



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688  
<https://courts.ca.gov/policy-administration/invitations-comment>

---

## INVITATION TO COMMENT

[ITC prefix as assigned]-\_\_

---

**Title**

Judicial Branch Administration: Rule for  
Uniform Reporting of Civil Arrests in Court  
Facilities

**Action Requested**

Review and submit comments by January 5,  
2026

**Proposed Effective Date**

May 1, 2026

**Proposed Rules, Forms, Standards, or Statutes**  
Adopt Cal. Rules of Court, rule 10.440

**Contact**

Jessica Devencenzi, 916-263-1374,  
[jessica.devencenzi@jud.ca.gov](mailto:jessica.devencenzi@jud.ca.gov)  
Saskia Kim, 916-643-6951  
[saskia.kim@jud.ca.gov](mailto:saskia.kim@jud.ca.gov)

**Proposed by**

Trial Court Presiding Judges Advisory  
Committee  
Hon. Patricia L. Kelly, Chair

Court Executives Advisory Committee  
Ms. Kate Bieker, Chair

---

### Executive Summary and Origin

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee propose adopting a rule of court developed by their Joint Rules Subcommittee requiring uniform reporting of civil arrests in superior court facilities.<sup>1</sup> The proposal will help ensure consistent and coordinated statewide collection and reporting of data to better assess broader implications for access to justice. The data collected is intended to help the judicial branch better understand the statewide impact that civil arrests in court facilities have on courts, while also promoting public trust and confidence through transparency.

### Background

Civil arrests in court facilities can significantly impact superior court operations and administration, public perception, and access to justice. In fact, California law prohibits civil

---

<sup>1</sup> References to “court facility” or “court facilities” in this invitation to comment have the same meaning as that provided in Government Code section 70301(d).

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

arrests inside a courthouse.<sup>2</sup> However, no uniform, statewide approach to tracking or reporting these civil arrests exists. This lack of uniformity limits the judicial branch’s ability to understand the scope and impact of civil arrests in court facilities and to respond effectively to court or community concerns.

Other states that also prohibit civil arrests in courts<sup>3</sup> have recognized the importance of collecting and reporting data about these arrests. For example, both New York and Washington have data collection requirements.<sup>4</sup> Each state requires reporting when law enforcement enters a courthouse or court facility to take an individual into custody. New York requires that court security personnel file an “Unusual Occurrence Report” in these instances,<sup>5</sup> and Washington requires that the governmental entity responsible for court security collect and report information on civil arrests on a monthly basis to its Administrative Office of the Courts.<sup>6</sup> The following information must be reported in Washington: (1) name and agency of the law enforcement officer, (2) date and time of the occurrence, (3) specific law enforcement purpose, and (4) proposed law enforcement action to be taken.<sup>7</sup> New York requires similar information.<sup>8</sup> In addition, Washington requires that its Administrative Office of the Courts publish a report of the information collected.<sup>9</sup>

## The Proposal

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend adoption of proposed rule 10.440, developed by their Joint Rules Subcommittee, to provide for a uniform, statewide approach to reporting data to the Judicial Council on civil arrests in superior court facilities. The proposal aims to increase transparency, as well as assist the council in its awareness of these occurrences so that it may fully understand any impacts on access to justice and courts.

---

<sup>2</sup> Civ. Code, § 43.54. This prohibition does not apply to arrests made pursuant to a valid judicial warrant.

<sup>3</sup> New York (NY CLS Civ R § 28(1)); Washington (Wash. Rev. Code Ann. § 2.28.330).

<sup>4</sup> New York State Unified Court System, Hon. Joseph A. Zayas, Chief Administrative Judge, “Protocols Governing Activities in Courthouses by Law Enforcement Agencies,” Feb. 6, 2025, <https://legalaidnyc.org/wp-content/uploads/2025/02/ProtocolGoverningLawEnforcementActivities.pdf>; Wash. Rev. Code Ann. § 2.28.320 (see also Washington State, Substitute House Bill 2567, Chapter 37, Laws of 2020, Sec. 4, <https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/2567-S.SL.pdf?q=20220203102234>).

<sup>5</sup> New York State Unified Court System, *supra*, note 2, Feb. 6, 2025.

<sup>6</sup> Wash. Rev. Code Ann. § 2.28.320(1).

<sup>7</sup> Wash. Rev. Code Ann. § 2.28.320(1).

<sup>8</sup> See New York State Unified Court System, *Records Retention and Disposition Schedule*, Apr. 2023, p. 10, <https://www.nycourts.gov/legacyPDFs/admin/recordsmanagement/Security-Schedule.pdf>.

<sup>9</sup> Wash. Rev. Code Ann. § 2.28.320(2).

**Subdivision (a)—Definitions**

Subdivision (a) of the proposed rule defines several of the terms used in the rule. First, the rule defines “civil arrest,” a key term that is used throughout the rule and is essential for helping courts accurately identify and report the required data to the Judicial Council. The term is defined to include an arrest of, as well as the intent to arrest, a person for an alleged violation of civil law. It does not include arrests for an alleged violation of criminal law or for civil contempt, as specified.

