

HARRIS COUNTY FREQUENT COURTHOUSE VISITORS PROGRAM POLICIES AND PROCEDURES

I. Purpose

To create a uniform, secure medium for the identification and monitoring of individuals designated as Frequent Courthouse Visitors (FCV). To screen candidates for the FCV program for fitness to bypass the metal detectors and X-Ray machines to enter secure areas of Harris County Courthouse facilities. To insure compliance of the FCV Program's Policies and Procedures by FCV participants.

II. FCV Oversight Committee

To administer the FCV Program, the Commissioners Court formed and authorized the FCV Oversight Committee on December 17, 1996. The purpose of the FCV Oversight Committee is to set FCV Policy, insure ongoing compliance of the FCV program with the FCV Policy and review appeals of denial of FCV applications. The FCV Oversight Committee consists of representatives from six Harris County Departments. Each Department listed below shall designate a representative to serve on the Committee:

District Court Judges
County Court Judges
Sheriff's Office
Universal Services (Committee Chair)
District Attorney's Office
Constable Precinct 1

The FCV Oversight Committee will meet as needed to review the FCV Program and monitor the operation and policies of the program and review appeals.

III. FCV Administrator

The Executive Director of Universal Services will administer the FCV Program. The Executive Director may designate a representative to chair the FCV Oversight Committee and administer the FCV Program. The FCV Administrator, along with Harris County Customer Service, will review all applications, verify the accuracy of the application and approve or deny applications based on the criteria set forth in the FCV Policy. Should the FCV Administrator be unavailable to perform his / her duties, a member of the FCV Oversight Committee may be designated to act as FCV Administrator for the duration of the unavailability.

IV. Qualification of Applicants

An individual must meet the following requirements to apply for FCV Access or renewal of FCV Access:

- Applicants must demonstrate a level of frequency of entry into the Harris County Courthouse facilities to merit FCV access.
- Applicants must indicate a need that is of significant benefit to Harris County to warrant bypassing the metal detectors and x-ray machines.
- Applicants must pass a law enforcement background check completed by a Harris County Law Enforcement agency. (see Appendix C)
- Applicants must provide accurate, truthful and complete information for the online FCV application.
- Applicants must submit valid FCV approved personal photo identification. (see Appendix B)

V. Disqualifying Offenses and Conducts

The offenses and conduct listed below **disqualify** an applicant or participant from the FCV Program. Disqualifying offenses include non-expunged felony and misdemeanor (above Class C) crimes listed below, or their equivalents from any jurisdiction, including attempts to commit said crimes, conspiracies to commit said crimes or solicitation of said crimes, that result in a conviction, probation, deferred adjudication, confinement or non-disclosure.

- Any felony offense, any homicide, any assault, any weapon offense, any sexual offense, any offense that requires sex offender registration, and failure to register as sex offender
- Any crime involving obstruction or retaliation, any crime involving assault of a public servant, any offense involving harassment of a public servant, any offense involving interference with a public servant
- Any offense involving violation of a protective order or any offense involving violation of a court order
- Any theft or fraud offense involving a government document or a court document
- Any offense involving bribery, improper influence, tampering with a witness or gift to a public servant
- Any offense involving perjury or making a false report
- Any offense where the victim is a family or household member, child, an elderly person or a mentally or physically disabled person
- Any offense or conduct that involves a threat, harassment, or injury to a Harris County public official or Harris County employee
- Any offense or conduct that involves damage, destruction or threat to the security of Harris County property or a Harris County facility
- Any offense or conduct that results in the issuance of a civil or criminal restraining order, protective order or no contact order
- Any offense or conduct that involves a threat, harassment, or injury to a current or former witness, litigant, lawyer, judge, juror, member of a jury panel, or court personnel
- Any offense or conduct that the FCV Oversight Committee deems a direct or indirect threat to the security of a Harris County courthouse or facility
- Any open warrant for any level of offense including Class C misdemeanors

Note: Disqualifications for restraining orders, protective orders, no contact orders and open warrants may result in reconsideration for FCV privileges once the order is terminated or the warrant is withdrawn.

Disqualified applicants are not eligible to reapply to the FCV program.

