

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF ARMING )  
COURT SECURITY PERSONNEL )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 2023-160

**WHEREAS**, Arizona Supreme Court Administrative Order 2005-32 authorizes the Presiding Judge to establish court security policies and procedures to provide a safe work environment for judicial employees, litigants and users of the court; and

**WHEREAS**, the Department of Court Security, also known as the Judicial Branch Security Department, has demonstrated that arming court security officers assigned to specific locations within the Judicial Branch is necessary for defensive purposes; and

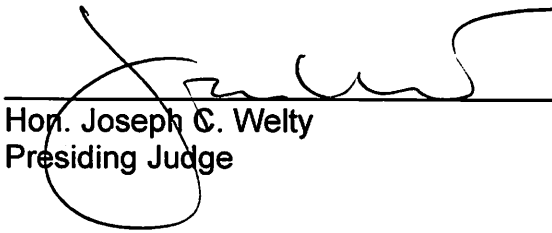
**WHEREAS**, the Maricopa County Justices of the Peace and the Chief Adult Probation Officer agree that having an armed presence at certain stand-alone Justice of the Peace and Adult Probation Department locations will significantly increase safety and security;

**IT IS ORDERED** authorizing the arming of Court Security Officers at certain stand-alone Justice of the Peace and Adult Probation Department locations pursuant to the attached policy and requirements. If Court security personnel will regularly be armed at a specific Justice of the Peace and Adult Probation Department locations, the Security Director shall notify the local law enforcement agency that Court Security Officers may be armed.

**IT IS FURTHER ORDERED** authorizing Court Security Officers to carry firearms at other locations and/or specified events as approved by the Presiding Judge of the Superior Court and pursuant to the attached policy and requirements.

**IT IS FURTHER ORDERED** rescinding Administrative Order No. 2015-054.

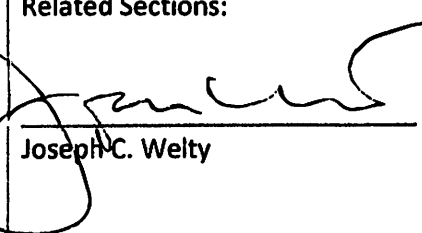
Dated this 2<sup>ND</sup> day of November, 2023.

  
\_\_\_\_\_  
Hon. Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Superior Court Judges and Commissioners  
Justices of the Peace in Maricopa County  
Hon. Jeff Fine, Clerk of Superior Court  
Raymond Billotte, Judicial Branch Administrator  
Michael Cimino, Chief Adult Probation Officer  
Christopher Reams, Justice Court Administrator  
Sean Gibbs, Judicial Branch Security Director

# SUPERIOR COURT OF MARICOPA COUNTY

<b>Section:</b> JBS-002	<b>Pg. 1 of 24</b>	<b>Attachments 4</b>	<b>Original Date:</b> 5/21/2015
<b>Subject:</b> Arming of Court Security Officers in the Judicial Branch Security Department			<b>New:</b> _____ <b>Addl</b> _____
<b>Policy:</b> X	<b>Procedure:</b> X	<b>Information:</b> X	<b>Revision Date:</b> <u>Aug. 7, 2023</u> (previously HR-330)
<b>Policy Authority:</b> Arizona Revised Statute (ARS) 12-299.10, Court Security Officer (CSO) Certification; Powers and Duties; ARS 13-402 (Execution of Public Duty); ARS 13-403 (Use of Physical Force); ARS 13-404 (Self Defense); ARS 13-405 (Use of Deadly Physical Force); ARS 13-406 (Defense of a Third Person); ARS 13-408 (Use of Force in Defense of Property); ARS 13-409 (Use of Physical Force in Law Enforcement); Supreme Court Administrative Order 2005-32; Supreme Court Administrative Order No. 2017-079 (Extends the authority to the Superior Court Presiding Judge to establish court security policies and procedures to provide a safe work environment for Judges, Commissioners, employees, stakeholders and visitors to the Court). Supreme Court Administrative Directive 2020-01; Arizona Supreme Court Code of Judicial Administration (ACJA) § 5-301 (Court Security Standards); ACJA § 5-302 (CSO Powers and Duties); ACJA § 5-303 (Personnel Practices); ACJA § 5-304 (Training and Certification); ACJA § 5-305 (Use of Force); ACJA § 5-306 (Firearms); Superior Court of Arizona in Maricopa County Administrative Order 2013-165 (In the Matter of Court Security in the Trial Courts of Maricopa County); Superior Court of Arizona in Maricopa County Administrative Order 2015-054 (Arming Court Security Personnel); Judicial Merit System Resolution and Rules (JMSRR); Maricopa County Superior Court policy HR-319 and HR-331. Approved by Superior Court of Maricopa County Judicial Executive Committee on 6/15/2022.			<b>Related Sections:</b>   Joseph C. Welty

## I. POLICY

The possession and/or use of a firearm carries with it serious legal and moral accountability and responsibility. It is therefore the policy of the Judicial Branch of Arizona in Maricopa County that a firearm may only be carried by authorized Court Security Officers (CSO) assigned to specific court facilities or at other locations and/or events, as authorized by the Presiding Judge and approved by the Judicial Branch Administrator, for defensive purposes and defense of others in accordance with this policy. To establish and define the policy and procedures of the Judicial Branch Security Department (JBSD) regarding the legal authority and regulations for CSOs to carry firearms, the use of deadly force, the handling, use, and storage of firearms, training and qualification requirements, and reporting and investigation of shooting incidents. It is the expectation of the Judicial Branch and the JBSD that CSOs shall act in a professional manner reflecting the mission and goals of the JBSD. Upon completion of training, CSOs are issued safety equipment as tools to allow them to protect the Court, defend themselves, others, and withdraw from potentially dangerous situations in order to preserve life and safety. CSOs shall only carry a firearm when authorized to do so in accordance with this policy and ACJA requirements.

