



EXECUTIVE ORDER
SECURITY ON CITY PREMISES

EO No.

EO 1-37

Effective Date:

Upon approval

1. PURPOSE

To establish policies and procedures pertaining to City of Houston Identification Badges, possession of Weapons, and Security Systems on certain City Premises.

2. OBJECTIVE

To enhance the safety and security of City Employees and other persons while on City Premises.

3. DEFINITIONS

City Employee: A person who is employed by the City of Houston.

City of Houston Identification Badge: An identification badge issued by the General Services Department's Security Management Division, the Houston Police Department's Human Resources Division, or the Houston Fire Department's Logistics Command.

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

Contractor: A person who works on City Premises in fulfillment of a contract with the City or 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.

Director: Each person appointed as a department director by the Mayor and confirmed by City Council to assume the administrative duties of the various departments of the City.

Government Worker: A person who is employed by a local, state, or federal government agency and who is assigned to work on City Premises.

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 or a pat-down conducted pursuant to Section 8 of this order.

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

Approved:

Handwritten signature of Sylvester Turner.

Date Approved:

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under this order.

Security Post: Any location on City Premises that is staffed by any contract security officer, certified Peace Officer or other City Security Personnel.

Security System: Metal detectors, 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 authorized and not in possession of prohibited Weapons.

Volunteer: A person who volunteers his or her time to work on a City project; a person who serves as an intern on City Premises; or a person who serves on a City board or commission on City Premises.

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

Chemical dispensing device: Any device 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: Any instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including but not limited to:

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

Conducted energy device: Any device used or intended to be used as either an offensive or defensive weapon that is capable of temporarily immobilizing a person by inflicting an electrical charge, including but not limited to:

- (i) Stun guns; or
- (ii) Tasers.

Explosive weapon: Any explosive or incendiary bomb, grenade, rocket, or mine 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.

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, including but not limited to:

- (i) Rifles;
- (ii) Handguns;
- (iii) Machine guns;
- (iv) Short-barrel firearms;
- (v) Hunting guns;
- (vi) Antique guns; or
- (vii) Zip guns.

Handgun: Any firearm designed, made, or adapted to be fired with one hand.

Hoax bomb: Any device that (i) reasonably appears to be an explosive or incendiary device; or (ii) by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies.

Knife: Any bladed hand instrument capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument, including but not limited to:

- (i) Jackknife with a blade over three inches;
- (ii) Throw-blade knife or 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; or
- (viii) Location-restricted knife with a blade over five and one-half inches.

Knuckles: Any instrument that consists of finger rings or guards made of a hard substance and 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.

4. SCOPE

4.1. Application. This order is applicable to all City Premises with the following exceptions:

- 4.1.1. Secure Areas on City airports subject to applicable state and federal laws and regulations.
- 4.1.2. 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.
- 4.1.3. Buildings or areas of buildings managed by an entity to whom the City has authorized to provide its own security (i.e. Houston First Corporation).

4.2. Unless otherwise provided by state or federal law, the provisions of this order shall not be construed to prohibit a member of the public from carrying a handgun, either concealed or openly carried in a shoulder or belt holster, in a public park or other City Premises if the person holds a valid license to carry pursuant to Subchapter H, Chapter 411 of the Texas Government Code.

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

- 4.3.1. Chapter 46 of the Texas Penal Code, Subchapter H, Chapter 411 of the Texas Government Code, and other state firearms laws;
- 4.3.2. City ordinances and civil service rules that govern the carrying of Weapons by City Employees; and
- 4.3.3. Chapter 52, Subchapter G, of the Texas Labor Code governing Weapons and ammunition stored in locked, privately owned vehicles.

5. RESPONSIBILITIES

- 5.1. Each Director is responsible for implementing the provisions of this order through Security Personnel and Security Systems provided for that purpose in the areas and buildings subject to his/her control or jurisdiction.
- 5.2. The Houston Police Department shall render assistance as needed in the operations conducted under this order.

