



COURT FACILITY EQUAL ACCESS POLICY

Government Code 7284.8(a)

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Pursuant to Government Code §7284.8(a), the Superior Court of California, County of Kern adopts the following policies:

1. Policies for State Court Facility Access

Protecting Access to Justice

- 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 personnel are not required to disclose citizenship or immigration status information about any person, unless the requirements of Evidence Code §§ 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 policies shall be implemented to reduce the frequency with which parties need to appear in court, 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.
- 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.
- All court personnel shall be trained on the requirements of these 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

- Upon request the Court may consider completing “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.
- If the victim has been certified as helpful, the Court should not disclose the immigration status of the 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.

3. Responding to Immigration Enforcement Activity

A. Training Court Personnel on Responding to Immigration Enforcement Activity

- Courts shall establish protocols for use of court personnel likely to receive in person, written, telephonic, or electronic requests for information related to immigration enforcement.
- Courts shall identify non-public restricted areas within the court facilities. In the Superior Court of California, County of Kern, any area accessible only through a locked door and/or a card key reader is not accessible to the public and considered a non-public restricted area of the Courthouse.
 - Only judicial officers, court staff, bailiffs, security, vendors with authorization and invited guests are allowed access to non-public restricted areas.
 - Absent judicial warrant or exigent circumstances, law enforcement personnel shall not have access to non-public restricted areas of court facilities for immigration law enforcement purposes.
- Court personnel shall be trained on who may access restricted locations.
- 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.
- Court personnel shall be trained that Department of Homeland Security 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, or their designee) on whether to comply with or challenge the subpoena.
- 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.

B. 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.
 - Court personnel should state that Superior Court of California, County of Kern does not consent to entry of its facilities.
- 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 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 the court executive officer the presiding judge or their designee. Provide a copy of the subpoena to the court executive officer, the presiding judge, or their designee as soon as possible.
- **A notice to appear** (see Appendix G): This document is not directed at the Superior Court of California, County of Kern. 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 as soon as possible.
- If the officer orders court personnel to provide immediate access to facilities, court personnel 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 Requests for Information for Immigration Enforcement Activities

A. 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.
 - Ask 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.

B. 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.