

Fees (Money, Bail, Cash & Checks)

12017.1 TAKING BAIL

This Section has been removed. For additional information contact your Supervisor.

12017.2 FIELD MONEY COLLECTION AND SAFE KEEPING

It shall be the responsibility of the Deputy installing the keeper or a designated replacement Deputy to monitor levies in progress and to arrange for a pickup of money when the keeper has an excess of cash or valuables. Circumstances and environment shall be the determining factors.

(a) Verification of Funds

1. The keeper shall use the cash verification record found in Post Order 10-08 when collecting cash from a defendant.
 - i. The keeper will have the defendant sign and verify the amount seized under levy.

(b) Pick-up Funds

1. The Deputy making a money pickup shall count the money in the presence of the keeper.
 - i. Place the money in an envelope along with the copy of the receipt(s) given to the defendant by the keeper, and seal the envelope.
 - ii. On the outside of the envelope the Deputy will place the date and time, the name of the business under levy, the case number, amount of money placed in the envelope, and their signature and PIN number.



(c) Relinquishing Funds

1. If the money is brought to the office when professional staff is off duty, the Deputy shall lock the money in the safe or other locking receptacle designated for safekeeping of money and/or valuables.
2. When the money is turned into the chief clerk or supervisor, the money will be counted in front of the Deputy in order to verify the amount.
 - i. Both the chief clerk/supervisor and Deputy will sign the cash verification record again.

NOTE: The utmost care shall be exercised when handling money and valuables. In the event of questions or unusual circumstances the Deputy shall contact the Civil Field Sergeant for assistance.

Reference

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

POST ORDER 10-08

12017.3 PROFESSIONAL STAFF - RECEIVING CHECKS IDENTIFICATION INFORMATION AND NON-SUFFICIENT FUNDS (NSF) CHECKS

12017.3.1 PAYMENT OF FEES

- (a) Court offices receive a large number of personal checks in payment of fees at their counters. On occasion, these checks are "NSF" or "Stop Payment". In order to help us to locate the check originator, the following information must be included on the check:
 - 1. Preprinted checks
 - 2. The telephone number of the check originator.
 - 3. The California or State Driver's License number include state of origin or, the California or State I.D. number include State of origin.
 - i. We will not refuse service to a person who does not have I.D.; checks from Law firms and attorney services are not required to have I.D. information.
 - ii. If we receive a NSF or Stop Payment check from a customer, no further checks will be accepted; cash, cashier's check, or money order only.
- (b) NSF or other Checks Returned to Sheriff's Court Operations
 - 1. The following provides a standardized procedure for the treatment of NSF or other checks or money orders returned to Sheriff Court Operations.
 - i. Checks and money orders received by County departments, agencies and districts and deposited with the County Treasurer are forwarded to the appropriate financial institution twice for payment.
 - ii. If a check is returned unpaid, the amount is withdrawn from the County's bank account and the physical item is returned to the County by the bank. Wells Fargo will capture our returned items data electronically.
 - iii. The Auditor Controller retrieves the file from the bank and automatically posts the returned items to the general ledger and notifies the appropriate department/agency by email.
 - iv. The email contains a spreadsheet detailing the information associated with the returned item.
 - v. The original check is mailed directly via U.S. Mail from Wells Fargo Bank to the appropriate department/agency.
- (c) Written Demand and Damages
 - 1. Effective January 1, 1984, Section 1719 was added to the Civil Code [\[1\]](#) This section states that any person who fails to make good on a returned check within 30 days of a written demand, sent by certified mail, shall be liable to the payee for not only the amount of the check, but also for damages of three times the check amount.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

- i. The minimum damages are to be no less than \$100 and the maximum no more than \$1,500.
 - ii. These damages are in addition to the existing \$25 service fee required by County policy.
 - iii. Thirty-five dollars will be charged for each subsequent check returned NSF from the same maker.
2. The following procedures describe actions to be taken by Court Operations personnel to attempt collection on all returned checks or money orders, the \$25 service fee and the required triple damages amount.
3. It shall be the policy of Court Operations to make all reasonable efforts to collect on returned items before referring such collections to the Auditor Controller.
4. It shall be the responsibility of the Civil Manager to ensure that:
 - i. All reasonable efforts are made to collect on returned items.
 - ii. All actions taken to effect such collections are recorded in writing and/or in automated case files for future reference.
5. When NSF or other unpaid checks or money orders are returned, the responsible office will take the following steps:
 - i. Record on the email notification from the Auditor and document on the "Action" screen on the appropriate case, the check number, date and amount shown of the returned check. Adjust case accounting on "Adjust" screen.
 - ii. Begin a chronological history of actions, in writing, on the email notification printout from the Auditor or the Returned Item Notice from Wells Fargo Bank. Show the date, time and method of all attempts at contact or collection.
 - iii. Attempt to contact the check maker by telephone with a minimum of four attempts over a two day period. If the telephone contact fails, send a letter requesting payment (See Attachment 1 of Post Order 13-03). Notification of possible legal action should be included in this correspondence.
 - iv. If payment is not received, send a follow-up Final Notice demand letter, by certified mail, two weeks from the date the first demand letter was mailed. (See Attachment 3 in Post Order 13-03). Allow thirty days for payment.
 - v. Send all letters "Address Correction Requested" so that the Post Office will notify the office of address changes.
 - vi. After the thirty days, if payment is still not received, a Civil Field Deputy will attempt to make personal contact and arrange for payment if the check writer is in Orange County.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

