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CHIEF OF POLICE

**CITY OF HIALEAH  
MEMORANDUM**

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TO: Marbelys Fatjo, City Clerk

FROM: Mayor Carlos Hernandez and Sergio Velazquez, Chief of Police

DATE: January 23, 2020

RE: City Hall Screening Procedures for Visitors

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This memo is for publication with other public notices.

**Policy**

As a result of the recent and increasingly frequent acts of violence involving mass shooting incidents in our community and across the nation occurring in an array of gathering places, social institutions, places of employment and places of worship, it is imperative that the City implement security measures that will serve to: (i) detract would-be shooters from inflicting harm on unsuspecting people at City Hall; (ii) minimize casualties; and (iii) help identify victims and suspects in any given public emergency. These screening procedures and security measures shall preserve all rights in the public to privacy, full and unfettered participation in public meetings, access to records, and all other rights afforded by law.

**Purpose**

Safeguard the health, welfare and safety of the general public at City Hall by creating limited screening procedures applicable to all persons who come to City Hall to conduct business, not employed by or previously screened and authorized by the City of Hialeah.

**Screening Procedures**

A glass partition was recently installed in the City Hall main lobby, which separates the building elevators from the main entrance. The partition has three doors in order to assist with the screening process for visitors entering the building. Adjacent to the glass doors there is a service desk manned by a City of Hialeah civilian employee, who greets and documents all visitors entering the complex during each day the City is open for business. Each person coming to City Hall to transact business shall provide identification or identify him or herself and inform the employee what floor or department the person intends to visit. Once the visitor is screened by the civilian employee, an identification badge will be provided bearing the photograph and name of the visitor and the floor they are going to. If the visitor does not have any identification, the person will be allowed to verbally provide the information and proceed through the screening process. The police officer on duty will then contact the department the person intends to visit. If the visitor refuses to provide any form of identification (either tangible or verbal), the person will be denied entry to City Hall. The visitor will be advised of the safety concerns and the need

to provide identification, at which time they will be allowed to change his/her mind about the refusal to provide identification.

### **Walk-Thru Metal Detector (firearms/weapons)**

In addition to registering with the civilian employee, the visitor shall be screening by a uniformed police officer through a metal detector. A small plastic tray will be provided for visitors to place their personal belongings prior to walking through the metal detector.

Towards the main entrance of City Hall, a walk-thru metal detector has been placed. The objective of the metal detector is to prevent and/or control, for the purpose of safety and accountability, the entry of unreported and illegal firearms into the premises.

As provided by law, during regular business hours a visitor with a concealed firearm and a valid concealed weapons license can be allowed into City Hall. The visitor's valid identification must be presented, along with their concealed weapons license. This ID and license information will be noted in the system by the civilian employee. An identification paper badge will be then provided to the visitor to continue. Only after the visitor has registered and passed through the detector shall the person be able to proceed through the glass doors leading to the elevators.

### **Special Considerations**

In recognition of the constitutional right to public records and to attend public meetings, the screening procedures shall be modified as follows:

#### **Public Meetings**

All members of the public have a right to attend public meetings without being compelled to provide identification. As such, whenever a regularly scheduled or special sunshine meeting of any decision-making body for the City is held at City Hall, no member of the public in attendance shall be required to provide identification for a paper badge. However, the visitor attending a public meeting shall be screened through the metal detector. In addition, during any meeting of the City Council, per *Florida Statute § 790.06(12) (a) (7)*, no weapons and/or firearms are allowed into the building during the time of the meeting. Admission /entrance to the building will be denied by the Officer if the visitor refuses to comply and leave the weapon and/or firearm secured outside of the building.

All notices of public meetings are posted in the bulletin board in the main lobby at City Hall and on the City's website. If the civilian employee or police officer need to verify whether a public meeting is taking place at City Hall on any particular day at any particular time, he or she shall contact the City Clerk's Office for more information.

#### **Public Records**

All members of the public have a right to request to inspect and/or copy public records without being compelled to provide identification. The City's custodian of public records is:

Marbelys Fatjo, City Clerk  
Office of the City Clerk  
City Hall – 3<sup>rd</sup> Floor

Hialeah, FL 33010  
Telephone: (305) 883-5820  
Fax: (305) 883-5814  
E-mail: cityclerk@hialeahfl.gov

If a visitor comes to City Hall to request public records and refuses to provide identification in compliance with these procedures, the visitor shall be screened through the metal detector and made to wait in the main lobby for a staff member from the Clerk's Office who will receive the visitor's request. The staff member shall respond promptly to the main lobby so as to minimize any wait time. Alternatively, the visitor may opt to complete a public records request form which shall be available at the service desk and deliver the completed form to the civilian employee.

Once a visitor is admitted entry into City Hall, the visitor shall conduct his/her business in a peaceful manner, as a reasonable person of normal sensibilities would. In the event a visitor does not conduct their business in a reasonable manner, or interferes with the ability of another visitor or staff from conducting their business, then a police officer on-duty will respond and order the visitor to conduct their business in a peaceful manner, as a reasonable person of normal sensibilities would. However, if the person fails to do so, the police officer on-duty shall warn the visitor that they are trespassing and order the person to exit the building and surrounding areas and escort the person to the nearest exit. The officer may or may not issue a trespass warning according to Police Department applicable General Orders; it will be based on the Officer's personal observations and discretion. If the officer issues a trespass warning, the officer shall state the reasons to the person before the officer escorts him or her out of the building and provide the visitor with the instructions below How to Appeal a Trespass Warning. Nothing in this memorandum shall be interpreted to interfere with a law enforcement officer's discretion to act or carry out that officer's law enforcement duties based on personal observations and the surrounding circumstances.

Once a visitor has been given a trespass warning, it shall remain effective, and the visitor shall not be permitted entry into the building or surrounding areas for which the trespass was issued until either:

1. The visitor appeals to the City Council for a determination concerning the merits of the trespass warning. A notice of appeal shall be filed with the City Clerk within thirty (30) days of the date of the warning. The City Council shall hear the appeal at the next regularly scheduled meeting, if the appeal was filed within ten (10) days of the meeting. The City Council may affirm, reverse, or modify the warning.
2. If no notice of appeal is filed, the warning shall be deemed presumptively correct, and the visitor shall be prohibited from entering the building and surrounding areas for which the warning was issued until canceled.

**How to Appeal a Trespass Warning**

Instructions:

1. File a written notice of appeal with the City Clerk located on the 3<sup>rd</sup> floor in City Hall. If the trespass warning has prohibited you from entering city hall, you must mail, fax or email the City Clerk at: Marbelys Fatjo, Esq., City Clerk, Phone: (305) 883-5820, Fax: (305) 883-5814, Email: [cityclerk@hialeahfl.gov](mailto:cityclerk@hialeahfl.gov), Physical Address: 501 Palm Avenue, Third Floor, Hialeah, Florida 33010.
2. The appeal shall be heard by the city council at the next regularly scheduled meeting, if filed within ten (10) days following the date the notice of appeal was filed.
3. The notice of appeal must be filed within 30 days of the date of the trespass warning. Failure to file within 30 days forfeits your right to an appeal.

You may use this form. Please furnish the following information:

The undersigned, hereby appeals to the City Council the trespass warning dated \_\_\_\_\_, a copy attached hereto.

By: \_\_\_\_\_  
Signature  
Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Contact Information:

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_