

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Mark McCauley, County Administrator

FROM: Joe Nole, Jefferson County Sheriff
Jen Moore, Deputy Sheriff

DATE: February 21, 2023

SUBJECT: **HEARING Re. ORDINANCE NO. ____** re. Courthouse Security Standards and Requirements with Respect to Jefferson County Courthouse Security.

STATEMENT OF ISSUE:

There is a need to adopt standards and requirements with respect to Jefferson County Courthouse security. On September 12, 2022, the Board of County Commissioners (BoCC) held a workshop and public comment period on courthouse security. On September 12th 2022, the BoCC determined that courthouse security should be administered through the Sheriff's Office.

ANALYSIS

When reviewing the issue of courthouse security, it was determined that the current resolution addressing courthouse security needs, Resolution No. 78-99, needs to be updated to reflect current law and practice, including allowing for the locking of weapons in a security locker, rather than entrusting them to the Sheriff's Chief Civil Deputy or her deputy. Because this matter is a subject of a general and permanent nature, it was determined that these standards should be adopted through an ordinance. This proposed ordinance also specifies security screening measures and provides discretion to the Sheriff's Office to determine whether it is appropriate to waive security screening for certain people, such as courthouse employees.

RCW 9.41.300(1)(b) states:

"It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection."

FISCAL IMPACT/COST-BENEFIT ANALYSIS:

There are no expected fiscal impacts from consideration of this ordinance.

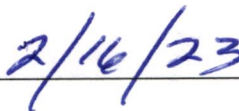
RECOMMENDATION:

After listening to public testimony Adopt the DRAFT Ordinance, Standards and Requirements with respect to Jefferson County Courthouse Security

REVIEWED BY:


Mark McCauley, County Administrator

Date



**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**An Ordinance Relating to Courthouse
Security; Repealing and Replacing
Resolution No. 78-99**

ORDINANCE NO. _____

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety, and well-being of its residents; and,

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of firearms regulations within its boundaries, and counties may only enact ordinances as expressly authorized by RCW 9.41.300; and,

WHEREAS, RCW 9.41.300(1)(b) states:

It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b) ...;

and,

WHEREAS, the Washington Supreme Court issued General Rule 36, which states: "A safe courthouse environment is fundamental to the administration of justice. Employees, case participants, and members of the public should expect safe and secure courthouses. This rule is intended to encourage incident reporting and well-coordinated efforts to provide basic security and safety measures in Washington courts;" and,

WHEREAS, General Rule 36(g)(2) states, "Uniformed security personnel shall perform weapons screening at all public entrances [of courthouses], using, as a minimum, metal-detector wand screening and physical examination of bags, briefcases, packages, etc.;" and,

WHEREAS, the Jefferson County Courthouse was built in 1892 and is a historic landmark, which limits the ability of Jefferson County to modify the building for any purpose, including security; and,

WHEREAS, due to the historic nature of the Jefferson County Courthouse there is lack of sufficient office, courthouse and meeting space for all county activity housed in the building; and,

WHEREAS, meeting spaces and other common rooms on the first three floors of the Jefferson County Courthouse are regularly used for court proceedings or the conduct of court; and,

WHEREAS, in the Jefferson County Courthouse, it is not possible to protect court areas without restricting ingress and egress to the building; and,

WHEREAS, the restricted areas are the minimum necessary to fulfill the objective of RCW 9.41.300(1)(b); and,

WHEREAS, pursuant to RCW 9.41.300(1)(b), Jefferson County is authorized by state law to provide a stationary locked box sufficient in size for pistols and a key to a weapon owner for weapon storage during the owner's visit to restricted areas of the Jefferson County Courthouse; and,

WHEREAS, local governments have considerable latitude in exercising police powers, through enacting reasonable regulations. A regulation is reasonable if it promotes public safety, health, or welfare, and bears a reasonable and substantial relation to accomplishing the purpose being pursued; and,

WHEREAS, Jefferson County has a responsibility to its tax payers and citizens to assure the safety and security of County employees and the public who come to the County Courthouse to transact business; and,

WHEREAS, pursuant to RCW 36.28.010(2), the Jefferson County Sheriff and their deputies shall defend Jefferson County against those who, by riot or otherwise, endanger the public peace or safety; and,

WHEREAS, pursuant to RCW 36.28.010(5), the Jefferson County Sheriff and their deputies shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions; and,

WHEREAS, pursuant to RCW 36.28.010(6), the Jefferson County Sheriff and their deputies shall attend, keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections; and,

WHEREAS, on September 19, 1999 the Jefferson County Board of County Commissioners adopted Resolution No. 78-99, the topic of which was "In the matter of a Prohibition Against Weapons in the Jefferson County Courthouse;" and,

WHEREAS, **Resolution** No. 78-99 needs to be updated to reflect current circumstance; and,

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Whereas Clauses are Findings of Fact: The Whereas clauses above are findings of fact for this ordinance.