6. WEAPONS PROHIBITED ON CITY PREMISES; EXCEPTIONS

- 6.1. Weapons, including all knives and all firearms, are prohibited on City Premises, except as expressly provided by applicable state, federal and City laws, rules and regulations.
- 6.2. Pursuant to Section 411.203 of the Texas Government Code and Section 14-184 of the Code of Ordinances, City Employees, Volunteers, Government Workers, and Contractors may not possess, while in or on City Premises or Secure Areas, any Weapon, unless specifically authorized by this order, City ordinance, or state or federal law.
 - 6.2.1. In accordance with Chapter 52, Subchapter G, of the Texas Labor Code, it is an exception to this prohibition that City Employees, Volunteers, Government Workers, and Contractors may transport or store a firearm or ammunition in a locked, privately owned motor vehicle in a parking garage, parking lot, or other parking area provided by the City.
 - 6.2.2. It is an exception to this prohibition that City Employees, Volunteers, Government Workers, and Contractors who must be armed because of the nature of their job assignment (generally, Security Personnel) and who are licensed or commissioned to carry a firearm under state or federal law, may be authorized in writing to carry a firearm by their respective Director or the Mayor.
 - 6.2.3. It is an exception to this prohibition that City Employees, Volunteers, Government Workers, and Contractors 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 a location-restricted knife.
- 6.3. Although state law authorizes a person with a license to carry a handgun in most public buildings, no such person may bring a concealed or openly carried handgun:
 - 6.3.1. Into the room or rooms where a meeting of a governmental entity that is subject to the Texas Open Meetings Act is held, if the person was given effective notice under Section 30.06 or Section 30.07 of the Texas Penal Code;
 - 6.3.2. Onto the premises of any governmental court or offices utilized by the court;
 - 6.3.3. Into the Secure Area of a law enforcement facility where gun lockers have been provided to secure the license holder's handgun and notice was given pursuant to the requirements set forth in Section 411.207 of the Texas Government Code; or
 - 6.3.4. Into or onto any of the other prohibited locations under Chapter 46 of the Penal Code.
- 6.4. An individual must present official credentials issued by his or her respective governmental agency or office to be admitted to City Premises with a Weapon without being subjected to the security measures in this order. Generally, in accordance with Section 46.15 of the Texas Penal Code, those persons excepted from the security measures are:

- 6.4.1. A Peace Officer or special investigator under Article 2.122 of the Texas Code of Criminal Procedure;
- 6.4.2. An honorably retired Peace Officer or federal criminal investigator;
- 6.4.3. A parole officer and community supervision and corrections officer engaged in the actual discharge of duties;
- 6.4.4. A judge justice, or bailiff escorting 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 handgun under Subchapter H, Chapter 411, Texas Government Code;
- 6.4.5. The attorney general, United States attorney, district attorney, criminal district attorney, municipal attorney, county attorney, assistant attorney general, assistant United States attorney, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Texas Government Code;
- 6.4.6. A juvenile probation officer who is authorized to carry a firearm under Section 142.006, Texas Human Resources Code; or
- 6.4.7. A person who is volunteer emergency services personnel under Section 46.01(18) of the Texas Penal Code if the person is carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code and engaged in providing emergency services.

7. IDENTIFICATION BADGES

- 7.1. The General Services Department or other issuing department shall issue a City of Houston Identification Badge, as necessary, to City Employees, Volunteers, Government Workers, and Contractors who work on City Premises as soon as possible after the individual first reports to work.
- 7.2. All City Employees, Volunteers, Government Workers, and Contractors must wear their City of Houston Identification Badge at **ALL** times while in Secure Areas on City Premises. The City of Houston 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.
- 7.3. A City of Houston Identification Badge is City property. Upon separation from employment with the City, a City 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, or the Houston Fire Department, as applicable. Each department shall be responsible for promptly returning to the issuing division any surrendered badges, and the names and employee identification numbers of City Employees who have not surrendered their badges upon separation from employment with the City.
- 7.4. Upon completion of his or her work with the City, the Volunteer, Government Worker, or Contractor must return his or her City of Houston Identification Badge to human resources personnel or to the issuing division of the General Services Department, the Houston Police Department, or the Houston Fire Department, as applicable.
- 7.5. Whenever a City Employee is promoted, demoted, or transferred to another department or 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 and department, if applicable, either directly or through his or her department's human resources personnel.

7.6. The General Services Department or other issuing department shall issue a visitor identification badge to visitors to Secure Areas on City Premises. 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.

7.7. Security Personnel shall approach and question all persons in Secure Areas on City Premises who do not have a visible identification badge. City Employees should report to Security Personnel all persons in Secure Areas on City Premises who do not have a visible identification badge.

8. PROCEDURES FOR ENTERING A SECURE AREA

8.1. The following procedures shall apply to the operation of Security Systems:

8.1.1. With the exception of City Employees as explained in 8.1.2 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 metal detector if one is present.

8.1.2. **City Employees, Volunteers, Government Workers, and Contractors desiring to enter a Secure Area.**

8.1.2.1. A City Employee, Volunteer, Government Worker, or Contractor 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 a City Employee's, Volunteer's, Government Worker's, or Contractor'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.

8.1.2.2. A City Employee, Volunteer, Government Worker, or Contractor 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 metal detector if one is present, and may be subjected to a Personal Search. Such employee must also submit any purse, briefcase, bag and/or container for scanning by the x-ray machine and for inspection, if reasonably deemed necessary by Security Personnel.

8.1.2.3. City Peace Officers and 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.

8.1.2.4. If a City Employee, Volunteer, Government Worker, or Contractor 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, bag and/or container for scanning by the x-ray machine if one is present, and, if reasonably deemed necessary by Security Personnel, inspection. In addition, the City Employee, Volunteer, Government Worker, or Contractor must obtain a visitor identification badge.