- A. All CSOs will be trained on policies and procedures regarding firearms utilization, discharges and/or firearms involved incidents.
- B. The fact that a CSO may be armed will not be the primary determinant of whether or not the CSO responds to a given situation or whether the CSO should remain at the scene of a potentially dangerous situation.
- C. The determination of when and under what conditions a CSO should become involved in cooperative efforts with a law enforcement agency will be based on safety and tactical judgment based on the situation.
- D. The JB Administrator shall authorize a firearm for defensive purposes under the following guidelines:
  - 1. CSOs shall only carry a firearm when authorized to do so in accordance with this policy and ACJA requirements.
  - 2. The JBSD Director may require armed CSOs to staff certain security posts.
  - 3. The JBSD Director in coordination with the Judicial Branch Administrator shall determine when CSOs are authorized to carry a firearm based on the tasks and functions of their position.
  - 4. The JBSD Director shall not order an CSO to carry a firearm. The JBSD Director may require the transfer of an unarmed CSO to another job assignment if the current job assignment requires an armed CSO.
  - 5. CSOs authorized to carry shall be equipped with the JBSD-issued firearm at all times while on-duty unless otherwise indicated pursuant to this policy and at the JBSD Director's request.
  - 6. CSOs authorized to carry shall only use their duty firearm(s), magazine, and ammunition approved and issued by the JBSD.
  - 7. CSOs are strictly prohibited from carrying personally owned firearms on court grounds and while on duty even if they are authorized to carry a JBSD-issued firearm. Personally-owned firearms will never be brought on Judicial Branch grounds or stored at a Court facility.
- E. CSOs authorized to carry a JBSD-issued firearm who transfer to a non-carry assignment shall turn in their firearm to the JBSD Equipment Manager but may keep their certification current.
- F. CSOs are strictly prohibited from carrying a JBSD-issued firearm to any JBSD-required training sessions unless it is required training equipment and stipulated in JBSD reporting instructions for the training session.

## **II. APPLICABILITY**

This policy applies to employees assigned as CSOs and other designated staff positions in the JBSD who have completed the Arizona CSO Training Academy.

## **III. DEFINITIONS**

- A. **Administrative Leave:** The status of an employee when leave with pay is granted during a period of absence as authorized by the Judicial Branch Administrator.
- B. **Armorer:** An individual who is manufacturer-certified to be responsible for the maintenance and repair of JBSD-issued firearms.
- C. **Certified Firearms Instructor (CFI):** An individual trained in accordance with national law enforcement firearm training standards and approved by the Judicial Branch Administrator and the Administrative Office of the Courts (AOC).
- D. **Court Security Officer (CSO):** All uniformed JBSD employees to include line officers, sergeants, regional managers, specialty positions, JBSD Deputy Director and JBSD Director who are CSO-trained and certified by the AOC.
- E. **Deadly Physical Force:** Force that is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical

injury.

- F. **Deadly Weapon:** Anything designed for lethal use including a firearm.
- G. **Disciplinary Action:** The corrective action taken by a supervisor in the JBSD chain of command or the Judicial Branch Administrator against an employee, including but not limited to verbal counseling, written counseling, written reprimand, notice of charges, suspension, demotion, or dismissal.
- H. **Firearms:** Either a handgun or long gun.
- I. **Automated Training System:** A system that visually presents situations the CSO may encounter in the CSO's duties and requires the CSO to make use of force decisions relating to the use of a firearm such as Firearm Automated Training Systems (FATS) or MILO Simulation.
- J. **Firearms Involved Incident:** An event in which an CSO discharges a duty firearm, is victimized by a firearm, or a CSO elects to unholster their firearm during an incident.
- K. **Fully Loaded:** The condition of a JBSD-issued firearm when the magazine is filled to capacity, loaded in the handgun and there is one round in the chamber.
- L. **Handgun:** A pistol as approved by the AOC for use by trained and qualified CSOs.
- M. **Immediate Threat:** The subject poses a risk of instant harm or attack with the elements of jeopardy, opportunity, and ability.
- N. **Incident Investigator:** The person or persons designated by the JBSD Director to investigate a firearms-involved incident. May include the JBSD Deputy Director, regional Security Manager, Safety Representative, a member of the Threat Assessment Group, the Use of Force Review Board, or any other person designated by the JBSD Director or designee.
- O. **Intentional Discharge:** A non-training discharge of a JBSD-issued firearm by a CSO where the employee believes the firearm is loaded and consciously performs all of the actions necessary to cause a discharge.
- P. **Lead Firearms Instructor (LFI):** A firearms instructor who has demonstrated advanced knowledge and performance in these areas and is approved by the AOC Education Services Division Manager and the JBSD Director. A LFI is responsible for ensuring that only the AOC or JBSD-approved curriculum is taught and has oversight and administrative responsibilities during a Firearms Academy. These responsibilities include, but are not limited to, class safety; testing; daily organization; incident reports; and/or any medical issues that may arise during any class. LFIs function as class instructors and may be called upon to assist in training new instructors. LFIs also may serve as subject matter experts to assist with JBSD firearm committees.
- Q. **Life-Threatening:** Actions that may cause serious bodily injury or death.
- R. **Lock Box:** Refers to the JBSD-gun storage locker or containers at Court entry points to secure JBSD-issued firearms during non-duty hours or when not in use.
- S. **CSO-Involved Shooting:** Any discharge of a JBSD-issued firearm by a CSO, intentional or unintentional except for in a training environment at the firing range.
- T. **Off-Duty:** The time period during which an employee is not performing CSO duties or functioning at the direction of the JBSD.
- U. **On-Duty:** The time period during which a CSO performs security duties or is functioning at the direction of the JBSD. This includes normal working hours to which a CSO has been assigned and whenever he or she is called back to duty by a supervisor or his or her job assignment and required to respond to a security-related situation.
- V. **Safety Sensitive Position:** A job designated by an employer as "safety sensitive" because it includes tasks or duties that if performed under the influence of drugs or alcohol could affect the safety or health of the employee or of others.
- W. **Safety Supervisor:** A designated supervisor employed by the JBSD who is certified in one or more of the following: Defensive Tactics Instructor (DTI), CFI or LFI.

