



# CITY OF HOUSTON

## Executive Order

Subject: **Security on City Premises**

E.O. No.

**1-37 Revised**

Effective Date:

**09/20/2010**

### 1. AUTHORITY

1.1 Article XII of Chapter 2 and Section 14-184 of the Code of Ordinances; Sections 30.05, 30.06, and Chapter 46 of the Texas Penal Code; Chapter 411, Subchapter H and Section 411.203 of the Texas Government Code; and Section 229.001 of the Texas Local Government Code.

### 2. PURPOSE

2.1 Establishment of policies and procedures pertaining to identification badges, possession of weapons, and security systems on certain City premises.

### 3. OBJECTIVE

3.1 The purpose of this directive is to enhance the security of City employees and other persons while on City premises.

### 4. DEFINITIONS

*City employee* - A person who is employed by the City of Houston or a person who volunteers his or her time to work on a City project or serve on a City board or commission on City premises (see also "*contract employee*").

*City of Houston identification badge* - A valid identification badge issued by the General Services Department's Security Management Division, the Houston Police Department's Human Resources Division, the Houston Fire Department's Logistics Command, or the Convention and Entertainment Facilities Department's Contracts and Development Division.

*City premises* - A parcel of real property or portion of a parcel of real property that is owned by or in the possession of the City by a lease or other right and that is regularly maintained or occupied by City employees for the purpose of conducting City business. The portion of a premises, if any, to which this directive applies normally includes any building or portion of a building that is under the control of the City, and it may also include appurtenant facilities, such as parking lots and garages, that are determined by the Director to require security measures.

*Contract employee* - A person who works on City premises in fulfillment of an individual professional contract with the City; a person who is employed by a private firm contracted to provide services to the City and who is assigned to work on City premises; or a person who is employed by another governmental agency and who is assigned to work on City premises.

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*Director* - The City department head or designee principally responsible for the maintenance and control of City premises as designated by the Mayor.

*Peace officer* – Has the meaning ascribed in Article 2.12 of the Texas Code of Criminal Procedure.

*Personal search* - A consensual search of a person through the use of a handheld metal detector. If the presence of a metal object is detected thereby, a pat-down search in the area of the person's body indicated by the hand-held metal detector shall be conducted, if the person consents to allow the search to continue.

*Secure area* - Any area upon any City premise to which access is controlled by either a security system or security post.

*Security personnel* - City employees or contract security staff employed or assigned to carry out functions under this directive.

*Security post* - Any location on City premises that is manned by any contract security officer, certified peace officer or other City security personnel.

*Security system* - Magnetometers, x-ray devices, card-operated entry systems, operating regulations and related measures, or any combination thereof, installed, promulgated or operated upon any City premise to ensure that persons entering secure areas are not in possession of prohibited weapons.

*Weapon* - Any of the following instruments or any device that simulates any of the following instruments:

***Chemical dispensing device*** - A device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

***Club*** - An instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:

- (i) Blackjack;
- (ii) Nightstick;
- (iii) Mace;
- (iv) Tomahawk.

***Conducted energy device*** - Stun guns or tasers.

***Explosive weapon*** - Any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes any device designed, made, or adapted for delivering or shooting an explosive weapon or any item or chemical or combination thereof that could be used to fabricate an explosive or incendiary device.

***Firearm*** - Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**Handgun** - Any firearm that is designed, made, or adapted to be fired with one hand.

**Knuckles** - Any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Prohibited knife:**

- (i) Knife with a blade over three inches
- (ii) Hand instrument designed to cut or stab another by being thrown
- (iii) Dagger, including but not limited to a dirk, stiletto, and poniard;
- (iv) Bowie knife
- (v) Sword
- (vi) Spear
- (vii) Switchblade knife as defined by Section 46.01 of the Texas Penal Code.

**Zip gun** - A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled bore barrel by using the energy generated by an explosion or burning substance.

## 5. SCOPE

### 5.1 Application.

5.1.1 This directive is applicable to all City premises with only the following exceptions:

5.1.1.1 Secure areas on City airports subject to applicable state and federal laws and regulations.

5.1.1.2 Secure areas within buildings that house Municipal Courts subject to regulations promulgated by the Presiding Judge under Section 16-12 of the Code of Ordinances.

