



Kern County Sheriff's Office
Policies and Procedures

TITLE: SOCIAL HOST LIABILITY ORDINANCE			NO: H-1800
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: September 21, 2007	REVIEWED: 10/22/2020	REVISED: 00/00/00	UPDATED: 09/14/2018

DPPH J- & C.O 9.34.10

Administrative Citation

POLICY

It is the policy of the Kern County Sheriff's Office to utilize the provisions of County Ordinance **C.O. 9.34** Social Host Liability to preserve the peace in County neighborhoods. The Kern County Board of Supervisors added County Ordinance **9.34 Social Host Liability** to provide officers the authority to cite responsible person(s) who actively and passively aid, allow, or tolerate loud and unruly gatherings where there is underage drinking.

County Ordinance 9.34. is an Administrative Ordinance. Administrative Ordinances are **non-criminal** and violators are only subject to civil money penalties. A person cannot be arrested for violation of an Administrative Ordinance. However, the issuance of the administrative citation does not prevent the arrest or the issuance of a criminal citation for any other violations of the law.

DIRECTIVE:

In order to ensure uniform application and enforcement deputies will use the following guidelines to investigate and process citations.

PROCEDURE A – Investigation of Violation of C.O 9.34

Sheriff's deputies may issue an administrative citation, when appropriate, to any person or persons determined to be responsible person within the meaning of the Ordinance. It is not necessary for the event leading to the issuance of the citation to have occurred in the presence of a deputy sheriff. An administrative citation must be issued within 30 days from the date of the violation. The deputy investigating a violation of C.O 9.34 will:

- Establish the presence of underage persons.
- Establish that the event was a "loud and unruly gathering within the meaning of County Ordinance 9.34.020.
- Establish that alcoholic beverages were served to, or consumed by, underage persons at the social gathering.

- Determine who are responsible persons as defined in County Ordinance section 9.34.020.
- Establish that the responsible person or persons had knowledge or should have had knowledge of the underage consumption of alcoholic beverages at the social gathering.
- If the person or persons in control of the premises are a tenant or lessee establish if the landlord had prior notice of the underage gathering.
- Obtain statements from suspects and witnesses along with photos of the crime scene.

PROCEDURE B - Instruction for completing the Sheriff Office Administrative Citation

The administrative citation shall contain the following information:

- Enter the date, time and day of the week of the violation;
- Enter the case number;
- Enter violator's personal information, along with their driver's license or identification card number;
- Enter violators address, city, state, and zip code;
- If violator is a juvenile enter parents name, address and phone number;
- Enter the address or a description of the geographic location where the violation occurred;
- The signature of the violator;
- The name of the officer issuing the citation along with his department identification number and the date of issuance of the citation.

PROCEDURE C – Service of the Administrative Citation

A deputy may obtain the signature of the responsible party on the administrative citation to establish personal service of the citation. A person is not subject to arrest for refusal to sign administrative citation. If the violator is not located, refuses or otherwise does not sign the administrative citation, the lack of signature shall in no way affect the validity of the citation and proceedings. The issuing deputy shall make service of the citation as follows:

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- Service of an administrative citation may be made upon the responsible party either by personal delivery or by first class mail postage prepaid, return receipt requested, and shall be deemed completed when it is served to the address of record for the responsible party.
 - If a responsible person refuses to sign and administrative citation, the issuing deputy will write, “REFUSED” in the signature box where the responsible person would have signed.
- In lieu of personally serving the responsible party by personal delivery or first-class mail, service of the administrative citation may be made by substituted service, and may be accomplished as follows:
 - By leaving a copy during usual business hours with the person who is apparently in charge at the recipient's place of business, and by thereafter mailing by first class mail a copy to the recipient at the address where the copy was left, or
 - By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by first class mail a copy to the recipient at the address where the copy was left; or
 - In the event the responsible party cannot be served by first class mail or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency; or
 - Substitute service may be affected by posting the property with the administrative citation and mailing a copy of the citation by first class mail to the responsible party in violation at the address of the property where the violation exists; or
 - If the responsible party in violation or other person entitled to service cannot be located or service cannot be affected as set forth in this section, service may be made by publication once in a newspaper of general circulation.
- Service by first class mail postage prepaid in the manner provided in this section shall be effective on the date of mailing.

PROCEDURE D – Crime & Incident Report

After issuing a citation the deputy will complete a crime and incident report (C&I).

