6-07/660.00 Prisoner

A summons may be served on an incarcerated person. There are several factors that dictate the procedure, including whether the party is a witness or defendant and is in federal or state prison, or county jail, the level of security, and the procedure of the facility housing the individual. Contact the prison or jail facility to inquire of their specific procedure. Many facilities only allow service of process by uniformed peace officers. If you are allowed entry, refer to 6-07/640.00 Individuals and All Other Defendants.

If access is denied, it may be possible to serve the summons through the facility's designated person. If this is the case, a blank Proof of Service (POS-010) should be prepared with appropriate case information and sections 1 – 4 completed and left with the designated person. Once served, the Proof of Service sections 6 – 9 is appropriately completed by the designated person and should be mailed directly to the plaintiff. This method shall not be the policy of the Sheriff's Department.

Rather, it may also be possible to treat the designated person as an authorized person accepting service on behalf of the prisoner. If the designated person neglects to deliver the summons to the prisoner, he may be liable for damages. (Penal Code 4013) The Proof of Service can be completed in accordance with 6-07/640.00 Individuals and All Other Defendants indicating service by an authorized person.