

# **Alamance County**

## **Historic Courthouse**

### **Facility Use Policy**

#### Guiding Principles:

- The public areas of the Historic Courthouse are presumed to be open to the public for lawful purposes, including free expression.
- Historic Courthouse Facility Reservations are available to all persons or organizations, regardless of message to be conveyed, on a first-come, first-served basis. The Alamance County Sheriff's Office will not deny any permit based on the person, organization, or message conveyed.
- As a working courthouse, access to the Interior Spaces of the Historic Courthouse is of vital importance to the public.
- Alamance County possesses compelling interests in maintaining public property in a clean and usable condition, coordinating multiple uses of limited space, and ensuring that sidewalks and public property remain safe and accessible.
- Law enforcement officers have a duty to enforce the criminal laws of the United States.
- In order to safeguard the open use of the Historic Courthouse and the free expression of beliefs, limited time, manner, and place restrictions are appropriate.
- Public safety may require flexibility to respond to specific articulable threats. As a result, this policy addresses "presumptions." These presumptions are the default policy and may be suspended in response to a specific articulable threat.
- While permits are necessary to reserve a space, permits are not required for expressive activity on the courthouse sidewalks, landings, and south entrance steps, whether during or outside of courthouse hours. During courthouse hours, expressive activity may also occur in the reserved parking space, but only with a permit. Outside of courthouse business hours, a permit is not required for expressive activity in the reserved parking space, the west entrance steps, or the east entrance steps. Permits must always be obtained for protest on the north steps, the public parking spaces, and the lawn, trees, and landscaping.

#### Location Concerns:

The Alamance County Historic Courthouse is located inside a traffic circle in the middle of Main Street in Graham, North Carolina. Main Street is also designated as N.C. Highway 87. This is a state highway which carries significant traffic, including large tractor trailer trucks and other commercial vehicles. The presence of traffic in close proximity to areas open for free expression creates challenges for access to the Historic Courthouse.

Additionally, the Historic Courthouse is a working courthouse housing a Superior Court courtroom, small claims/special proceedings courtroom and Clerk of Superior Court's offices. The entrance on the North side of the Historic Courthouse is the main public entrance. The doors on the East, West, and South sides are exit doors only. Emergency egress from all four doors requires open access and should not be blocked under the fire code. The North entrance is the only handicap accessible entrance and is the location for the security screening station. The other entrances do not have suitable space for security screening.

The location of the Historic Courthouse requires coordination and interaction between multiple government agencies. Maintenance of the building and courthouse lawns is the responsibility of the County. Security for the Historic Courthouse is provided by the Alamance County Sheriff's Office. The City of Graham maintains landscaping in the adjacent park and the sidewalks in front of the businesses surrounding the historic courthouse. The North Carolina Department of Transportation maintains the roadway that circles the Historic Courthouse. Coordination between the various requirements of each of these agencies presents a communication and logistical challenge.

#### Identification of Historic Courthouse Zones:

##### Base Zones:

- Interior Spaces: The Historic Courthouse contains the main offices for many of the Judicial System functions in Alamance County. The interior spaces of the Historic Courthouse are not included within this policy.
- Sidewalks: The Historic Courthouse is encircled by a sidewalk. This sidewalk crosses in front of each set of Entrance Steps. Sidewalks are presumed to be open for free expression.
- Streets/Roadways: The streets around the Historic Courthouse see a significant volume of traffic and this traffic poses a threat to pedestrians. Under North Carolina law, pedestrian access to streets and roadways is restricted and governed by the motor vehicle laws.
- Crosswalks: The Historic Courthouse is located within a traffic rotary and is accessed by four crosswalks, one on each side. Under North Carolina law, crosswalks are part of the roadway and are governed by the motor vehicle laws.
- Public Parking Spaces: Public Parking is located on the outside of the sidewalk encircling the Historic Courthouse. Parking enforcement is the responsibility of the City of Graham. Parking spaces are not part of the sidewalk and are not presumed to be open for free expression, unless otherwise permitted.
- Reserved Parking Spaces: A reserved parking space, including vehicular access to the parking space across the crosswalk, is located directly adjacent to the Confederate Monument. This space is clearly marked and is reserved for the use of the presiding

Superior Court judge. The Reserved Parking Space is presumed to be closed to free expression during business hours, unless otherwise permitted. After business hours, the Reserved Parking Space is presumed to be open for free expression.

