



SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

Approved:

**Ministerial – General/Miscellaneous
#O.10.99.18**

Immigration Enforcement Activities
Issued: September 16, 2020

/s/

W. Samuel Hamrick, Jr.
Court Executive Officer

I. Purpose

Government Code section 7284.8 mandates that the California Attorney General publish "model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law" and further states that "courthouses shall implement the model policy or an equivalent policy."

This document establishes policy for court employees in relation to immigration enforcement activities within court facilities, in accordance with the model policies issued by the California Attorney General.

II. Authority

- Code of Civil Procedure section 187
- California Rules of Court, rules 10.603, 10.610
- Government Code sections 7284.4, 7284.8
- Guidance and Model Policies to Assist California's Superior Courts in Responding to Immigration Issues, issued by the California Attorney General in October 2018
- The authority referenced in this policy may not include all of the law that is applicable to immigration enforcement activities within court facilities.

III. Policy

- A. In accordance with Government Code section 7284.8 and the model policies published by the California Attorney General, with limited exceptions based on law or court order, court employees are prohibited from assisting in immigration enforcement which is defined by Government Code section 7284.4(f) to include "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to

investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States."

- B. Any questions or issues from employees or the public about this policy should be directed to the Court Executive Office.
- C. The policies listed below apply to all court employees. Court employees:
1. Do not inquire about the citizenship or immigration status of any individual, including a crime victim or a witness, unless such inquiry is required for the performance of the employee's regular duties.
 2. Are not required to disclose citizenship or immigration status information about any person unless the requirements of Evidence Code section 351.3, 351.3, and 351.4 are met and such disclosure is specifically required by judicial warrant or order, or by state or federal law.
 3. Do not collect or maintain "personal information" except as required by law or as necessary to perform the employee's regular duties.
"Personal information" means any information that identifies or describes an individual, including, but not limited to, his/her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.
 4. Do not provide nonpublic "personal information" to any person or entity for immigration enforcement purposes. "Personal information" means any information that identifies or describes an individual, including, but not limited to, his/her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.
 5. Do not provide information or notification to any officer engaged in immigration enforcement of a person's custody release date, unless the information is otherwise available to the public.
 6. Do not share information regarding any juvenile case file for the purposes of immigration enforcement unless specifically authorized to do so by an order from a Juvenile judicial officer.
 7. Do not give immigration enforcement officers priority or other special treatment with respect to requests for public information. Immigration enforcement officers must request information using the same method used by any member of the public.

8. Forward all requests for U Nonimmigrant Status Certifications (Form I-918) for immigrant crime victims of criminal activity to the appropriate or supervisor.
9. Do not disclose the immigration status of a victim or person requesting a U Nonimmigrant Status Certification (Form I-918) Supplement B certification who has been certified for victim helpfulness, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I- 918 Supplement B certification.
10. Refer all inquiries regarding warrants, subpoenas, and court orders that may be presented to effect an arrest or to obtain records in immigration enforcement actions to the Court Executive Office as soon as possible.
11. In addition to notifying the Court Executive Office, the following steps should be taken in response to a request for access to nonpublic, restricted areas to execute an administrative arrest warrant:
 - a. Advise the officer that you cannot give and are not giving consent for access to nonpublic, restricted areas of the courthouse, and that you are contacting the Court Executive Office for further direction.
 - b. Court Executive Office personnel (or any alternates if the Court Executive Office is not available) contacted by staff about a request for access should collect the following information:
 - 1) The officer's name and badge number.
 - 2) The officer's reason for being at the courthouse.
 - 3) Specifics of any documentation that purportedly authorizes court access, and a copy of that documentation if possible.
 - c. If the officer orders immediate access to nonpublic court facilities:
 - 1) Do not refuse the officer's orders or attempt to physically interfere with the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document.
 - 2) Collect and provide the following additional information to the Court Executive Office:
 - (a) Any statements made by the officer.
 - (b) The date and time the entry began and ended.
 - (c) The areas entered by the officer.
 - (d) Any actions taken by the officer in the nonpublic area, such as serving of papers or making an arrest.

- 3) Court Executive Office personnel will complete an incident report that includes the information gathered as described above and the officer's statements and actions.
12. Notify the Court Executive Office of any request by officers engaged in immigration enforcement for access to nonpublic, restricted areas of a courthouse or for review of nonpublic court documents as soon as possible, and advise the officer that before proceeding with his or her request, you must first notify and receive direction from the Court Executive Office. Do not physically resist attempts by such officers to enter restricted areas.
13. Do not give consent for immigration enforcement officers to enter nonpublic areas of the courthouse, or to enter juvenile courtrooms for the purpose of making arrests, unless there is an immediate risk to the safety and protection of the public.
14. Report any incidents of immigration enforcement taking place in, or in the immediate vicinity of, any court facility as soon as possible to the Court Executive Office.