5.1.2 Except as otherwise provided in Section 8.3, the provisions of this directive shall not be applicable in buildings occupied by the Convention and Entertainment Facilities Department, which shall be subject to security regulations promulgated by the Director of that department.

5.2 The provisions of this directive shall not be construed to prohibit persons holding a current and valid Texas concealed handgun license from carrying a handgun in a public park.

5.3 **Cumulative.** This directive is cumulative of and no provision of this directive shall be construed to excuse compliance with all other applicable state, federal and City laws, rules and regulations, including but not limited to:

5.3.1 Chapter 46 of the Texas Penal Code and other state firearms laws.

5.3.2 City ordinances and civil service rules that govern the carrying of weapons by City employees.

## 6. RESPONSIBILITIES

- 6.1 **Each Director** is responsible for implementing the provisions of this directive through security personnel and security systems provided for that purpose in the areas and buildings subject to his/her control or jurisdiction.
- 6.2 **The Police Department** shall render assistance as required in the operations conducted under this directive.

## 7. WEAPONS PROHIBITED ON CITY PREMISES; EXCEPTIONS

- 7.1 Weapons are prohibited on City premises, except as provided by applicable federal or state law.
- 7.2 Pursuant to Section 411.203 of the Texas Government Code and Section 14-184 of the Code of Ordinances, City employees and contract employees may not possess, while in or on City premises or secure areas, any weapon, unless specifically authorized by this directive or state or federal law.
- 7.3 It is an exception to this prohibition that City employees and City contractors who must be armed because of the nature of their job assignment, (generally, security personnel) and who are licensed or commissioned to possess and carry a firearm under state or federal law, may be authorized to carry a firearm by their respective Department Director or the Mayor.
- 7.4 It is an exception to this prohibition that City employees who must carry folding knives and utility knives (such as box cutters) because of the nature of their job assignment may possess such instruments so long as such instrument is not an illegal knife as defined by Texas Penal Code Section 46.01 or prohibited weapon as defined by Texas Penal Code Section 46.05.
- 7.5 Although Chapter 46 of the Texas Penal Code allows a person holding a concealed handgun license to carry a concealed handgun in most public buildings, no such person may carry a concealed handgun into meetings of any governmental entity (council meetings, council hearings, board, committee or commission meetings, civil service hearings, etc.) or on the premises of any governmental court or offices used by the court.
- 7.6 Although Texas statutes permit certain individuals to carry a weapon in public places, such an individual must present official credentials issued by his or her respective governmental agency or office to be admitted to City premises without being subjected to the security measures in this directive. Generally, in accordance with the Section 46.15 of the Texas Penal Code, those persons excepted from the security measures are:
  - 7.6.1 A peace officer or special investigator under Article 2.122 of the Texas Code of Criminal Procedure
  - 7.6.2 An honorably retired peace officer or federal criminal investigator
  - 7.6.3 A parole officer and community supervision and corrections officer engaged in the actual discharge of duties
  - 7.6.4 A judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a

municipal court who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Texas Government Code

- 7.6.5 A district attorney, criminal district attorney, municipal attorney, county attorney, and assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Texas Government Code.

## 8. IDENTIFICATION BADGES

- 8.1 **City employees and contract employees** who work on City premises will be issued a valid City of Houston identification badge as soon as possible after the employee first reports to work.
- 8.2 A City of Houston identification badge is City property. Upon separation from employment with the City, an employee shall be responsible for returning his or her City of Houston identification badge to his or her department's human resources personnel or to the issuing division of the General Services Department, the Houston Police Department, the Houston Fire Department or the Convention and Entertainment Facilities Department, as applicable. Each department shall be responsible for returning to the issuing division any surrendered badges, and the names and employee identification numbers of employees who have not surrendered their badges upon separation from employment with the City.
- 8.3 Whenever a City employee is promoted, demoted, or transferred to another division within his or her current department, that employee shall return his or her City of Houston identification badge to his or her department's human resources personnel or to the issuing division in order to be issued a new badge reflecting the employee's new position, either directly or through his or her department's human resources personnel. Whenever a City employee is transferred to another department, that employee shall return his or her City of Houston identification badge to his or her former department's human resources personnel or to the issuing division in order to be issued a new badge reflecting the employee's new position, either directly or through the new department's human resources personnel.
- 8.4 All City employees, contract employees, contractors, volunteers, temporary workers, and interns must wear their City of Houston identification badge at **ALL** times while on City premises, except that while in Convention and Entertainment Facilities Department buildings, City of Houston identification badges shall be displayed in accordance with security regulations promulgated by the Director of that department. The identification badge **MUST BE DISPLAYED PROMINENTLY**, either worn on the outer garment between the waist and shoulder or displayed on the belt at the waist IF THE BADGE IS NOT COVERED by a jacket, coat, sweater, vest, or other garment.
- 8.5 Visitors to secure areas on City premises will be issued a visitor identification badge. All visitors must wear their visitor identification badge at **ALL** times while in secure areas on City premises and must return their visitor badges to security personnel upon leaving City premises. A visitor identification badge **MUST BE DISPLAYED PROMINENTLY**, either worn on the outer garment between the waist and shoulder or displayed on the belt at the waist IF THE BADGE IS NOT COVERED by a jacket, coat, sweater, vest, or other garment.

