

## **County Manager Policy Fast Pass**

### **Purpose**

In order to maintain a secure environment for the Sedgwick County Courthouses the Sedgwick County Courthouse Police Department, with approval from the County Manager, has been given the authority to control access to the Courthouses and to provide security and safety services for the buildings, other County facilities and their occupants. The following procedures have been established to allow adequate access to the Courthouses in compliance with state law, balancing employee and governmental interests in maintaining a secure public building, providing security to citizens and the courts while recognizing the need to provide speedy and timely access to individuals who have a need to frequently enter the Courthouses to attend meetings or conduct business.

#### **A. Definitions:**

For the purposes of this Regulation, the following terms shall be defined as follows:

“Adjudicated for any mental impairment” means a finding by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (1) Is a danger to himself or others; or (2) Lacks the mental capacity to contract or manage his own affairs. The term shall include: a finding of insanity by a court in a criminal case; and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to article 50a and 72b of the Uniform Code of Military Justice, 10. U.S.C. 850a, 872b.

“Chief of Courthouse Police” means the Chief of The Sedgwick County Courthouse Police or his/her designee.

“City” means the City of Wichita, Kansas.

“Non-Employee Courthouse Entry Access Card (CEAC)” means an identification card issued to non-employee private citizens who enter the Courthouses to attend meetings or conduct official business on a re-occurring basis. The identification card authorizes the holder to routinely bypass adequate security measures and security screening during public access hours.

“Reciprocal Access” means authorization granted to the elected officials and employees of the City of Wichita.

“County Manager” means the County Manager of Sedgwick County or his/her designee.

“Disqualifying Offense” means any felony conviction or diversion agreement for any felony offense, or a misdemeanor conviction or diversion agreement for any misdemeanor offense.

“Restraining Order” means a court order that restrains the person from: (a) harassing, stalking or threatening any person. The order must be one issued after the restrained person received notice and had an opportunity to be heard and must include a finding that the restrained person poses a credible threat to the physical safety of any person.

“Courthouse Police” means The Sedgwick County Courthouse Police Department which is responsible for the safety and security screening of individuals who enter the Sedgwick County Courthouse and Sedgwick County Juvenile Courthouse.

“Addicted to any illegal drug or Controlled Substance “means: A person who uses a controlled substance and has lost the power of self-control with reference to the use of controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physical. Convictions in the last year, admissions of use, multiple arrests in the past five (5) years can all be used (in addition to other scenarios) as evidence that one is an unlawful user of or addicted to a controlled substance.

“Courthouses” shall include the Sedgwick County Courthouse and the Sedgwick County Juvenile Courthouse.

## B. Sedgwick County Public Access

1. The Main Courthouse has established hours of public access to the Courthouse as 7:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. The Juvenile Courthouse has established hours of public access to 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. At all other times the building is considered closed to the public.
2. Access to the buildings are, at all times, subject to the provisions of this Regulation. All persons who have not been properly authorized by the Courthouse Police Department to bypass security screening are considered “visitors” and must submit to screening as a condition of entry into the building.

## C. General Responsibilities of County Employees

1. All Department Directors are responsible for instructing their departmental personnel, contractors, vendors and tenants regarding this Regulation and ensuring that that they adhere to it.

2. All County employees are responsible for ensuring that security measures established by the Sedgwick County Board of Commissioners and by this Regulation are followed and enforced.
3. It is the responsibility of every County employee to maintain a safe and secure Environment at County facilities. Criminal activity, safety and security problems and medical emergencies at the Courthouses should be reported to the Courthouse Police Department Control Center at 660-7777.