- X. **Serious Physical Injury:** Physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.
- Y. **Storage Safe:** JBSD-approved gun and ammunition storage safes located in the JBSD Armory and selected JBSD-assigned vehicles.
- Z. **Suspension:** The temporary removal of a CSO for disciplinary reasons.
- AA. **Unintentional Discharge:** The discharge of a JBSD-issued firearm by a CSO that is either on or off duty, where the firearm discharges by an action of the employee without the CSO's intent to cause a discharge or when the employee unconsciously acts to cause the firearm to discharge or when outside forces cause the discharge.
- BB. **Use of Force Review Board:** Employees trained in the use of force and/or CSO involved shooting incidents who are appointed by the JBSD Director. Generally, the team consists of a regional Security Manager, CFI or LFI, Safety Supervisor and the JBSD Deputy Director and will respond to use of force or shooting-related incidents, and/or may assist with investigations pertaining to these incidents.

#### **IV. REQUEST FOR AUTHORIZATION TO CARRY A HANDGUN**

- A. CSOs seeking authorization to carry a handgun and assigned to one of the JBSD-approved positions, shall initiate the request with their direct supervisor and regional leadership team. They will submit a written request to the JBSD Director utilizing Attachments 1 and 2 of this policy letter.
- B. The CSO must also provide written confirmation that the CSO attests to meeting the AOC's minimum requirements in ACJA § 5-303 which includes submitting to the following:
  - 1. a psychological evaluation;
  - 2. background screening;
  - 3. that they have no medical, psychological, or health condition including a physical or mental disability that substantially impairs their ability to responsibly carry a firearm or interferes with the safe use of or handling of a firearm;
  - 4. that they are not addicted to alcohol or prescription drugs;
  - 5. that they do not use unlawful narcotics or drugs or cannabis/marijuana and agree to submit to random and reasonable suspicion drug tests;
  - 6. that they will abide by all Court and JBSD policies and procedures regarding firearms.
- C. Prior to granting authorization, the JBSD Director shall confirm and document that the requesting CSO has:
  - 1. Cleared the internal JBSD review process and the CSO's chain of command concur with taking the necessary steps to be armed.
  - 2. Completed the JBSD Firearms Medical Declaration Form and the Firearms Prescreening Form.
  - 3. Completed a criminal history records check. The CSO shall be immediately denied approval and not allowed to continue the process if the background check reveals any of the following:
    - a. The conviction or commission of a felony or an offense which would be a felony if committed in Arizona;
    - b. The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence, or domestic violence;
    - c. A violation of A.R.S. § 13-3112, concealed weapons permit or statutes governing firearms or lethal and non-lethal weapons;
    - d. The commission of a misdemeanor involving the carrying or use of a firearm;

- e. Arrest and conviction for an offense punishable as a felony or arrest for a misdemeanor involving the carrying or use of a firearm;
- f. Discharge of a firearm in violation of any municipal, county, or state law, regulation, or policy.
- g. A domestic violence related protection order under federal law (18 U.S.C. § 922 (g)(9)).
- 4. Completed psychological testing through the Judicial Branch Human Resources Department (JBHRD) that meets minimum standards established by ACJA 5-303 regarding the mental fitness to carry a firearm.
- D. Once the administrative prescreening has been completed which includes the completion of the Firearms Declaration Form, Firearms Prescreening Form, and approved by the Judicial Branch Administrator via the Firearms Approval Form, the CSO will be scheduled for the 40-hour AOC Basic Firearm Course and Use of Force courses.
- E. After the above requirements have been met and the CSO has completed the AOC's 40-hour AOC Basic Firearm Course and Use of Force courses. the JBSD Director will meet with the CSO and conduct a final review all administrative paperwork to include the background screening report, Firearms Medical Declaration Form, Firearms Prescreening Form and performance information regarding the CSO, including disciplinary information. After final approval is granted, any training report summaries shall be retained, and test results filed. All files associated with the JBSD Firearm Program will be filed separately from the JBSD personnel file. All test results and related records shall be treated as confidential and no one shall have access to these records other than the JBSD Director, CFI and LFI as authorized by this policy.
- F. The Judicial Branch Administrator, with input from the JBSD Director, has the sole discretion to approve or deny the request by a CSO to carry a firearm. The Judicial Branch Administrator has the sole discretion to remove the approval to carry a firearm at any time. The Judicial Branch Administrator is not required to provide any reason for the denial or loss of approval to carry a firearm. The decision of the Judicial Branch Administrator is final and is not subject to any legal or administrative review. The approval or denial shall be placed in the employee's personnel file. All screening and testing records with the exception of psychological reports shall be maintained by the JBSD Director and shall be considered confidential. Medical and psychological reports shall be retained by the JBHRD and will remain confidential.

## **V. AUTHORIZATION TO CARRY A FIREARM**

- A. Authorization to carry a handgun shall be in writing and subject to periodic review by the JBSD Director utilizing the JBSD Firearms Approval Form. The CSO shall indicate their understanding and acceptance of delineated conditions and this policy by signing the applicable forms. The authorization shall contain:
  - 1. Date of authorization;
  - 2. Training and certification received by the CSO and whether or not the CSO passed the handgun qualification at the range;
  - 3. Details of any special conditions dictated by the CSO's individual situation;
- B. The authorized CSO shall also agree to adhere to all State laws, ACJA requirements, administrative orders and JBSD policies and procedures arding the carrying and use of handguns including all laws relating to the use of force.
- C. All CSOs must store their assigned firearm in a lock box or a JBSD storage safe during non-duty hours or when not in use.
- D. CSOs who fail to comply with regulations and limitations are subject to disciplinary action up to and including loss of firearm authorization.
- E. CSOs granted authorization to carry a handgun shall successfully complete annual requalification and all

required practice sessions, as outlined below.