8.6 Security personnel shall challenge all persons in secure areas on City premises who do not have a visible identification badge. City of Houston employees should challenge or report to security personnel all persons in secure areas on City premises who do not have a visible identification badge.

## 9. PROCEDURES FOR ENTERING A SECURE AREA

9.1 The following procedures shall apply to the operation of security systems:

9.1.1 **With the exception of City employees as explained in 9.1.2 below, any person desiring to enter a secure area** shall comply with the security measures in effect, enter through the designated public entrance to the building, and pass through a magnetometer (a metal detector) if one is present.

9.1.2 **Employees desiring to enter a secure area.**

9.1.2.1 An employee assigned to work in a secure area who possesses a valid City of Houston identification badge with pre-approved access to the secure area may enter through a designated employee or public entrance without being subjected to a search upon presenting a valid City of Houston identification badge. Pre-approved access may be coded into an employee's City of Houston identification badge and is evident when the badge is passed through an electronic card reader, allowing access through a door or turnstile.

9.1.2.2 An employee without pre-approved access to a secure area shall comply with the security measures in effect, enter through the designated entrance, and pass through a magnetometer (a metal detector) if one is present, and may be subjected to a personal search. Such employee must also submit any purse, briefcase and/or container for scanning by the x-ray machine, and, if needed, inspection.

9.1.2.3 Peace officers and City of Houston firefighters wearing the official uniform and conducting official duties may enter through a designated employee or public entrance without being subjected to a search upon presenting a valid City of Houston identification badge.

9.1.2.4 If an employee does not have a valid City of Houston identification badge, he/she must pass through the metal detector if one is present, may be subjected to a personal search, AND must also submit any purse, briefcase and/or container for scanning by the x-ray machine if one is present, and, if needed, inspection. In addition, the employee must obtain a visitor identification badge.

9.1.2.5 Passing a security system or post without identifying oneself to security personnel or failure to use a security card swipe device is a violation of Section 2-414 of the Code of Ordinances. Such violation is a class C misdemeanor punishable by a \$100 to \$500 fine.

9.1.3 Magnetometer activation. Any person who activates a magnetometer shall be free to leave the premises without further search or questioning. However, such person may not under any circumstances be allowed to continue into the facility without resolving the cause for the magnetometer activation. Any person who

activates a magnetometer and still desires to enter a secure area must remove all objects his or her from pockets or on his or her body and pass through the magnetometer a second time. If the magnetometer is again activated, the person will not be allowed to enter the secure area unless the person gives express consent to a personal search, and all items that are activating the magnetometer are located. Any person who does not give consent to a personal search is free to leave the premises.

