

FEES AND OVERVIEW

Sheriff's Fees 21.410

\$36.00/ 1-2 people at same address for ONE set of documents from the same case number. This pertains to ANY out of state paper AND out-of-state criminal subpoenas served on 1-2 people at one address. **One party to ONE address \$36.00**

\$20 each person if 3 or more people at ONE address.

\$25.00 – Writ of Garnishment. (Fees: **18.652**)

(\$15 bank search fee, cash or Check, REQUIRED to be delivered with the Writ if serving on a "financial institution" when the debtor is NOT a bank employee. **(18.790)**

\$70.00 ALL Enforcements **21.410(1)(B)**
(Writs/Order of Assistance, Writ of Execution, *Replevin)

*\$36 additional to serve supporting documents (see rule above). No exceptions to this fee. All government agencies will be billed.

ORS 44.415

In-state Civil Subpoena requires a \$30 witness fee and .25¢ per mile (cash or check) attached and if a check, must be payable to the witness. (Required)

Civil Subpoena when public body is a party, \$5.00 plus mileage @ .08¢ per mile

Exceptions: (Court waivers, Restraining Orders, & Government billing)

- Only Oregon courts may waive Sheriff's Fees. The court-issued order must mention "all fees" or "service fee". Court clerks may issue this waiver/deferral.
 - **Restraining Orders from any state are exempt from Fees.**
 - ALL Oregon government entities as the plaintiff may be billed using "**monthly billing**", the Excel spreadsheet for the appropriate month/yr.
 - Any Washington County government agency has zero cost.
- The fee authorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings where one party is a person who has been appointed counsel at state expense.

BILLED / RECEIPTS FROM A GOVERNMENT AGENCY:

Billing 20.140 State and certain public corporations not required to advance costs; payment of costs recovered. (To summarize, IF the fee or judgment being sought by the government agency is monetary, they are required to repay the sheriff the service fee. In many cases they are not recovering monetary judgment and therefore will not be paying the Sheriff's service fee. In those cases it is reasonable to remove that charge from the list of billed agencies)

Use the "**MONTHLY BILLING**" EXCEL spreadsheet in the following drive/folder:
S:\Civil Services\Civil\MONEYBILLING WORKSHEET

- Email the spreadsheet to MARGA BAILEY at the end of the month.

Receipts

- When payments for service come from the State of Oregon, route the check to **BUSINESS ADMIN** for deposit -they are tracking that dollar amount in WISARD.
- **Use one receipt for one check (even if multiple papers)**
If customer is paying with cash, use the forms on the desk, fill out the information required, and direct them to Records downstairs to pay. After paying they will need to pick up the courtesy phone and call us with the receipt number provided by Records.

Checks are written into the receipt book and the original given to the customer or attached to the paperwork for later distribution to the customer.

"FAIR ON IT'S FACE"

What makes this paper something that we will SERVE? It has to have a few elements, meaning certain elements need to exist in the court papers to make them something a sheriff would serve. Some things, which if left out, may produce doubt to whether or not the process is legitimate.

- "Issued from competent authority", with the court's name and signed by appropriate person.
- A Washington County service address (doesn't have to be listed on papers)
- Case Caption: "John Smith" versus "Sam Johnson".
- Statutory fee attached.
- We do **NOT** serve "landlord notices" or contracts, letters, administrative notices, or anything that a courier might typically deliver. *SHERIFF'S MANDATE: Summons, Subpoena & Notice Process as defined in ORCP Rule 8(A).*

ALMOST COMPLETE?

- If the document is **not** required to be a "certified true-copy" by the court, MAKE COPIES and prepare it for service. (it's legal to photocopy Summons & complaint/petition, subpoena, small claim, Notice of Restitution, any Writ or Order, Notice, etc.). Restraining Orders are only produced by the court of authority or upon receipt through the facsimile from an Oregon Sheriff or trial court.
- If you need address clarification or one is left out of the service papers, CALL the plaintiff and obtain the information ASAP.
- Missing a case number? In rare circumstances that's ok (out of state), if it is signed or issued by the court go ahead and process it.

Per WCSO policy we will only serve the papers in the manner provided in statute. If a letter of instructions conflicts with statutory rules, contact a supervisor: FYI for the plaintiff's knowledge; If the resident says the defendant does not live there, that is the only information needed for the deputy to make a return as un-served. Contact the plaintiff by phone or by written letter and inform them of the statutory requirement and advise the plaintiff that department policy requires us to conform to statute. Ask the plaintiff if they would still like WCSO to attempt service knowing that it may be returned un-served.

Exception: Court may allow plaintiff to serve by another means. This is allowable AFTER the plaintiff has exhausted other means of performing service. If, for example, the plaintiff directs the sheriff to "post" on the premises we will. A customized return of service must be used.

DAILY OPERATIONS

Prioritizing Papers to Be Booked

- Any Restraining Order, F.E.D./Notice of Restitution/Eviction, Writ of Garnishment, gets put into the *RUSH* basket at the front counter. Writs and Orders MUST be reviewed by a supervisor prior to booking or date stamping. Once they are approved, they get put into the rush basket.
- Any document with a court date gets put at the top of the stack, AND if the date is very soon put it in the RUSH basket.
- Whenever new subpoenas come in, sort the entire stack in order of closest court date on top, regardless of when it comes in.
- EVERY document for service (except subpoenas) are required to have the 4x4 intake sheet attached to it and filled-in BEFORE being placed in the *in-box*.

CASH HANDLING AND DAILY CLOSE

Stamp the back of every check once "receipted".

Exception: (ENFORCEMENT DEPOSIT)

If it is a deposit for a Writ of Execution on a Personal or Real property sale. Checks are used by the appropriate person to deposit with Business Admin in a separate account. The Excel sheet is in:

S:\Civil Services\Civil\MONEY entitled "*customer deposit.doc*"

To Deposit

- Remove all of the *YELLOW* receipts from the receipt book, gather ALL of the checks from the drawer and total them both. (Should match exactly).
- Use two Civil deposit sheets. One to total the \$ and attach to the receipts, the other to keep with the checks deposited to Business Admin.
- Use a blue deposit bag to put the cash/receipts in, lock them in the Civil safe until deposit in business admin.
- Everyday, deliver the deposit bags to business admin. Strive for no less frequently.

WASHINGTON COUNTY SHERIFF'S OFFICE

MONTHLY OPERATIONS

Rotational Duties for Civil Office

- These duties rotate MONTHLY; schedule is in shared CIVIL drive
(IMPORTANT REMINDER: ALL RETURNS MUST BE DONE SAME-DAY)

Booker

- This assignment will be spending the vast majority of time booking. If "returns" that exist have priority over the booking and there is limited staff, then the temporary focus will be on the priority of making returns to the court.
- Concentrate on the RUSH basket first, booking tray 2nd.

Counter

- Focus on counter assistance

Vehicle/Phones

- All abandoned vehicles get entered before 1pm.
- Focus on returns.
- Primary person to answer incoming calls and voicemail, and concentrate on returns when not answering phones.
- Evening Deposit to business admin.
- Forward phones at 5pm

Mail

- Open all mail & check for rushes, before 11am
- Focus on "returns".
- Check FAX machine.

GENERAL WORK EXPECTATIONS

This is meant to clearly define general work expectations within the Civil Unit -to act as a guide. This serves as a reminder of our goals and to maintain an atmosphere in which effective, efficient, and quality work is produced.

1. Do your best
2. Do the right thing
3. Treat other people the way you want to be treated

Arrive to work on time – be working at your workstation and working at your start time.

Non-work-related talking – Limit non work-related conversations. We are a business office and we have a high volume of workload. The impression we leave on our customers and other employees should be that we are professional and focused on our duties evidenced by an efficient use of public funds. Eliminate errors by focusing.

Break/Lunch time punctuality – 2 fifteen-minute breaks and a half-hour lunch. Breaks are taken mid-morning and mid-afternoon. Breaks can be combined with lunch but must have prior supervisory approval.

Chain of command- When necessary, use your chain of command. Start with your immediate supervisor: cell phone/Nextel

Tim: 503-793-4947

Greg: 503-849-3447

Familiarize yourself with policy- All staff are to be aware of Washington County and WCSO policy, and maintain a level of proficiency with applicable ORCP/ORS related to civil process. In particular, laws that relate to daily booking/service of documents, or know where to find it. When in doubt look to your manual and/or the O.R.S. reference materials.

<http://landru.leg.state.or.us/ors/>

WASHINGTON COUNTY SHERIFF'S OFFICE

MONTHLY DUTIES

CHECKLIST

BOOKER

VEHICLES/PHONES/\$

COUNTER

MAIL

<p>MORNING</p> <ul style="list-style-type: none"> • Rush booking 1st • Priority booking 	<p>MORNING</p> <ul style="list-style-type: none"> • All abandoned vehicles entered before 1pm • Returns • Un-forward phones and pick up messages 	<p><i>Primary person helping customers at the counter</i></p>	<p>MORNING</p> <ul style="list-style-type: none"> • Open all mail & check for rushes, before 11am • Returns • Check fax machine for Civil
<p>AFTERNOON</p> <ul style="list-style-type: none"> • Rush booking 1st • Priority booking 	<p>AFTERNOON</p> <ul style="list-style-type: none"> * Check voice mail 	<p><i>Primary person helping customers at the counter</i></p>	<p>AFTERNOON</p> <ul style="list-style-type: none"> • Check fax for Civil • Pick up mail
<p>EVENING</p> <ul style="list-style-type: none"> • Priority booking 	<p>EVENING</p> <ul style="list-style-type: none"> • Deposit \$ to Business Admin • Forward phones @ 5pm 	<p><i>Primary person helping customers at the counter</i></p>	<p>EVENING</p> <ul style="list-style-type: none"> • Check fax for Civil • Pick up mail

VOICEMAIL

- Pick up any line and dial "3998".
- dial "#"
- dial "62761" for **CHL**
- "62519" for **Alarms**
- "62537" for **Civil**
- Enter the current 6-digit PASSWORD. (All passwords need to be uniform on Civil, CHL, and Alarms permits main phone lines)
- Answer and return calls on the voice-mail hourly-no less.