- F. The JBSD Director in coordination with the Judicial Branch Administrator and the JBHRD may order an authorized CSO to submit to an evaluation by a certified professional (e.g., licensed physician, psychologist, or psychiatrist) when the CSO is not adequately performing assigned job functions or when the CSO is experiencing problems which could affect job performance or the safety of the public or other employees.

## **VI. REQUIRED FIREARMS TRAINING AND QUALIFICATIONS**

- A. LFIs and the JBSD Firearms Trainer shall provide training in the safe and effective use of firearms that meets the following standards:
  - 1. Annual firearm training in:
    - a. Daylight conditions and qualification;
    - b. Low light conditions and qualification;
    - c. Tactical conditions;
    - d. Judgmental shooting simulation;
    - e. Range safety.
  - 2. Annual requalification will occur during the same month as the CSO's annual AOC's firearms academy qualification. If an CSO is unable to schedule during his or her requalification month, he or she must make a written request through the JBSD Training Section for an exception to the JBSD Director at least 60 days prior to their requalification month.
- B. The JBSD shall provide range equipment including eye and ear protection for use during training and qualifications.
- C. Although pregnant CSOs and nursing mothers are not allowed on the firing range due to lead and noise concerns, accommodations can be made for pregnant and nursing mothers in an effort to allow them the ability to maintain their firearms authorization. This is accomplished through the use of outdoor ranges, use of lead-free ammunition, and will be coordinated for scheduling through the JBSD Safety Supervisor, CFI or LFI. Any accommodation should be coordinated with JBHRD.
- D. CSOs shall comply with all of the CFIs' directives concerning firearms training and safety.
- E. CSOs shall attend a minimum of one on-duty, structured practice session per quarter as outlined below. A LFI or CFI has the option to mandate specific training as needed.
- F. The JBSD will allow on-duty practice sessions with a LFI or CFI under the following conditions:
  - 1. All range time shall be coordinated with the JBSD Training Section and supervised by a CFI or LFI.
  - 2. The CSO shall receive his or her supervisor's approval for time away from the assigned post.
  - 3. The CSO will practice with a JBSD-issued firearm only with direct oversight by a CFI or LFI.
  - 4. The JBSD will provide ammunition for practice sessions and must be conducted at an approved range.
  - 5. Practice sessions shall be observed by a CFI or LFI with feedback on the session provided to the CSO.
- G. CFIs or LFIs shall confiscate and take immediate control of the firearm of any CSO who exhibits inappropriate or unsafe behavior while on the range or of any firearm determined to be unsafe. In the event a firearm is confiscated, the CFI or LFI shall immediately notify the JBSD Training Section, who will consult with the CSOs chain of command to develop a plan that includes same-day notification to the JBSD Director to determine an appropriate course of action.
- H. All CSOs must store their assigned firearm in a lock box or a JBSD storage safe during non-duty hours or when not in use.
- I. CSOs are not authorized to carry and use a firearm during non-duty hours or away from Court campus unless

they obtain written authorization from the JBSD Director. If approved, the firearm must be transported in a safe manner utilizing a JBSD-assigned vehicle as indicated in firearms training.

- J. CSOs who voluntarily relinquish their firearms authorization status when they are otherwise qualified (e.g., severe injury, maternity leave) may have their authorization reinstated if they attend and successfully complete an annual qualification within 12 months of their last structured JBSD firearms training. If more than 12 months have elapsed since the CSO's last structured JBSD firearms training, the CSO must be reauthorized and go through the authorization process as outlined in this policy with approval from the Judicial Branch Administrator.
- K. CSOs who fail to successfully qualify during the initial firearms academy may attend remedial training at the discretion of the JBSD Director. All remediation training will be coordinated through the JBSD Training Section, LFI and/or a CFI. Attendance at such sessions is mandatory, and continued failure to qualify shall result in denial of authorization to carry a JBSD-issued firearm and may result in involuntary transfer from a mandatory-carry security post. This must be coordinated for approval to the Judicial Branch Administrator utilizing the JBSD Firearms Approval Form.
  - 1. Once authorization is given, CSOs who fail to re-qualify shall have their authorization to carry temporarily suspended until they complete the remedial training and re-qualify. Attendance at such sessions is mandatory, and continued failure to re-qualify shall result in denial of authorization to carry a JBSD-issued firearm and may result in involuntary transfer from a mandatory-carry position.
  - 2. CSOs must coordinate with the JBSD Training Section, LFI and/or a CFI for any additional range time or dry-fire practice required for continued certification. If an CSO's authorization to carry is temporarily suspended and the CSO does not feel safe performing his or her job duties, the JBSD Director will make a reasonable effort to temporarily re-assign the CSO to an alternate security post if needed.
- L. CSOs who fail to pass the written exam at the end of firearms training must attend remedial training in the classroom and then retest. Such CSOs shall not be authorized to carry a JBSD-issued firearm until they have passed the written exam and met all minimum AJCA, AOC and JBSD requirements.
- M. CSOs who fail to attend and/or participate in required practice sessions may have their authorization to carry a firearm revoked or temporarily suspended by the JBSD Director with approval by the Judicial Branch Administrator.
- N. The JBSD Training Section, LFI or CFI shall confiscate and take immediate control of the firearm of any CSO who exhibits inappropriate or unsafe behavior while on the range or of any firearm determined to be unsafe.
- O. Authorization to carry will be denied to any CSO via the Judicial Branch Administrator who fails any portion of firearms training which includes all remedial training sessions as noted in Paragraph V. Line K and Line L. above. In addition, authorization shall be revoked for any CSO who fails to attend and/or participate in required practice sessions.
- P. Once the CSO has completed all arming requirements to include all forms, Judicial Branch Administrator approval, training/certification and met with the JBSD Director on two occasions, a JBSD Firearm Card will be issued via the JBSD Badging Office.