The rule then incorporates an existing definition from Government Code section 70301(d), which defines “court facilities” under the Trial Court Facilities Act of 2002. Referencing this existing definition is intended to maintain clarity and consistency within the law, and to assist courts in defining the scope of the reporting requirements. For example, as defined, a “court facility” would include the courthouse building as well as the grounds appurtenant to that building and parking areas for court users. Because civil arrests taking place in these areas may affect individuals’ access to justice, it is important for the judicial branch to be aware of these occurrences.

**Subdivision (b)—Reporting**

Subdivision (b) of the proposed rule contains the data elements that courts must report to the Judicial Council on a monthly basis, if known. The phrase “if known” is intended to clarify that courts are only expected to report information they become aware of. They are not required to seek out or request this information from law enforcement officers attempting to effectuate a civil arrest in a court facility. Furthermore, the rule anticipates that any information reported to the council will be submitted after the occurrence of a civil arrest or intended civil arrest.

The rule specifies that the information must be reported to the council in a form and manner determined by the Judicial Council’s Administrative Director so that all information submissions are uniform, consistent, and easily aggregated on a statewide basis. Rule 10.440 also details the information to be reported to the council on a monthly basis and includes a provision allowing the Administrative Director to determine whether any additional information is necessary to evaluate the impact of civil arrests in court facilities.

**Subdivision (c)—Personal identifying information of targeted individual**

To protect individuals’ privacy and safeguard sensitive data, subdivision (c) of rule 10.440 specifies that courts must not include personal identifying information about individuals who are the target of law enforcement actions in the reports submitted to the council.

**Advisory Committee Comments*****Administrative Director***

The advisory committees recognize that some courts may employ an “Administrative Director.” To avoid confusion, and out of an abundance of caution, the committees added a comment clarifying that the term “Administrative Director” used in the rule refers specifically to the Administrative Director of the Courts appointed by the Judicial Council. This clarification is not

intended to alter or affect the meaning or application of the term “Administrative Director” as used in any other rule of court.

### ***Publication of data***

The advisory committees understand that the Judicial Council may publish periodic reports of the information submitted by the courts, as determined by the Administrative Director and in accordance with applicable data publication policy. Transparency of this kind helps build public trust by demonstrating the judicial branch’s commitment to openness and integrity.

### **Alternatives Considered**

The advisory committees’ Joint Rules Subcommittee considered recommending no action but ultimately determined that the proposal was warranted because it will help bring uniformity throughout the judicial branch to the reporting of civil arrest information. This will help the judicial branch better assess whether there are impacts on courts and access to justice because of civil arrests taking place in superior court facilities.

### **Fiscal and Operational Impacts**

Adopting rule 10.440 will require some personnel time for superior courts to collect and report the specified information to the Judicial Council on a regular basis, provided that the information is known to the court. Nothing in the rule requires courts to create a specific mechanism for data collection, such as entry or sign-in logs, although some courts might decide that such a log is a sufficient method for recordkeeping. Adopting the rule would also likely require communication with, and training for, court staff or other personnel including court security.

#### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- What would the implementation requirements be for courts—for example, training staff or other personnel (please identify position and expected hours of training) and revising processes and procedures (please describe)?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.440, at pages 5–6

Rule 10.440 of the California Rules of Court would be adopted, effective May 1, 2026, to read:

**Title 10. Judicial Administration Rules**

**Division 2. Administration of the Judicial Branch**

**Chapter 6. Court Technology, Information, and Automation**

**Rule 10.440. Uniform reporting of civil arrests in court facilities**

**(a) Definitions**

As used in this rule, the following definitions apply:

- (1) “Civil arrest” means the arrest of, or the intent to arrest, a person for an alleged violation of civil law. It does not include an arrest for an alleged violation of criminal law, or for contempt under title 5 of part 3 of the Code of Civil Procedure.
- (2) “Court facility” has the same meaning as that provided in Government Code section 70301(d).

**(b) Reporting**

Beginning June 1, 2026, each superior court must report on a monthly basis to the Judicial Council, in a form and manner determined by the Administrative Director, the following information, if known, relating to any civil arrest of an individual in a court facility:

- (1) The date, time, and location of each civil arrest of an individual;
- (2) Whether the civil arrest of the individual was executed;
- (3) The name of the agency effectuating the civil arrest;
- (4) Whether law enforcement officers effectuating the civil arrest were in uniform or plain clothes;
- (5) Whether law enforcement officers effectuating the civil arrest presented government-issued identification;

1       (6) Whether law enforcement officers effectuating the civil arrest presented a  
2       warrant;

3  
4       (7) If law enforcement officers presented a warrant, the type of warrant; and

5  
6       (8) Any other information, as determined by the Administrative Director,  
7       necessary to evaluate the impact of civil arrests in court facilities.

8  
9       **(c) Personal identifying information of targeted individual**

10  
11       Information reported must not include personal identifying information concerning  
12       the individuals who were the target of the law enforcement action.

13  
14                               **Advisory Committee Comment**

15  
16       As used in this rule, “Administrative Director” refers to the Administrative Director of the Courts  
17       appointed by the Judicial Council.

18  
19       It is anticipated that the Judicial Council may publish periodic reports of the information collected  
20       pursuant to subdivision (b), as determined by the Administrative Director, and in accordance with  
21       applicable data publication policy.