

IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT

Administrative Order 2017-41 (*Vacates Administrative Order No. 2015-08*)

IN RE: COURTHOUSE SECURITY

WHEREAS, it is necessary and appropriate to set forth an order for the safety and protection of court personnel, litigants, lawyers, witnesses, jurors, and members of the general public while within the court facilities of the First Judicial Circuit; and

WHEREAS authority to exercise administrative supervision over all courts within the judicial circuit is vested in the undersigned Chief Judge by Rule 2.215, *Florida Rules of Judicial Administration*, it is

ORDERED:

1. Administrative Order No. 2015-08 is hereby vacated.
2. All facilities designated for use by the judiciary, in whole or in part, assigned to the First Judicial Circuit are designated as Secure Facilities.
3. Any person who wishes to enter a Secure Facility shall enter through authorized entrances only.
4. A notice shall be posted at each entrance to a Secure Facility advising the public that possession of a weapon or firearm therein is strictly forbidden; that the weapon or firearm will be confiscated; and, that the possessor will be subject to punishment by contempt of court and/or criminal prosecution, pursuant to FS§790.06(12).

5. All persons, including employees, entering a Secure Facility shall be subject to search by security personnel for weapons, destructive devices, and/or hazardous materials. Such search may include the use of electronic or other specialized equipment or may consist of a manual search as deemed appropriate by security personnel.

6. Any person who refuses to submit to a search of his or her person or of his or her personal belongings or other items shall be denied entry to any Secure Facility.

7. Any person possessing any weapon, destructive device or hazardous material as defined herein and/or as defined by Florida Law, subject to the limited exceptions outlined below, shall be denied entry to a Secure Facility. At the discretion of the proper authority, such items may be returned to the owner's vehicle or surrendered by the owner for destruction to proper authorities, except as provided in paragraph 8, below.

8. If any illegal weapon, concealed weapon, destructive device, hazardous material, prohibited item or other contraband is discovered, the weapon, destructive device, hazardous material, prohibited item or other contraband shall be seized and law enforcement officials shall respond accordingly to the need for disposal or removal of the seized property.

9. If upon visual inspection it cannot be immediately determined that materials sought to be carried into a Secure Facility are not hazardous, security personnel may deny access of the material and/or deny access to the person seeking to introduce the material into the Secure Facility.

10. Sworn Law Enforcement Officers and properly licensed contracted security personnel specifically assigned to provide security for and within a Secure Facility will be permitted to retain their weapons while in an official capacity of providing security within a Secure Facility whether in uniform or in civilian clothing.

11. Sworn Investigators of the Office of State Attorney and members of the judiciary assigned to the First Judicial Circuit are considered extensions of the officers specifically assigned to provide security for the Secure Facilities and shall be permitted to retain possession of their weapons while in an official capacity within a Secure Facility.

12. At the discretion of each Court Emergency Management Team (CEMT) by county within the First Judicial Circuit, Uniformed Law Enforcement Officers pursuant to FS§943.10(1), in part but not in whole, and with proper agency photo identification, will be permitted to retain their weapons while in an official capacity as a Law Enforcement Officer within a Secure Facility.

13. At the discretion of each Chair of the CEMT of each county within the First Judicial Circuit in consultation with the Chief Judge, Law Enforcement Officers, out of uniform and in civilian clothing (“undercover” or “plainclothes” officers) entering a Secure Facility for the purposes of official law enforcement business are authorized to retain weapons within a Secure Facility after screening by sworn law enforcement personnel charged with providing security for the Secure Facility. Such officers may be required to surrender their weapons to security personnel before entry into a Secure Facility. Each CEMT by county within the First Judicial Circuit may determine whether and under what circumstances such officers are to be allowed to maintain possession of weapons within the Secure Facilities located within the respective counties, and the CEMT of each county shall develop policies for appropriate screening of such officers in coordination with the relevant law enforcement agencies.

