

**IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 1-12.13

SECURITY WITHIN POLK COUNTY COURTHOUSES

WHEREAS, Rule 2.215, Florida Rules of Judicial Administration, and Section 43.26, Florida Statutes, empowers the Chief Judge of each Circuit with the administration supervision of the courts within the judicial circuits; and

WHEREAS, the Court recognizes that threats and acts of violence directed at private citizens, witnesses, jurors, litigants, attorneys, court personnel, and judges in court facilities within the State of Florida and throughout the United States are ever present, the Court concludes that there remains a continuing need to provide for security within the Polk County Courthouse in Bartow, Florida and all branch courthouses located in Polk County; and

WHEREAS, pursuant to Rule 2.215, Florida Rules of Judicial Administration, and Section 43.26, Florida Statutes, and the inherent power of the Court to do all things reasonable and necessary for the administration of justice, the Court, having considered the unique design and configuration of the Polk County Courthouse and occupants thereof, finds that it is necessary and reasonable to have this policy for the prompt and efficient administration of justice in the courts;

NOW, THEREFORE, IT IS ORDERED AND DIRECTED that:

1. The Sheriff of Polk County (Sheriff) is authorized to provide security for the Polk County Courthouse in Bartow, Florida, and all branch courthouses located in Polk County in accordance with this Administrative Order.

2. The entire Polk County Courthouse in Bartow, Florida and each branch courthouse located in Polk County are designated as SECURE AREAS.

3. The introduction of a common pocketknife or any item as defined in Sections 790.001(1)-(6), (9)-(15), and (19), Florida Statutes, into any Courthouse is prohibited, with the exception of legal chemical spray used for self-defense by employees or as described below.

4. No person shall possess a firearm, ammunition, or electronic weapon or device in the Polk County Courthouse in Bartow, Florida except:

- a) Bailiffs;
- b) Deputy Sheriffs and certified correctional officers temporarily assigned to assist in maintaining security;
- c) Law enforcement officers responding to calls for assistance in a secure area;
- d) Law enforcement officers conducting an investigation;

- e) Law enforcement officers, while on official business, provided:
 - 1) The law enforcement officer is at the courthouse for official business rather than personal business;
 - 2) Upon entry into the courthouse, the law enforcement officer will show his/her agency identification to Courthouse Security and fill out a daily log kept by Courthouse Security stating the date, their name, their agency, their agency identification number, and their purpose for entering the courthouse;
 - 3) The law enforcement officer will be in uniform, or if the law enforcement officer is in plain clothes, then their badge must be clearly visible at all times while the law enforcement officer remains inside the courthouse;
 - 4) All firearms shall be carried in a level 3 security holster with an internal locking mechanism, or its plain clothes equivalent. All holsters must be preapproved by the Polk County Sheriff's Office Training section prior to being carried in the courthouse;
 - 5) The law enforcement officer must have previously received training in active shooter situations offered by an organization approved by the officer's law enforcement agency;
 - 6) If an emergency occurs, the law enforcement officer will be under the command of the ranking senior bailiff in charge of the courthouse security at that time until the senior bailiff is relieved by Incident Command; and
 - 7) As soon as practical, the law enforcement officer must undergo training provided by the Polk County Sheriff's Office to familiarize the officer with the layout of the courthouse, so that the officer can respond more effectively should an emergency event occur. This training is not a condition precedent to the law enforcement officer entering the courthouse with a firearm as outlined above.
- f) The State Attorney and the Statewide prosecutor and those of their staff authorized by law to possess firearms without a concealed weapons permit; however, they are not authorized to carry a firearm above the second floor or into a courtroom, a hearing room or into any judicial office without permission of the presiding judge;
- g) The Public Defender and the Public Defender's staff authorized by law to possess firearms without a concealed weapons permit; however, they are not authorized to carry a firearm above the third floor or into a courtroom, a hearing room or into any judicial office without permission of the presiding judge; and
- h) Judges.

