent informing him/her of the procedures involved in contacting the local law enforcement agency in the event of future trespassing complaints.
  4. Obtain the signature and 24-hour contact phone number of the owner/agent taking possession of the property on the trip ticket.
  5. If the eviction is not complete, check “Unsuccessful,” note the date and time, name of the deputy and the reason for non-service ie, “Plaintiff No Show.”
  6. The deputy will update information in the MDC with the following:
    - a. Who was evicted.
    - b. Agent/Owner name and contact number
    - i. Whether the service was “completed” or “not completed” and if not completed, the reason why.
- G. The deputy will return the completed trip ticket and one copy of the “Notice of Restoration” to the eviction clerk for final disposition.

#### **PROCEDURE D: CLAIM OF RIGHT TO POSSESSION (CCP 1174.3)**

- A. Unless a prejudgment claim of right to possession has been served upon occupants in accordance with CCP 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of filing of the action may object to enforcement of the judgment against the occupant by filing a “Claim of Right to Possession”.
1. This section applies to enforcement of a Writ of Possession of Real Property (eviction). The deputy shall accept possession claims on commercial property as well as residential property.
  2. This procedure DOES NOT APPLY when the Writ of Possession contains a statement that the writ applies to all tenants, subtenants (if any), named

claimants (if any), and any other occupants of the premises. This is indicated when boxes 24 a (1) are checked on a standard EJ130 Judicial Council form. This exclusion applies when a Summons, Complaint and “PREJUDGMENT CLAIM OF RIGHT TO POSSESSION” were served on the occupants in compliance with CCP 415.46, 715.010a, and 1174.3(a). (See Forms for EJ130)

3. The “Claim of Right to Possession” may only be made by a person 18 years of age or older and who occupied the premises on or before the date the unlawful detainer (eviction) action was filed.
- B. A claim may be filed at any time after service or posting of the Writ of Possession, up to and including the time at which the deputy returns to complete the eviction of those named in the Writ of Possession. A Claim of Right to Possession is effected when the claimant presents a completed claim form in person, with identification (i.e. any type of identification is acceptable, to include addressed mail to the claimant at the location to be evicted), before the date of eviction at the office of the Sheriff or at the premises at the time of the eviction.
- C. Pursuant to the change in law in CCP 415.46(e)(2) effective January 1, 2013 tenants who are renting a home that has foreclosed, and who are not named defendants, can present a Claim of Right to Possession form at time of eviction even if the Pre-judgment Claim of Right to Possession was served with the unlawful detainer.
1. If at an eviction someone presents you a Claim of Right to Possession form (CP10) claiming they are renters of the foreclosed home, accept the form writing in the date, time and your name in the appropriate box and **STOP** the eviction.
  2. If they present two copies of the form note the date, time, and your name on the second copy and turn it in to the civil clerk who is assigned the case. If they present one copy, write them a civil receipt and give them a copy. Turn in the receipt to the civil clerk assigned to the case.

#### **PROCEDURE E: ACCEPTING THE CLAIM OF RIGHT TO POSSESSION BY THE FIELD DEPUTY**

- A. Upon receipt of a claim in the field, the deputy will check to determine its validity.
- B. A Claim of Right to Possession and Notice of Hearing form is on the CP10 Judicial Council form. Checking the claim for validity entails verifying the following information is contained in the claim:
1. Line 1 contains the claimant’s full name.
  2. Line 2 contains an address that is the same as in line 3.
  3. Line 3 is the address where the eviction is to occur. Line 2 must be the

same as this address for the claim to be valid.