GENERAL LOG-IN PROCEDURE FOR EPPDS, WEBLEDS, AND VOICE MAIL.

WEBLEDS

LEDS requires you to have a DPSST # and a password. The Records Manager, at extension #2741, manages the WEBLEDS permissions. All approvals for LEDS "access" are given at the Civil Records Manger level.

- Driver's license photos: enter in the free form field "DPL" and enter the Driver's License Number.
- Deputy's name from DPSST#: enter "QID" in free form, enter the DPSST# and it will return with the officer/deputy's name and agency last worked.
- CCH query: Enter "QWHD" in free form. After you get a return with a S.I.D. and/or F.B.I. number.

In regard to restraining orders, only use the relevant "RR" results, no need for DMV "info" to be attached unless it is *Misdemeanor* or *Felony* suspension.

PPDS

You will enter "W#####" (your DPSST) and then a password. The passwords and permissions are managed by records supervisors, and Deputy Hickey (patrol).

Address Searches

If running a query with the address, don't click on the blue arrow, click on "ADDR/NAME DISPLAY" at the top left.

Name Searches

- Enter the name exactly as it is spelled. Hit the blue arrow button when finished.

Rules for CCH, LEDS/PPDS, DMV/wants

- **CCH**: Restraining Orders, Enforcements, Evictions only.
- **DMV Photos/wants**: ALL civil documents, including subpoena.
- **Use of Addresses from LEDS/PPDS**: Only criminal subpoenas due to LEDS rules regarding "criminal justice purposes only".

PROCESSING/ BOOKING

ALL F.E.D., Notice of Restitution, and Restraining Orders should be put on the booker's desk; these are the top priority for booking. All other rush booking is housed in the rush basket on the wall next to the front.

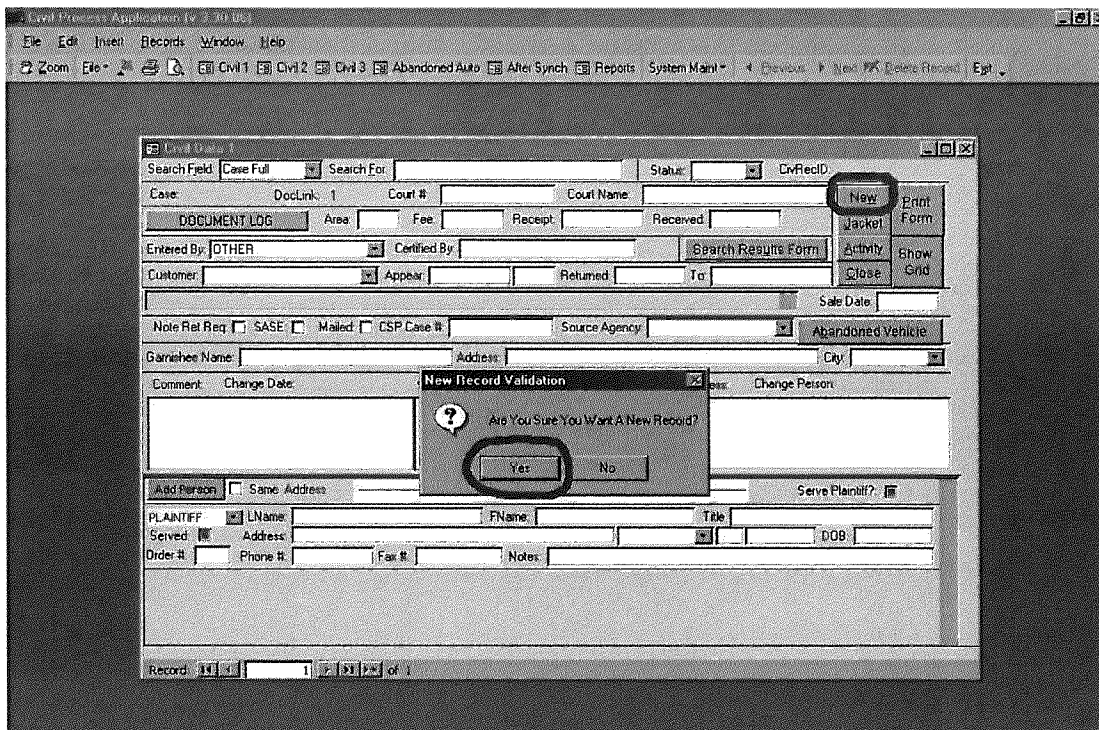
GENERAL BOOKING INSTRUCTIONS FOR CIVIL PROGRAM

- UNLESS NOTED OTHERWISE, ONE CASE NUMBER PER ONE DEFENDANT OR WITNESS.
- **Exception F.E.D: Summons and Complaint, Notice of Restitution, Writ of Execution on Judgment of Restitution.** All names of defendants are put on the same case.

GETTING STARTED:

To begin you must click on "**NEW**" on the initial entry screen. If you do not choose "new" everything that you type will be rejected because a case number is not open.

(Example of "New Record" choice)



Entry Screen/Review Each Line

- The “**search field**”. Choose the search criteria first, then in the following “**Search for**” field enter the name, case #, etc. and hit “**ENTER**” on your keyboard or the “**Search Results Form**” button below “**Received**”.
- The “**status**” field. This field can be used when searching to eliminate any results with cases that are open or closed.
- The “**court #**” field, enter the court’s case number here when entering a new case.

NOTE: CSP Case numbers and source agency: MANDATORY ENTRY.

Child Support documents from the state or County DA:

Enter the CSP (alphanumeric) case number in the “**CSP#**” field, Case # in the regular Court # field. NOTE: If you don’t use the CSP case number for the child support documents we will not be paid by the state. If this is not provided, call the issuing party to obtain it. Choose “**Non-support**” as document type when not prepaid.

- “**COURT NAME**” field, enter the proper jurisdiction. If a subpoena, enter appropriate DA’s office name. “*WEST SALEM DCS*”, “*LANE COUNTY DA*”
- “**DOCUMENT LOG**” button. This will be clicked and a drop-down menu of documents appears for you to add to your case entry. (“**NS**” required).

WASHINGTON COUNTY SHERIFF'S OFFICE

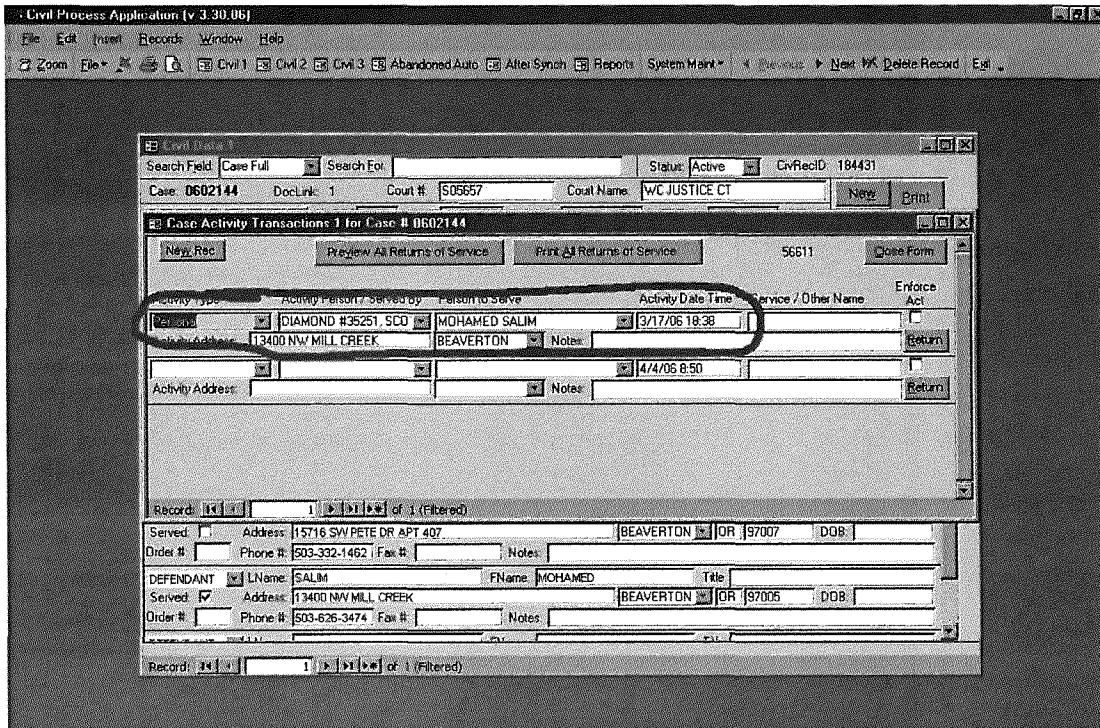
- **"AREA"** field. This box corresponds to the work district of the defendant's, or party to be served, and their address. If you have an address in Hillsboro, the area is 7. Please see the Deputy Area List, (SEE EXAMPLE)
- **"FEE"** field most of the time auto-fills once a document type is chosen, if not, enter the fee being paid for service even if being billed.
- **"RECEIPT"** field is where you enter the receipt Number given the plaintiff.
 - **"WAIVED"** in the receipt field if waived/deferred.
- **"RECEIVED"** field is the date it was date-stamped in Civil.
- **"CERTIFIED BY"** field is the name of the person or title of whom certified the documents to be a true copy.
- **"CUSTOMER"** is the field used to choose the appropriate attorney, DA's office, or other agency that a document was sent from.
- **"APPEAR"** is the court date on the documents.
- **"RETURNED"** is the date you are returning the affidavit of service and documents back to the court and/or plaintiff.
- **"TO"** is the name of the court or plaintiff you are returning the affidavit and/or documents to.
- **"NOTE RET REQ"** is chosen to indicate a request of the plaintiff to have the papers returned without further service. (NOT USED)
- **"SASE"** self-addressed and stamped envelope was provided. (NOT USED)
- **"MAILED"** indicates the debtor was mailed on a writ of garnishment, or a petitioner was mailed on a restraining order. (RARELY USED)
- **"CSP CASE NUMBER"** is a required field when processing a non pre-paid child support document sent to us from a state agency or DA. The CSP case number on the paperwork is entered here and NOT on the example in #3.
- **"SOURCE AGENCY"** is the agency who sent the child support documents. ie: *DCS/Salem* is how to enter Oregon State Division of Child Support from the Salem, Oregon office. If from Tigard, Oregon you would type "DCS/Tigard". If from the Washington County DA's office, enter "WCDA". This is required of documents with CSP numbers needing to be billed.