## **VII. CONDITIONS FOR DENIAL, REVOCATION, SUSPENSION AND REINSTATEMENT OF AUTHORIZATION TO CARRY A HANDGUN:**

- A. The JBSD Director shall only deny, revoke, or temporarily suspend authorization to carry a handgun via coordination with the Judicial Branch Administrator for the following reasons:
  - 1. Results from the psychological evaluation indicating unfitness to carry a firearm.



2. The CSO is currently diagnosed with a mental disability or illness by a licensed mental health professional (e.g., licensed psychologist or psychiatrist) that may impact the CSO's ability to safely use a firearm.
  3. Results from a criminal history record check, self-report, or other information indicating any or all of the following:
    - a. The conviction or commission of a felony or an offense which would be a felony if committed in Arizona;
    - b. The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence;
    - c. The violation of statutes governing firearms or lethal and non-lethal weapons;
    - d. The commission of a misdemeanor involving the carrying or use of a firearm; and
    - e. Is subject to a qualifying domestic violence related protection order under federal law.
  4. The violation of administrative order, JBSD policy and/or ACJA Code relating to the carrying or use of firearms.
  5. Carrying, exhibiting, or using a firearm in an unsafe or careless manner.
  6. Disciplinary charges/action pending, or action taken relating to the fitness to carry a handgun.
  7. Any use of alcoholic beverages on duty or excessive use of alcoholic beverages off duty that affects job performance.
  8. The administrative reassignment of the CSO as a result of a documented stress-related disorder or post-traumatic stress disorder as diagnosed by a licensed mental health professional (e.g., licensed psychologist or psychiatrist) that may impact the CSO's ability to safely use a firearm.
  9. A medical, psychological, or health condition including a physical or mental disability which substantially impairs the CSO's ability to responsibly carry a firearm or interferes with the safe use or handling of a firearm.
  10. The addiction to alcohol or prescription drugs that would interfere with the safe use of a handgun and render the CSO unfit to carry a firearm.
  11. The illegal use of dangerous drugs or narcotics for any purpose within the past seven years, or if ever used while employed with the JBSD.
  12. Any current or intended future use of cannabis/marijuana, regardless of whether the use is legal or illegal or whether it occurs on or off-duty. (The Judicial Branch deems a CSO who is authorized to carry a firearm to be in a "safety sensitive position.")
  13. Transfer or reassignment of a CSO to an assignment or unit where carrying a firearm is not authorized.
  14. Arrest for an offense punishable as a felony or for a misdemeanor involving the carrying or use of a firearm.
  15. Discharge of a firearm by a CSO in violation of any municipal, county, or state law, regulation, or policy.
  16. Drawing a firearm or use of a non-lethal defensive weapon in violation of any municipal county, or state law, regulation, or UoF policy.
  17. Any circumstance, temporary or permanent, other than time in service, which leads the JBSD Director to reasonably believe that arming the CSO could place that CSO, other staff, individuals on probation, or the public in jeopardy.
  18. Failure to successfully complete the annual re-qualification program and participate in required practice sessions.
- B. The Judicial Branch Administrator in coordination with the JBSD Director will approve or deny the request to carry a handgun in writing within 30 days after the CSO satisfactorily completes all requirements stated in this policy.
- C. The JBSD Director shall provide written justification for the denial, temporary suspension or revocation to the CSO and a copy of the approval, denial, temporary suspension, or revocation shall be kept in the CSO's personnel file. If an approval is granted, a copy shall be provided to the CSO and to the CSO's immediate leadership team.

The JBSD Training Section shall place the copy of the written approval in the applicable CSO's JBSD file.

- D. All screening and testing records (with the exception of medical and psychological reports), and reasons for denial, temporary suspension or revocation of CSOs' requests to carry a firearm shall be maintained by the JBSD Director and will be treated as confidential. Medical and psychological reports will be reviewed by the Judicial Branch Administrator, maintained by the JBHRD and be treated confidential as required.
- E. The Judicial Branch Administrator shall hear all appeals to the denial, temporary suspension, or revocation, and the decision is final and not appealable.
- F. CSOs wishing to have their authorization reinstated after revocation may submit a written request to the JBSD Director after one year utilizing the applicable forms per this policy. The CSO shall clearly state the reasons for reinstatement of authorization.

## **VIII. RESTRICTIONS ON CARRYING A FIREARM**

- A. CSOs authorized to carry and use a firearm on duty are prohibited from carrying JBSD-issued firearms under the following conditions:
  - 1. While in a condition resulting from the use of alcohol, or medication where the CSO's motor skills, reflexes, or judgment could be adversely affected or while displaying evidence of mental or emotional instability.
  - 2. While the CSO is a current user of cannabis/marijuana, regardless of whether the use is legal or illegal or whether it occurs on or off duty.
  - 3. While injured or in a physical condition causing inability to use, carry, or retain a firearm properly (e.g., a broken hand or an eye injury causing uncorrected, impaired vision).
    - a. The decision whether a CSO will be authorized to carry or not while injured shall be left to the discretion of the JBSD Director with input from the LFI, CFI and the CSO's chain of command.
    - b. The LFI and/or CFI may have the CSO demonstrate his or her ability to use, carry, and retain the firearm before allowing the CSO to resume carrying.
    - c. If a CSO is returning from medical leave, he or she shall have his or her doctor complete an essential functions report to include whether or not the CSO has the ability to properly carry his or her firearm and additional equipment. This should be submitted to the JBHRD.
  - 4. While on disciplinary or administrative leave as a result of a misconduct investigation.
  - 5. While on short-term or extended leave, with or without pay, or other periods of unpaid absence from the JBSD.
  - 6. When the JBSD Director with coordination from the CSO's chain of command directs the CSO not to carry a firearm.
  - 7. When the JBSD Director revokes the CSO's authorization to carry via approval from the Judicial Branch Administrator.
- B. If a CSO is returning from medical leave, he or she shall have his or her doctor complete an essential functions report to include whether or not the CSO has the ability to properly carry his or her firearm and additional equipment.
  - 1. While on disciplinary or investigative suspension.
  - 2. While on short-term or extended leave, with or without pay, or other periods of unpaid absence from the JBSD.
  - 3. When the Judicial Branch Administrator or JBSD Director directs the CSO not to carry a firearm.