D. SGID Cards

1. Each County employee is issued an employee identification card (“SGID Card”) bearing his or her name, department and photograph. Many of these cards, but not all, are programmed to allow access to the Courthouses and/or other County facilities.
2. Employees who have not been granted access to a specific County facility will be considered a visitor to that facility and will be subject to security screening and/or other restrictions as the facility manager may deem appropriate.
3. Department Directors will immediately notify Human Resources and Courthouse Police upon termination or suspension of any employee or termination of the official relationship with any non-employee to whom access has been granted. The Courthouse Police will disable or eliminate access as warranted. Department Directors must return the SGID Cards of all terminated employees and submit them to Courthouse Police.
4. The following additional rules apply to SGID Cards:
  - a) Cards are the property of the County and are for official use only. The card must be surrendered on demand by a supervisor, Department Director, authorized representative of Human Resources or the Courthouse Police Department.
  - b) All employees and others to whom SGID Cards have been issued, except police and fire personnel wearing their official uniforms, must scan the card and show it to Courthouse Police personnel upon entry or upon request.
  - c) SGID Cards are not transferrable. The following actions are prohibited: using another person’s card, lending a card, allowing the card’s use by another person, using a card to allow anyone to avoid security screening or tampering with a card. Persons engaging in such activities will be subject to disciplinary action and other sanctions as appropriate.

- d) The loss or theft of an SGID Card must be reported immediately to the Courthouse Police Department and Human Resources by the cardholder.
- e) No employee or other person may possess more than one active SGID Card.
- f) Each SGID Card must bear the photo and name of the person to whom the card was issued. No blank or “convenience” cards are permitted. Access activities must be attributable to specific individuals.

E. Security Screening

- 1. Persons seeking to enter the Courthouses, other than uniformed police and fire personnel, without the appropriate SGID Card will be subject to security screening. When a person’s card alarms, they will be directed through screening.
- 2. Screening will involve the use of metal detectors, x-ray scanning, examination of property and, occasionally, physical contact to determine whether a person is carrying a prohibited, dangerous or illegal item. Except as provided later in this Regulation, all such items will be held temporarily or be denied entry by Courthouse Police personnel.
- 3. Courthouse Police personnel will deny entry to persons, not already in police custody, who are intoxicated or who present an apparent danger or hazard to the building or its occupants or who may interfere with the orderly performance of governmental functions. This provision shall not be interpreted to deny the right to free speech within a traditional or limited public forum.

F. Prohibited Activities with Regard to Security Systems and Devices

- 1. No person, employee or otherwise, may tamper with, damage, deactivate, disable, defeat, modify or alter without authorization, any camera, alarm, SGID Card, other security device, security program or component.
- 2. No person, without authorization by Courthouse Police, may access any County security system computer, computer program or component.
- 3. No person may climb over or otherwise avoid security gates, barriers or security procedures or permit another to do so.
- 4. No person may prop open or remove an exterior or alarmed door, locked door, gate or barrier without the specific prior authorization of Courthouse Police.
- 5. No person may fail to submit to security screening when requested.

6. No person may falsely identify himself or herself to Courthouse Police or Sheriff's personnel.

G. Access by Persons Who Are Not County Employees

1. Access to the Courthouses may be attained in two ways by persons who are not employed by the County:
  - a) By entering through the public entrance during public access hours and submitting to the regular security screening process; or
  - b) By entering through the public entrance by use of a CEAC issued by the County to him or her as set forth below; or

H. Non-Employee Courthouse Entry Access Card Procedure

Courthouse Entry Access Cards (CEAC) may be issued pursuant to the following requirements to non-County employee personnel. Courthouse Entry Access Cards are valid for a period of one year. Card holders must apply pursuant to the following procedures:

1. Application
  - a) Individuals requesting a CEAC must complete an application provided by Courthouse Police. The form must be completed in its entirety and be submitted with the appropriate non-refundable application or renewal fee. The fee for individuals is \$35.00. Individuals should allow a minimum of thirty (30) days for processing of applications. Application or renewal fees may be waived with the approval of the County Manager. If the applicant is requesting a waiver of fees, the applicant must provide a written statement along with their application stating the reasons why their fee should be waived.

