



**NEW MEXICO JUDICIAL BRANCH  
Second Judicial District Court**

Reference Article III of the New Mexico Constitution

Reference NMSA 1978, § 34-6-28

Reference New Mexico Loss Control and Prevention Rule 1.6.4 NMAC

Reference Second Judicial District Court Loss Prevention and Control Plan

Bernalillo County Sheriff's Department Rules and Regulations, Sect. 239

Albuquerque Police Department Procedural Orders, SOP 2-8, Use of on-Body Recording  
Devices

**SJDC Policy No. 2017-SJDC-010**

**COURTHOUSE ACCESS POLICY**

**PURPOSE**

The Second Judicial District 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, which respects the dignity of the courtroom and the proceedings occurring in the Courthouse. The Second Judicial District Court (SJDC) is committed to ensure that SJDC facilities remain open and accessible to individuals, families, and business entities to resolve disputes under the rule of law. To that end, SJDC must ensure that independent and internal operation of the Court is conducted safely, transparently, without undue interruption or interference, and with no impediment to open public access.

**APPLICABILITY**

This policy applies to the Bernalillo County Courthouse (BCC), the Juvenile Justice Center (JJC) and Pretrial Services located at the Bernalillo County Public Safety Building (BCPSB).

**BERNALILLO COUNTY COURTHOUSE AFTER HOURS 6PM- 6AM**

Authorized SJDC personnel may access SJDC facilities after business hours and over weekends and holidays. After business hours consists of after 6 P.M. through 6 A.M. Monday through Friday and during weekends and holidays. Each of the three Court locations has one or more established after-hours entrances with sign-in and out sheets. Court employees and officials are to use these sign-in and out sheets upon entrance and exit of the facilities.

**BCC After-Hours Entrances:**

There are three established after-hours entrance locations for the BCC, consisting of the main public entrance, the Purchasing Division entrance, and the underground parking entrance. At each of these locations is an after-hours sign-in sheet, which court employees and officials are to use to register their presence at the court outside of normal business hours. These registries are intended to assist emergency personnel and law enforcement in the event of an emergency arises after-hours or over weekends or holidays. Authorized employees and officials should use the same sign-in sheet and sign-out sheet, providing name, date, time, and other required information upon arrival and departure.

**JJC After-Hours Entrance:**

There are two established after-hours entrance locations for the JJC, consisting of the main public entrance, and the secured judges entrances on the south side of the facility. At each of these locations is an after-hours sign-in sheet, which court employees and officials are to use to register their presence at JJC outside of normal business hours. These registries are intended to assist emergency personnel and law enforcement in the event of an emergency arises after-hours or over weekends or holidays. Authorized employees and officials should use the same sign-in sheet and sign-out sheet, providing name, date, time, and other required information upon arrival and departure.

**BCPSB After-Hours Entrance:**

There is one established after-hours entrance location for the BCPSB, consisting of the main public entrance. At this location is an after-hours sign-in sheet, which court employees and officials are to use to register their presence within the facility outside of normal business hours. This registry is intended to assist emergency personnel and law enforcement in the event of an emergency arises after-hours or over weekends or holidays. Authorized employees and officials should use the same sign-in sheet and sign-out sheet, providing name, date, time, and other required information upon arrival and departure.

**EMERGENCY/NON-EMERGENCY CONTACTS**

Contact information is attached hereto as **Addendum 1**, which will be updated as personal and contact information changes.

**IN CASE OF AN EMERGENCY ALARM AFTER BUSINESS HOURS, OVER WEEKENDS OR ON HOLIDAYS**

Court employees and officials should gather personal belongings and exit through the nearest emergency exit. Any such court employees or officials should remain within a safe distance of the court facility in order to advise emergency personnel of their individual knowledge of the situation. Court employees and officials should advise the Court Executive Officer, the Deputy Court Executive Officer responsible for court facilities, and the Support Services Manager at the

contact numbers provided in **Addendum 1**, when an emergency alarm activation occurs after business hours and on weekends.