## **IX. AUTHORITY TO UNHOLSTER, DRAW, DISPLAY AND DISCHARGE A FIREARM – USE OF FORCE**

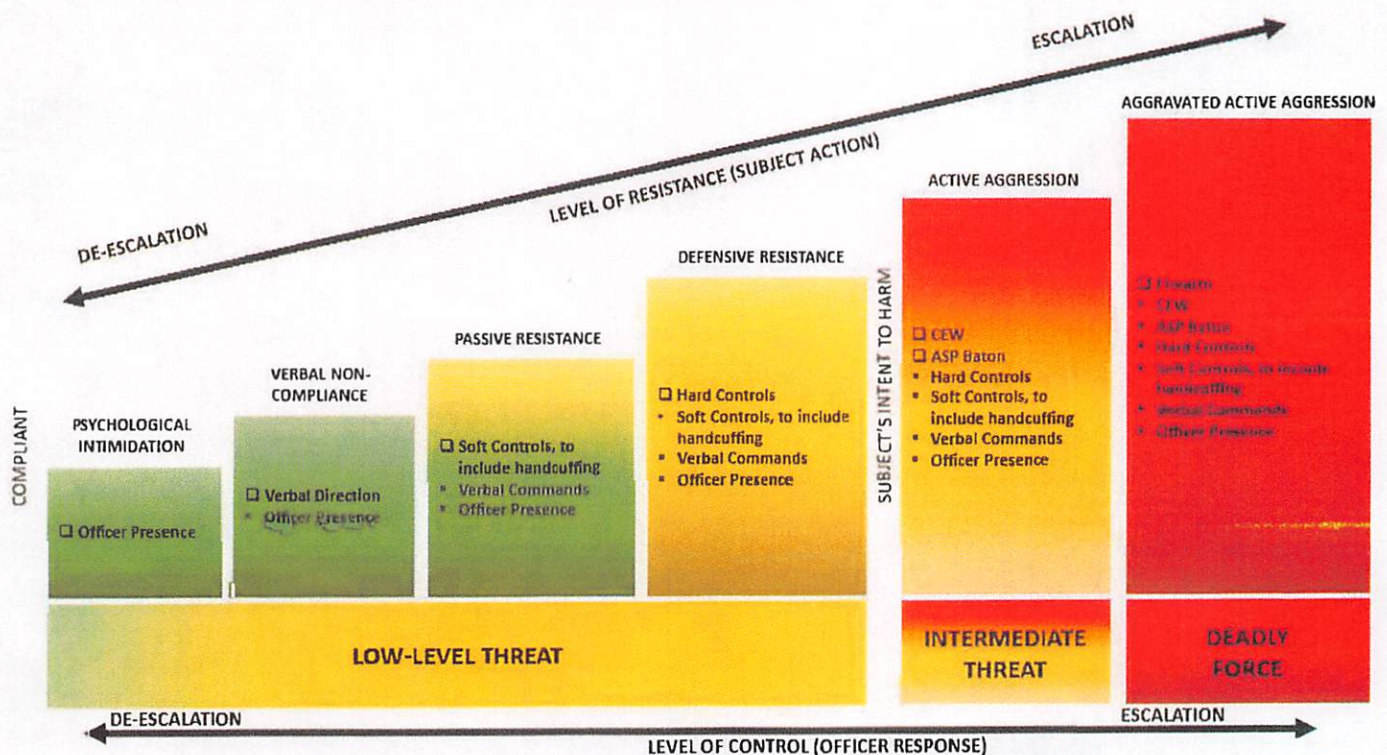
- A. CSOs shall only unholster their handgun under the following conditions:
1. The circumstances surrounding the incident create a reasonable belief that it may become necessary to use the handgun in the performance of CSO duties.
  2. When a law enforcement CSO requests assistance in a life-threatening situation.
  3. For maintenance, inspection and training purposes.
  4. When using the handgun in an approved training course, practice session or qualification with a CFI.
- B. Use of Force (UoF) Policy: Certified CSOs will use only the force which is objectively reasonable to accomplish their duties pursuant to ARS 12-299.10 and Arizona Supreme Code of Judicial Administration, section 5-302 and 5-305.
1. Certified CSOs will use only that force which is objectively reasonable while conducting their official duties to gain control of an individual or individuals to meet lawful objectives. These lawful objectives include but are not limited to:
    - a. Assisting in Law Enforcement operations.
    - b. Self-Defense.
    - c. Defense of Others, to include prevention of self-injury.
    - d. Conducting protective detail operations (off-campus events).
    - e. Preventing loss of property as allowed by statute.
    - f. The use of force does not apply solely to firearms and deadly force confrontations, but all applications of force.
- C. Objective Reasonableness and Totality of Circumstances: The force used by CSOs will be objectively reasonable. When feasible and circumstances permit, warn, and give a threatening subject the opportunity to cease threatening actions, as appropriate and consistent with the lawful objectives of the CSO. Certified CSOs may have an obligation to apprehend rather than permit an individual to withdraw. In some circumstances, force, to include deadly force, may be the only option available to respond to a hostile act or hostile intent. The use of force must be objectively reasonable in intensity, duration, and magnitude based upon the totality of circumstances to counter the subject's actions.
1. In *Graham v. Connor*, 490 U.S. 386 (1989), the US Supreme Court established the Fourth Amendment standard of "objective reasonableness" as the appropriate standard for assessing the use of force in the context of an apprehension, arrest or other seizure of a person. The Court explained its application in these terms: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable CSO on the scene, rather than with the 20/20 vision of hindsight...[T]he 'reasonableness' inquiry...is an objective one: the question is whether the CSOs' actions are 'objectively reasonable' in the light of the facts and circumstances confronting them..."
  2. The Supreme Court recognized in *Graham v. Connor* that security personnel have to make "split-second judgements" concerning the use of force under "circumstances that are tense, uncertain and rapidly evolving..." The Supreme Court has held that reasonableness under the Fourth Amendment does not require the least intrusive force alternative to be applied, only a reasonable one. In effecting an apprehension, security personnel draw from a reservoir of options, ranging from simple displays of authority (presence, verbal commands, etc.), to the application of various levels of less-than-lethal force (contact controls, compliance techniques), to the use of deadly force itself. Facts dictate the appropriate response and are subject to scrutiny.