Such application shall include the following:

- i. The applicant's name, address, date of birth, race, gender, social security number and, if applicable, their Kansas Concealed Carry License Number;
- ii. A statement, if applicable, that the applicant has a concealed carry permit issued by the Kansas Attorney General;

- iii. Authorization for the Sedgwick County Courthouse Police Department to obtain a criminal background check from the Kansas Bureau of Investigation;
- iv. Authorization for the Sedgwick County Courthouse Police to review any public records relating to the applicant's personal conduct and any other information pertinent to the applicant's personal conduct to render a decision regarding the application;
- v. An acknowledgement that unless authorized by this Regulation that the application fee and any subsequent renewal fees are nonrefundable;
- vi. A statement that the applicant is not less than eighteen (18) years of age, and the applicant she shall disclose any conviction or diversion of any felony or misdemeanor offense and describe the circumstances surrounding the offense;
- vii. A statement that the applicant is not currently charged or indicted in any court for a felony or any other crime, excluding traffic offenses;
- viii. A statement regarding the applicant's need for issuance of the CEAC, an anticipated frequency of visits to the Courthouses per year, and a certification that the applicant has a legitimate business need to enter the Courthouses on a reoccurring basis to attend meetings, court proceedings or to conduct official business;
- ix. A statement that the applicant is not subject to a court ordered restraining order involving any person(s) in any jurisdiction;
- x. A statement that the applicant is not a user of or addicted to any illegal drug or any other controlled substance;
- xi. A statement that the applicant has never been adjudicated for any mental impairment, been involuntarily committed to a mental institution or designated a person with an alcohol or substance abuse problem subject to involuntary commitment;
- xii. A statement that the individual has read this Regulation, understands the terms and requirements and agrees to comply with all terms and requirements;
- xiii. An acknowledgement that the granting of a CEAC is a privilege and not a right and that any breach of the terms and requirements

of this Regulation will result in the suspension or termination of the CEAC;

- xiv. A statement that a false statement or misrepresentation on the application for CEAC is grounds for revocation of access privileges;
- xv. A notarized statement that the applicant acknowledges that firearms, knives, sprays (including pepper, CN and CS), clubs and other weapons are prohibited in the Courthouses and that violation of any provisions of this Regulation will result in revocation of such person's authority to enter into the Courthouses through a restricted access entrance.

## 2. Processing of Applications

- a) Applications are to be filed with Courthouse Police with all applicable fees. An application will not be processed unless all fees have been paid or the appropriate waiver approved by the County Manager;
- b) The application will be reviewed by Courthouse Police;
- c) A criminal background check will be obtained for applicants. All criminal history and background information obtained by the Sedgwick County Courthouse Police Department shall be considered to be Criminal History Information, not subject to disclosure pursuant to the Kansas Open Records Act, K.S.A. 45-221 et seq.;
- d) The Chief of Courthouse Police will approve the application if the following conditions are met:
  - 1. The applicant is at least eighteen (18) years of age;
  - 2. The applicant has not been previously banned from City or County facilities because of criminal, disruptive or inappropriate behavior;
  - 3. The applicant has shown a legitimate business need to access the Courthouses on a re-occurring basis;
  - 4. The applicant is not subject to a restraining order, has not been adjudicated for any mental impairment, been involuntarily committed to a mental institution, or involuntarily committed due to an alcohol or substance abuse problem;

5. The applicant does not have any convictions, diversion agreements, charges pending or is under indictment for a disqualifying offense;
  6. The applicant is not a user of or addicted to any other controlled substance or illegal drug; and
  7. The applicant does not pose a safety risk which would warrant denial of the application.
- e) The County Manager may review any application that includes information that the applicant has been convicted of any offense or received a diversion on any offense that would not disqualify the applicant from possessing a firearm. After review, the County Manager may grant access to the applicant at the County Manager's discretion.
  - f) The applicant will be notified in writing of the approval or denial of the application.
  - g) Upon approval, the applicant shall be photographed and obtain the CEAC from the Human Resources Department, 3<sup>rd</sup> Floor, Historic Sedgwick County Courthouse (510 N. Main). Bypassing of screening is not authorized until a photo CEAC has been obtained by the applicant and activated by the Courthouse Police.
  - h) All CEAC will expire one year from the date of issuance. Thirty (30) days prior to the expiration of the CEAC, an application for renewal must be submitted. It is the responsibility of the CEAC holder to submit a renewal application in a timely manner. Any use a card that has expired will result in the confiscation of the card until the renewal process has been completed.