12017.3.2 SPECIAL CIRCUMSTANCES

- (a) The procedures detailed here are applicable to all returned checks or money orders including those received with levied monies.
 - 1. When special circumstances, such as bankruptcy, require other actions, the Treasurer or Auditor will disseminate appropriate instructions to all Departments.
 - i. See Auditor-Controller Accounting Procedure #7 for details.
- (b) Undeliverable Mail
 - 1. If any letter is returned as not deliverable, the office should use all means possible to determine the correct address.
 - i. If this cannot be done, immediately forward the original check and the Returned Item Notice from Wells Fargo Bank along with the email notification from the Auditor with notations to the Auditor-Controller.
 - ii. A short cover memo should accompany the check, stating that the address is unknown and contact could not be made. Keep a copy of all documents for future reference.
- (c) Additional Steps
 - 1. After the above collection steps have been taken and collection is not attained, even though contact has presumably been made, the original check along with the Returned Item Notice from Wells Fargo Bank and the email notification from the Auditor with notations should be forwarded to the Auditor Controller for further collection attempts if the check is over \$100.
 - i. A short cover memo stating that contact was made but collection could not be accomplished should accompany the form. Be sure to retain copies of all documents as future reference.
 - ii. After the Auditor has exhausted their collection attempts, they will request relief of accountability and reverse the receivable on the office general ledger.
- (d) Fees Collected
 - 1. If contact is made and the original amount and the \$25 service fee are collected, they will be deposited with the Treasurer and posted back to the case on "adjust" screen.
 - i. The original check and a receipt for the reimbursed monies should be given to the payer.
 - ii. Only cash, a cashier's check or a money order will be accepted as reimbursement on a returned item.
 - iii. Monies are deposited with all other civil monies on the day of receipt.
 - iv. The service fee collected on the NSF goes directly to Court Operations revenue.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

2. Once reimbursement is made, note on the Returned Item Notice from Wells Fargo Bank the amount paid, reimbursement date, deposit order number, and a statement that the service fee was collected.
 - i. Return a copy of this form to the Auditor, Accounts Receivable Section, to clear their outstanding accounts and the trust receivable.
 - ii. File the original for future reference.
3. If contact is made and only the original amount is reimbursed, attempt to contact the check maker at least twice by telephone advising them of the service fee requirement.
 - i. If a payment is received, deposit it on "ledgerup" and take it as a county fee.
 - ii. If not, make no further collection attempts for the service fee only.
 - iii. Continued attempts to collect the service fee after the original check has been reimbursed are discretionary.

12017.3.3 SPECIAL PROCEDURES- LEVIED MONIES

(a) Wage Levies

The following action is to be taken by the responsible office in dealing with NSF or returned checks received in levying on a defendant's wages:

- (a) Contact the check writer for reimbursement of the NSF or Stopped Payment check and proceed with the steps of the regular NSF check procedure outlined in the proceeding sections, including the demand for a service fee.
- (b) If the monies have not been paid to the creditor, do not return it to the Auditor. Retain the check as a permanent reference in the case file. Allow the debit to the judgment to remain. Responsibility for any further collection effort lies with the defendant.
- (c) If the monies have been paid to the creditor, and you are not going to receive the reimbursement from the check writer, contact the creditor to explain that the monies paid to them must be returned to the Sheriff to correct our case accounting. If the reimbursement is never received from the creditor, the deficit will need to be adjusted by the Auditor.
- (b) Keeper (Business) Levies - The following action is to be taken by the responsible office in dealing with NSF or returned checks taken by a keeper:
 1. Proceed with the steps of the regular NSF check procedure.
 2. If collection is not affected via telephone contact with the check maker, contact the defendant.
 - i. If the defendant does not wish to make good the check, return the writ either partially satisfied or totally unsatisfied as appropriate.
 3. Make a copy of the NSF check and retain it and the Returned Item Notice from Wells Fargo with actions noted, in the case file.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

4. Mail the NSF or returned check to the defendant. Any further action is the defendant's responsibility.

(c) NSF Check Follow-up

If there is a repeat problem with any check writer, the Administrative Manager and Chief Clerk at the affected Justice Center will, review the problem. If necessary, and with approval of the Division Commander, send the offender a letter suspending check-writing privileges. (See attachment 2 in Post Order 13-03). The Sheriff's Department will charge \$25 for each additional NSF check received from the same maker.