### **MEDIA ACCESS POLICY**

The SJDC has established Guidelines for Media Video & Photo, which are attached to this policy as **Addendum 2**. The guidelines were developed by the SJDC consistent with Supreme Court Rule 23-107, which governs broadcasting, televising, photographing and recording of proceedings. Pursuant to Rule 23-107(A)(1), all news media coverage is subject at all times to the authority of the Judge. Please comply with all directives issued by the Judge.

### **COURTHOUSE ACCESS BY LAW ENFORCEMENT OFFICERS**

The SJDC affirms the principle that the courts should remain open and accessible to the public. Recognizing the important role the courts fulfill in our democracy, access to the courthouse should be free of restriction that hinders or impedes the proper administration of justice. To this end, the Court:

1. Seeks to maintain an open and safe environment in which parties, witnesses, jurors, staff and others (“participants”) in the justice system can exercise their role in a manner that is free of harassment or threats to their security or freedom, unless founded upon a lawful court order or arrest warrant;
2. Finds that allowing law enforcement officers, agents, or others to arrest, detain, interrogate, hold, or restrict the freedom of individuals in the courthouse without the protection of due process, based on any ground other than immediate public safety concerns, creates an environment of fear, confusion and mistrust among courthouse participants;
3. Finds that a reasonable courthouse access policy and rule is necessary and appropriate for the court’s proper functioning;
4. Finds that local, state or federal law enforcement officers should not hinder or impede individuals in the courthouse conducting court business unless founded upon a lawful arrest warrant;
5. For purposes of this rule, “hinder” or “impede” shall mean to stop, detain, hold, question, interrogate, arrest or delay individuals while in the courthouse conducting business.

***Law Enforcement to Identify.*** All on-duty local, state and federal law enforcement agents/officers shall present and display appropriate badge/credentials or other identifying documents to BCSO deputies upon entering the courthouse.

***Identification Rule.*** Law enforcement officers may not randomly interrogate individuals about their identity or their purpose for being in the courthouse unless necessary: (1) to protect the safety and security of Judges, Special Commissioners, Hearing Officers, other Court personnel, or the public; or (2) to enforce a lawful court order/warrant under these rules.

### ***Courthouse Arrests.***

- A. **Public Space.** Law enforcement officers, agents, or other persons shall not arrest any person, or otherwise take them into custody, in or around the courthouse unless:
1. The arrest is performed by a BCSO deputy assigned to the courthouse security detail and engaged in the performance of the deputy's duties; or
  2. In the case of non-BCSO law enforcement officers or agents, they display a lawful warrant or lawful court order to BCSO deputies upon entering the courthouse; and
  3. If BCSO personnel is available, a deputy may accompany the outside law enforcement officer at the time of arrest to secure public safety.
- B. **Courtroom/Hearing Room.** With regard to an active trial/hearing, arrests shall generally occur outside the court/hearing room, unless the judicial officer presiding over the legal proceeding authorizes an arrest or immediate arrest is necessary to secure public safety.
- C. Nothing in this policy shall limit the authority of a law enforcement officer to make a lawful arrest for criminal conduct occurring in the courthouse or other grounds.

### **PROHIBITION OF WEAPONS**

No firearms or other weapons shall be taken into the BCC, JJC, BCPSB, or in any other building, facility or space used, in whole or in part, for official Court business except by authorized BCSO deputies. The BCC and JJC have storage lockers for law enforcement weapons. With prior approval of the BCSO and in concurrence with the Court, law enforcement officers may be permitted to carry firearms when exigent circumstances warrant such action.

### **ELECTRONIC DEVICES**

The Second Judicial District Court bans all persons from bringing electronic devices, including cellphones (excluding the Children's Court location), lap top computers, tablets, any device that is capable of recording audio or video or taking photos and other communication devices, into the Bernalillo County Courthouse and the Juvenile Justice Center unless specifically authorized below. The following persons shall have specific authorization to bring their electronic devices into the Bernalillo County Courthouse and the Juvenile Justice Center:

Second Judicial District Court Employees  
Court Employees from other districts  
District Attorney's Employees  
Public Defender's Employees  
Bernalillo County Youth Services Center Employees  
Metropolitan Detention Center Employees  
Law Enforcement Office Employees  
i.e.: Sherriff's Officers, NM State Police, and Albuquerque Police Department Officers etc.