Certain information contained in the CEAC application may be subject to the Kansas Open Records Act (K.S.A. 45-215 et seq).

### 3. Responsibilities of CEAC Holders

The following additional requirements apply to CEAC Holders. Any violation of these rules or any other provision of this Regulation may result in the suspension or revocation of access privileges by the Chief of Courthouse Police.

- a) Cards are the property of the County and are for official use only. The card must be surrendered on demand by Courthouse Police.
- b) Authorization from other jurisdictions to bypass screening will not authorize access to the Courthouses. Only individuals authorized to bypass security pursuant to this Regulation will be allowed to bypass security screening.

- c) Courthouse Entry Access Cards are not transferrable.
- d) The loss or theft of a CEAC must be reported immediately to the Courthouse Police. Lost or stolen cards may be replaced for a \$20.00 fee.
- e) No person may possess more than one active CEAC.
- f) Each CEAC must bear the photo and name of the person to whom the card was issued. No blank or “convenience” cards are permitted. Access activities must be attributable to specific individuals.
- g) CEAC access is only allowed during the hours that the Courthouses are open to the public. CEAC does not authorize entry into the building when it is closed to the public.
- h) Using another individual’s card, lending a card, allowing the card’s use by another individual, using a card to allow anyone to avoid security screening or tampering with a card is prohibited.
- i) CEAC card holders must enter the Courthouses at the main entrance and scan their card at the designated location inside. Once a “green light” is obtained from the electronic entry system, the CEAC holder must approach the nearest Courthouse Police Officer and display their CEAC. The Courthouse Police Officer will verify that the individual with the CEAC is the cardholder pictured on the CEAC. The Courthouse Police Officer will then indicate orally or by hand motion that the CEAC holder may proceed, or may direct the pass holder to be screened. The CEAC holder must wait for the acknowledgement that they may enter from a Courthouse Police Officer before proceeding into the Courthouse. No person shall fail or refuse to display their CEAC to the Courthouse Police at the building entrance, screening area or at other times when requested by the Courthouse Police. If a CEAC card has been suspended, revoked or expired the CEAC holder must go through the weapons screening.
- j) No non-employee shall enter through or attempt to enter through a non-CEAC designated entrance.
- k) No person shall take items of any individual not authorized to bypass security pursuant to this Regulation into the building without such items being screened by Courthouse Police.
- l) No person shall fail or refuse to pass through security screening if requested by the Courthouse Police for any reason.

- m) No person shall engage in conduct which interferes or impedes the conducting of business activities, court proceedings or a public meeting while inside the Courthouses.
- n) CEAC holders must notify Courthouse Police of any criminal charge or indictment within five (5) days of arraignment for such offense. Failure to timely notify Courthouse Police of any charge or indictment for a disqualifying offense will result in suspension or revocation of access privileges. After such a charge or indictment, the cardholder must cease using the card and go through weapons screening until such time as they are specifically authorized to resume using the card by the Courthouse Police Department.
- o) CEAC holders must notify Courthouse Police of the service of any Protection from Stalking, Protection from Abuse or other restraining order by a court against the individual within five (5) days of service of such order. Failure to timely notify Courthouse Police of the approval of a restraining order by a court against the CEAC Holder will result in suspension or revocation of access privileges. After being served with a restraining order, the cardholder must cease using the card and go through screening until such time as they are specifically authorized to resume using the card by the Courthouse Police Department.
- p) CEAC holders must comply with all requirements set forth in Section F of this Regulation regarding Prohibited Activities with Regard to Security Systems and Devices.
- q) No person may carry into the building any prohibited item as set forth in this Regulation.