4. The box in line 4 must contain either the date the complaint was filed (which is listed on the EJ130 standard writ form on Box 9a) or a date prior to the complaint date.
  5. Line 12 box a. or b. must be checked.
  6. One or more boxes in Line 13 must be checked.
  7. The declaration under penalty of perjury must be signed and dated.
  8. The claimant must provide evidence of identity. Any form of identification is acceptable according to case law. If the claimant does not have a driver's license or an identification card, addressed mail to the claimant at the address or other types of identification is acceptable.
- C. Upon receipt of a valid claim in the field, the deputy will accept the form, complete the claim form received. Indicate the date and time, the case number, on the receipt. When the deputy returns to the office, he/she will give the eviction LPT the original claim. The LPT will deliver the original to the issuing court and notify the plaintiff.
- D. When the deputy accepts the claim, the deputy will **STOP THE EVICTION**. No further action will be taken at that time until directed by the court.

**PROCEDURE F: ACCEPTING THE CLAIM OF RIGHT TO POSSESSION AT THE CIVIL UNIT OFFICE**

- A. Upon receipt of a claim at the Civil Office, the LPT accepting the claim will first check with the daily schedule and verify with the Field Enforcement Officer, to ensure the claim has been filed in a "timely manner." To ensure the claim has been filed "timely", the person accepting the claim will check the date of eviction. The date of eviction is checked to ensure the Claim of Right to Possession was delivered to the civil office prior to the date of eviction. Should the claim be presented on the same day as the eviction, the claim will be accepted, unless restoration is completed.
- B. After checking the claim and ensuring the claim is done in a timely manner, the clerk will examine the claim for validity as explained in the above procedure including verifying identification.
- C. If the claim is both timely and valid on its face, the clerk will accept receipt of the claim indicating the date and time of its receipt and deliver the original to the issuing court. The clerk will provide a copy or receipt to the claimant and notify the plaintiff.
- D. After the claim has been accepted, no further action is to be taken with the eviction until directed by the court.

## **PROCEDURE G: CLAIM DENIED BY THE COURT**

- A. If the claim is denied by the court or after a hearing the court determined there are no valid claims, the court shall order the deputy to proceed with enforcement of the original Writ of Possession, which is deemed amended to include the claimant.
- B. Upon receipt of the court's order, the levying officer will enforce the writ against any occupant or occupants within a reasonable time not to exceed five (5) days.
  - a. Once a claim has been filed and denied, no further claims can be filed or accepted at a later date. The claimant has up until the time of the eviction to make the claim so any later claims would not be timely even at a subsequent eviction date and time. In this event, the deputy shall proceed to evict all occupants from the property. CCP 1174.3(g)

## **PROCEDURE H: DISPOSITION OF PERSONAL PROPERTY**

- A. The disposition of personal property (to include pets) remaining after the eviction becomes the responsibility of the property owner/agent.
- B. The former tenant may recover his personal property remaining on the premises up to 15 days after the judgment creditor takes possession of the premises pursuant to the writ of possession. The owner may charge a daily rental value for each day the property is stored. Whenever the landlord is required to give notice pursuant to section 1983 of the Civil Code to any person (other than the tenant), the person making a claim for belongings must do so no later than 15 days after personal service of the notice, or 18 days if the notice was served by mail.
- C. If the landlord reasonably believes the resale value of the property is less than \$700.00, and the property is not claimed within the time prescribed by Civil Code 1983, the landlord may retain it for his/her own use or dispose of it in any manner.
- D. If the landlord reasonably believes the resale value of the property is \$700.00 or more, and the property is not claimed within the time prescribed by CC 1983, the landlord shall sell it at public auction by competitive bidding pursuant to Civil Code 1988.
- E. The proceeds of such a sale may be applied to the cost of storage and sale. All other proceeds shall be deposited with the County Treasurer. A tenant's personal property may not be executed upon to satisfy a money judgment.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE:</b> Cancellation of Enforcement Actions on Writ of Possession/Real Property (Evictions)		<b>NO:</b> D-102	
<b>APPROVED:</b> Support Services Commander			
<b>EFFECTIVE:</b> January 28, 2013	<b>REVIEWED:</b> December 20, 2019	<b>REVISED:</b> December 20, 2019	<b>UPDATED:</b> December 20, 2019

**POLICY**

Realizing there may be circumstances which prevent a judgment creditor and/or the Sheriff's Civil Units from participating in a scheduled enforcement action (eviction) on a writ of possession/real property; this policy is intended to govern the actions of the Civil Unit staff when the enforcement of a writ of possession/real property is cancelled.

