



State of New Mexico

Michelle Lujan Grisham
Governor

February 20, 2019

*Via Email, metrswe@nmcourts.gov
& US First Class Mail*

Chief Judge Sandra Engel
Bernalillo County Metropolitan Court
P.O. Box 133
Albuquerque, NM 87103

Dear Judge Engel,

Governor Michelle Lujan Grisham and I are writing to express our support for the enforcement of the Bernalillo County Metropolitan Courthouse Access Policy, which was promulgated in September of last year. As you know, that policy prohibits local, state, or federal law enforcement officers or agents from arresting, detaining, interrogating, or otherwise restricting the freedom of individuals in the Courthouse. See generally, Courthouse Access Policy (September 25, 2018). Those limitations are founded upon sound policy considerations. As a group of former judges pointed out in a recent missive to the acting director of Immigration and Custom Enforcement (“ICE”), “for courts to effectively do justice, ensure public safety, and serve their communities, the public must be able to access courthouses safely and without fear of retribution.” December 12, 2018 Letter from Former Judges to Ronald D. Vitiello, Acting Director U.S. Immigration and Customs Enforcement.¹

We concur with this sentiment. Persons who are necessary participants in judicial proceedings—whether as parties or witnesses—should not fear legal reprisal when fulfilling their civic and legal obligations.

With this background in mind, we wanted to express our concern regarding reports that ICE is arresting and detaining New Mexico residents inside the Courthouse and on the neighboring grounds. We question the propriety and legality of these actions, and we respectfully ask Your Honor, in your capacity as Chief Judge of the Bernalillo County Metropolitan Court, to enforce the operative Access Policy. Compliance with that directive is of paramount importance to our

¹ New Mexico Supreme Court Justice Edward L. Chavez was among the distinguished group of jurists who signed that correspondence.

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community. Only through safe and unfettered access to the Court can our State's residents seek appropriate legal protections and vindicate fundamental rights.

We appreciate your good work at the Court and recognize the important role the Bernalillo County Metropolitan Court plays in the Albuquerque community. It is for these two reasons we make this direct appeal to you. We stand ready to assist you in any way necessary. Please do not hesitate to contact us with any questions or concerns.

Respectfully,

Michelle Lujan Grisham
Governor of New Mexico

Matthew L. Garcia
General Counsel

MLG/MLG/mds