WASHINGTON COUNTY SHERIFF'S OFFICE

- **"GARNISHEE NAME"** is the required field for entering whom WCSO is serving a Writ of Garnishment to. This field **MUST** be filled with the name of the individual or company we are serving. Once you "tab" past "city" all of the info on all 3 lines will auto-fill in the "special instructions" field for the deputy to serve.
- **"ADDRESS"** directly following "*Garnishee Name*" is the required field for the address of where WCSO is serving the writ of garnishment. The address **MUST** be entered here.
- **"CITY"** is the city of the name and address of where the writ of garnishment is being served. Also required.
- **"COMMENT"** is the field to enter any relevant comments related to this document, its service or lack thereof, or anything else necessary to keep without the info printing on the case jacket. This info only shows up in the computer.
- **"SPECIAL INSTRUCTIONS"** is the field to which you type details the deputy will need to see on the case jacket. If seizing a car, list the details here. If an order to move, list here, etc.
- **"PROCESS"** is where you will see the documents listed. You can manipulate the field even after choosing documents. If you want a document deleted, please go back to "DOCUMENT LOG", choose and delete from the list.
- **"ADD PERSON/SAME ADDRESS"** Use with FED cases when adding identical address info (eliminates errors).
- **"PLAINTIFF"** and **"DEFENDANT"** must be filled out completely. Seek supervisory assistance if not enough info is provided.
- **"WITNESS"** used for ALL subpoenas, criminal or civil.
- **"NEW"**, when beginning a new case entry. Remember, one defendant per case entry for other than F.E.D. cases.
- **"JACKET"** is selected to print a case jacket. If you would like to preview your case jacket before printing it, select "Reports" at the top, at the top of the drop down "jackets" is pre-selected-enter the case number you are working on and select "Preview" to see a digital version of the case jacket.
- **"ACTIVITY"** (see screenshot) is used to enter ALL activities; "served" or "return unserved" information on defendant/respondent or plaintiff/petitioners. Fill out the information completely. Since the "date/time" portion of the activity is pre-filled with the current date/time you will need to manually enter the "served/returned" date and time in the following format: "04/10/06 (single space) 1600".

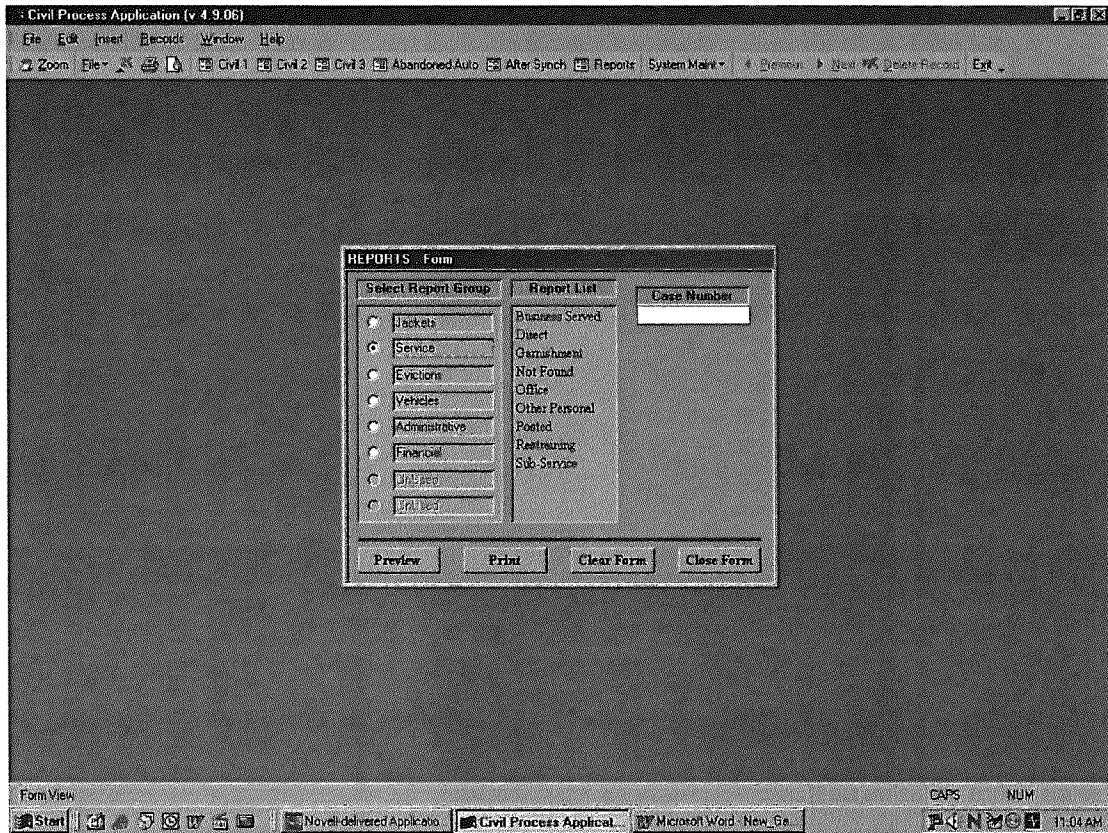
WASHINGTON COUNTY SHERIFF'S OFFICE

“Close” is used to close out the current case you are working on.



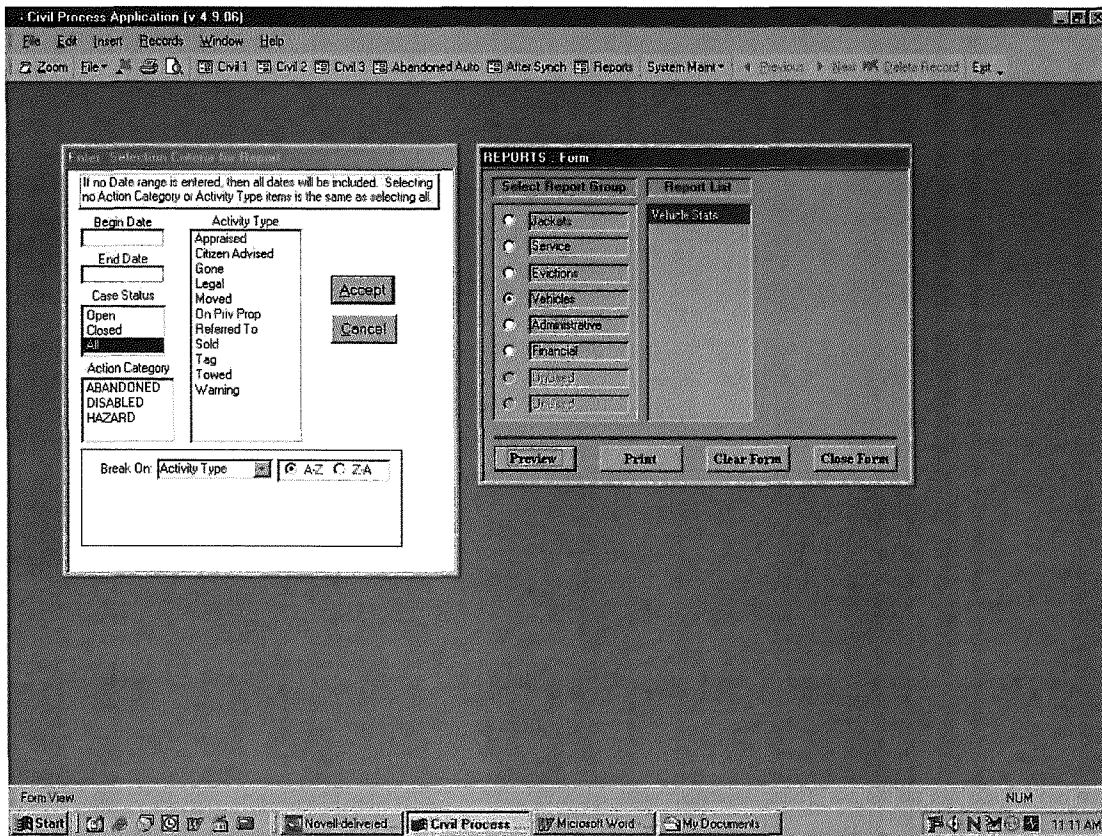
- “Print form” is the button you select to print what you are looking at. It will print the fields that are open on the screen you are working on, it will NOT print a case jacket or the activity fields.