Section 2. Definitions: The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

- (1) “Courthouse” means the Jefferson County Courthouse, located at 1820 Jefferson Street, Port Townsend, Washington 98368.
- (2) “Dangerous weapon” means:
 - (a) Any device commonly known as “nun-chu-ka sticks,” consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
 - (b) Any device, commonly known as “throwing stars,” which are multipointed, metal objects designed to embed upon impact from any aspect;
 - (c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or
 - (d) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emits an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; and,
 - (e) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.
- (3) “Firearm” means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. The definition of “firearm” includes the terms “pistol,” “rifle,” “short-barreled rifle,” “shotgun,” “short-barreled shotgun,” “machine gun,” and “antique firearm” as those terms are defined in RCW 9.41.010, as it currently exists or may be amended.
- (4) “Picture ID” means a valid identification card issued by a government entity, with a photograph of the person presenting it to a person conducting security screening at the courthouse.
- (5) “Sheriff” means the Jefferson County Sheriff or their designee, and includes without limitation all Sheriff’s Deputies.
- (6) “Wanding” means using a hand held metal detector wand, or security wand to search for concealed weapons.
- (7) “Weapon” shall have the same meaning as in RCW 9.41.300(1)(b), as it currently exists or may be amended. The current definition of ‘weapon’ in RCW 9.41.300(1)(b) is ‘Weapon’ means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slingshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.” In addition,

“weapon” also includes “dangerous weapon” and “firearm,” as defined in this ordinance.

Section 3. Weapons Prohibited in the Jefferson County Courthouse. Weapons are prohibited within the interior of the entire courthouse building.

Section 4. Courthouse Security. The Sheriff shall provide security to the courthouse at all times that the courthouse is open to the public. The sheriff also shall provide security to all sessions of court, including but not limited to Juvenile Court.

Section 5. Security Screening Required.

- (1) All Persons Subject to Security Screening. All persons entering the courthouse will be subject to security screening by the sheriff to ensure compliance with this Ordinance, except as authorized in subsection (3).. Any person not consenting to such a search shall be refused entry into the courthouse.
- (2) Security Screening Required. Security screening shall include, but is not limited to:
 - (a) Electronic screening for the detection of metals;
 - (b) Inspection of all packages, purses, backpacks, briefcases or any other containers capable of concealing a weapon that is being brought into the courthouse;
 - (c) Wandering of all persons coming into the courthouse to ensure that they are not bringing concealed weapons into the courthouse; and,
 - (d) Confiscation of any weapon found and deemed by the sheriff to be potentially dangerous.
- (3) Exceptions to Security Screening. Exceptions to the requirements in subsections (1) and (2) shall include:
 - (a) Employees or volunteers of Jefferson County, who present or wear a county-issued picture ID;
 - (b) Judges (including court commissioners, pro tem judges, and visiting judges), who present or wear a county-issued picture ID;
 - (c) On-duty law enforcement officers (including corrections personnel, probation officers, parole officers, etc.), who are in uniform or who present a valid, department-issued picture ID proving their commission);
 - (d) On-Duty First Responders (such as firefighters and ambulance crews), who are in uniform;
 - (e) On-Duty Military who are coming to court pursuant to their official duties, who present their military picture ID and orders showing they are on official duties;
 - (f) Off-Duty Law Enforcement Officers who present a valid, department-issued picture ID proving their commission;

- (g) Licensed attorneys who present a bar card proving admission to the State Bar of Washington, along with a matching picture ID issued by a government agency (driver's license, passport, etc.);
- (h) Inmates in the custody of Jefferson County jail staff or Washington Department of Corrections staff; and,
- (i) Juveniles who are in the custody of a juvenile probation officer.

Section 6. Repeal and Replacement of Resolution No. 78-99: Resolution No. 78-99 is hereby repealed and replaced with this Ordinance.

Section 7. SEPA Compliance. This resolution is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).

Section 8. Effective Date: This Ordinance shall take effect immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGE)

ADOPTED this _____ day of _____ 2023, at ____: ____ a.m.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Greg Brotherton, Chair

Kate Dean, Member

ATTEST:

Heidi Eisenhour, Member

APPROVED AS TO FORM:

Carolyn Gallaway, Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney