

Patricia L. Kelly  
Presiding Judge



**SUPERIOR COURT**  
of  
**SANTA BARBARA**

SANTA MARIA • LOMPOC • SANTA BARBARA

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**FOR IMMEDIATE RELEASE**

## **The Superior Court Issues Policy about Immigration Enforcement at Courthouses**

February 6, 2025 Santa Barbara County

The Superior Court of California, County of Santa Barbara provides clarity about enforcement of immigration laws at courthouses by adopting this new policy (see attached). In December of 2024, California Attorney General Rob Bonta issued “*Guidance and Model Policies to Assist California’s Superior Courts in Responding to Immigration Issues*,” in a document entitled, “*Securing Equal Access to Justice for All*.” That document provides California Courts guidance on how to best maintain access to justice for all persons with matters before the court.

An interim guidance memorandum issued January 21, 2025, from the U.S. Immigration and Customs Enforcement division of the Department of Homeland Security indicates, “*ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses that are wholly dedicated to non-criminal proceedings (e.g., family court, small claims court). When an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director \* \* \* is required prior to conducting the enforcement action.*” In a situation where ICE determines enforcement action is warranted it is necessary for the court to provide direction to court and security personnel in any interaction with ICE.

The Superior Court continues to work with all security personnel to ensure that access to justice is maintained throughout the courts in Santa Maria, Lompoc and Santa Barbara and will work cooperatively with all law enforcement in ensuring safety of all persons attending court proceedings.



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Policy:	Policy Number: 2025-001
RESPONDING TO IMMIGRATION ENFORCEMENT AGENCY REQUESTS FOR INFORMATION AND/OR IMMIGRATION ENFORCEMENT ACTIVITY IN COURT FACILITIES POLICY	Department/Unit: Administrative
Approved by:  Presiding Judge Patricia L. Kelly	Effective Date: 2/3/2025

## I. POLICY STATEMENT

The Superior Court of California, County of Santa Barbara (Court) is committed to providing all members of the public, regardless of their citizenship or immigration status, equal access to its facilities, services and programs. To that end, the Court will not provide immigration agency personnel access to: (1) any nonpublic areas at any of its facilities; (2) any sealed or confidential adjudicative records, or (3) judicial administrative records exempt from disclosure without a valid federal judicial warrant, subpoena, or federal court order.

Court employees are prohibited from assisting in immigration enforcement actions, may not authorize the entry of immigration agency personnel into the nonpublic areas of any court facility and must promptly refer immigration agency personnel to their immediate supervisor or manager. If an immigration agency officer directly orders a court employee to provide immediate access to nonpublic areas of the Court, the employee may not refuse the officer's order. However, the employee will notify his or her supervisor immediately about the officer's order, prepare a written statement about the encounter, and submit it to his or her supervisor.

As used in this policy, nonpublic areas of the Court include those secured or restricted areas designated for use by judicial officers, court personnel, security personnel, and persons with court authorization. Nonpublic areas of the Court include judicial chambers, lounges, corridors behind courtrooms, jury deliberation rooms, administrative offices, staff offices, employee break rooms, conference rooms, and custody holding cells.

## II. AUTHORITY

California Values Act, Govt. Code section [7284](#) et seq.

## III. RESPONSIBILITY

All employees are responsible for complying with this policy. Managers are expected to notify the Court Executive Officer (CEO)/Chief Deputy Executive Officer (CDEO) of any immigration enforcement activity at their courthouse. Likewise, the CEO/CDEO are expected to notify the Presiding Judge/Assistant Presiding Judge of any immigration enforcement activity at their courthouse.

## IV. DEFINITIONS

**Administrative Subpoena** - A document that requests production of documents or other evidence, and (in the immigration enforcement context) is issued by an immigration enforcement officer. The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the agent(s).

**Administrative Warrant** - An Immigration and Customs Enforcement (ICE) administrative warrant authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. Any authorized ICE officer can issue an administrative warrant without a showing of probable cause that the subject of the warrant is guilty of a criminal offense. An ICE warrant does not compel courthouse personnel to cooperate with the requests of an immigration enforcement officers, including requests to access nonpublic areas of a court facility or to search confidential or sealed court records.

**Court Order** - In the immigration enforcement context, is an order issued by a U.S. District Court judge or magistrate judge authorizing a specified action.

**Federal Judicial Warrant** - Issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause, to authorize the search or seizure of property, the entry into a nonpublic place to arrest a person named in an arrest warrant, or the arrest of a named person.

1. A federal search and seizure warrant authorize the search and/or seizure of property.
2. A federal arrest warrant allows an immigration enforcement officer to enter into a nonpublic place (if necessary) to arrest a person named in the warrant.

**Notice to Appear (NTA)** - A charging document issued by ICE, U.S. Customs and Border Protection (CBP), or the United States Customs and Immigration Service (USCIS) seeking to commence formal removal proceedings against an individual before an immigration court. An NTA contains allegations about a person's immigration status and notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities. An

NTA does not authorize access to nonpublic areas of the court facility or require court staff to allow immigration enforcement authorities to search confidential or sealed court records.

**V. REFERENCES**

None