**DIRECTIVE**

It shall be the policy of the Sheriff's Office Civil Unit that all requests for **cancellation** of evictions on writs of possession/real property will be submitted in writing by the creditor. **Cancellation** of evictions at the judgment creditor's request or by an action of the judgment creditor will be processed immediately and the service will be closed.

**PROCEDURE A: Cancellation of Eviction**

- I. In the event the judgment creditor chooses to cancel the enforcement of the writ of possession/real property, the eviction will stop upon the receipt of written instructions electronically or by hard copy. The creditor will immediately provide the original document when submitted electronically. The writ of possession/real property will be returned to the court at the request of the creditor or held for the life of the writ. If the writ was properly executed pursuant to CCP 715.020, no part of the Sheriff's fee charged pursuant to Government Code 26733.5 will be refunded to the judgment creditor.

**PROCEDURE B: Cancellation and Rescheduling of an Eviction**

- I. In the event the judgment creditor wishes to stop the immediate enforcement of the writ and reschedule for a later date; the eviction will be immediately stopped and the service cancelled. The creditor may later submit new and proper instructions, a writ declaration, and fees during the life of the writ as set forth in CCP 715.020 and GC 26721.

**PROCEDURE C: Failure to Appear by the Judgment Creditor or Their Agent**

- I. The failure to appear of the judgment creditor or their agent at the time and date set for an eviction, without prior notification to the Civil Unit, will be considered a cancellation.

The deputy assigned the eviction will indicate the action was unsuccessful due to "agent no show" and will return the case to the assigned LPT. The LPT will retain the writ until it expires. Upon expiration, the LPT will return the writ to the appropriate court as unsuccessful and the Sheriff's file in the action will be closed. In the event the judgment creditor wishes to recommence the enforcement of the writ, the case will be reopened following receipt of new instructions, a writ declaration and the appropriate fee pursuant to GC 26733.5. The writ will then be executed in the manner prescribed by law and a new date and time for eviction will be scheduled.

#### **PROCEDURE D: Stay of Execution**

- I. In the event of a stay of execution on writ of possession, whether by receipt of a Claim of Right to Possession or a receipt of bankruptcy filing, the eviction will be immediately stopped. Upon receipt of an order from the appropriate court lifting the stay, the eviction will be immediately rescheduled and completed within the 5-day limit pursuant to CCP 1174.3 (g). No reposting or re-noticing of the occupants will be made prior to the completion of the eviction, unless the judgment creditor wishes to cancel the current eviction and reschedule it for a time that exceeds the five (5) day limit set forth in the preceding code. If the judgment creditor wishes to take this course of action, the case will be handled in the same manner set forth in Procedure B of this policy.

#### **PROCEDURE E: Missed Appointment by Enforcement Personnel**

- I. When enforcement personnel miss a scheduled appointment, the judgment creditor will be contacted immediately and asked for further instructions. The judgment creditor will be given the option to:
  - A. Reschedule the enforcement for a later date;
  - B. If time permits, meet the officer for immediate enforcement of the writ;
  - C. Stop the enforcement of the writ.
- II. If the judgment creditor requests immediate enforcement or the rescheduling of the eviction, the case will be given priority and the writ will be enforced as soon as practical. No additional fees will be charged to the judgment creditor. If the judgment creditor wishes to cancel the enforcement of the writ, the Sheriff's file will be closed and the writ returned to the court. In the event the judgment creditor has cancelled the eviction but at a later date wishes to proceed, the case will be reopened as set forth by Procedure B of this section.