VI. How to Apply for the FCV Program

FCV applicants are required to complete the following steps during the online process:

- Submit valid FCV approved personal photo identification (see Appendix B)
- Sign Constable Precinct 1 Background Check Acknowledgement
- Submit to a Law Enforcement Background check (see Appendix C)
- Accurately complete the online FCV Program application
- Sign FCV Program Affidavit
- Pay the nonrefundable \$75 FCV Program Application fee (unless fee is waived per Appendix A)

VII. How to Renew Your FCV Program Participation

FCV Participation is valid for one year for an annual FCV card. Temporary FCV cards expire on a designated date and should be returned to Customer Service on this date. Failure to return a temporary FCV card could prevent future participation in the FCV program. Annual FCV card holders will receive notice to renew their FCV participation 90 days before expiration. Beginning September 1, 2019, the birthday of FCV participants will be the expiration date for annual FCV participation. The following steps are required during the online renewal process:

- Submit valid FCV approved personal photo identification (see Appendix B)
- Review and update application information
- Sign Constable Precinct 1 Background Check Acknowledgement
- Submit to a Law Enforcement Background check (see Appendix C)
- Accurately complete the online FCV Program renewal application
- Sign FCV Program Affidavit
- Pay the nonrefundable \$75 FCV Program Annual Fee

VIII. Approval of Application or Renewal for FCV Program Participation

The FCV Program will notify new applicants and renewal applicants via email of **approval** to participate in the program. Approved applicants must go to Harris County Customer Service; 1310 Prairie St; Suite 140; Houston, TX 77002 where staff will take a digital photo of all applicants. Approved applicants will receive an FCV Card.

Whenever the FCV program adopts **new technology** to identify FCV Program participants to permit bypass of the metal detectors and X-Ray machines to enter secure areas of Harris County Courthouse Facilities, FCV new applicants and renewal applicants are required to enroll in the new FCV technology program. **Failure to enroll in any new FCV technology program will result in revocation of FCV privileges.**

IX. Denial of an FCV Program Participation - Appeal

- The FCV Program will notify new applicants and renewal applicants via email of **denial** to participate in the program. The notice will state the reason for the denial.
- Denied applicants have 30 days from the date of notification of denial to appeal the decision.
- Denied applicants may appeal the decision to the Harris County FCV Oversight Committee by logging into their FCV application and navigating to the Appeal Tab. The appeal must include the necessary documentation indicating special circumstances not previously stated in their denied application that would warrant reconsideration.
- The FCV Appeal Committee will review the requests for appeal and render a decision to the applicant within 90 days. The FCV Appeal committee shall consist of the individual members of the FCV Oversight Committee or their designees. Designees will have the same authority to vote on appeals as the member of the FCV Oversight Committee member who designates them. The granting or denial of appeals requires a majority vote of FCV Appeal Committee members or their designees. Applicants will receive the decision via email. Appeal decisions are final.
- Appeal denied applicants may reapply for FCV Program participation 6 months after the date the appeal is filed. **Disqualified appeal applicants are not eligible to reapply to the FCV program.**

X. Display and Presentation of the FCV Card

FCV participants are always required to carry their FCV card while in Harris County Courthouse facilities. FCV Program participants shall present and clearly display their FCV Card upon request by Harris County Courthouse security personnel and peace officers. Failure to display your FCV Card upon request will result in denial of access to the building through the FCV portal and/or removal from secure areas of the Harris County Courthouse facilities and/or revocation of FCV privileges.

XI. Use of FCV Card

FCV participants shall not allow another individual to use their FCV Card. **To do so may result in revocation of FCV privileges for at least one year.**

XII. Lost or Stolen FCV Card

If a participant's FCV card is lost or stolen, follow the listed procedure to obtain a new card:

- Immediately report to Harris County Customer Service that their FCV Card has been lost or stolen.
- Sign an affidavit that their FCV Card has been lost or stolen at Harris County Customer Service.
- Pay the non-refundable FCV Card replacement fee of \$50.

XIII. Weapons Policy

FCV participants are **prohibited** from carrying or possessing any firearm, knife, explosive device, electronic conducting weapon (commonly known as a taser or stun gun) or any other weapon in Harris County Courthouse facilities. **Violation of this rule will result in permanent revocation of FCV privileges.**

XIV. Policy Regarding an FCV Participant and Civil Litigation and Criminal Charges and Convictions.

FCV applicants are required to reveal during the FCV Application process whether they are a party to a pending litigation in any Civil, Family, Juvenile or Probate Harris County court. Party for purposes of this section means the applicant is an actual party to the suit, not a lawyer. FCV applicants are required to reveal during the FCV Application process whether they are a defendant in a pending criminal case or have a criminal conviction in any jurisdiction as defined in Appendix C.

Failure to report oneself as a party to pending litigation in any Civil, Family, Juvenile or Probate Harris County court or a defendant with pending Criminal Charges or prior Criminal Convictions during the FCV Application process will result in denial of FCV privileges.

FCV participants are required to promptly notify Harris County Customer Service by email to fcv@us.hctx.net upon becoming a party to litigation in any Civil, Family, Juvenile or Probate Harris County court, or becoming a defendant in a new Criminal Charge or upon conviction of a criminal offense not reported during the application process.

Failure to report a new litigation whether civil, criminal, family, juvenile or probate in a Harris County court may result in revocation of FCV participation.