REPORTS



- “**Jackets**” prints case jackets.
- “**Service**” (do not use via this method)
- “**Evictions**” is used to print Eviction Trespass Notices on an eviction case. Because of the specific language used in the Eviction Trespass Notice, you must ensure all fields for the plaintiff are filled in properly. You will print two Eviction Trespass Notices for each defendant, one for the courts, and one for the landlord.
- “**Vehicles**” (see screen shot) is used for accessing statistics about abandoned or hazard towed vehicles. You can choose the date range and type of tow, you can choose a varying degree of dispositions to report on or see them all within a certain date-range.

WASHINGTON COUNTY SHERIFF'S OFFICE



- **“Administrative”** is used to track open cases, employee documents booked and served, and specifically non-support documents served.
- **“Financial”** is used for viewing a summary of what document categories the service fees fall under, and can be chosen to specify which cases.
- **“PARTY TO SERVE”** drop-down when entering the Garnishee info.
- **“SERVE PETITIONER”** When service is for the “Petitioner” on a case please make sure you still enter the case heading information exactly as it is on the documents and put the petitioner in the petitioner field. The “Special instructions” section is where you enter the info for the deputy on WHOM to serve.

TROUBLE SHOOTING TIPS

Return shows errors or gives an error message:

- Check to make sure you have selected a DEFENDANT and an address. Check also to see that you have an actual Date and Time of service. Check for a Deputy selected.
- Make sure you have a document type in the box. Returns won't print without it.
- Make sure the "received" date isn't AFTER the "SERVED" date.

Additional papers added after the fact? Add to current case if case number same.

→ Example: We receive a summons and complaint for defendant, then plaintiff sends in an order to show cause for the same defendant and same case number.

(No problem, as long as the other papers have NOT already been served we can add additional papers to the current case jacket for the same person BEFORE it is served for no additional cost. If already served, must pay appropriate fee(s) for another attempt to serve.)

Searching

Select a drop-down item (Court Full, Case Full) and enter the information. A single field may appear when you know there are multiple screens. Bottom-left is a black arrow-click on the black arrow to scroll through the remaining multiple screens.

WASHINGTON COUNTY SHERIFF'S OFFICE

CIVIL DEPUTY AREA LIST

AREA 1 (Beaverton, Portland)

65th is the border to Multnomah County, to Murray RD

97005

97008

97225

97229 (East of 143rd)

AREA 5 (Beaverton, Aloha, Portland, Hillsboro)

West of 143rd

97006

97007

97229

AREA 3 (Tigard, Tualatin, Sherwood, Scholls, and Wilsonville)

odd #'s on SW 65th

97223

97224

97062

97070

97140

AREA 7 (Hillsboro, all cities west and North Plains)

West of Cornelius Pass Road

97123

97124

97106

97113

97116

97119

97133

AREA ZERO

ALL enforcements: Including evictions, orders to move on a restraining order, property seizure, ANY paper wherein the party to be served has a warrant or major caution.

DOCUMENT TYPE

Alarm Permit Revocation / Citation Warning Letters

To Accept

- The Alarm Permit Revocation Letter will come to us as a printout, nothing to indicate whether an original or true copy. Do the following:
- Some packets will have more papers than others will regarding cite warning letters. Book each the same regardless of how large or complete the individual packets are.

Booking

Make a True Copy on the Revocation Letter, if not already done.

Service Method

(May be personally served, posted or substituted service)

Return Affidavit

- When preparing the Affidavit of service, if there are TWO or more names for the alarm permit holder and it was served personally, you only need to put ONE name in the defendant name field for the affidavit. The objective is to notify the household of the revocation. Simply change the name field to reflect the ONE person's who was served and prepare the return.
- **Deputy will sign the affidavit & return to Alarms**

CHILD SUPPORT DOCUMENTS

To Accept

- Must have at least one true copy to serve, the copy used to return to the state may be a photocopy of the face sheet.
- Must have \$36 if not from the State of Oregon/District Attorney.
- If the item is from a State agency within Oregon and there is NO "CSP" case number, we cannot accept the papers. Call the source agency and get it over the phone. If unable to contact, return the papers to the agency with the standard "return un-served" template explaining the necessity.

Booking

When entering the papers for child support and we have NOT been pre-paid, you are REQUIRED to enter the "non-support" document type "**NS**". This document "code/type" will NOT show up in the list of documents to be served, this is a code that is used to tracked to tally and bill the state for services of documents.

*NOTE: Transery will frequently submit these with a check for \$36.00.

CSP CASE NUMBERS: (see page 10 & 11 for "CSP Case #" info)

These unique case numbers are required to be entered in the "CSP CASE NO." field, AND, the required source agency listed in the "Source Agency" field.

→ **EXAMPLE: 05XAAA233B56323** **DCS/Salem** ←

All non-Washington County government service fees (other than Non-Support)

ALL billing to the State of Oregon or non "Washington County" agencies will be done through Business Admin using the appropriate form, found in the "money/billing" folder.

NOTE: Child Support is billed by assigned staff or supervisors using civil program/Excel.

Service Method

Some of these papers reference statute and the manner in which service is to be accomplished. Most are to be served in the manner of Summons mentioned in ORCP 7 (personal, sub-service, office, etc.)

If the child support papers are attempting to establish paternity (noted by a 20-day response) it **MUST** be served personally.

Return Affidavit

- Simply choose "served" next to the proper person, the activity box pops up, and you will enter all required information in the fields
- Select the proper "activity type" for the defendant.
Note: Sometimes the petitioner will be served by the respondent when filing an "answer", or response, to the court.
- Select "print return".

CHL REVOCATION LETTERS

To Accept

The CHL Revocation Letter will come to us as a letter addressed to the CHL applicant advising of their revocation.

Booking

- For a case number, use the "**SYSTEM ID**" in the top, right corner of the CHL database entry for that individual.
- Run LEDS and attach if there is a warrant. In "special instructions" instruct the deputy to seize the CHL if found.
- Attach DMV photo.
- Insert the original revocation letter only, NO copies to be served or booked.

Service Method

The deputy will serve the "**ORIGINAL**" to the applicant **PERSONALLY**. Do NOT serve a "true copy".

Return Affidavit

- Use a standard "print return" for the service.
- The deputy **MUST** sign the affidavit.

WASHINGTON COUNTY SHERIFF'S OFFICE

CIVIL SUBPOENA (136.555) (ORCP 55)

To Accept:

- If issued by an attorney, it is **REQUIRED to be signed (ORCP 55C(1)(a)(ii).**
- Service fee ORS 44.415(2)
- Witness fee (ORS 44.415) check or cash.
- **Faxed subpoenas may be served**

***Exception: If Duces Tecum and NOT a personal appearance - no witness fee.**

Witness Fee: \$30/day and .25 cents per mile.

"Copies" are acceptable, including faxes and teletypes.

Booking

- Date-stamp the back of the copy that goes back to the court.
- Make sure the court date has not passed.
- One witness per case number. Need two copies, both are attached to the case jacket

Entry

- Use "Witness" instead of "Defendant".

Service Method

- Personally service ONLY when witness is 14yrs and older.

SUBSTITUTED ALLOWED: It is allowable to be served to a parent or guardian of a child when 13 and younger.

- A plaintiff or attorney can also serve their own subpoena.

Return Affidavit

The copy of the subpoena is filled out by the serving deputy and attached to the case jacket. Take this copy and a printed return of service go back to the sender.

WASHINGTON COUNTY SHERIFF'S OFFICE

CRIMINAL SUBPOENA

To Accept

- Must be signed by the attorney (if from D.A. ORS 136.563 & 136.565) and have a court date that has not passed. (136.567 10-“witness” limit, \$36 ea. Beyond 10)
- Two copies of the subpoena.
- **Faxed subpoenas may be served**

INMATE SUBPOENA

If for an inmate, ORCP 55(E) requires a judge-signed court order granting temporary removal and production of the prisoner for the purpose of giving testimony. We will not serve a subpoena upon a prisoner without the order.

Booking/Entry:

- Use the Court number listed, or in its absence use the DA Number.
- Enter “WCDA” in the “COURT” field.
- Enter the proper County District Attorney.
- **Attach a PHOTO on EACH (when a domestic violence subpoena) for defendant AND the witness.**
- **Attach the original to the case jacket, copy for service IN the jacket.**

Service:

Personal Service only when 14 or older. If 13 and younger sub-serviceable to parent or guardian of child.

Return Affidavit: (It MUST indicate “closed” at the top when finished)

- Select “served” bringing up “activity type” choose “personally”, “subservice-subpoena” or returned as “not found”, “recalled” or “moved”.
- If returned as NOT FOUND, or MOVED then photocopy the case jacket and send that copy to the attorney who issued the subpoena.
- Return the subpoena when the court date is two days away, unless we get it the day before or day of by direction of the DA, thus becoming a “RUSH” subpoena.

Service Upon Inmate

Any subpoena and court order for an inmate will be served on “the custodian of the prisoner” (a deputy) who will then deliver the subpoena to the inmate.