Attorneys and their Staff  
Children Youth and Families Department Employees  
Department of Corrections Employees  
Bernalillo County Facility Staff  
Mediation Contract Employees  
Contract Interpreters  
Vendors  
US Postal Service  
Jurors  
Credentialed Members of the Media

These specifically authorized persons must be able to identify themselves and the entity they work for by carrying their employee-issued badge, bar card and/or business card or their juror "ticket" to gain entry with their electronic device.

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

Active use of on-body recording devices is prohibited within court facilities except in exigent circumstances in which law enforcement officers other than BCSO are called upon to assist BCSO, court staff or officials in emergency situations.

#### **SOLICITATIONS**

- A. It is the policy of SJDC that solicitors are not permitted in either the BCC, JJC or BCPSB to solicit for business or personal reasons. Solicitation is not permitted by SJDC employees or officials while engaged in the assigned duties of their positions to include, but are not limited to, doorways, employee offices, conference rooms, and meeting rooms, except as permitted by federal or state law.
- B. Solicitors are permitted to conduct solicitations, so long as such solicitations are peaceable, lawful, and are not reasonably anticipated to pose a threat to the safety, health, and welfare of the citizens or employees of the SJDC only by obtaining approval in advance by SJDC Court Administration.
- C. Solicitors may be permitted to conduct solicitations within certain specifically identified areas of the Bernalillo County Courthouse, the Juvenile Justice Center or Pretrial Services only upon obtaining approval in advance from the Chief Judge, Presiding Judge at the Juvenile Justice Center or the Court Executive Officer. Such approval shall be limited, or confined, to specifically identified areas.

D. Approval Guidelines:

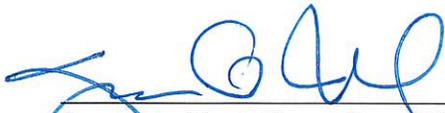
1. Any restrictions or limitations imposed on such approvals, shall be made with reasonable, and equally applied, standards of time, place and manner.
2. Under no circumstances, should approvals, restrictions, or limitations imposed on such approvals, be based on the content or subject matter of a solicitor's speech.

**EXCLUSIONS TO SOLICITATION POLICY**

All persons, companies, vendors, corporations, business entities, non-profit organizations or for profit organizations who currently conduct business or provide services in conjunction with the SJDC, provide commodities or services to the SJDC, or any such entity who has been invited to provide commodities or services to the SJDC are excluded from this policy when such entities are operating in the scope of the business relationship.

A copy of this policy will be distributed to all local, county state and federal law enforcement agencies who regularly appear in the Second Judicial District Court.

Effective Date: November 20, 2017

  
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James A. Noel, Court Executive Officer  
Second Judicial District Court

11.20.17  
Date



NEW MEXICO JUDICIAL BRANCH  
Second Judicial District Court  
Addendum 1  
COURTHOUSE ACCESS POLICY  
SJDC Policy No. 2017-SJDC-010

**LIFE THREATENING SITUATIONS.**

Life threatening situations call 911.

**NON-EMERGENCY PERSONAL SAFETY SITUATIONS**

Call the Albuquerque Police Department at 505-242-2677 or Bernalillo County Sheriff Office Communication Center at 505-798-7000 to advise them of the situation. Be specific with what is occurring and the location of the occurrence.

**NON-EMERGENCY BUILDING SITUATIONS**

Call Bernalillo County Facility Management at 505-314-0110. Provide a detailed description of the non-emergence situation, including the location and time of the occurrence.