Any FCV participant who is a party to a lawsuit involving a divorce, child custody or child support pending in any court in Harris County shall not use an FCV card to gain access to any courthouse to attend any

setting of their pending lawsuit. The FCV Oversight Committee and FCV Administrator reserve the right to impose a condition of non-use of an FCV card to gain access to a courthouse to attend settings of other kinds of pending litigation where the FCV applicant is a party.

XV. SUSPENSION OR REVOCATION OF FCV PARTICIATION

The Frequent Courthouse Visitors Program reserves the right to suspend or revoke FCV Privileges at any time. FCV Participation can be suspended or revoked for violation of the FCV policy, for an arrest or conduct that disqualifies an FCV Card holder from participation in the Program or any conduct or circumstance made known to the FCV administrator or FCV Oversight Committee that indicates an FCV Participant is disrupting the orderly conduct of the business of a Harris County court or a Harris County office or agency. The FCV Administrator has authority to suspend FCV privileges. The FCV Program will notify an FCV Participant by phone, email or mail of suspension of FCV Privileges. Appeal of suspension of FCV privileges can be submitted to the FCV Oversight Committee by logging into their FCV application and navigating to the Appeal Tab following the same procedure set forth in section IX of the FCV Policy. The FCV Administrator will present information regarding the circumstances leading to suspension of FCV Participation to the FCV Oversight Committee at the next regularly scheduled meeting of the Committee. The FCV Oversight Committee may end the suspension, extend the suspension or permanently revoke of FCV privileges. FCV participants whose FCV privileges have been suspended or revoked are required to immediately turn in their FCV card to Harris County Constable PCT 1 personnel. **Harris County Constable PCT 1 reserves the right to confiscate an FCV card where PCT 1 personnel reasonably believes an FCV participant has engaged in conduct that would warrant suspension or revocation.** Failure to turn in an FCV Card upon demand to Harris County Constable PCT 1 personnel will result in a permanent disqualification from the FCV program.

XVI. MISCELLANEOUS

THE FCV PROGRAM WILL UPDATE THE LAW ENFORCEMENT BACKGROUND CHECK PERIODICALLY AS LONG AS A PERSON IS AN FCV PARTICIPANT.

COMPLETION OF THE ONLINE APPLICATION DOES NOT GUARANTEE APPROVAL TO PARTICIPATE IN THE FREQUENT COURTHOUSE VISITORS PROGRAM.

SHOULD THERE BE ANY CHALLENGE BY AN FCV PARTICIPANT OR APPLICANT TO THE VALIDITY OF THE LAW ENFORCEMENT BACKGROUND CHECK, THE FCV PROGRAM AND HARRIS COUNTY CONSTABLE PRECINCT 1 RESERVE THE RIGHT TO REQUIRE THE FCV PARTICIPANT OR APPLICANT TO SUBMIT FINGERPRINTS BY A PROCEDURE APPROVED BY THE FCV PROGRAM AND HARRIS COUNTY CONSTABLE PRECINCT 1 TO RESOLVE THE CHALLENGE.

THIS DOCUMENT SUPERSEDES AND REPLACES ALL PREVIOUS VERSIONS OF FCV PROGRAM POLICY.

Appendix A – FCV Program Fee Waived

The following class of applicants are not required to pay the annual FCV fee:

- Child Advocate Volunteer
- Commissioner’s Court Appointees to Boards and Committees
- Criminal Investigator assigned to Harris County District Attorney’s Office
- Current Municipal, County or Federal Elected Official
- Floating Court Reporters
- Former Harris County Elected Officials
- Former Judges and Associate Judges
- Harris Center Forensic Services Division employee
- Harris County Appraisal District Legal Services and Special Audit Depts.
- Harris County Dispute Resolution Center employee
- Harris County Protective Services employee
- Houston Forensic Science Center or Crime Lab testifying witness
- Intern for Harris County Judge, Elected Official or Agency Head
- Law Clerk for Harris County Courts
- Second Administrative Judicial Region IV-D Court staff
- Tax Court Master
- Texas Attorney General employee
- Texas Court System employee with office in Criminal Justice Center
- Texas Department of Family and Protective Services employee
- United States Attorney assigned to Harris County District Attorney’s Office
- Volunteer for Harris County Court Program

Appendix B – Approved Forms of Personal Identification

- State issued valid driver’s license with current home address and recognizable photo
- State issued valid non-driver ID card with current home address and recognizable photo
- Applicants with personal Identification that does not contain a current home address are required to provide verifiable proof of current address.

Appendix C – Criminal History defined for purpose of the FCV Application - All applicants are required to disclose criminal history during the application process. **Criminal history** includes any non-expunged arrest, charge or conviction above a Class C misdemeanor from any jurisdiction regardless of the age of the case and regardless of the outcome of the case including, but not limited to, dismissals, deferred adjudication, probation, confinement and non-disclosed cases.

Revisions approved by FCV Oversight Committee 6/17/2020.

Revised FCV Policy will take effect 7/1/2020.