14. Private security company employees who are licensed to carry weapons under chapter 493, Florida Statutes, and who are assigned by the Sheriff of any county within the First Judicial Circuit to transport inmates to and from a Secure Facility, are authorized to retain their

weapons while acting in a professional capacity completing inmate transfers within a Secure Facility. Each CEMT by county within the First Judicial Circuit may determine whether and under what circumstances such employees are to be allowed to maintain possession of weapons within the Secure Facilities located within the respective counties.

15. Any Law Enforcement Officer, **involved in a proceeding in his or her personal capacity and not specifically in an official capacity as a Law Enforcement Officer** shall surrender any items which the general public would be required to surrender to the proper authorities before entry into a Secure Facility will be permitted. Failure to comply may result in criminal prosecution, contempt of court proceedings or the revocation of privileges bestowed or any other sanction or disciplinary action as may be deemed appropriate by the employee's employer.

16. Definitions of weapons, destructive devices, prohibited items and hazardous materials other than those contained herein may be left to the discretion of the sworn security officers assigned to the Secure Facility.

17. Persons who have been issued authorized security photo identification by Court Administration or the designated issuing authority, and present said identification to security personnel at a Secure Facility shall not routinely be subject to search when entering a Secure Facility. However, security personnel, in their discretion, may conduct random searches of those persons with authorized security photo identification. Authorized photo identification shall be exhibited at all times while in a Secure Facility.

18. Nothing contained within this order shall be construed to preclude authorized employees of the respective counties or contracted vendors to the counties or courts within the First Judicial Circuit delegated with duties for repair and maintenance of either the county's or

courts' facilities or equipment therein from carrying and using the tools of their trade for construction or repairs. However, all tools, containers and employees will be subject to search at the discretion of security personnel. Further, all tools and equipment brought into the Secure Facility shall remain in the full view, custody and control of the employee or contractor at all times. Failure to comply may result in criminal prosecution, contempt of court proceedings or the revocation of privileges bestowed or any other sanction or disciplinary action as may be deemed appropriate by the employee's employer.

19. Any breach of security measures by anyone employed at a Secure Facility shall be subject to review by the Court Emergency Management Team responsible for the specific Secure Facility. Referral of the employee for any breach may be made by the Court Emergency Management Team of the specific Secure Facility to the Circuit Court Emergency Management Group for review and may result in criminal prosecution, contempt of court proceedings or the revocation of privileges bestowed or any other sanction or disciplinary action as may be deemed appropriate by the employee's employer.

DEFINITIONS:

“Contraband” is any article or substance, the possession of which is illegal.

“Destructive Device” is any device defined in §790.001(4), *Florida Statutes*.

“Hazardous Material” is any material which may present a danger to human life or health.

“Security personnel” as used in this Administrative Order shall mean (1) sworn officers assigned to provide security for the Secure Facilities and (2) civilian security guards under contract to provide security services at the authorized entrances to the Secure Facilities.

“Weapon” is any instrument which is designed for or which could be used for, offensive or defensive combat, and includes, but is not limited to, firearms, chemical devices, ammunition,

slingshots, stun-guns, dirks, billies and knives, including common pocket knives. All self-defense chemical sprays, even those otherwise lawful to carry, are considered weapons for the purposes of this order.

DONE AND ORDERED at Pensacola, Escambia County, Florida this 7th day of September, 2017.

/S/ LINDA L. NOBLES

LINDA L. NOBLES
CHIEF JUDGE

Copies furnished to:

All First Judicial Circuit and County Judges
The Honorable William Eddins, State Attorney
The Honorable Bruce Miller, Public Defender
All First Judicial Circuit Clerks of Court
All First Circuit Law Enforcement Agencies
All First Circuit Chairs of Boards of County Commissioners
Escambia Santa Rosa Bar Association for broadcast to Members
Okaloosa Bar Association for broadcast to Members
Walton Bar Association for broadcast to Members