NOTE: The case jacket will reflect that the deputy was served personally and the deputy then makes delivery to the inmate.

- Enter the Deputy into a witness field as well, show the time/date served to the deputy as well as the inmate on a separate line.

DISTRAINT WARRANTS

To Accept

- Must list all required papers under "processing".
- Must be signed by the state with a stamp or hand signature. Photocopies will not be accepted by the county recording department and should be rejected. If rejecting the Distraint warrant for this reason, select the "return Distraint warrant" template and fill it out properly, returning the Distraint warrant to the sender.

Processing

- Date-stamp the BACK of a distraint warrant, otherwise the state's document imaging software gets confused.
- Keep two distraint warrants and a release, shred everything else.
- Per O.R.S. 393.390(2), all distraint warrants shall be recorded within 5 days of receipt by the Sheriff.
- **Send all of the documents to the Recording Office at MS#9 by intra-office mail.**
- **These documents will be "recorded" and returned to WCSO for booking and billing to the state.**

Time Frame for Recording: Per statute, recording must be performed within **5 days** of receipt (time stamp).

Special Note for Unrecorded DW: If you come across a DW in the mail w/ our date/time stamp and no indication it has been recorded, call Recording and inquire, using the Warrant #. If it was NOT recorded, and if the 5 days has passed, you are required to return it to the originating state agency for a new one. The state will most likely return the same one-Date/Time stamp it and proceed as normal.

BOOKING

- Click "new", choose "Distrain warrant" as document type.
- Use the Warrant # as the "*court number*" in the entry screen.
- Enter the date of receipt as the date it was stamped by the WCSO.
- Click "Add Person" above the plaintiff field to automatically fill in the info with the State of Oregon info.

Click the "**served**" box under defendant's name, enter "**Distrain Warrant Recorded**" as the activity type, choose the defendant's name and enter the recorded date/time in the "**activity date/time**" field. The record will "close" automatically when you leave that record.

Plaintiff Field Note: If the distrain warrant is not from the employment department, **edit** the *plaintiff name field* to reflect the correct agency.

RETURNS

Use the form: "*DISTRAINT WARRANT RETURN*" in the templates section, and send to the appropriate agency.

Billing Note

- ALL billing is done on ONE form found on the common drive, sorted by year and month. These are sent to business admin monthly by assigned person. ALL bills are sent by business admin only and are then paid directly back to business admin.

If any checks show up in Civil, please route to business admin. WISARD is used to track all bills sent by business admin.

PLEASE TAKE CARE TO ADD THE APPROPRIATE AGENCY TO THE BILL.

- **ALL DISTRAINT WARRANT BILLS ARE \$6.25 each.**

WASHINGTON COUNTY SHERIFF'S OFFICE

F.E.D. SUMMONS AND COMPLAINT (faxes okay)
(FORCIBLE ENTRY AND WRONGFUL DETAINER)

- True copy of the Summons, photocopies are okay and are considered a true copy if the form was not altered before copying.
- **SHALL** be signed.
- **SHALL** have an appearance date.
- **Must** have landlord's notice attached to each Summons & Complaint.

FAXED F.E.D. SUMMONS AND COMPLAINT

ORS 105.135(4): A sheriff may serve a facsimile of a certified true copy of a summons and complaint that is transmitted to the sheriff by a trial court administrator or another sheriff using telephonic facsimile communication device. A copy of the facsimile must be attached to the sheriff's return of service. Before transmitting a summons and complaint to a sheriff under this subsection, the person sending the facsimile must receive confirmation by telephone from the sheriff's office that a telephonic facsimile communication device is available and operating.

Booking

Take the address for service off the COMPLAINT. If the deputy in the field cannot serve the papers due to a missing or erroneous "NW", or an "Ave" versus "Street" missing then return it to the court and give the plaintiff a call so they can correct it as soon as possible.

- ONE case number for multiple defendants.
- SHALL be served no later than the day after the court receives payment of filing fees. (The date the court stamps the complaint with their "file" stamp)
- Save the Original Summons for a return for the service.
- Put enough copies for EACH defendant in the case jacket.
- Circle in RED ink the document type on the Case Jacket.

Service Method

Personal service on each named defendant by anyone 18 or older other than the landlord, or by posting to the main entrance to the premises. "And All Others" or "et al" is ALWAYS posted.

If you receive it past the day it can be served, return it to the plaintiff. If received intra-office, return it to the court without stamping it in as received. As a courtesy, call the plaintiff and explain. **These errors MUST be caught before booking because the papers are NOT fair on its face.**

Return Affidavit

- Choose "served" next to each named defendant, in the activity fields choose the appropriate service method and date/time served. Select Print All.

NOTICE OF RESTITUTION

To Accept (faxes okay)

- SHALL be signed
- Either an original or a copy is acceptable.
- Enough "copies" to make a service/posting and a mailing to each defendant.
- Check the file-date stamped by the court. To be served legally, the Sheriff must serve/post no later than the day after fees are paid.
- The statutory form does not require a plaintiff's name to be listed.

Example: Court stamps on Friday & we receive on Friday, we must serve NO later than the following Monday. If we receive on Friday but it was stamped on Thursday, then it must be served on Friday.

Booking/Entry

- Multiple defendants on one case when entering into the computer.
- Each Defendant gets its own "defendant" line w/ the address typed into EACH address line.
- In the Special Instructions you must type the fact that you mailed copies to the defendants and list what day it was performed.
- Mail a copy to the named defendants and "all other occupants" within the same envelope.

Service Method

- These can be served by anyone over the age of 18 and an Oregon resident, doesn't have to be the Sheriff, must not be the landlord however.
- **Shall** be served by the day following the filing fees paid to the. Same rule as with FED.
- Make sure we have two copies for EACH defendant. No true copy is needed, a photocopy works. If not provided we charge \$3 for each copy made (if intra-office delivery just make the copies.)
- One is served or posted, and one is mailed by the booking clerk on the day it is "BOOKED", to each named defendant (addressed to each on the same envelope) by first class mail.

Required Special Instructions: In the special instructions field while booking, type "*Must be out by (enter date on Notice) mailed copy to defendants*".

WRIT OF EXECUTION ON JUDGMENT OF RESTITUTION

Receipt at Counter

- Notify the plaintiff that a staff member will call to schedule the lockout.
- Ask for date-of-birth information on each defendant.
- Do NOT time-stamp upon receipt. When the Eviction is booked it may be time-stamped in.

To Accept (faxes okay)

- If one or two defendants, \$70 plus \$36 = \$106 to serve. If there are two actual named defendants AND "all other occupants", then you revert to \$70 plus \$20 for each name to be served.
- Check the date, a Writ of Execution on Judgment of Restitution is only good for **30 days** from court's issuance. The writ **MUST** be enforced within that 30-day timeframe or it is invalid per **ORS 105.161(2)**. If the plaintiff wishes to have a new Writ issued, return the current one as "expired" and ask for a new one. The plaintiff has 60 days from the date of the *judgment* in which to receive a Writ.
- Must be signed by a court clerk.
- ***NO MUNICIPAL COURT MAY ISSUE WRIT OF EX. IN JUDGMENT OF REST.***
- The full and complete address must in the writ, to serve. If it is for an apartment, the apartment number is required to be listed.

EVICTION APPOINTMENT SCHEDULED

A RISK ASSESSMENT MUST BE FINISHED PRIOR TO PROVIDING TO A DEPUTY. IF NOT ATTACHED, FOLLOW UP WITH PERSON WHO SCHEDULED THE EVICTION.

Booking

Should have the original and enough "copies" to serve/post and mail to each defendant. Photocopies are ok for service/posting and mailing. Go ahead and make copies if there are not enough

- Enter the full case caption; enter an attorney in the proper field. Use one case number for multiple defendants. Each defendant gets its own entry line with full address.

Eviction Trespass Notice

- After filling out ALL of the case information, click on "Jacket" to print the case jacket, within this same pop-up box is a box to enter the number of "Eviction Trespass Notices". Print out a copy for the Landlord, a copy to attach to the court's original of the Writ, and two for each defendant- They are attached to the **FRONT** of every copy of the Writ except the Original (put it on the back).
- On the day of the eviction mail copies of the writ and trespass notice to each named defendant in the same envelope.
- **Place in the AREA "0" Enforcement Deputy Drawer.**
- Print a copy of the Case Jacket for the area deputy that is covering.
- In the "**Special Instructions**" field enter the Date/Time of the eviction and that the defendants were mailed a copy.

Service Method

Personally served to the named person, or posted on the front door. "And all other occupants" is ONLY posted on the door. These are ONLY served or posted at the residence in question-no exceptions.

Return Affidavit

- Choose the box next to each defendant as being "served". The Activity box opens, choose the proper service method (Personally served, Posted) and the deputy's name.
- Enter the proper date/time because it automatically defaults today's date/time. Choose the proper defendant and the address served or posted at. Repeat for each defendant and choose "**Print All Returns**".

JUDGMENT DEBTOR EXAM

- Judgment debtor must be served no less than **7 days PRIOR to the hearing**.
- Oregon Circuit courts must have the affidavit of service no later than 5pm the day before the hearing as well.

#1) Anyone receiving an *Order for Judgment Debtor exam* at the counter or in the mail must look at the court hearing and determine whether or not we will be able to make a valid service (taking into account weekends and holidays). If we are unable to make a valid service, which is enforced by the local courts, return it to the plaintiff/creditor using our standard form, explaining the "local court rule".

