



# **IMMIGRATION ENFORCEMENT POLICY**

**Government Code 7284.8(a)**

**SASHA MORGAN  
COURT EXECUTIVE OFFICER  
CLERK OF THE COURT**

**Superior Court of California  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060  
831-420-2200**

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**Pursuant to Government Code section 7284.8(a) the Superior Court of California, County of Santa Cruz adopts the following policies:**

**1. Policies for State Court Facility Access**

Protecting Access to Justice

- Courts shall implement policies permitting wide access to justice through the use of pseudonyms, where feasible, appropriate to protect an individual's safety, and permitted by applicable state law.
- Court personnel are not required to disclose citizenship or immigration status information about any person, unless the requirements of Evidence Code sections 351.2, 351.3, and 351.4 are met and such disclosure is specifically required by judicial warrant or order, or by state or federal law.
- Court personnel shall not inquire about the immigration status of an individual, including a crime victim or a witness, unless such inquiry is required for the performance of the court personnel's regular duties.
- Court policies reducing the frequency with which parties need to appear in court shall be implemented, where feasible and permitted under applicable state law. For example, appearances may be waived for conferences where the parties' appearances are not needed to make decisions or provide testimony, and technology may be used to permit remote appearances by phone or video when possible, as permitted under local rules, the California Rules of Court, and applicable state law.
- All court staff shall be trained on the requirements of these policies, or a court's equivalent policies, and receive a copy of the policies.

**2. Protections for Specific Litigants**

Protecting Children

- It is presumed that immigration enforcement does not have a "direct and legitimate interest in individual dependency proceedings nor in the work of the court."
- In order to protect the best interests of children, arrests for immigration enforcement purposes are prohibited within juvenile courthouses or courtrooms unless there is an immediate risk to the safety and protection of the public.

Protecting Immigrant Crime Victims

- Courts shall require that, upon request, all hearing officers complete U Nonimmigrant Status Certifications (Form I-918) for immigrant crime victims of criminal activity listed on Penal Code section 679.10, subdivision (c), who possess information about the qualifying criminal activity, unless the victim has refused or failed to provide information reasonably requested by law enforcement.
- Courts shall prohibit all hearing officers who have certified victim helpfulness on the Form I-918 from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, 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.

## **Responding to Immigration**

### **Training Court Staff on Responding to Immigration Enforcement Activity**

- Courts shall establish protocols for use of Santa Cruz Superior Court personnel likely to receive in person, written, telephonic, or electronic requests for information related to immigration enforcement.
- Courts shall identify nonpublic restriction locations within the court facilities. Santa Cruz Superior Court personnel shall be trained on who may access restricted locations.
- Santa Cruz Superior Court personnel shall receive training regarding the different type of warrants, subpoenas, and court orders that may be presented to effect an arrest or to obtain records in immigration enforcement actions. This training shall include the following requirements:
  - The ability to differentiate between administrative warrants and judicial warrants signed by a judge or magistrate.
  - The ability to differentiate between administrative and judicial subpoenas.
  - The procedure for responding to any warrant, subpoena, or order issued in connection with immigration enforcement activities.
- Santa Cruz Superior Court personnel shall be trained that DHS administrative subpoenas and federal court subpoenas do not require immediate compliance despite the warning language that may be included on the form. Subpoenas shall be submitted for review and a decision (by the court executive officer, the presiding judge, their delegate, or court counsel) on whether to comply with or challenge the subpoena.
- Santa Cruz Superior Court personnel are prohibited from assisting in immigration enforcement actions, including by engaging in any of the activities listed in Government Code section 7284.6, subdivision (a), unless the exceptions set forth in section 7284.6 (as applicable to law enforcement agencies) are applicable.

## **Responding to Requests for Access for Immigration Enforcement Purposes**

- As soon as possible, court personnel shall notify the court executive officer, the presiding judge, or designee, of any request by officers engaged in immigration enforcement for access to nonpublic restricted areas of a courthouse or any requests for review of nonpublic court documents.
- In addition to notifying the court executive officer, the presiding judge or their designee, court personnel shall take the following steps in response to the service of a subpoena or a request for access to execute an administrative arrest warrant.
  - Advise the officer that before proceeding with his or her request court personnel must first notify and receive direction for the court executive officer, the presiding judge or their designee
  - Court personnel should ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
  - Court personnel should ask the officer for his/her reason for being at the courthouse and note the response.
  - Court personnel should ask the officer to produce any documentation that authorizes court access.
  - If the officer orders immediate access to court facilities, court personnel should not refuse the officer's orders and immediately contact the court executive officer, the presiding judge, or their designee.
  - State that Santa Cruz Superior Court does not consent to entry of Santa Cruz Superior Court facilities or portions.

