



Robert L. Padilla  
Court Executive Officer

State of New Mexico  
Bernalillo County  
Metropolitan Court

401 Lomas NW  
Albuquerque, New Mexico 87102  
P.O. Box 133  
Albuquerque, New Mexico 87103  
Telephone (505) 841-8102  
Fax (505) 222-4800

**COURTHOUSE ACCESS POLICY**

**PURPOSE**

The Bernalillo County Metropolitan Court ("Court") is dedicated to serving the community by providing equal access to justice through the fair, timely, and efficient resolution of all cases. This policy is to establish guidelines for Courthouse access that respects the dignity of all proceedings occurring in the Courthouse. The Court is committed to ensuring that the Court remains open and accessible to individuals, families, and businesses in order to resolve disputes in accordance with the law. The Court is committed to ensuring that Court operations are conducted safely, transparently, without undue interruption or interference, and with no impediment to open public access.

**APPLICABILITY**

This policy applies to the Bernalillo County Metropolitan Courthouse and surrounding Court property, including the Court's outside plaza, parking structure, and commercial spaces within The Shops @ Metro Park (collectively, "Court Facilities"). The Courthouse and Court Facilities are owned by the State of New Mexico and maintained by the Court in service of the people of New Mexico.

The Court affirms the principle that courts of law should remain open and accessible to the public. Recognizing the important role that courts fulfill in our democracy, access to the Courthouse should be free of restrictions that hinder or impede the proper administration of justice.

In order to maintain an open and safe environment in which parties, witnesses, jurors, staff, and others can participate in Court proceedings and conduct business in a manner that is free of harassment or threats to their security or freedom, the Court issues the following guidelines:

**COURTHOUSE ACCESS BY LAW ENFORCEMENT OFFICERS**

1. No local, state, or federal law enforcement officers or agents ("Outside Law Enforcement Officers") may arrest, detain, interrogate, hold, restrict, or in any way, hinder the freedom of any individual in the Courthouse except by lawful Court order or judicial arrest warrant, or when it is necessary to secure immediate public safety. For purposes of this

policy, "restrict" and "hinder" shall mean to stop, detain, hold, question, interrogate, arrest, or delay individuals while in the Courthouse.

2. All Outside Law Enforcement Officers who come to the Court to make an arrest shall, upon entering the Courthouse, present and display appropriate badges, credentials, or other identifying documents to law enforcement personnel assigned to permanent duty at the Court ("On-Site Law Enforcement Officers").
3. Outside Law Enforcement Officers may not randomly interrogate individuals about their identity or their purpose for being in the Court Facilities unless necessary to:
  - a. Protect the safety and security of Judges, Court staff, or the public; or
  - b. Enforce a lawful court order or judicial arrest warrant.

## **COURTHOUSE ARRESTS**

Arrests should generally occur outside the Courthouse, unless the Judge presiding over a proceeding orders that an individual be taken into custody, or an immediate arrest is necessary to ensure public safety.

The Court has a long-standing policy of regularly checking the NCIC database for outstanding arrest warrants, which are addressed by the Court, as appropriate; and any arrests made pursuant to these warrants are performed by the Court's On-Site Law Enforcement Officers.

Law enforcement officers, agents, or other persons shall not arrest, detain, or question any person in the Court Facilities unless:

1. The arrest, detention, or questioning is performed by the Court's On-Site Law Enforcement Officers while engaged in the performance of their duties; or
2. Public safety concerns require; or
3. Outside Law Enforcement Officers display a lawful court order or judicial arrest warrant to the Court's On-Site Law Enforcement Officers prior to executing any arrest or detention. If the Court's On-Site Law Enforcement Officers are available, an On-Site Officer may accompany the Outside Law Enforcement Officer(s) at the time of arrest in order to ensure public safety; however, the Court's On-Site Law Enforcement Officers will not assist Outside Law Enforcement Officers in making routine arrests. Except for exigent circumstances, or pursuant to a search warrant or subpoena, the Court's On-Site Law Enforcement Officers also will not assist Outside Law Enforcement Officers through providing access to, or use of, the Court's security video surveillance system.

Notwithstanding the foregoing, nothing in this policy shall limit the authority of any law enforcement officer to make a lawful arrest for criminal conduct occurring in the Courthouse.

### **PROHIBITION OF WEAPONS**

No firearms or other weapons shall be brought into Courthouse, except weapons used by the Court's On-Site Law Enforcement Officers. The Court provides storage lockers for Outside Law Enforcement Officers' weapons. With prior approval of the Court's On-Site Law Enforcement, and in concurrence with the Court, Outside Law Enforcement Officers may be permitted to carry firearms within the Courthouse when circumstances warrant such action.

### **ELECTRONIC DEVICES**

The Court prohibits unauthorized persons from bringing electronic devices into the Courthouse, including cellphones, laptop and tablet computers, any device that is capable of recording audio or video or taking photos, or any other communication or scanning devices. The Court prohibits unauthorized photography or video recording of any type by all persons in the Courthouse.

The following persons shall have specific authorization to bring their cell phones, and laptop and tablet computers into the Courthouse while conducting business with the Court:

Bernalillo County Metropolitan Court Employees  
Second Judicial District Court Employees  
Court Employees from other New Mexico Judicial Districts  
New Mexico Supreme Court and Court of Appeals Employees  
New Mexico Administrative Office of the Court Employees  
New Mexico Magistrate Court Employees  
District Attorney's Employees  
Public Defender's Employees  
Metropolitan Detention Center Employees  
Local, State, and Federal Law Enforcement Officers  
Private Attorneys  
Department of Corrections Employees  
Volunteer Mediators  
Contract Interpreters  
Vendors under contract with the Court  
US Postal Service  
Jurors  
Credentialed Members of the Media

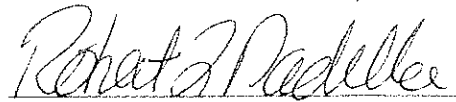
In order to gain entry to the Courthouse with an electronic device, authorized persons must be able to identify themselves and their affiliations (e.g., juror, postal worker) by carrying their Court-issued badge, employee identification, bar card, business card, or their juror identification.

Bernalillo County Metropolitan Court  
Courthouse Access Policy  
September 25, 2018

### **USE OF ON-BODY RECORDING DEVICES**

Use of on-body recording devices is prohibited within the Courthouse except in exigent circumstances in which Outside Law Enforcement Officers are called upon to assist the Court's On-Site Law Enforcement Officers or court staff in emergency situations.

Effective Date: September 25, 2018

A handwritten signature in cursive script, reading "Robert L. Padilla", written over a horizontal line.

Robert L. Padilla  
Court Executive Officer