

STATE OF INDIANA

WHITLEY CIRCUIT COURT

COUNTY OF WHITLEY, SS:

and

WHITLEY SUPERIOR COURT

CAUSE NO.: 92D01-2010-CB-778

**COURT BUILDING SECURITY ORDER**

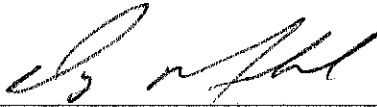
Ind. Administrative Rule 19 requires “(e)ach court shall develop and implement a court security plan to ensure security in court facilities”. The power to do so is derived in part from Indiana Constitution Article 3§1 and Ind. Const. Art. 7. Ind. Code § 35-47-11.1-4(5) creates an exception to general rule prohibiting a political subdivision from regulating the possession and carrying of firearms, etc. The Judges of the Whitley Circuit and Superior Courts (“the Courts”), in order to comply with the requirements of Admin. R. 19 and to provide for the orderly operation of the Courts, the safety of the public, the litigants, the witnesses, and the court staff, have promulgated this local court rule:

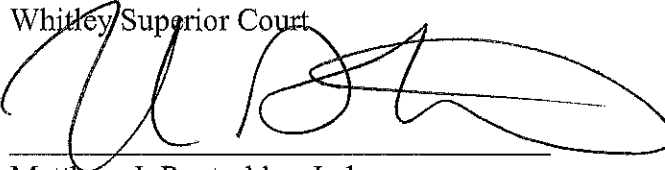
- 1) Anyone entering the locations listed below (collectively “the courtroom buildings”) must consent to a search of their person, including any package, briefcase, or purse:
  - a) the Whitley County Courthouse;
  - b) the Whitley County Probation Department;
  - c) any other location where a judicial officer of any of the Courts maintains an office;
  - d) any other location where a judicial officer conducts court proceedings.
- 2) If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes.
- 3) Unless exempt under Paragraph 6, below, anyone entering a courtroom building is prohibited from having any of the following in his or her possession while in the courtroom building:
  - a) a loaded or unloaded firearm; or
  - b) a weapon, device, taser (as defined in Ind. Code § 35-47-8-3) or electronic stun weapon (as defined by I.C. § 35-47-8-1), equipment, chemical substance or other material, including a knife, razor, box-cutter, and switchblade that in the manner it is used, or court ordinarily be used, is readily capable of causing serious bodily injury.
- 4) Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.
- 5) Anyone violating this Order may be found to be:
  - a) in direct contempt of court under I.C. §34-47-2, if the violation is willful and occurs in the presence of a judicial officer; or
  - b) in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.

- 6) The following individuals are exempt from this order:
- a) a law enforcement officer, as defined in I.C. § 35-31.5.2-185;
  - b) a judicial officer, as defined in I.C. § 35-31.5-2-177.7;
  - c) a probation officer pursuant to I.C. § 11-13-1-1;
  - d) an employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisor;
  - e) any other person authorized by at least one (1) full-time judicial officer of the Courts shall be exempt until at least one (1) full-time judicial offer of the Courts withdraw the exemption. The judicial officers are to promptly provide the Whitley County Sheriff with a copy of the authorization or the withdrawal of the authorization.
- 7) Any person listed in Paragraph 6 SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.
- 8) The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect in effect at any given time.
- 9) Each Court may have specific rules regarding cellphones and/or cameras in the courtroom. In all events, if cellphones are permitted, they should be made to be silent during court hearings, and no photographs or video should be taken in the courtroom without explicit court approval.

This Court Building Security Order was adopted in accordance with the requirements of Ind. Trial Rule 81. Notice was given as required by T.R. 81(B). The order, as adopted, has been placed in the Record of Judgments and Orders in the Office of the Clerk of the Whitley Circuit and Superior Courts.

SO ORDERED this October 8, 2020.

  
\_\_\_\_\_  
Douglas M. Fahl, Judge  
Whitley Superior Court

  
\_\_\_\_\_  
Matthew J. Rentschler, Judge  
Whitley Circuit Court