Reference

POST ORDER 13-03

12017.4 FEES FOR SERVICE OF BENCH WARRANTS AND KEEPERS

(a) Processing Civil Bench Warrants

1. All Orange County Superior Court Civil Bench Warrants to be served in Orange County will be clerically processed by the civil office that has the same jurisdiction as the Court of issuance.
 - i. All Civil Bench Warrants issued by Courts in other counties will be processed by the Justice Center that has jurisdiction over the city where the warrant is to be served.
2. Field service will be provided by the appropriate Justice Center as determined by geographical location.
3. In the event the clerk processing the warrant cannot readily determine if the fee should be charged from the information on the face of the warrant or other attached documents, then no fee will be charged.

(b) Order for Examination

1. The statutory fee as established by Government Code Section 26744 [1] will be charged for service of bench warrants issued for failure to appear for examination; including those cases where the order is issued pursuant to a domestic relations judgment.

(c) Order to Show Cause

1. No fee will be charged for Bench Warrants issued as a result of a failure to appear for an Order to Show Cause hearing.

(d) Keeper Fees

1. Not Found
 - i. If the writ is not served, the attorney/litigant will be informed and the keeper shall be paid the prescribed not-found fee.
 - ii. For the purpose of standardization, if the keeper leaves the business with the levying Deputy without a payoff, the writ will be considered not served.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

2. Writ Served
 - i. If the writ is served and the keeper placed, the keeper shall be paid the appropriate fee for their scheduled shift.
 - ii. For the purpose of standardization, if the levying Deputy leaves the keeper at the business the writ will be considered served.
3. Bankruptcy
 - i. The key to the payment of the keeper fee is whether or not the writ is served.
 - ii. The levying Deputy can only serve the writ when they have reasonable cause to believe the levy is proper and no bankruptcy exists.
 - iii. If the debtor presents information or documentation of a bankruptcy after the writ has been served the keeper will be paid the full keeper fee.
 - iv. If proof of bankruptcy is presented prior to service of the writ, the keeper will receive a not-found fee.

References:

POST ORDER 06-09

County Counsel's Opinion 84-132 dated June 4, 1984.

California State Sheriffs' Association Civil Procedure Manual

12017.5 RECORDER FEES

(a) County Recorder's Office

1. The County Recorder has requested from us two (2) "Requests for Document Recording" slips with "NOT TO EXCEED \$35" written in the Recording Fee Section of the form.
 - i. The County Recorder will then enter the appropriate dollar amount and return a copy to the Justice Center that requested the document recording.
 - ii. The dollar amount could vary depending on the document(s). However, "NOT TO EXCEED \$35" should be used in most cases.

(b) Routing Request for Document Recording Slips

1. Upon receipt of the "Request for Document Recording" slip back from the Recorder's Office
 - i. Post the costs on the case
 - ii. Place a copy in the case file
 - iii. Monthly, forward a copy of the slip to Sheriff Financial/Administrative Services.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

12017.6 INTERNAL CASH CONTROL PROCEDURES

In order to standardize the procedures for the handling of cash activities at each civil office the following procedures will be followed:

(a) Segregation of Duties

1. Chief/Supervising Clerk will oversee cash activities performed by office staff when possible.
2. The Chief/Supervising Clerk will review the deposit order and corresponding documentation and initial the documentation daily.
3. Lieutenants at each civil office will verify that the Chief/Supervising Clerk has initialed the monthly reconciliation of the general ledger documents.
4. Each civil office will ensure that the cashier/counter person who records cash receipts into the Sheriff's Civil System does not have custody of cash receipts or deposit orders while waiting for bank delivery.
5. A new cash account to general ledger has been updated and adopted by all Justice Centers.

(b) Establishing Accountability

1. Each civil office will produce a check log by entering all checks for processing into the automated civil system.
 - i. A manual log will be maintained for all case transfers and problem cases.
 - ii. Each check received will be immediately stamp endorsed.
2. A procedure has been adopted to request picture identification when accepting checks at our counters.
3. All over-the-counter transactions will be documented by computer or hand written receipt, unless refused by the customer.
4. All Keeper collections will be verified by the Chief/Supervising Clerk.
 - i. The receipt or inventory document will be initialed by the Chief/Supervising Clerk to verify the count.
5. Each office will validate the processing of every negotiable document by checking it off the log.
 - i. All deposit transactions will be verified against the daily deposit order.
6. Cash counting will be done in the late morning and at the close of business.
7. Each time the cashier is relieved or replaced, the cash drawer will be counted and the cash drawer log signed, for the transfer of accountability.

(c) Physical Safeguards

1. Cash receipts will be maintained in a locked and secure place at all times.
2. Cash receipt books will be maintained in a locked and secure place at all times.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Fees (Money, Bail, Cash & Checks)

3. All cash drawers will be kept locked and the key maintained by the cashier, unless the drawer is empty.
 4. Offices will keep safes secure unless empty.
 5. All receipt books will be inventoried and logged.
 6. Each office will change the safe combination(s) as necessary.
 7. Each office will check currency with a denomination of \$20.00 or more with a validating pen.
- (d) Supervisory Review and Approval
1. Chief/Supervising Clerks will review and approve initial cash transactions and documentation.
 2. Lieutenants will be required to approve the transactions in the absence of the Chief/Supervising Clerks.

Reference:

POST ORDER 06-32