3. In apprehension situations, an CSO must look at the totality of circumstances when determining the reasonable amount of force necessary. In *Graham v. Connor*, the Supreme Court emphasized four factors affecting the use of force in a particular situation:
  - A. Severity of the Crime.
  - B. Whether the subject poses an immediate threat to safety of CSO or others.
  - C. Whether the subject is actively resisting.
  - D. Whether the subject is attempting to evade apprehension by flight.
4. Additional factors that influence the level of force used by CSOs include, but are not limited to:
  - a. The nature of the offense.
  - b. The number of subjects involved.
  - c. Physical size and condition of the subject versus the CSO.
  - d. Age of subject versus the CSO.
  - e. Duration of the subject's actions.
  - f. Feasibility and availability of alternative non-lethal weapons.
  - g. Availability of additional CSOs.
  - h. Previous known violent history of the subject.
  - i. Use of alcohol or drugs by the subject.
  - j. Subject's known mental or psychiatric history.
  - k. Presence of innocent bystanders who could be harmed if force is not used.
- D. Using Force: A certified CSO will employ objectively reasonable force based on their perception of the subject's actions and the totality of circumstances. For the Use of Force Model, please see **Attachment 4** of this policy:
  1. Subject Action. The CSO's perception of the subject indicates what degree of force is required, if any, by the CSO to achieve their objective. It includes:
    - a. Psychological Intimidation: includes non-verbal cues indicating a subject's attitude, appearance and physical readiness, such as clinching fists, widening foot stance, which may warn CSOs of the subject's emotional state and potential for violence even when the subject has not offered any verbal threats.
    - b. Verbal Non-Compliance: Verbal responses indicating the subject's unwillingness to comply with directions, this may include verbal threats. (NOTE: A person has a constitutionally protected right to express verbal protests to an CSO, however, fighting words are not protected speech, as a general rule. The appropriate reaction to verbal threats made by a subject will depend on the specific facts faced by the CSO.
    - c. Passive Resistance: Physical actions that do not directly prevent an CSO's attempt at control, usually in the form of a relaxed or "dead weight" posture intended to make the CSO lift, pull or otherwise move the subject to establish control.
    - d. Defensive Resistance: Physical actions that attempt to prevent the CSO's control but make no direct attempt to harm the CSO, such as when the subject attempts to push or pull away in a manner that does not allow the CSO to establish control without striking the CSO.
    - e. Active Aggression: Physical assault on the CSO or a third person, where the subject prepares to strike, strikes, or uses techniques in a manner that may result in injury to the CSO or third person.
    - f. Aggravated Active Aggression (Deadly Force): Assaultive acts of aggression directed towards an CSO or a third person that are likely to cause serious injury or death.
  2. CSO Response. The CSO's use of force shall be reasonable to control a subject and accomplish lawful objectives. Options include:



- a. CSO Presence: CSOs are clearly visible, and their authority is established by their presence in uniform or by clearly displaying a badge.
- b. Verbal Direction: Communications directed toward controlling the actions of a subject, including commands, instructions, or warnings.
- c. Soft Control Techniques: Generally used to control passive or defensive resistance subjects, however, can be used for any level of resistance if tactically possible and legally permissible. Standard handcuffing is a soft control technique.
- d. Hard Control Techniques: Generally used to control defensive resistance subjects, some active aggression subjects and may cause injury (striking techniques using the hands or feet). A take-down is the forceful direction of a subject to the ground and is considered a hard control technique.
- e. Intermediate Weapons: When used, injury to the subject is likely to occur and appropriate medical care shall be provided once the situation is secure. Intermediate weapons include impact weapons such as expandable batons (ASP) and Conducted Energy Weapons (CEW). Intermediate weapons offer a method of controlling a subject when deadly force is not justified and when soft and hard control techniques are not sufficient or tactically the best option for the safety of third parties, the subject, or the CSO. Intermediate weapons may be used when the CSO reasonably believes it is unsafe to approach an aggressive subject and disengagement is not reasonable or practical, or when the CSO reasonably believes the subject's actions are likely to cause physical harm to the CSO or third party.
- f. Deadly Force: Use of force that is highly likely to cause serious injury or death. Deadly weapons include authorized firearms for certified CSOs. It may become necessary for CSOs to protect themselves or others with means other than a firearm. Use of deadly force requires that the CSO reasonably believes the subject's actions are likely to cause physical harm to the CSO or a third party.

