



Judicial Council of California

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INVITATION TO COMMENT

SP25-05

Title

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

Action Requested

Review and submit comments by January 9, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 10.440

Proposed Effective Date

May 1, 2026

Proposed by

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

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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 requiring reporting of civil arrests in superior court facilities, as defined in the rule. 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 arrests inside a courthouse; this prohibition does not apply to arrests made pursuant to a valid judicial warrant.¹ However, no consistent, statewide approach exists for tracking or reporting

¹ Civ. Code, § 43.54.

civil arrests. This 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 courts² have recognized the importance of collecting and reporting data about these arrests. For example, both New York and Washington have data collection requirements.³ 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,⁴ 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.⁵ 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.⁶ In addition, Washington requires that its Administrative Office of the Courts publish a quarterly report of the information collected.⁷

The Proposal

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee propose adoption of rule 10.440, developed by their Joint Rules Subcommittee, to provide for a consistent, 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 judicial branch in assessing impacts on access to justice and courts.

Subdivision (a)—Definitions

Subdivision (a) of the proposed rule defines two 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, or expressed intent to arrest, an individual 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.

² New York (NY CLS Civ R § 28(1)); Washington (Wash. Rev. Code Ann. § 2.28.330).

³ 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://lawfileext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/2567-S.SL.pdf?q=20220203102234>).

⁴ New York State Unified Court System, *supra*, note 3.

⁵ Wash. Rev. Code Ann. § 2.28.320(1).

⁶ Wash. Rev. Code Ann. § 2.28.320(1).

⁷ Wash. Rev. Code Ann. § 2.28.320(2). See <https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.qrtlyReports>.

The rule then incorporates an existing definition of “court facilities” from Government Code section 70301(d), which is part of 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 the courts and justice, it is important for the judicial branch to be aware of these occurrences.

Subdivision (b)—Reporting

Subdivision (b) of the proposed rule would specify the data elements that courts must report to the Judicial Council, if known. The phrase “if known” is intended to clarify that courts are only expected to report information that they become aware of. They are not required to seek out or request this information from law enforcement officers conducting 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. The subdivision also includes a provision allowing the Judicial Council’s Administrative Director to determine whether any additional information is necessary to evaluate the impact of civil arrests in court facilities.

Proposed subdivision (b) specifies that the information must be reported to the council, in a form, manner, and frequency determined by, and on dates specified by, the Administrative Director so that all information submissions are consistent and easily aggregated on a statewide basis. The rule would take effect May 1, 2026, and courts would begin reporting to the Judicial Council in June 2026.

Subdivision (c)—Personal identifying information of targeted individual

To protect individuals’ privacy and safeguard sensitive data, subdivision (c) of proposed 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 propose an advisory committee comment clarifying that the term “Administrative Director” used in the proposed rule refers specifically to the Administrative Director of the Courts appointed by the Judicial Council.

Publication of data

It is anticipated that the Judicial Council may compile and publish in periodic reports the information collected under this rule, 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 considered recommending no action but ultimately determined that the proposal was warranted because it would help bring consistency throughout the judicial branch to the reporting of civil arrest information. This will help the judicial branch better assess impacts on courts and access to justice because of civil arrests in superior court facilities.

Fiscal and Operational Impacts

Rule 10.440 would 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?
- Would courts' reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) potentially reveal the individual's identity or other personal identifying information about the individual?

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. Reporting civil arrests in court facilities

(a) Definitions

As used in this rule, the following definitions apply:

- (1) “Civil arrest” means the arrest of, or an expressed intent to arrest, an individual 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 to the Judicial Council

Beginning June 2026, each superior court must report to the Judicial Council, in a form, manner, and frequency determined by, and on dates specified by, the Administrative Director, the following information relating to any civil arrest in a court facility, if known:

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

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

3
4 (7) If a warrant was presented, the type of warrant;

5
6 (8) The subject matter of the court proceeding that the individual targeted for
7 civil arrest was attending and their role in the proceeding (e.g., witness,
8 party); and

9
10 (9) Any other information, as determined by the Administrative Director,
11 necessary to evaluate the impact of civil arrests in court facilities.

12
13 **(c) Personal identifying information of targeted individual**

14
15 Information reported under (b) must not include personal identifying information of
16 any individual who was a target for civil arrest.

17
18 **Advisory Committee Comment**

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20 “Administrative Director” refers to the Administrative Director of the Courts appointed by the
21 Judicial Council. (See Cal. Rules of Court, rule 10.80(a).)

22
23 It is anticipated that the Judicial Council may compile and publish in periodic reports the
24 information collected under this rule, in accordance with applicable data publication policy.
25