## *Kern County Sheriff's Office Support Services Section - Civil* **Policies and Procedures**

<b>TITLE: Keeper Employment Procedure</b>		<b>NO: E-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 28, 2013</b>	<b>REVIEWED: December 20, 2019</b>	<b>REVISED: January 28, 2013</b>	<b>UPDATED: December 20, 2019</b>

### **POLICY**

During the enforcement of writs and judgments, the Kern County Sheriff's Office may employ private individuals to act as "Sheriff's Keepers" to facilitate the enforcement of those judgments. It shall be the policy of the Sheriff's Office Civil Unit to establish standards which govern the employment and the use of Sheriff's Keepers.

Sheriff's Keepers are private individuals who are hired by the Civil Unit to assist the Sheriff with the enforcement of levies. The authority to hire Keepers is granted to the Sheriff pursuant to CCP Sections 488.090, 687.030 and California Government Code Section 26726. In addition to this policy, all provisions established by the California State Sheriff's Association Civil Procedural Manual (Ref. Ch. 5) shall be followed when dealing with keeper employment.

All persons employed as Sheriff's Keepers should be fully aware they are hired on an "as needed" basis and are considered private contractors working for the Sheriff's Civil Unit. Keepers are **not** county employees and are therefore not eligible for all the rights, privileges, and benefits enjoyed by full-time, compensated county employees. Should a Keeper be injured in the line of duty, they may be eligible for county worker's compensation benefits if so approved by the Office of County Counsel/Risk Management.

### **DIRECTIVE I:**

It shall be the responsibility of the Senior Deputy to maintain and update the list of persons eligible for employment as Sheriff's Keepers. This list shall be made available for review by any person authorized by the Sheriff's Support Services Section Commander. Employment and personal information on persons employed as Keepers shall be deemed confidential in nature and handled accordingly.

### **PROCEDURE:**

#### **A. Minimum Employment Standards**

All persons employed as Keepers by the Sheriff's Civil Unit shall possess the following qualifications:

- Must be a citizen of the United States;
- Possess a valid Driver's License;
- Must be 18 years of age or older;
- Must be of good moral character;

- May not have been convicted of any criminal offense;
- Volunteer status with the Sheriff's Office is desirable but not necessary;
- Must not be currently employed as a full-time Deputy Sheriff or a relative living in the home of; or have any direct financial relationship with, any person currently employed by the Sheriff's Office Civil Unit.

## **B. Keeper Employment**

All qualified persons interested in employment as a Sheriff's Keeper shall be provided with an application packet which will contain the following documents:

- Keeper Information memo
- Conflict of Interest Disclaimer
- Sheriff's Keeper Application
- Keeper Employment/Information Sheet
- Personnel Information Sheet
- Authorization to Release Information

## **DIRECTIVE II:**

All persons interested in employment as a Sheriff's Keeper shall complete the aforementioned documents, except the Keeper Information memo, and return them to the Civil Field Enforcement Unit (CFEU) Senior Deputy. The CFEU Senior Deputy, Sergeant, and Division Commander shall review all completed applications and will approve them prior to a person being placed on the keeper list. Any individual who does not have a completed background investigation on file with the Sheriff's Office Personnel Section, shall successfully complete a background investigation prior to being placed on the keeper list. Such background investigation will be conducted as prescribed by the Personnel Division, Background Investigations Unit Supervisor.

## **PROCEDURE:**

### **A. Special Provisions of Keeper Employment**

Any person employed as a keeper may have their keeper status terminated, at any time, upon the order of the Sergeant or Division Commander of the Support Services Section. It will be the responsibility of the Senior Deputy in charge of the keeper list to make proper notification to the keeper if that person's employment status is terminated.

A person employed as a keeper may be removed from the keeper list for any one or a combination of the following reasons:

- Voluntary removal at the request of the keeper;
- Any medical condition which would prevent the person from performing the

duties of a keeper. The keeper will be placed on an “inactive” status pending a formal medical release from a doctor and the approval of the Sergeant, if they so request.