- Confederate Monument: The Confederate Monument consists of a statue, obelisk, and base surrounded by a fenced and landscaped border and enclosed by a concrete curb. The Confederate Monument is not open to the public.
- North Entrance Steps: The North Entrance Steps are the only secure access to the Interior Spaces of the Historic Courthouse. The North Entrance Steps begin on the first riser above ground level and continue up to the front of the portico of the Historic Courthouse. The accessibility ramp and stringers are included within the definition of North Entrance Steps. During hours when the Historic Courthouse is open for business, the North Entrance Steps are not open for free expression. When the Historic Courthouse is closed, the North Entrance Steps are open for free expression by permit only.
- North Entrance Landing: The flat area between the sidewalk and the North Entrance Steps is the North Entrance Landing. This area is presumed to be open for free expression. Unobstructed access to courthouse entrances and exits is critical for the safe and orderly operation of the courthouse. Obstruction of entryways is not permitted.
- South Entrance Steps: The South Entrance Steps begin on the first riser above ground level and continue up to the front of the portico of the Historic Courthouse. The stringers are included within the definition of South Entrance Steps. The South Entrance Steps are presumed open for free expression. Unobstructed access to courthouse entrances and exits is critical for the safe and orderly operation of the courthouse. Obstruction of exits is not permitted.
- South Entrance Landing: The flat area between the sidewalk and the South Entrance Steps is the South Entrance Landing. This area is presumed to be open for free expression. Unobstructed access to courthouse entrances and exits is critical for the safe and orderly operation of the courthouse. Obstruction of exits is not permitted.
- West Entrance Steps: The West Entrance Steps begin on the first riser above ground level and continue up to the entrance door of the Historic Courthouse. The stringers are included within the definition of West Entrance Steps as are the basement access areas on either side. During hours when the Historic Courthouse is open for business, the West Entrance Steps are not open for free expression. During hours when the Historic Courthouse is closed, the West Entrance Steps are presumed to be open for free expression. Obstruction of exits is not permitted.
- West Entrance Landing: The flat area between the sidewalk and the West Entrance Steps is the West Entrance Landing. This area is presumed to be open for free expression. Unobstructed access to courthouse entrances and exits is critical for the safe and orderly operation of the courthouse. Obstruction of exits is not permitted.
- East Entrance Steps: The East Entrance Steps begin on the first riser above ground level and continue up to the entrance door of the Historic Courthouse. The stringers are included within the definition of East Entrance Steps, as are the basement access areas on either side. During hours when the Historic Courthouse is open for business, the East Entrance Steps are not open for free expression. When the Historic Courthouse is

closed, the East Entrance Steps are open for free expression. Obstruction of exits is not permitted.

- East Entrance Landing: The flat area between the sidewalk and the East Entrance Steps is the East Entrance Landing. This area is presumed to be open for free expression. Unobstructed access to courthouse entrances and exits is critical for the safe and orderly operation of the courthouse. Obstruction of exits is not permitted.
- Lawn, Trees, and Landscaping: The lawn, trees, and landscaping around the Historic Courthouse are ornamental only. Due to risk of damage to the landscaping, areas covered by vegetation are open to free expression by permit only.
- Temporary Structures/COVID-19 Response Areas: Due to the presence of COVID-19 in the community and at the direction of the Chief Justice of the North Carolina Supreme Court, structures or other areas may be set up to provide for COVID-19 screening to persons entering the Historic Courthouse. These structures or areas are not open for public use, except when operated for COVID-19 screening purposes. Other temporary structures erected by Alamance County for governmental operations are not open for free expression.

#### OVERLAY ZONES

- North Entrance Plaza Overlay Zone: The area between the North Entrance Steps and the Reserved Parking Spaces, including Sidewalks, is designated as the North Entrance Plaza. This area is presumed to be open for free expression subject to the rules of the underlying zone.
- Temporary Access Restriction: A Temporary Access Restriction is a temporary measure to resolve a specific articulable threat occurring during a Large Gathering. In response to a specific threat to public safety, the commanding officer on the scene may declare the imposition of a Temporary Access Restriction in the immediate area in which the public safety threat is occurring. The imposition of a Temporary Access Restriction allows law enforcement personnel to direct all non-law enforcement individuals to vacate the immediate area, and to impose additional public safety requirements until the threat requiring the imposition of the Temporary Access Restriction has been resolved.