- 8.1.2.5. Passing a Security System or post without identifying oneself to Security Personnel or unauthorized 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.
- 8.1.2.6. A City Employee, Volunteer, Government Worker, or Contractor with a City of Houston Identification Badge who permits anyone else to use his or her badge for any purpose, including entry onto City Premises and into Secure Areas, violates Section 2-418 of the Code of Ordinances. Such violation is a Class C misdemeanor punishable by a \$100 to \$500 fine.
- 8.1.3. Any person who activates a metal detector 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 metal detector activation. Any person who activates a metal detector and still desires to enter a Secure Area must remove all objects from his or her pockets or on his or her body and pass through the metal detector a second time. If the metal detector 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 metal detector are located. Any person who does not give consent to a Personal Search is free to leave the premises.
- 8.1.4. 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.
- 8.1.5. A person who has a pacemaker and/or defibrillator may state that he or she cannot pass through a metal detector on advice of a doctor, because the metal detector will damage the medical device. If that occurs, the person must 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 City Premises.
- 8.1.6. Except as provided in part 8.1.2 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 8.1.7 below.
- 8.1.7. 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 for keeping and shall be subject to destruction if not reclaimed within 30 days. No provision of this order 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 Houston Police Department for disposition.

- 8.1.8. A person with a valid license to carry who chooses to maintain possession of his or her handgun (except those intending to attend a meeting of a governmental entity subject to the Texas Open Meetings Act) will be issued a specially designed RED visitor badge by the security staff.
- 8.1.9. A person with a valid license to carry who will be attending a meeting of a governmental entity subject to the Texas Open Meetings Act will be required to secure the handgun in his or her personal vehicle or will be required to check the Weapon in the storage area.
- 8.1.10. 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.

9. NOTICES

- 9.1. Copies of this order shall be maintained for inspection in the Administration & Regulatory Affairs Department.
- 9.2. Copies of this order shall be maintained by Security Personnel stationed at public entrances or shall otherwise be made available upon request for public inspection upon each City Premise to which it pertains.
- 9.3. The General Services Department Director shall post one or more signs at each of the entrances to City Premises, as necessary. The signs shall be of a size and type reasonably likely to come to the attention of entrants. The signs shall be displayed in a conspicuous manner clearly visible to the public and shall advise in English and Spanish that:
 - 9.3.1. If applicable, 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.
 - 9.3.2. Persons having Weapons in their possession may not enter the City Premises, unless they are licensed by the state to carry a handgun or are an exempted Peace Officer or officer of the court under Chapter 46 of the Texas Penal Code.
 - 9.3.3. If applicable, lawful Weapons may be checked at a designated security station.
 - 9.3.4. Copies of applicable regulations may be located at a designated place.
 - 9.3.5. Persons who do not comply with posted notices or security measures are subject to prosecution.
 - 9.3.6. If applicable, the entrance is not a public entrance and that members of the public may use a designated entrance for admission.

9.4. At the entrance to the room or rooms where a meeting of a governmental entity that is subject to the Texas Open Meetings Act is taking place, one or more signs may be posted or another form of notice given pursuant to the requirements set forth in Sections 30.06 and 30.07 of the Texas Penal Code.

10. ENFORCEMENT PROCEDURES

- 10.1. Security Personnel shall enforce this order. As circumstances may require, non-Peace Officer Security Personnel shall call upon Peace Officers for assistance in enforcing this order.
- 10.2. Persons refusing to comply with the policies and procedures set out herein in contravention of posted notices of this order will be asked to leave City 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 pursuant to Sections 2-414, 2-415, and 2-419 of the Code of Ordinances and applicable Texas Penal Code Sections.
- 10.3. Persons who are asked or otherwise provided notice to depart City Premises or given notice that entry upon City Premises is forbidden for any reason allowable by law and who enter upon or remain within City Premises shall be subject to arrest and prosecution for trespass.
- 10.4. Texas Penal Code Sections 30.05(f), 30.06(e), and 30.07(e) provide exceptions to prosecution for criminal trespass by persons in possession of a handgun, if they are licensed to carry a handgun, and the sole reason for excluding them is the presence of the handgun. A license holder in possession of a handgun is still prohibited from a City Premises or other place on which the license holder is prohibited from carrying a handgun under Section 46.03 or 46.035 of the Texas Penal Code.

11. CONFLICT AND REPEAL

- 11.1. This Executive Order supersedes Executive Order 1-37, effective September 20, 2010, which shall be of no further force or effect. All other departmental and City policies that are inconsistent with this Executive Order are hereby superseded.

12. RELATED AUTHORITY

- Code of Ordinances, Chapter 2, Article XII
- Code of Ordinances, Chapter 14, Article I, Section 14-184
- Texas Penal Code, Chapter 46 and Sections 30.05, 30.06, and 30.07
- Texas Government Code, Subchapter H, Chapter 411 Texas Local Government Code, Section 229.001
- Texas Labor Code, Subchapter G, Chapter 52