- Violation of any of the Rules of Conduct stated in Chapter 5 of the Civil Procedures Manual.
- Any violation of the Sheriff’s DPPM or any local, state, or federal laws, whether on or off duty.
- A distinguishable pattern of unavailability for keeper assignments.
- A conflict of interest, pursuant to California Government Code Sections 1090 and 87100, and/or Kern County Ordinance 2.02.010A.1.

**DIRECTIVE III:**

Anytime a keeper is arrested or contacted by law enforcement as the subject of a criminal investigation, that person shall, as soon as practical, notify verbally or in writing, the Senior Deputy of the CFEU. The Senior Deputy shall brief the CFEU Sergeant and Division Commander as to the circumstances. A determination will be made as to the future employment status of that keeper. An involvement in this type of activity must be reported prior to accepting any keeper assignment. Failure to make this notification will result in the immediate termination of the employment of the keeper.

**PROCEDURE:**

- A. Sheriff’s keepers will be compensated in accordance to guidelines established by Government Code section 26726. Those rates are as follows:
  - a. 8 hours or less.....\$140.00
  - b. Over 8 up to 12 hours..... . \$300.00

In the event a Keeper is required to report to duty at the scene of a keeper levy, but not used, the keeper will be compensated in the amount of \$60.00 (non-installation fee).

Mileage to and from keeper jobs will **not** be paid.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: Keepers – Procedures Upon Objection by Defendant</b>		<b>NO: E-101</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 28, 2013</b>	<b>REVIEWED: December 20, 2019</b>	<b>REVISED: January 28, 2013</b>	<b>UPDATED: December 20, 2019</b>

**POLICY:**

Pursuant to existing law, a keeper may be placed in a going business to satisfy judgments under Writs of Attachment or Writs of Execution for a money judgment. Procedures have been established, by statute, for what the levying officer's responsibilities are in the event the defendant objects to the keeper seizing all tangible personal property in the form of money and equivalent proceeds of sales.

It shall be the policy of the Kern County Sheriff's Office that the provisions set forth by CCP 700.070(c) and CCP 488.395(e) will be followed in regard to cases where the Sheriff is directed to place a keeper for the sole purpose of seizing tangible personal property consisting of money and equivalent proceeds of sales.

**PROCEDURE:**

CCP 700.070 and CCP 488.395 govern the responsibilities of the keeper and levying officer in the event the owner or person in control of a going business objects to a keeper. The owner or person in control of a going business may not object to the presence of a keeper, however, if the instructions to the Sheriff indicate the keeper is to be "placed in a business for the purpose of taking into custody tangible personal property consisting solely of money or equivalent proceeds of sales and the levying officer shall take such property into exclusive custody at the end of each daily keeper shift." (Ref. CCP700.070(c)).

In the event a keeper is objected to in the above stated fashion, the levying officer shall explain to the business owner, or person in control of the business, that their objection to the keeper is noted. The keeper shall remain in the business pursuant to the levying officer's instructions and the statutes listed. The business owner should be referred to his/her attorney for advice if he/she continues to object to the presence of the keeper.

In the event the business owner objects so strenuously, it appears the levying officer or the keeper may be physically harmed if they remain at the business, the levying officer shall seize all moneys and equivalent proceeds of sales present at the time of the objection and shall release the keeper pursuant to CCP 700.070(b) and /or CCP 488.395(c) (1). The levying officer shall then cause a Crime/Incident report to be prepared, documenting why the keeper was released and the levy not satisfied. A return to the court shall be prepared "setting forth the reasons for believing the risk exists." (Ref. CCP 699.030(b)). A copy of the completed Crime/Incident report shall be included with the return to document the levying officer's actions to the court.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: ORIENTATION AND TRAINING</b>		<b>NO: F-100</b>	
<b>APPROVED: Support Services Manager</b>			
<b>EFFECTIVE:</b> January 1, 2012	<b>REVIEWED:</b> December 20, 2019	<b>REVISED:</b> December 20, 2019	<b>UPDATED:</b> December 20, 2019