#2) Civil deputies will have to return the paperwork after the 7th day (one-week prior to hearing) and the office will make this affidavit of non-service a priority.

JUVENILE SUMMONS AND PETITION

To Accept

- Must be signed.
- Must have a two-page Summons/Petition, one is served, one is returned to the juvenile department as an affidavit of service along WITH the computerized, signed affidavit.

Booking

- Enter all the info as with any other case, remember the court date and circle it in RED on the case jacket.
- Missing a petition for one or more? If not enough Petitions, photocopy and attach to make services

Service Method

Personal service/ Sub-service: see below for sub-service mailing.

Return Affidavit

Written date/time is on the second copy of the summons, return this to the Juvenile Department with the computerized, deputy-signed affidavit.

Critical Note: SUBSERVICE BY DEPUTY: MAILING REQUIRED BY SHERIFF IF SUBSERVED ORS 419B.824(2)

Mail a copy of the Summons & Petition PLUS a copy of the Affidavit of service to the person named. Please contact the Juvenile Department for a faxed Summons and/or Petition when these are needed.

RESTRAINING ORDERS

PARTS TO THE RESTRAINING ORDER THAT MUST BE PRESENT TO SERVE- you must review EVERY Restraining Order that comes to Civil. Restraining Orders have multiple parts. **EVERY** restraining order from every court must be signed by the judge. If an Oregon Restraining Order, it shall be a certified true copy.

The following MUST be identified and noted in the “special instructions” section on the case jacket: AREA “0”

- Gun dispossession
- Ordered to move from service address.
- Order to pick up children and transfer custody.
- ANY order directing seizure of property or return of property by respondent to petitioner.

The Restraining Order is in Four Parts to Make it Complete

- Notice to Respondent/request for hearing (approx. 3 pages)
- Affidavit
- Restraining Order to Prevent Abuse (approx. 8 pages)
- Petition for restraining order (approx. 5 pages)
- CIF's

FAIR ON ITS FACE (important note)

- SHALL be signed and dated, otherwise it is invalid.
- SHALL have a minimum of two **certified true copies**.
- SHALL show “allowed” or “denied”, if not checked, return to courts.

WASHINGTON COUNTY SHERIFF'S OFFICE

BOOKING (see note for Disabled/Elder Abuse)

NOTE: Elder or Disabled Person Restraining Orders SHALL be photocopied and given to staff in the Elder Safe Department when the *petitioner* is a Washington County resident.

- Photocopy the face sheet and date-stamp this face sheet.
- After computer entry & case jacket printed, put the "Records" copy downstairs in the specific drawer. The face sheet gets filed in the drawer with ALL other booking under the petitioner's last name.
- Run a **CCH** on the Respondent, use the **SID** and **FBI** numbers to run an "**RR**" search in **LEDS** looking for officer safety issues. Print all of the "RR" hits **IF** there are any *assaults, gun charges, resisting arrest, or a warrant*, and **ONLY** print DMV **IF** the Respondent is *misdemeanor or felony suspended*. (May lead to an arrest if driving)
- Run a "**DPL**" in LEDS to search for the Respondent's Oregon photo from DMV.
- Do an EPPDS search for any violent crimes the Respondent may have been involved with locally, and print ANYTHING that shows a violent charge.
- Attach the orange R/O Informational packet to EVERY R/O.
- A photo is required for ALL Restraining Orders. Note if unavailable.

Permanent file: ALL RECORDS COPIES OF RESTRAINING ORDERS SHALL BE KEPT IN RECORDS IN THEIR ASSIGNED DRAWER (TAKE THEM DOWN WHEN YOU'RE DONE BOOKING). The "Court" copy will be kept upstairs in the normal process drawer.

Alterations to the Restraining Order are prohibited:

Absolutely nothing may be written on an Order or Petition by staff or the Petitioner after issuance. The Order and Petition were approved by the judge and signed, any changes in text to any of the copies means it is NO longer a "certified true copy" of the original document. When known, the sheriff shall write in the respondent's date of birth (in statute).

ENTRY INTO DATABASE

Use all of the standard entry fields. You are required to enter critical information in the "special instructions" field if an Order to Move, gun dispossession, child custody transfer, or warrant.

CIVIL STANDBY

There is no "civil standby" unless ordered/allowed by a Restraining Order or a COURT ORDER. ALL civil standby activity called in to WCCCA will be performed by an Enforcement Deputy.

ORDER TO MOVE

WASHINGTON COUNTY SHERIFF'S OFFICE

- IF the Restraining Order is a move-out and the petitioner lives there and has the legal right to allow law enforcement to enter, offer the petitioner the "CONSENT TO SEARCH" form to fill out and sign. This allows WCSO to enter with a key at the mutual residence. The petitioner has the option of providing the key.
- IF the Restraining Order provides ONLY a work address for the Respondent, you MUST offer the Petitioner the form that explains the limitations to serving at a place of employment.
- You MUST indicate on the case jacket in the "special instructions" field that this is an order to move and it will be placed in the Enforcement Deputy's drawer.

CHILD CUSTODY TRANSFER

This part of the R/O, if signed by the judge, orders the Sheriff to transfer custody of the child, and may be done even PRIOR to service. Statute provides the use of force.

GUN DISPOSSESSION

Ordered under section H of Restraining Order statute for *Other Relief*, a judge may order dispossession of guns. It is MANDATORY to note this on the case jacket and ensure a Risk Assessment is performed prior to deputy receiving for service.

Area assignment considerations: If any of the above enforcement sections are ordered by the judge, it is assigned to the "0" area in the entry field, which means it is assigned to the **Enforcement Deputy**. If no enforcement, assign it to the proper area Civil Deputy. (1, 3, 5, 7)

SERVICE METHOD:

Personally served only.

Return Affidavit

- Deputy serving will fill out a Restraining Order affidavit and attach a true copy of this affidavit to the Records Copy. This goes to Records ASAP for L.E.D.S. entry. The Deputy then puts the original for the court, and a true copy of the affidavit for the petitioner, with the case jacket, into the "Return Basket" in the civil deputy room. Staff use this info to update the computer.
- Return the "Original" to the court with the date-stamped face sheet, and mail a true copy of the affidavit to the petitioner at the address provided. Both are statutorily required.

"MODIFICATION" VERSUS "SHOW CAUSE FOR MODIFICATION"

- An Order for modification of a Restraining Order is in effect when SERVED. These will be booked like a Restraining Order, served like a Restraining Order, and sent to Records to be entered into LEDS like a Restraining Order.
- A "Show Cause on a Restraining Order" is NOT an order and is NOT sent to Records to be entered; this is a hearing to ask the judge for a modification.

2 STEPS TO "RETURN NOT FOUND" ON RESTRAINING ORDERS

STEP 1 "10 Day Letter"

When we are unable to locate the person within 10 days of attempts, statute says we SHALL complete a 10-day-letter. (in template area of "S" drive)

(Also done with Elder Abuse AND Juvenile Restraining Orders)

- This 10-day-letter is mailed to the *petitioner*. A copy is made and wrapped around both the *service copy* and the *Records copy*, and put into the drawer holding the 10-day-letters for 10 days.

NOTE: Write "**MUST RESPOND BY _____(date)**" on the wrapped letter & restraining order which is 10 days. This is used to judge when the second letter is created as a non-response to the 10-day-letter.

- **ACTIVITY TYPE for 10-Day-Letter:** In "activity type" check "**served**" in the main screen for the respondent, choose "**Return 10-day letter**" as activity type, and the date will reflect the day the letter was mailed out. In "comments" indicate that this was done, leave "returned" and "to" blank at this point.

STEP 2

If Unable to Serve Restraining Order (including Juvenile and Elder/Disabled)

(This is lack of a response to the 10-day letter)

NOTE: This document gets returned to the **court, not** to Petitioner.

LOCATION OF DOCUMENT: template area: **"RO Rtrn ltr to CC"**)

- After 10 days passes and there is no response by the petitioner, a separate statutorily required return to the court SHALL be created (This form is mailed to the court and the Restraining Order is kept until expiration in the drawer labeled 10-day-letters.)
 - a. File the Restraining order with the letter on top, write the expiration on the top paper, and file by expiration month of the restraining order.
- **Close the case in WCSO CIVIL program:** You must choose **CLOSED** from the drop-down at the top of the entry screen and enter the date in the field named **"RETURNED"** and the proper court in the **"TO"** section that follows.
- Retrieve the "Records" copy of the Restraining Order and file it upstairs in Civil with all the accompanying paperwork until expiration or the petitioner gives new details.
- **PETITIONER RESPONDS TO 10-DAY-LETTER W/ NEW INFO**

If the Petitioner RESPONDS to the 10-day letter and provides more information.

STEP 1

- **Activity Type:** In the field that already reads **"Return 10-day letter"** **REPLACE** it with the activity type **"Re-Open 10-day letter"** and replace the date used as the letter that was sent, to the date that it is being reopened for service.
- **"OPEN"** must now be chosen instead of **"CLOSED"** at the top of the entry screen and uncheck the "served" box.