#### 4. Denial, Suspension or Revocation Appeal Process

If the Chief of Courthouse Police or his/her designee denies an application for a CEAC or finds that a CEAC holder has misrepresented material facts on a CEAC application, violated the terms of this Regulation or otherwise becomes ineligible to obtain a CEAC, the Chief of Courthouse Police may, for cause, suspend or revoke the CEAC. The applicant or CEAC holder will be notified of such decision in writing. The applicant or card holder may appeal the Chief of Courthouse Police's decision to the County Manager. Any appeal must be filed with the Sedgwick County Counselor's office within five (5) business days of notice of the denial, suspension or revocation of the CEAC. The determination by the County Manager of any such appeal is final.

#### I. Ordinance Enforcement

Courthouse Police assigned to the Courthouses or any other County property are authorized, in the performance of their duties, to enforce, as directed, the Sedgwick

County Code, State laws, Sedgwick County resolutions and Sedgwick County Administrative Regulations on such premises.

J. News Media

Access of news media representatives will be governed by the provisions set forth in these Regulations for persons who have not been issued Courthouse Entry Access Cards, unless they have obtained an access card by the same method as any other applicant.

K. Reciprocal Access

a. Current City of Wichita and County elected officials, elected District Court Judges of the 18<sup>th</sup> Judicial District, City of Wichita Municipal Judges, certified law enforcement officers, City and County Managers, City Attorneys, District Attorneys and Sedgwick County Counselors will be allowed reciprocal access to the Sedgwick County Courthouse and Wichita City Hall upon filing of an application as prescribed in Section H. Applications shall not require a fee and shall be granted based upon holding of the office or position described above. No annual renewal of reciprocal access granted to these individuals is required. All reciprocal access shall be terminated upon completion of the official's term of office, or the employee's resignation or termination. The provisions of this Regulation are applicable to these designated individuals. Violations of the Regulation may result in revocation of access privileges.

b. All other City of Wichita employees not referred to above may make application as prescribed in Section H. They shall not be required to pay a fee but must meet all other requirements in Section H. Upon approval, they shall have their current City of Wichita ID activated for access in the Sedgwick County Courthouses.

L. Prohibited Items

a. Except as provided elsewhere in this Regulation, no person is permitted to bring any dangerous or illegal item or substance into County buildings. Such items or substances are described on the attached list of prohibited items.

b. Properly identified law enforcement, fire and medical personnel may bring in such prohibited items as are reasonably required for the performance of their official duties in Courthouses, so long as they are not personally involved as the plaintiff or defendant in any judicial action, in accordance with the provisions for active law enforcement officers. When the officer is entering the courthouse as a plaintiff or defendant, they are required to check their firearm with the Courthouse Police Department while in the Courthouses, pursuant to the standing orders of the Chief Judge of the 18<sup>th</sup> Judicial District applicable to all law enforcement officers.

- c. In accordance with 18 USC 926C and KSA 21-4201, as affected by the Kansas Personal and Family Protection Act, sections 10(a) (7) and (a) (18), retired law enforcement personnel and are authorized to carry firearms, so long as they are not personally involved as the plaintiff or defendant in any judicial action, in accordance with the provisions for active law enforcement officers. When the retired officer is entering the courthouse as a plaintiff or defendant, they are required to check their firearm with the Courthouse Police Department while in the Courthouses, pursuant to the standing orders of the Chief Judge of the 18<sup>th</sup> Judicial District applicable to all law enforcement officers.
- d. Issuance of a SGID Card and/or granting of access to county buildings does not confer any authority to engage in illegal or unsafe activity.

M. Penalties

- a. Penalties for actions by non-employees contrary to the provisions of this Regulation include, but are not limited to, the following: denial of entry, revocation of access pass, removal from premises and/or criminal prosecution as appropriate.
- b. In addition to any of the penalties above, County employees who violate provisions of this Regulation will be disciplined in accordance with the County's Personnel Policies.

**Responsibility**

All Department Directors are responsible for instructing departmental personnel in Administrative Regulations as appropriate and employees are responsible to adhere to them. No exceptions will be made to this policy without the express written permission of the County Manager. Any employee who violates the guidelines in this policy will be disciplined in accordance with the County's Personnel Manual.

**Relationship to Previously Established Procedure**

No qualifying statement, previously established rules or procedures shall be used to negate the spirit or intent of this statement of policy.