**POLICY**

To maintain a high level of professionalism, accountability, and competency, it is necessary to provide orientation and training to all personnel assigned. The Civil Units operation requires all personnel to have a thorough knowledge of the various state and federal laws and court processes involved. Because of the legal liability involved, the following procedure will be followed to ensure all personnel assigned to the Civil Units are provided with the necessary information to carry out their duties accordingly.

**PROCEDURE**

**I. LEGAL PROCESSING UNIT (LPU)**

**A. New Personnel – Orientation and Training**

1. Under the direction of the Supervising LPT, the Senior LPT is responsible for the orientation and training of all new personnel assigned to the LPU.
  - A designated LPT or FST will be assigned to implement and provide training to the newly assigned personnel.
  - The training phase will generally take six (6) months to complete.
2. Orientation will consist of a tour and introduction to the other Civil Units.
3. The LPU Training Manual will be utilized for the formal training module of new personnel.
4. All newly assigned personnel will attend the 40-hour Basic Civil Procedure Course within 18 months.

**B. All Personnel – Continuing Training**

1. The Supervising LPT is responsible for the identification and implementation of applicable ongoing training for all personnel assigned to the LPU.
2. Training may consist of in-service updates, Advanced Civil Procedures Course, civil forums, or attendance at annual civil training seminars.

## **II. Civil Field Enforcement Unit (CFEU)**

### **A. New Personnel – Orientation and Training**

1. The CFEU Sergeant is responsible for the orientation and training of all personnel assigned to the CFEU.
  - The Civil Section Senior Deputy or designee will be designated as the field training officer.
  - The training phase will generally take three (3) weeks to complete.
2. Orientation will consist of a tour and introduction to the other units in the Civil Section.
3. The CFEU Training Manual will be utilized for the formal training module of new personnel.
4. All newly assigned deputies and Sheriff Aides will attend the 40-hour Basic Civil Procedure Course within six months of their assignment to the unit.
5. All newly assigned deputies and Sheriff Aides will ride along with one or more of the experienced officers as in-field training.

### **B. All Personnel – Continuing Training**

1. The CFEU Sergeant is responsible for the identification and implementation of applicable ongoing training for all personnel assigned to the CFEU.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: Protective Order: Firearms Seizure</b>		<b>NO: G-100</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 28, 2013</b>	<b>REVIEWED: December 20, 2019</b>	<b>REVISED: December 20, 2019</b>	<b>UPDATED: December 20, 2019</b>

**POLICY**

It is the policy of the Sheriff's Office that the official response for the service of domestic violence protective orders shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated.

**DIRECTIVE**

Officers seizing firearms or other dangerous weapons, pursuant to FC 6389(f) shall comply with PC 18255(a):

- Complete form 2210-2025 (Firearm Confiscation Receipt) as instructed in the report writing manual.
- Provide the receipt (pink) copy to the owner of the firearm or to the person from whom the firearm was seized.
- Attach the duplicate (yellow) copy to the property card.
- Attach the original (white) copy to the case report.
- Mark the original case report for investigation.

Whenever a firearm is seized by a peace officer pursuant to this procedure, PC 33850(a) **must** be followed. The firearm must be booked into the Property and Evidence Facility and a Crime and Incident report will be completed. PC 33850(a) prohibits the release of any firearm to any person unless the person has received a clearance from DOJ and has obtained the proper documentation. Firearms will only be released through the Property and Evidence Facility per PC 33850(a) and applicable procedures.

The instructions for obtaining a release is contained on the receipt form 2210-2025 (Firearm Confiscation Receipt).