- 9.1.4 Accommodations shall be made by security personnel in the exercise of reasonable discretion for persons having surgically implanted metal devices, persons wearing surgical or orthopedic clothing or devices that contain metallic support parts and persons utilizing crutches, wheelchairs or carts containing metallic parts to assist their mobility.
- 9.1.5 A person who has a pacemaker and/or defibrillator may state that he or she cannot pass through a magnetometer on advice of a doctor, because the magnetometer will damage the medical device. If that occurs, the person must be asked to display the Medical Device ID Card identifying the person and the device. The person must consent to a pat down search, or he or she will not be allowed entry into the facility.
- 9.1.6 Packages, briefcases, and other containers. Except as provided in part 9.1.2 above, all packages, briefcases, and other containers in the immediate possession of persons entering secure areas shall be subject to inspection. No person shall be permitted to carry a package, briefcase or other container into a secure area unless the package, briefcase or other container has been inspected by security personnel to determine that it does not contain a weapon. Inspection of packages, briefcases or other containers may be carried out by security personnel by visual inspection of the interior of such containers or by x-ray or other electronic survey of the contents thereof. Where storage facilities have been provided, weapons found may be checked as authorized in part 9.1.7 below.
- 9.1.7 Wherever a security system is established for a secure area, provision may be made at one or more of the public entrances to the secure area for the storage of items that may be safely stored by persons who have a weapon. If so, persons who possess a lawful weapon that may safely be stored may be afforded the opportunity to check the weapon in the storage area. Security personnel shall exercise reasonable care, but all storage shall be at the sole risk of the person checking the item. Any item that is not reclaimed by the close of the business day of the City premises where the secure area has been established shall be surrendered to the Houston Police Department (HPD) for keeping and shall be subject to destruction if not reclaimed within 30 days. No provision of this directive shall be construed to authorize the return of a weapon that is unlawful to possess by the person surrendering the weapon. Such weapons will be turned over to the HPD for disposition.
- 9.1.8 A person with a valid concealed handgun license who chooses to maintain possession of his or her weapon (except those intending to attend a meeting of a governmental entity) will be issued a specially designed RED visitor badge by the security staff.

- 9.1.9 A person with a valid concealed handgun license who will be attending a meeting of a governmental entity will be requested to secure the weapon in his or her personal vehicle or will be required to check the weapon in the storage area.
- 9.1.10 Violations of secure area provisions shall be punishable as provided in Sections 2-415 and 2-419 of the Code of Ordinances or applicable state or federal laws.

10. NOTICES

- 10.1 **Copies of this directive** shall be maintained for inspection in the Administration & Regulatory Affairs Department.
- 10.2 **Copies of this directive** shall be maintained by security personnel stationed at public entrances or shall otherwise be made available upon request for public inspection upon each City premises to which it pertains.
- 10.3 **One or more signs shall be posted at each of the entrances** to City premises. The signs shall be of a size and type reasonably likely to come to the attention of entrants displayed in a conspicuous manner clearly visible to the public and shall advise in English and Spanish that:
  - 10.3.1 All persons entering a secure area must stop and identify themselves to security personnel, announce their intended destination, and be subject to a search or inspection for weapons prior to entering the secure area. In addition, all persons shall submit all bags or packages in their possession to a search for weapons.
  - 10.3.2 Persons having weapons in their possession may not enter the premises, unless they are licensed by the state to carry a concealed handgun, or are an exempted Peace Officer or Officer of the Court.
  - 10.3.3 If applicable, lawful weapons may be checked at a designated security station.
  - 10.3.4 Copies of applicable regulations may be read at a designated place.
  - 10.3.5 Persons who do not comply with posted notices or security measures are subject to prosecution.
  - 10.3.6 If applicable, the entrance is not a public entrance and that members of the public may use a designated entrance for admission.

11. ENFORCEMENT PROCEDURES

- 11.1 **The provisions of this directive shall be enforced by security personnel.** Where appropriate, non-peace officer security personnel shall call upon peace officers for assistance.
- 11.2 **Persons refusing to comply with the policies and procedures set out herein** in contravention of posted notices of this directive will be asked to leave the premises. Those refusing to do so by entering upon or remaining within City premises after having been given notice to depart, shall be subject to arrest and prosecution for trespass. See Sections 2-414, 2-415, and 2-419 of the Code of Ordinances and applicable Penal Code Sections.
- 11.3 **Texas Penal Code Sections 30.05(f) and 30.06(e) provide exceptions** to prosecution for criminal trespass by persons in possession of a handgun, if they are licensed to carry

a concealed handgun, and the sole reason for excluding them is the presence of the handgun. However, under Penal Code Section 46.035(c) it is an offense for the holder of a concealed handgun license to carry a handgun into any meeting of a governmental entity.

## 12. CONFLICT AND REPEAL

12.1 Mayor's Policy Number 501.00 Discipline: Carrying of Weapons is hereby repealed. All other departmental and City policies that are inconsistent with this Executive Order are hereby superseded.

## 13. EXPIRATION

13.1 None.