

SAN DIEGO SHERIFF'S DEPARTMENT CIVIL PROCESS OFFICE

SUMMARY

The 2007/2008 San Diego County Grand Jury took the opportunity to visit several support units operated by the San Diego County Sheriff's Department. The Civil Process Office of the Sheriff's Court Services Bureau was one of our visits. Located in the downtown court house on Broadway, the Civil Process Office exists primarily to assist plaintiffs with serving and collecting civil judgments of the court. The office does not assist in identifying the sources or type of asset, but will process court ordered garnishment, small claims and seizure of assets. The office is a very professional group of county employees doing a large amount of court ordered civil processing to the benefit of all citizens in the county.

PURPOSE

To review the policies and procedures in place as they relate to the overall operation of the Civil Process Unit of the San Diego County Sheriff's Court Services Bureau.

PROCEDURES

Members of the Grand Jury sought and received a very forthright and detailed overview of the entire operation of the Civil Process Office of the Court services Bureau.

DISCUSSION

The Grand Jury visited and received a detailed presentation on the Civil Process Office, which is a component of the Sheriff's Court Services Bureau. The Civil Process Office is located in the County Courthouse at 220 W. Broadway, downtown San Diego, with branch offices at other county courthouses. It exists primarily to assist plaintiffs with serving and collecting on civil judgments awarded by a court against another party. Services offered include processing Garnishment of wages, bank and escrow accounts, *etc.*, Small Claims and other payments and seizure of assets ordered by the court. The Civil Process Office does not assist the plaintiff in identifying a defendant's sources of funds or property (such as an employer or bank account). Each plaintiff must find this information on his or her own, either personally or through an agent such as a private investigator. Once a plaintiff has received the judgment from the court and completed necessary application paperwork, the Civil Process Office can serve (for example), an order of garnishment on the defendant's employer.

The Civil Process Office is set up to receive seized assets, pursuant to a civil process, into an escrow account, and make payments to the plaintiff as funds are paid in. The Grand Jury followed a hypothetical case from the plaintiff walking through the front door,

through preparation and service of the civil process, to receipt of the garnished money, and payment made to the plaintiff. We found that the Civil Process Office runs according to high standards of professionalism at all levels. The computerized Information Management System is customized for this type of operation. It has extensive security features, including an automatic electronic audit trail, to help prevent either human error or fraud from undermining the integrity of the service.

The Grand Jury acknowledges the hospitality and forthright cooperation of the Court Services Bureau and the Civil Process Office, in our inquiry. Information about the Civil Process Service, including a schedule of fees, is available on the Sheriff's website at <http://www.sdsheriff.net/csb/civilpro.html>.

FACT/FINDING

Fact: The Civil Process Office assists citizens in collecting civil judgments awarded by the court.

Finding #01: The Civil Process Office operates with a high degree of dedication, professionalism and technical expertise, toward fulfilling the mission of the office.

COMMENDATION

The Grand Jury wishes to acknowledge the personal commitment, dedication and hospitality offered by the members of the Civil Process unit toward all who seek assistance in recovery of court ordered funds or assets. We found the members of the unit, both sworn and non-sworn, to be very professional in every aspect of their responsibilities and delivery of same toward the citizens who seek their assistance. We wish to commend them for a job well done and continued positive support of civil action within the Superior Court of San Diego County.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
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None