(EXAMPLES ON NEXT PAGE)

WASHINGTON COUNTY SHERIFF'S OFFICE

Civil Data 1

Search Field: Case Full Search For: Status: Closed RecID: 186441

Case: 0604155 DocLink: 1 Court #: 06S006423 Court Name: MULT CD CC

DOCUMENT LOG Area: 3 Fee: Receipt: BILLED Received: 05/16/06

Entered By: BROWNIE, KATHY J. Certified By: CLERK OF THE COURT

Customer: MULTNOMAH CO ATTORNE Appear: Returned: 05/30/06 To: MULT CC & ATTNY

Served: ARTHUR WALKER 05/26/06 17:00 Activity: Personal

Note Ret Req: SASE: Mailed: CSP Case #: Source Agency: Abandoned Vehicle

Garnishee Name: Address:

Comment: Change Date: 6/5/06 13:18 Special Instructions:

6-5-06 Mult co called to ask about svr on Catherine Walker, not included w/original small claim/kjb
 **BILLING READY TO MAIL:

Add Person: Same Address: Persons Cont:

PLAINTIFF: LName: MULTNOMAH COUNTY FName: Served: Address: DOB: Order #: Phone #: Fax #: Notes:

DEFENDANT: LName: WALKER FName: ARTHUR Title: Served: Address: 14390 SW BEEF BEND RD PORTLAND OR 97224 DOB: Order #: Phone #: Fax #: Notes:

Record: 14 of 1 (Filtered)

A) Closed
 B) Date of letter and to what court

(EXAMPLE)

Civil Data 1

Search Field: Case Full Search For: Status: Closed CivRecID: 186441

Case: 0604155 DocLink: 1 Court #: 06S006423 Court Name: MULT CD CC

DOCUMENT LOG Area: 3 Fee: Receipt: BILLED Received: 05/16/06

Case Activity Transactions 1 for Case # 0604155

New Rec: Preview All Returns of Service Print Returns of Service 59296 275061 Close Form

Activity Type	Activity Person / Served By	Person to Serve	Activity Date Time	Service / Other Name	Enforce Act
Personal	MASTRICH #45308, BRE	ARTHUR WALKER	5/26/06 17:00		
Party does not live	used when party is known, but has never lived there		Attempt	5/30/06	Return
Party not known to	Party not known to current occupants		Attempt		
Party/Person no av	Serviceable party not available now		Attempt	24	
Past_Served	Service was in old system		Served		Return
Personal	Document was served to person named		Served		
	Document was posted		Served		
Re-Open 10 Day Lr	Used when re-opening a 10-day letter return.		Attempt		
Return 10 Day Lr	10 Day Letter return		Attempt		
Return Not Found	Document can not be served		Return		
Return Received	Document received		Return		

Record: 14 of 1 (Filtered)

A) Activity type
 B) Person doing activity
 C) Date of activity

FAXED RESTRAINING ORDERS

O.R.S. 107.723, 124.022, 419B.846 states that the following types of Restraining Orders have had their respective statutory language amended so that the sheriff may serve and enter into L.E.D.S. a certified true copy of a Restraining Order that has been faxed from another **sheriff** or another **trial court administrator**. You may fax to an out-of-state Sheriff for service in another state.

- ORS 107.720 (FAPA R/O'S)
- ORS 124.020 (Elderly and disabled R/O'S)
- ORS 419B.845 (Juvenile R/O'S)

The following protocols **SHALL** be adhered to in order to ensure compliance.

- 1) The "sender" of the faxed restraining order **MUST** be another **SHERIFF** or **TRIAL COURT ADMINISTRATOR** only. Neither can give this authority to someone else.
- 2) The "sender" **MUST** be in possession of a "Certified True Copy" of the restraining order. A "faxed" restraining order being faxed to another sheriff is still considered a certified true copy.
- 3) The "sender" **SHALL** call ahead and get confirmation from the recipient that their fax machine is available and operating (statutory requirement)
- 4) The "sender" **MUST** include a "fax cover sheet". This must contain the following statement: **"I certify that this facsimile transmission is from a court certified true copy of Restraining Order Case# _____"**.
- 5) The "receiving" sheriff must attach a copy of the facsimile to the copy of the Restraining Order that goes back to the court with the Return of Service. (Records also maintains a full certified true copy).
- 6) Do **NOT** change the name of the "Restraining Order and Petition" in the process field of the data entry because a faxed R/O has the same force and effect.
- 7) In the "certified by" box, put the sending person's name that certified it to be a complete copy.

STALKING ORDERS ALSO MAY BE FAXED

SUMMONS AND COMPLAINT, SUMMONS AND PETITION, AND SMALL CLAIMS

To Accept (faxes okay)

- SHALL be signed.
- Photocopies of true copies are considered a "true copy". A sheriff or plaintiff may make photocopies of the copy received of the court or plaintiff.
- No faxed copies for service unless from out of state. It must say "faxed" on the case jacket in the "Process" field if it is faxed from out of state.
- A photocopy may also be used to return to the court with our affidavit.)

Booking

- Time-stamp a "copy" of the document and fill out the intake 4x4 card with ALL of the info BEFORE putting in the booking basket. Put a complete copy of the docs in the case jacket.
- Each defendant gets their own case number.

NOTE: Small claim notices from Justice Court often do not attach enough copies of the Notice to Defendant page that lists their rights. Please photocopy this page and attach it to any small claims that are missing it.

- Click "**New**" and enter ALL info in the screens. Enter ONE defendant in each case number. If from an attorney, enter that proper attorney in the "customer" field. Note any special instructions or a POE?

Service Method

May be served by Sheriff or any competent person who is 18 years or older, Oregon resident, and not a party to the case. Service of a summons, which includes a small claims notice, is covered by ORCP 7 and includes: Personal serve, Sub-serve, corporate/office serve.

Return Affidavit

Collect the "original" from the file drawer and match it to the case jacket. Click on the "served" next to the defendant's name, this brings up the "activity" box. Choose the proper service method, or if not served, the proper "attempt" method, "deputy" who served/returned, "date/time" served or returned, "defendant" from the drop-down, and "address".

Return Not Found

Enter the reason for the return in the "NOTES" field and choose "Print Return". This text will be entered into the affidavit so that the plaintiff and courts can see the specific reason it was not served.

WRIT OF GARNISHMENT (18.607)

To Accept, the following MUST be present in ALL Oregon Writs of Garnishment to proceed.

- The name of the court.
- Names of the creditor and debtor.
- Name of the Garnishor.
- Date the judgment was entered against the debtor.
- Debtor's social security number or employer I.D. **(IF KNOWN)**
- **(IF SSN OR I.D. IS MISSING, PROCESS ANYWAY)**
- The amount subject to garnishment.
- Date the Writ was issued.
- **ALL** addresses required in the Writ. (must have debtor address if unchecked)
- Creditor **MUST** sign the "certification".
- If issued by a private person, must sign the certification mentioned above.

(Valid if delivered not more than 60 days after the Writ is issued. Issued only by the courts, on behalf of a claimant under an order, or an attorney who is an active member of the Oregon State Bar.)

In addition, the following MUST be present for service of the Garnishment to take place:

- An ORIGINAL of the "debt calculation form" - **ORS 18.658(1)(b)**
- Copy of "debt calculation form".
- Original Writ of Garnishment or copy - **ORS 18.650(1)(a)**
- "Notice of exempt property".
- "Challenge to Garnishment".
- "Garnishee's response" form.
- "Instructions to Garnishee" form

MISSING INFORMATION FROM DOCUMENTS

Debtor's Address

- If NO address is provided, the plaintiff **MUST** check the box that the address of the debtor is unknown. **If it is NOT provided, it is still in substantially the required form so proceed as normal.**
- If the box IS checked and the address is blank, NO mailing is performed after delivery of the Writ to the Garnishee.
- Any of the pages missing that statute says must be there? Return to sender
- Only a true-copy of the Writ is necessary for delivery and to provide a return to the court.

BOOKING ENTRY

- Separate the papers mentioned above into the “service” packet, which is put into the case jacket, and the “filed” packet, which is saved in the “ORIGINALS drawer until after service. This includes the Writ that is returned to the court with an affidavit of service.
- Choose a “new” entry and choose the document type “Writ of Garnishment in the “entry” screen.
- In the “garnishee name” field enter the name and address of the garnishee. When you “tab” it will auto-fill the “special instructions” field and will fill in the proper verbiage upon printing an affidavit of service.
- Enter the full name and address of the debtor/defendant for mailing purposes.

Civil Process Application (v 3.30.06) [Jacket By Case - Report]

File Window Help

Zoom File Print Copy Paste Undo Redo Civil 1 Civil 2 Civil 3 Abandoned Auto Alter-Synch Reports System Maint

Plaintiff: PEOPLES CREDIT COMPANY
1164 SE 82ND AVE
PORTLAND, OR 97216
503-254-7005

vs. 1 RONALD D RANDALL
10701 SE HWY 212 #W/L1
CLACKAMAS, OR 98692

Case No - Court No: 0600610 04SD12990

Attorney For Plaintiff:

Date Received: 01/20/06 KB
Court: MULT CO CC

Date Returned: 01/25/2006
Returned To: MULT. CC
Fees: \$15.00

Certified by: XXXXXX

Process: WRIT OF GARNISHMENT

Area: 3

Special Instructions: SERVE GARNISHEE:
NW DOOR AND SUPPLY
10550 SW MANHASSET
TUALATIN, OR 97062
503-692-9494

1	Party Served (Name & Title)	Date and Time of Service
	Service Address	Served by Deputy / DPSST#

Attempt History

Page: 1 of 1

Ready

Start | Novel | Inbox | PFDS | Civil | Micro | WEBL | CIVIL | Micro | 8:40 AM

(Example of Writ of Garnishment Case Jacket)