5. No person shall possess a firearm, ammunition, or electronic weapon or device in any branch courthouse in Polk County, Florida except:

- a) Bailiffs;
- b) Deputy Sheriffs and certified correctional officers temporarily assigned to assist in maintaining security;

- c) Law enforcement officers responding to calls for assistance in a secure area;
- d) Law enforcement officers conducting an investigation;
- e) Law enforcement officers, while on official business, provided:
 - 1) The law enforcement officer is at the courthouse for official business rather than personal business;
 - 2) Upon entry into the courthouse, the law enforcement officer will show his/her agency identification to Courthouse Security and fill out a daily log kept by Courthouse Security stating the date, their name, their agency, their agency identification number, and their purpose for entering the courthouse;
 - 3) The law enforcement officer will be in uniform, or if the law enforcement officer is in plain clothes, then their badge must be clearly visible at all times while the law enforcement officer remains inside the courthouse;
 - 4) All firearms shall be carried in a level 3 security holster with an internal locking mechanism, or its plain clothes equivalent. All holsters must be preapproved by the Polk County Sheriff's Office Training section prior to being carried in the courthouse;
 - 5) The law enforcement officer must have previously received training in active shooter situations offered by an organization approved by the officer's law enforcement agency;
 - 6) If an emergency occurs, the law enforcement officer will be under the command of the ranking senior bailiff in charge of the courthouse security at that time, until the senior bailiff is relieved by Incident Command; and
 - 7) As soon as practical, the law enforcement officer must undergo training provided by the Polk County Sheriff's Office to familiarize the officer with the layout of the courthouse, so that the officer can respond more effectively should an emergency event occur. This training is not a condition precedent to the law enforcement officer entering the courthouse with a firearm as outlined above.
- f) The State Attorney, Public Defender, Statewide prosecutor and those of their staff authorized by law to possess firearms without a concealed weapons permit; however, they are not authorized to carry a firearm into a courtroom, a hearing room or into any judicial office without permission of the presiding judge; and
- g) Judges.

6. Any person desiring to enter any courthouse location shall be subject to search of person and property, including the use of electronic or other specialized equipment, at security stations operated by authorized security, except any person temporarily exempted by personnel operating security stations in order to respond to any emergency in the Courthouse. The State Attorney and Public Defender, along with their staff authorized by law to possess firearms without a concealed weapons permit, are not required to be searched by Courthouse Security at security stations prior to entering the courthouse as long as they present their identification badge (the identification badge must include the marking(s) approved by the Courthouse Security Committee for identification of such persons) to Courthouse Security.

7. The Church Street or north entrance is designated as the primary entrance to the Polk County Courthouse. The general public is to utilize this entrance. By 7:30 A.M., all electronic or specialty equipment will be operational. All persons seeking entrance to the Courthouse shall pass through a magnetometer and electronic or other specialized equipment operated by authorized security personnel. The east and west doors are designated as exit doors for the general public. The west door is also designated as a delivery point for supplies as well as an entrance for employees, attorneys, law enforcement and for the general public who have a disability that impairs their ability to walk or otherwise navigate through public spaces. The east door is also designated as an entrance and exit for employees, attorneys, law enforcement, jurors, and volunteers and employees of the Guardian Ad Litem. For purposes of this order, court reporters that contract with the court to provide court reporting services shall be considered as employees and any equipment they bring into the courthouse shall only be visually inspected by security personnel, but shall not be required to go through a magnetometer or ex-ray machine. The court reporter, however, will be required to go through the magnetometer or be "wanded". All first floor south doors are designated as emergency exits only with the exception of the south side maintenance door. Access at the south side maintenance door is afforded to maintenance personnel, bailiffs, contracted security, judges, the elected Clerk of the Court, elected Public Defender, the elected State Attorney, the Court Administrator, the Chief Deputy Court Administrator, and Quasi-judicial personnel, i.e., Court-Appointed Magistrates and Hearing Officers. Additionally, access to the south side maintenance door shall be provided to courthouse employees who utilize the disabled parking spaces on the south side of the courthouse. The juvenile entrance will be utilized by employees, attorneys and the general public. Any employee, attorney or law enforcement officer entering through the Church Street entrance will be required to go through a full security check.

8. The doorway from the judicial parking lot on the second floor of the Polk County Courthouse is designated as the judicial entrance. Judges, the Court Administrator, the Chief Deputy Court Administrator, Quasi-judicial personnel, i.e., Court-Appointed Magistrates and Hearing Officers, as they occupy secure areas of the building, the Clerk of Court, the State Attorney and the Public Defender, as they also utilize the judicial parking garage, are authorized to use this entrance, utilizing their respective identification badges and are not subject to the requirements of paragraph 6.

9. The north entrance is designated for after hours, weekend and holiday access to the Polk County Courthouse. The Clerk of Court's on-call Victim Assistant (CCVA) may enter the Polk County Courthouse after hours, on weekends, and on holidays through the south entrance as authorized by Administrative Order 5-48.1 (as amended).