**PROCEDURE: Under Review to comply with AB 1014**

It is recommended but not required that (2) two Sheriff's Deputies will respond to the residence or location provided for the service of Protective Orders where COURT ORDERED FIREARM CONFISCATION PURSUANT TO FC 6389 (f) has been included in the order. A deputy will advise the subject being served of the weapons surrender clause. The deputy will advise the subject being served they have 24-hours to comply with the law. The subject has the option of

turning the weapons over to the law enforcement agency of jurisdiction, or by selling the weapons to a licensed dealer. If the subject being served agrees to turn over weapons to the deputies, extreme officer safety practices should be used.

The court order DOES NOT provide the peace officer with any authority to force entry into the location indicated on the order where the firearm(s) may be located and/or conduct a search. If consent is granted for entry the deputy will complete the Sheriff's Office consent to search form. The form will be booked as evidence and a crime and incident report will be generated.



*Kern County Sheriff's Office Support Services Section - Civil*  
**Policies and Procedures**

<b>TITLE: TEMPORARY RESTRAINING ORDERS</b>		<b>NO: G-200</b>	
<b>APPROVED: Support Services Commander</b>			
<b>EFFECTIVE: January 16, 2015</b>	<b>REVIEWED: December 20, 2019</b>	<b>REVISED: December 20, 2019</b>	<b>UPDATED: December 20, 2019</b>

**POLICY**

The Kern County Sheriff's Office recognizes Domestic Violence (DV) and Civil Harassment (CH) as a serious problem in society. It will be the policy of the Sheriff's Civil Section to review and attempt initial service of all Temporary Restraining Orders (TROs) in a timely manner. The following procedure will be followed to ensure the proper service of all TROs.

**PROCEDURE**

**I. LEGAL PROCESSING UNIT (LPU)**

**A. Notification of TROs received.**

1. Any staff member of the LPU responsible for setting up any TRO for service will notify the Civil Field Enforcement Unit's Sergeant or his/her designee(s) of the TRO.
  - This notification shall be made by the appropriate means, i.e. phone, page, email or in person.
  - The notification will include: Type of TRO (DV or CH), location of service and extent of orders, i.e. Move-Out, Firearms Alleged, No Orders, etc...

**II. CIVIL FIELD ENFORCEMENT UNIT (CFEU)**

**A. Scheduling initial service of TROs**

1. The CFEU Sergeant or his/her designee will review the TRO and determine the initial service attempt of the TRO. The initial service attempt will be determined as:
  - a. Immediate
  - b. Within 24 hours
  - c. The next scheduled work day
2. When scheduling the initial service attempt of the TRO, the CFEU Sergeant or his/her designee will:
  - Consider the safety and security of all parties involved
  - The orders granted in the TRO (i.e. Move Out Orders)
  - The circumstances listed in the TRO

- Time remaining to serve the TRO

#### **B. Assignment of the TROs**

1. After reviewing the TRO, the CFEU Sergeant or his/her designee will assign the TRO to a staff member of the CFEU and advise the staff member of the initial time period the service will be attempted (immediate, within 24 hours, the next scheduled work day).

#### **C. Service of the TROs**

1. Any member of the CFEU assigned to serve a TRO will attempt lawful service of the TRO in a timely manner, as instructed by the CFEU Sergeant or his/her designee. All attempts and services will be documented on the trip ticket.
2. All TRO's needing additional service attempts will be brought back to the Civil Office the same day or no later than the start of the next scheduled work day, for possible re-assignment by the CFEU Sergeant or his/her designee.

### **III. CIVIL PROCESSING UNIT and CIVIL FIELD ENFORCMENT UNIT**

#### **A. Proof of Service for TROs**

1. When any member of the CPU or CFEU successfully serves a TRO at the Civil Office or in the field, that member will:
  - Complete the appropriate Proof of Service.
  - Attach a copy of the court orders to the Proof of Service.
  - Ensure the Proof of Service and orders are submitted to Teletypes the same day, if required.