- Without expressing consent, court personnel shall respond as follows if presented with the following documentation:
  - **An ICE administrative “warrant” (see Appendices A and B):** Immediate compliance is *not* required. Court personnel shall inform the officer that he or she cannot consent to any request without first consulting with the court executive officer, the presiding judge, or their designee. Provide copy of the warrant to the court executive officer, the presiding judge or their designee (where possible, in consultation with legal counsel) as soon as possible.
  - **A federal judicial warrant (either search and seizure warrant or arrest warrant; see Appendices C and D):** Prompt compliance with such a warrant *is* usually legally required, but where feasible, consult with the court executive officer, the presiding judge or their designee, before providing the officer access to the person or materials specified in the warrant.
  - **A subpoena for production of documents or other evidence (see Appendices E and F):** Immediate compliance is *not* required. Inform the officer that court personnel cannot respond to the subpoena until after it has been reviewed by legal counsel for the court. Provide a copy of the subpoena to the court executive officer, the presiding judge, or their designee or legal counsel as soon as possible.
  - **A notice to appear (see Appendix G):** This document is not directed at the Santa Cruz Superior Court. Court personnel are under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to the court executive office, the presiding judge, or their designee or legal counsel as soon as possible.
- If the officer orders staff to provide immediate access to facilities, court staff should not refuse the officer’s order and immediately contact the court executive officer, the presiding judge, or their designee. Court personnel shall not attempt to physically interfere with the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters a restricted area without consent, court personnel shall document his or her actions.
- Court personnel shall document the officer’s actions while in court premises in as much detail as possible, but without interfering with the officer’s movements.
- Court personnel shall complete an incident report that includes the information gathered as described above and the officer’s statements and actions.
- To the extent practicable, all court personnel who observe any immigration enforcement action taking place in, or in the immediate vicinity of, any court facility. Shall report the incident to the court executive officer, the presiding judge, or their designee.

#### 4. Responding to Immigration Enforcement Activities Collection and Dissemination of Personal Information

- Unless necessary to perform one’s official duties, or required by law, court personnel shall not:
  - Inquire into an individual’s immigration status;
  - Provide to an officer engaged in immigration enforcement, information regarding a person’s release date unless; (1) the officer has a valid judicial warrant, subpoena,

- or court order; (2) the person subject to the search has a criminal history that meets the criteria of California Government Code section 7282.5, subdivisions (a) and (b); or (3) the information is available to the public; or
- Provide to an officer engaged in immigration enforcement, personal information unless: (1) the officer has a valid judicial warrant, subpoena, or court order; or (2) the information is available to the public.
  - Personal information means any information that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.
- All other court personnel shall not:
  - Collect and maintain personal information, except as required by law or as necessary to perform one's official duties.
  - As an individual about his or her immigration status, except as required by law or as necessary to perform one's official duties.
- Court personnel shall not share information regarding any juvenile case file for the purposes of immigration enforcement unless specifically authorized to do so by a judicial order.

### **Responses to Requests for Information for Immigration Enforcement Purposes**

- Court personnel shall not provide personal information to any person or entity for immigration enforcement purposes, unless (1) such information is available to the public; or (2) is subject to a valid judicial warrant, subpoena, or court order.
- Court personnel shall not provide information regarding a person's release date or respond to requests for notification by providing release dates or other information unless that information: (1) is available to the public; (2) is subject to a valid judicial warrant, subpoena, or court order; or (3) is in response to a notification request from immigration authorities in accordance with Government Code section 7282.5
- Court personnel shall not use immigration authorities as interpreters when an interpreter is necessary to conduct the court's business.
- Court personnel shall revise the terms and use policies that permit access to their case management systems or any other database that contains non-criminal history information as follows:
 

*All users of the court's case management systems or any other database that contains non-criminal history information shall agree, as a condition to being provided access to the systems and databases, that they shall not access or use any information contained within these databases for immigration enforcement purposes, except that users are not restricted in the use of criminal history information and are not restricted in the use of information regarding a person's immigration or citizenship status pursuant to Sections 1373 and 1644 of title 8 of the United States Code.*

**Appendices are retained by the court. For copies, please contact [press@santacruzcourt.org](mailto:press@santacruzcourt.org)**