10. Anyone who refuses to submit to a search as described in paragraph 6 shall be denied access to the Courthouse.

11. Procedures to implement the search required in paragraph 6 shall be as outlined in Exhibit "A" attached hereto, as the same may be from time-to-time amended.

12. The following notice shall be posted at all courthouse entrances and at each

security station:

FOR THE PROTECTION OF THE PUBLIC, THIS BUILDING HAS BEEN DESIGNATED AS A SECURE AREA. ALL PERSONS DESIRING TO ENTER MUST PASS THROUGH A MAGNETOMETER (METAL DETECTOR). IF THE DETECTOR REGISTERS, THAT PERSON WILL BE SUBJECT TO A LIMITED SEARCH. ALL PACKAGES, BRIEFCASES, POCKETBOOKS OR OTHER ITEMS CARRIED OR TRANSPORTED BY A PERSON OR A SERVICE ANIMAL MUST BE OFFERED FOR INSPECTION IF SUCH PERSON WISHES TO ENTER. ALL WEAPONS, INCLUDING POCKETKNIVES AND LEGALLY - AUTHORIZED FIREARMS (UNLESS PERMITTED BY ADMINISTRATIVE ORDER), MUST BE SURRENDERED PRIOR TO GAINING ENTRY. ILLEGAL WEAPONS OR OTHER CONTRABAND DISCOVERED IN THE COURSE OF THESE SEARCH PROCEDURES WILL BE SEIZED AND PROSECUTION MAY RESULT.

13. Should the Sheriff contract with a private security company to staff the security stations in any courthouse within the county, the Sheriff, after consultation with the Chief Judge, is authorized to determine the hours of operation of the security stations and to develop written policies for the operations thereof.

14. All mail, office supplies, UPS deliveries, Fed Ex deliveries, DHL deliveries, and any other containers and packages, shall be scanned by an authorized security representative prior to entry into any courthouse location.

15. No unauthorized person (an unauthorized person is a person who does not possess a valid courthouse identification badge and who has not been assigned a secure door key) shall have access to non-public secured areas of the Courthouse unless they are accompanied by a person that has authorization. For example, an attorney or other unauthorized person may not be allowed to walk unescorted through a non-public secured area such as a secure hallway from one judge's hearing room or courtroom to another judge's hearing room or courtroom.

16. Under no circumstances may a sidebar be conducted in a non-public secured area with a defendant present.


17. Sidebar without the defendant present: A sidebar without the defendant present may be conducted in a non-public secured area only after the defendant makes a waiver of attendance at the sidebar on the record. An authorized person must remain with any unauthorized persons in the non-public secured area during the sidebar.

18. All doors leading from public secure areas, including courtrooms and hearing rooms, into non-public secure hallways and corridors shall be closed at all times except for ingress and egress.

19. Any modifications to the security protocols contained herein shall occur only after recommendation of the Sheriff and approval by the Chief Judge.

20. This order shall become effective upon entry and cancels and supersedes all previous orders, including Administrative Order No. 1-12.12, entered February 15, 2013.

DONE and ORDERED on this 10th day of November, 2016.


DONALD G. JACOBSEN
CHIEF JUDGE

Original to:
Polk County Clerk of Circuit Court

Copies to:
All Judges
Hardee County Clerk of Circuit Court
Highlands County Clerk of Circuit Court
Trial Court Administrator
Office of the State Attorney
Office of the Public Defender
Office of Criminal Conflict and Civil Regional Counsel, 2nd District Region
Polk County Sheriff's Office and other Local Law Enforcement Agencies
Electronic Bar Mailing

EXHIBIT A

**SEARCHES OF PERSONS ENTERING THE COURTHOUSES OF
POLK COUNTY, FLORIDA**

1. All persons seeking entrance to the Courthouse, except those persons authorized to enter through the judicial entrance, shall enter through a security station and shall pass through a magnetometer (metal detector), if one is present, or may be subject to search by a hand-held device that detects metal objects.
2. All hand-held items, and items carried on service animals, shall be placed on the X-ray conveyor belt for examination. All persons may also be required to empty their pockets and place items removed on the X-ray conveyor belt. If the presence of a weapon is detected, the item shall be searched, however, no written materials shall be examined.
3. If any illegal weapons, explosives, hazardous materials, contraband, or any item defined in §790.001, Florida Statutes, are detected, the senior bailiff supervisor on duty shall be immediately notified for appropriate action.
4. Any law enforcement officer carrying a legally authorized firearm which is not in compliance with the provisions of paragraphs 4 or 5 of Administrative Order No. 1-12.13 shall surrender the firearm for safekeeping.