#### Organized Gatherings:

The Alamance County Sheriff's Office encourages free expression of ideas. No permit is required for spontaneous gatherings, but notification to ACSO officials and reservation of County facilities is required to reserve a space on the Historic Courthouse grounds. A reservation system allows for the coordination of multiple uses of limited space, assurance of preservation of the courthouse facilities, and prevention of uses that are dangerous, unlawful, or impermissible under North Carolina law. Space on the historic Courthouse grounds may be reserved from 8 a.m. to 9 p.m. each day. If a reservation is requested during hours when Superior Court is in session, applicants are advised that the presiding judge may impose additional requirements.

Historic Courthouse Facility Reservations are available to all persons or organizations, regardless of message to be conveyed, on a first-come, first-served basis, except as detailed below. Completed applications will be processed in the order received, regardless of message to be conveyed. The Alamance County Sheriff's Office will not deny any permit based on the person, organization, failure to pay the reservation fee, or message conveyed.

It is presumed that organized gatherings will be allowed. However, the Alamance County Sheriff's Office may deny an application for a reservation permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The ACSO may also deny an application for permit on any of the following grounds:

- the application for permit (including any required attachments and submissions) is not fully completed and executed;
- the applicant has not tendered the required reservation fee or fee waiver with the application within the times prescribed;
- the application for permit contains a material falsehood or misrepresentation;
- the applicant is legally incompetent to contract or to sue and be sued;
- the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Alamance County property and has not paid in full for such damage;
- a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular zone or part hereof;
- the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by Alamance County or the judicial system and previously scheduled for the same time and place;
- the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the Historic Courthouse grounds, of law enforcement, county or judicial system employees or of the public.

In order to ensure proper staffing, as much advanced notice as possible is requested. In any event, organized gathering reservation applications will not be accepted less than 72 hours prior to the start of the event. For those applications submitted more than 14 days in advance of the requested reservation, the Alamance County Sheriff's Office will provide an initial response to permit applications within 7 days of application receipt. For those applications submitted less than seven days prior to the requested reservation, the ACSO will provide a response within 3 business days and in no event later than 24 hours prior to the start of the event.

Applications must include preferred contact information for the applicant. The Alamance County Sheriff's office will respond to the application through the information provided with any approval, denial, or additional questions or concerns. If the ACSO does not respond within the time allowed, the application will be deemed approved.

After issuance, permits may be retrieved from the Alamance County Sheriff's Office or the permit form may be transmitted to the preferred contact information. Copies of approved and denied permit will be sent to the Historic Courthouse, but applicants are advised to keep permits on-site during permitted events. An application form with more specific rules and requirements can be obtained from the Alamance County Sheriff's Office website.

In addition, organized gatherings may require notice to other agencies, such as the City of Graham or the North Carolina Department of Transportation. These agencies may have their own rules regarding use of their facilities. To the extent possible, the Alamance County Sheriff's Office will try to coordinate its requirements with those of other agencies.

If the date and/or location requested is not available, or if the requested location is not an appropriate site to conduct the proposed event, the ACSO will contact the applicant to explain concerns with the application and suggest an alternate time or location on the Historic Courthouse grounds, if possible. Confirmation will be in the form of a permit, issued to the organization and/or person responsible for the event. Submission of an application is NOT approval to hold the planned event. If a permit is denied, specific reasons for the amendment or denial will be provided.

If you have any questions about a particular event or activity and whether a permit is required, please contact the Alamance County Sheriff's Office.

## Spontaneous Gatherings

### 1. Small Gatherings

Small gatherings, whether by individuals or small groups, at the Historic Courthouse grounds are expressly allowed and encouraged as a necessary element of a free society. Alamance County supports those rights and will endeavor to protect peaceful gatherings from any type of violence toward them. If anyone has questions or concerns about their right or ability to gather please feel free to approach a deputy. They are here to help.

Small Gatherings for free expression purposes does not grant any person or group the exclusive right to use the public space in which the gathering is happening. Likewise, a Small Gathering does not grant any person or group the right to exclude others from the zone in which they may be gathering. Other groups, including those with opposing views, may be present and may be exercising their free expression rights as well. These viewpoints may be conflicting and tensions may escalate. If the situation escalates, law enforcement personnel may intervene to keep the peace. However, it is presumed that

Small Gatherings will be peaceful. Law enforcement should intervene only in response to a specific articulable threat to public safety.

Small gatherings are presumed to be allowed without restriction on the Sidewalks, Landings, and South Entrance Steps. These Small Gatherings will follow the rules of the underlying zone where the Small Gathering occurs.

## 2. Large Gatherings

Spontaneous gatherings at the Historic Courthouse grounds are expressly allowed and encouraged as a necessary element of a free society. As crowds grow larger, the ability of law enforcement to ensure the free expression rights of those present may be impacted. Therefore, when more than 15 people have gathered at the Historic Courthouse, it is presumed that a Large Gathering is occurring. The number of individuals necessary to constitute a Large Gathering may be increased depending on the presence of law enforcement personnel, but will not be decreased below 15.