WASHINGTON COUNTY SHERIFF'S OFFICE

Civil Data 1

Search Field: Case Full Search For: Status: Active Civ-RecID: 182896

Case: 0600610 DocLink: 1 Court #: 045012990 Court Name: MULT CO DC

DOCUMENT LOG Area: 3 Fee: \$15.00 Receipt: 778168 Received: 01/20/06

Entered By: BROWNIE, KATHY J. Certified By: XXXXXX Search Results Form

Customer: Appear: Returned: 01/25/06 To: MULT CC

Served: RONALD D RANDALL 01/23/06 14:56 Activity: Garnish Served Sale Date:

Garnishee Name: NW DOOR AND SUPPLY Address: 10550 SW MANHASSET City: TUALATIN

Comment: Change Date: 1/23/06 14:56 Special Instructions: Ins. Default Text V Process: Change Person: WASHCO/KathyB

SERVE GARNISHEE
NW DOOR AND SUPPLY
10550 SW MANHASSET
TUALATIN, OR 97062
503-632-9494

WRIT OF GARNISHMENT

PLAINTIFF LName: PEOPLES CREDIT COMPANY FName: Title: Address: 1184 SE 82ND AVE PORTLAND OR 97216 DOB: Order #: Phone #: 503-254-7005 Fax #: Notes:

DEFENDANT LName: RANDALL FName: RONALD D Title: Address: 10701 SE HWY 212 #W11 CLACKAMAS OR 98682 DOB: Order #: Phone #: Fax #: Notes:

Record: 11 of 1 (Filtered)

(Example of placement of Garnishee Information)

SERVICE METHODS

Normally, noted as "Designated Agent" on the case jacket.

May be served by the Sheriff or any competent person who is 18 years or older, Oregon resident, and not a party to the case.

•**The serving deputy is statutorily required to write the date on the garnishment at delivery, and also note on the case jacket that it was dated.**

Service may be made upon the following:

Partnership: Deliver to any partner.

Limited Partnership: Deliver to a general partner or designated person.

Corporation: Deliver to any officer, managing agent, or designated agent.

LLC: Deliver to ANY member of the company or any person designated by the company to accept service.

Financial Institution: Deliver to the manager, assistant manager, or other designated person at ANY office or branch of the financial institution where deposits are received.

Public Body: Deliver to the board, department, institution, commission, or officer charged with approving a claim for the property, or designated person.

To Be Delivered to the Garnishee (ORS 18.650)

- Original (or a copy) of the Writ of Garnishment
- "Garnishee Response"
- "Instructions to Garnishee" form
- "Wage exemption calculation" form
- (\$15 search fee if being served upon a bank.) *No search fee if the debtor is an employee of the bank being served.*

To Be Mailed by First Class Mail to Debtor Promptly After Delivery (ORS 18.658)

- Copy of the Writ of Garnishment
- Original Debt Calculation Form
- Notice of Exemptions form.
- Challenge to garnishment form

RISK ASSESSMENT

Open a "new" Word document and find "risk assessment.doc". (SEE EXAMPLE)

Complete the following research and enter the info accurately on the Risk Assessment.

Name Search in PPDS:

- "Name search" the defendants in PPDS. Print the entire record and attach **IF** you find violent charges: (ie: Menacing, any assault, resisting arrest, "alleged mental", elude, rape, or reckless endangerment)
- Note on the Risk Assessment if you find "drug charges" in the PPDS search-this warns deputies to be aware of possible needles in the eviction/property seizure etc.

Address Search in PPDS:

"Address search" the defendant's address, and click "*ADDR/NAME DISPLAY*". If you see "CHARGED" then click on that name and find out what the charges were. Any of the above listed violent offenses must be PRINTED and attached.

CCH in LEDS

Query a CCH on named defendants and ANY name you come across during the address search in EPPDS that has a "charge" against them.

- Do this by running a "QWHD" on named person in the free-form box, if you find a **SID** or **FBI #** then enter "RR" in free-form box to query the actual charges in their CCH return.
- PRINT and attach the entire query result (from any state) from "RR return" if any violent acts are listed.

Ask all other questions on the Risk Assessment to the plaintiff/landlord

(Continued next page)

WASHINGTON COUNTY SHERIFF'S OFFICE

WASHINGTON COUNTY SHERIFF'S OFFICE

RISK ASSESSMENT FOR CIVIL ENFORCEMENT ACTION

TYPE OF OPERATION:

August 10, 2012

- Forcible Eviction
- Child Custody
- Property Seizure
- OTHER

CASE#:
COURT#:

SUBJECT ASSESSMENT:

Names of Primary Subjects: DOB/or approximate Age

- Record of crimes of Violence? Yes / No
- Has Subject recently made threats of violence? Yes / No
- Is Subject mentally unstable? Yes / No
- Known Weapons? Yes / No
- CHL? Yes / No
- Disabled or unable to care for themselves when they leave? Yes / No

SITE ASSESSMENT:

- Any recent or relevant police activity at property? Yes / No
- Drug or Gang Activity? Yes / CONSULT WIN No
- Possible # of People on scene?
- Additional Threats (Animals, surveillance, HIV, Hepatitis) Yes / No
- OTHER?

ADDITIONAL PERSONNEL RESPONSE FACTORS:

- History of violence, resisting police, mental, etc.?? Yes (Patrol Backup) No
- Criminal activity occurring now? Yes (Mandatory Patrol Sgt Consult) No
- Armed, barricaded, counter-surveillance, bobby-trap, extremist, paramilitary/"police background", terrorist, fortified? Yes (Mandatory TNT consult) No

Deputy Conducting Risk Assessment:

CIVIL OFFICE PROCEDURES

02/01/2010

VEHICLES

WCSO Abandoned Vehicles:

Processing

- Receive and date-stamp the intake sheet from Records. Assign a computer-generated case number and provide to the abandoned vehicle deputy.

If the vehicle is no longer at the location:

Close it out in the computer.

If the vehicle is at the reported location:

Deputy will request a 24-hour Abandoned Tow via Fax or phone to the company next on the tow list.

AUTHORITY TO USE LEDS/DMV:

- ORS 819.110 (abandoned), 819.120 (hazard), and 819.140 (agency w/ authority) stipulates that the sheriff is authorized and required to deal with those vehicles, and that LEDS is a primary tool that we use to positively identify the vehicle and it's owner.
- ORS 819.215 requires the authority that requests the tow to provide the name and address of the registered owner when the vehicle is appraised at \$500 or more.

Closing Instructions

- Make sure that each vehicle file (stapled together) has its corresponding *NUMBER* written on the top-right for easy reference, and put into the Abandoned Vehicle update folder.

RETENTION RULES

Retention Requirements OAR Div 150

ADMINISTRATIVE RECORDS

Calendars and Scheduling: (1 year)

- Franklin Planners, business and personal use
- PDA syncs w/ outlook
- Phone message pads
- Big wall calendars in Civil, CHL, alarms

Case Jackets: (3 years)

Fax Reports Records: (1 year)

- Fax machine printouts, automatically produced

Legislative Tracking Records: (2 years)

- Tim prints occasionally when working directly with OLC in Salem, this is not common for majority of Civil unit staff. These are printed from state websites.

Mailing lists compiled to facilitate billing...: (until superseded or obsolete)

- Alarm Company mailing lists.

Meeting Records: (2 years)

- staff meeting outlines and notes

Notary Public Log Books Records: (7 years after commission expiration)

- Three current employees and one expired book in file.

Permit and License Records; Agency issued: ("Fee" permits, 3 years after expiration, revocation, or denial, "Free" permits, 2 years after expiration, revocation, or denial)

- One gambling license held by Beaverton Elks lodge.

Policy and Procedure Guidelines and Manuals: (2 years after superseded or obsolete)

Postal Records, Records documenting transactions: (3 years)

- Alarm permit revocation and citation warning letters
- Civil enforcement CALEA files for Personal property and Real property seizures.

WASHINGTON COUNTY SHERIFF'S OFFICE

Professional membership Records: (3 years)

- Tim a member of F.A.R.A. and O.S.C.C.C.

Public Notice Records: (3 years)

- Civil enforcement publications.
- Abandoned vehicle sale publications

Publications; Published Records: (until superseded or obsolete)

- False alarm prevention
- Restraining Order FAQ's

Requests and complaints records: (2 years)

- Abandoned Vehicle complaints, that do NOT lead to a tow request.

Seminar and conference Records: (2 years)

- Civil conference handouts
- NW Leadership seminar

Work Schedules and assignments: (5 years)

- Civil deputy assignments
- Civil office rotational duties

LAW ENFORCEMENT RECORDS

Activity Reports, individual officer notes, shift and other reports. (2 years)

- Civil deputy daily activity reports.
- Civil deputy monthly tally reports
- civil deputy notebooks

Civil enforcement Case files. (6 years)

- Personal property levy and sale
- Real property levy and sale
- all other enforcement action taken under court order

Concealed Weapons Permit Records. (revoked/denial = 4 years, all other records 2 years after expiration or transfer)

- CHL holders past and present

Impounded and abandoned vehicle records, vehicles impounded by the department. (3 years after disposition)

- Abandoned/Hazard vehicle tows

Indemnity bonds (3 years after seizure completed)

- Bonds on civil enforcement when question as to ownership of property to be levied/sold.

Officer notes (2 years)

- Civil deputy notebooks
- Enforcement deputy notebooks

Towed vehicle records & rotation lists. (1 year)

- Abandoned vehicle impound records
- Abandoned vehicle rotation list

PERSONNEL RECORDS

Disciplinary Action Records. (Termination=10 years after separation, disc. Action or exoneration= 3 years after resolution, unfounded = years)

- Work plans
- Counseling

http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_150.html