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- The C&I will be assigned separate from any other criminal incident arising from the same occurrence.
- The C&I will be coded as C.O 9.34, Social Host Liability
- Document the facts of the offense. The elements must be established independently of any other reports written or those other reports may be subject to discovery.
- The C&I will be marked for **Crime Analysis** (CAU) for tracking purposes.
- If the violator is a juvenile or underage person mark the juvenile probation box, at the bottom of the C&I, for additional copy distribution.
- The C&I will be attached to the citation and submitted for review and approval.

PROCEDURE E – Copy Distribution of Administrative Citation

The copy distribution for the Administrative Citation is as follows:

WHITE..... Processing Agency Copy

CANARY..... Violator Copy

(Attach white copy of citation to C&I report)

PROCEDURE F – Supervisor Review

Completed citation along with Crime and Incident Report will be reviewed by a supervisor (or their designee) for completeness and elements of the violation prior to submission for processing and routing.

PROCEDURE G – Routing of Citation and Report

Clerical staff will make copies of the original citation and file them with the original crime report. The original citation will be routed to the County of Kern, c/o Citation Processing Center, P.O. Box 7275, Newport Beach, CA. 92658. The original crime report and a copy of the citation will be processed and filed with the records division. Documents supporting other than personal service (i.e., certified mail documents) will be filed with the case file in Records.

PROCEDURE H – Appeal of Administrative Citation

Any person disputing the issuance of an administrative citation may contest the citation by completing a request for hearing form and returning it to the address stated on the form within fifteen (15) days from the date of issuance of the administrative citation, together with an advance deposit of the full amount of the penalty. Applications for request for a hearing will be

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available on the Sheriff's Office website, at all Sheriff's Substations, and attached to this policy as Attachment-A.

- The "Request for Appeal for Administrative Citation" form will be completed and sent to the County of Kern c/o Citation Processing Center, P.O Box 7275, Newport Beach, California 92658.
- The time requirement for filing a request for hearing form will not be waived
- Within ten (10) days of the conclusion of the hearing, the hearing officer shall provide the responsible party with a written decision ("administrative order"). The administrative order shall contain the hearing officer's finding of facts or conclusions and a statement regarding the procedure for appeal to the Board of Supervisors. Decisions in favor of the responsible party shall constitute a dismissal of the administrative penalty. Should the hearing officer render a decision in favor of Kern County, the responsible party must comply with the administrative order, including payment of any administrative penalty, or seek appeal through the Board of Supervisors.

The Citation Processing Center will coordinate with the Sheriff's Office Subpoena Coordinator to schedule a hearing date and time at the County Public Services Building, 2700 "M" Street. A certified impartial hearing officer for the appeals hearing will be provided by the Citation Processing Center, through the County of Kern.

A responsible party who is subject to an administrative order issued by a hearing officer may contest the administrative order by filing an appeal with the Clerk of the Board of Supervisors within fifteen (15) days from service of the administrative order.

- The decision of the hearing officer may be considered "de novo" (a second time) by the Board of Supervisors. The Board of Supervisors may reverse, affirm wholly or partly, or modify the administrative order. The determination of the Board of Supervisors on any such appeal shall be final. Notice of the final decision shall be served by certified or registered mail on the affected person(s).
- Pursuant to Section 1085 of the Code of Civil Procedure, any person who has been named in an order issued pursuant to an administrative order may seek judicial review of the order by filing a petition for writ of mandate with the superior court within ninety (90) days after the order becomes final.

PROCEDURE I – Application for Waiver of County Fees

Any person who intends to request a hearing and is financially unable to make the advance deposit as required, may file a request for an advance deposit hardship waiver.

- Applications for Hardship Waiver of fees will be available on the Sheriff's Office website, at all Sheriff's Stations, and attached to this policy as Attachment-B.

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- The hardship waiver request shall be filed with the County of Kern, c/o Citation Processing Center, P.O. Box 7275, Newport Beach, CA 92658 within ten (10) days of the date of the issuance of the citation.
- The hardship waiver will be reviewed, and a determination made in a timely manner.
- If the waiver is denied, the person shall remit the deposit to the County of Kern c/o Citation Processing Center, P.O. Box 7275, Newport Beach, CA 92658, within ten (10) days of the date of the decision or thirty (30) days from the date of issuance of the administrative citation, whichever is later.
- The written decision of the waiver shall be mailed to the person who applied for the advance deposit hardship waiver at the address provided in the application.

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