If a Large Gathering is occurring, the presumption is that this Large Gathering will be peaceful and shall be allowed under the same rules and in the same zones as Small Gatherings. However, in response to specific articulable threats to public safety, the commanding officer may declare a Temporary Access Restriction. Other restrictions in furtherance of public safety may also be imposed to secure public safety, as determined by on-scene law enforcement personnel in response to the specific threat to public safety identified. In the event that that public safety restrictions are imposed, the commanding officer on the scene will document the facts giving rise to the restrictions and the restrictions imposed as soon as practicable.

Large gatherings are presumed to be allowed on the Sidewalks, Landings, and South Entrance Steps. These Large Gatherings will follow the rules of the underlying zone where the Large Gathering is occurring.

## ENFORCEMENT

The purpose of these procedures is to outline the enforcement of North Carolina General Statutes in reference to the Historic Courthouse. The intent of these procedures is to preserve the ability of individuals to exercise free expression, maintain the peace, protect public property, and prevent injury to the public. This is not an inclusive list of all that may apply. Items detailed in

this procedure are to assist in identifying possible relevant enforcement actions but are by no means the only actions to be considered.

- Enforcement will be conducted utilizing an enforcement continuum wheel rather than a ladder. Actions of violators may result in an enforcement action anywhere on the wheel.
- Violators will be provided an explanation as to the violation of law being committed and requested to refrain from continuing the conduct or to relocate. Deputies should not turn the interaction into a debate. The intent of this process is to deescalate and secure compliance rather than enforcement. Enforcement should be at a last resort, unless immediate action to preserve public safety is required.
- In the event enforcement action is required, failure to comply with a lawful request may result in the issuance of a written warning. In order to issue a written warning, the deputy must determine the identity of the violators and issue the warning. Deputies working this assignment should have access to warning tickets.
- Failure to comply after a written warning may result in an arrest for the violation.

## APPENDIX A

Examples of Relevant General Statutes:

### **§ 14-132. Disorderly conduct in and injuries to public buildings and facilities.**

- (a) It is a misdemeanor if any person shall:
  - (1) Make any rude or riotous noise, or be guilty of any disorderly conduct, in or near any public building or facility; or
  - (2) Unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public place; or
  - (3) Commit any nuisance in or near any public building or facility.
- (b) Any person in charge of any public building or facility owned or controlled by the State, any subdivision of the State, or any other public agency shall have authority to arrest summarily and without warrant for a violation of this section.
- (c) The term "public building or facility" as used in this section includes any building or facility which is:
  - (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or
  - (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.
  - (3) Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987.
- (a) The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.
- (d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who violates any provision of this section is guilty of a Class 2 misdemeanor.

### **§ 14-288.4. Disorderly conduct.**

- (a) Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:
  - (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.
  - (2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.

### **§ 20-174.1. Standing, sitting or lying upon highways or streets prohibited.**

- (a) No person shall willfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic

**§ 14-223. Resisting officers.** If any person shall willfully and unlawfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his office, he shall be guilty of a Class 2 misdemeanor.

**§ 14-159.13. Second degree trespass**

(a) Offense. – A person commits the offense of second degree trespass if, without authorization, he enters or remains on premises of another: (1) After he has been notified not to enter or remain there by the owner, by a person in charge of the premises, by a lawful occupant, or by another authorized person; or

**§ 14-127. Willful and wanton injury to real property.** If any person shall willfully and wantonly damage, injure or destroy any real property whatsoever, either of a public or private nature, he shall be guilty of a Class 1 misdemeanor.

**§ 14-288.5. Failure to disperse when commanded a misdemeanor; prima facie evidence.**

- (a) Any law-enforcement officer or public official responsible for keeping the peace may issue a command to disperse in accordance with this section if he reasonably believes that a riot, or disorderly conduct by an assemblage of three or more persons, is occurring. The command to disperse shall be given in a manner reasonably calculated to be communicated to the assemblage.
- (b) Any person who fails to comply with a lawful command to disperse is guilty of a Class 2 misdemeanor.
- (c) If any person remains at the scene of any riot, or disorderly conduct by an assemblage of three or more persons, following a command to disperse and after a reasonable time for dispersal has elapsed, it is prima facie evidence that the person so remaining is willfully engaging in the riot or disorderly conduct, as the case may be.