**COURT CONTACTS**

Lt. Van Eldredge, BCSO.....505-263-1285  
Sgt. Edward Vigil, BCSO Security, BCC.....505-980-2489  
Sgt. Charles Holmes, BCSO Security, JJC.....505-269-6803  
James A Noel, Court Executive Officer.....505-239-1184  
Arthur Gallegos, Deputy Court Executive Officer.....505-249-4574  
Danny Smith, Support Services Manager.....505-301-4177



NEW MEXICO JUDICIAL BRANCH  
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Addendum 2  
COURTHOUSE ACCESS POLICY  
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**GUIDELINES FOR MEDIA VIDEO & PHOTO**

- **Do not** film or take photos of jurors or prospective jurors at any time or in any area of the Courthouse.
- **Do not** film or take photos of faces of juvenile defendants in Children's Court.
- **Do not** record audio of bench conferences. Any microphones that are positioned beyond the rail must be turned off during bench conferences.
- **Do not** set up or take down equipment until a recess.
- **Do not** go in front of or take your equipment in front of the rail.
- **Do** follow all rules set forth by the judge in the courtroom, including any rules prohibiting filming or photographing certain witnesses.
- **Do** set up all equipment 15 minutes before the start of a proceeding.
- **Do** tape wires or cables securely to the floor.
- **Do** be aware of images that are being captured. For example, a tight shot of a defendant may show graphic images of evidence on a nearby computer monitor in the background.
- **Do** dress appropriately for a courthouse setting:
  - No shorts, T-shirts, sweatshirts, hats, sunglasses or flip-flops.
- **Do** use only natural light for video and still photography.
- **Do** coordinate with the Court administration and the Judge's bailiff on permissible locations for a TV camera and any microphones, the use of social media (Twitter, etc.), the use of laptops or texting during proceedings and any live coverage including an internet stream.
- **Do** limit movement in the Courtroom. Still photographers must remain seated in the same location but may relocate during a recess.
- **Do** minimize distractions and wait for a recess before switching out tapes, connecting cables, unpacking or storing gear or performing other noisy activities.
- **Do** use a noise-reduction device, if possible.
- Only one TV camera and two still cameras are permitted in a courtroom. Although the Court administration may facilitate, journalists are ultimately responsible for organizing and complying with pool agreements.

**Note:** These guidelines were developed by the Second Judicial District Court consistent with Supreme Court Rule 23-107, which governs broadcasting, televising, photographing and recording of proceedings. Pursuant to Rule 23-107(A)(1), all news media coverage is subject at all times to the authority of the Judge. Please comply with all directives issued by the Judge.



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Addendum 3  
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**QUESTION AND ANSWER SHEET  
AFTER BUSINESS HOURS AND WEEKENDS POLICY**

**What if I see smoke in the building or have a medical emergency? Call 911.**

**What do I do if I notice a water leak or another similar building issue?**

Call Bernalillo County Facility Management at the number identified in **Addendum 1** to this policy.

**What do I do when I need to take a break outside the building?**

Exit using only the designated doors. At the BCC, if you use the main public entrance, only use the accessibility front door as use of the other front doors will sound the alarms and activate an emergency response.

**What do I do if I see someone I am unfamiliar with or do not know?**

Politely ask who they are. If they are not an employee of the Court, an employee of the County, or an authorized individual, contractor or delivery personnel/vendor, call the Albuquerque Police Department or Bernalillo County Sheriff Office Communications at the numbers identified in **Addendum 1**. If the person is a direct personal safety threat, call 911.

**How do 911 personnel get into the building and how do they find me?**

Emergency personnel have a designated access card to enter into the building and will find you by the instructions given to the 911 operator and/or the sign/in out sheet located at the entrances to the BCC, JJC or BCPSB.

**What if the elevator breaks down and I am in it?**

Pick up the phone in the elevator and the elevator company will dispatch someone to the building.

**What do I do if there is a power outage? Will I be able to get out of the building?**

Yes, the emergency generator will kick on allowing you to exit. Please call Bernalillo County Facility Management, the Court's CEO, DCEO and SSM at the numbers identified in **Addendum 1**.