#### Attachment 4: Use of Force Model.



- E. **Pre-Conditions for Use of Deadly Force:** The use of deadly force must meet the “objective reasonableness” standard. The CSO must be able to record and articulate the objective reasonableness they used based upon their perception of the threat and the totality of the circumstances. Deadly force is authorized under the following circumstances:
1. **Ability or Apparent Ability:** Subject possesses the ability or the apparent ability to utilize deadly force or to inflict serious bodily harm. Disparity in size, age, strength, gender, numbers, and level of aggressiveness of the parties involved are all important factors when considering ability.
  2. **Self-Defense:** Applies when an CSO reasonably believes they are in immediate danger of death or serious bodily harm from a subject.
  3. **Defense of Third Parties:** When an CSO reasonably believes others are in immediate danger of death or serious bodily harm from a subject.
  4. **Opportunity:** The subject is able to bring deadly force upon the CSO or a third party.
  5. **Imminent Jeopardy:** The subject is acting in such a manner that the subject will likely exercise deadly force to cause serious bodily injury or death at any moment.
  6. **Serious Offenses Against Persons:** Applies when it appears to be necessary to prevent the commission of a serious offense that involves immediate threat of death or serious bodily harm, including the defense of other persons, where deadly force is directed against the subject threatening to commit the offense. An example of this would be murder or aggravated assault.
  7. **Escape:** When an CSO reasonably believes it appears necessary to prevent the escape of a prisoner, provided there is probable cause to believe such subject(s) committed or attempted to commit a serious offense, that is, one that involves immediate threat of death or serious bodily harm to third party persons.
  8. **All Reasonable Options are Exhausted:** The conditions must be such that under the circumstances, the CSO has no other objectively reasonable alternatives and all attempts to contain, de-escalate, or use intermediate options have failed or are inadequate. The CSO should employ deadly force only as a last resort.
- F. **Notifications:** A CSO involved in any use of force involving unholstering of firearm, the discharge of a firearm, the firing of a CEW, the employment of an expandable baton, or any other level of force that results in serious injury requiring medical attention shall, pursuant to the JBSD Notification and Incident Report Matrix:
1. Immediately notify the Chain of Command, to include the JBSD Director and/or Designee.
  2. Immediate follow-up with email summary capturing the who, what, when, where, and why of the incident.
  3. Document the incident via an Incident Report and summarize narrative for the Blotter.

#### **X. REQUIRED REPORTING OF UNHOLSTERING, DRAWING, OR DISPLAYING OF FIREARM IN THE COURSE OF DUTY**

- A. All CSOs who unholster, draw, or display but do not discharge a firearm while on duty, other than to secure the firearm or when requested by the JBSD Director or designee for maintenance, inspection, or training purposes, shall submit an incident report to their supervisor as soon as practical but no later than the end of the next business day.
- B. **Unholstering incident reporting procedure:**
1. As soon as safety permits, any CSO involved in an unholstering incident in the course of duty (except on a supervised range or training exercise or to secure the weapon) shall immediately submit a verbal report to his or her supervisor.
  2. Upon notification, the supervisor shall notify the JBSD Director per the JBSD Incident Reporting and Notification Matrix Policy Letter.
  3. CSOs shall submit an incident report via the JBSD Incident Management System per existing protocol.

4. CSOs who witness this behavior shall submit a supplemental incident report to their supervisor no later than the end of the next business day.
5. The appropriate supervisors shall immediately send the incident report to the JBSD Director per existing protocol.

## **XI. AUTHORITY TO DISCHARGE A FIREARM**

- A. A CSO is only justified in using a firearm when the CSO reasonably believes that deadly physical force is immediately necessary to protect themselves or another person in the court facility against the other's use or attempted use of unlawful deadly physical force. Any uniformed CSO who is authorized to carry a firearm is required to carry a TASER or other conducted electrical weapon when carrying a firearm. A CSO shall use lesser options than deadly physical force when at all possible. Deadly physical force shall be a last resort and only used when the risk of injury to the CSO or other person is so significant that the use of lesser options would be ineffective or unsafe.
- B. Any discharge of a firearm other than during a practice or training session shall be investigated in accordance with the procedures in this policy. In addition, the following shall occur for any discharge of a firearm other than during a practice or training session:
  1. Immediately following any discharge of a firearm other than during a practice or training session shall be reported by the CSO to the JBSD Director. The JBSD Director shall immediately notify the Judicial Branch Administrator and Presiding Judge.
  2. The JBSD Director shall also notify local law enforcement if appropriate.
  3. Any CSO who discharges a weapon while on duty shall submit to a drug and alcohol test within 24 hours as directed by Human Resources or the Security Director.
- C. A CSO is prohibited from:
  1. Drawing or displaying a firearm unless the situation poses a threat that may warrant the use of a firearm.
  2. Firing warning shots.
  3. Firing in the immediate direction of a crowd.
  4. Firing into buildings or through doors or windows when visibility is in any way obscured.
  5. Using a firearm to protect property.
  6. Using a firearm when the immediate threat has passed, including when the threat is in the process of or has retreated.
  7. Firing at a moving vehicle unless it is necessary to protect oneself or others against immediate threat of death or serious physical injury
  8. Firing at an animal unless justified in preventing substantial harm to themselves or others.

## **XII. UNINTENTIONAL FIREARM DISCHARGE**

- A. The involved CSO shall ensure the firearm is in a safe condition while waiting for the supervisor and JBSD Director or designee to respond.
- B. Once the supervisor and/or the JBSD Director arrive, a determination will be made regarding the need for a law enforcement response.
- C. Where appropriate, and after gaining the concurrence of the Judicial Branch Administrator, the supervisor and/or the JBSD Director shall determine the need for confiscation of the involved employee's firearm pending completion of the administrative investigation.

- D. If it is determined that the CSO's weapon is to be confiscated, it shall be the responsibility of the JBSD Director or designee to take possession of the weapon and store it in a safe place as authorized by the Judicial Branch Administrator or his or her designee until a decision is made on the continuation of the CSO's armed status.
- E. Both the CSO, supervisor and/or the JBSD Director or designee shall prepare an incident report as soon as practical but not later than the next business day. Their reports shall be immediately routed to the JBSD Director.
- F. Any disciplinary action will be determined at the discretion of the JBSD Chain of Command and the Judicial Branch Administrator as needed with coordination with the JBHRD.

### **XIII. CSO-INVOLVED SHOOTING**

- A. A CSO who intentionally discharges a firearm other than during a practice or training session shall:
  - 1. Immediately notify the JBSD Security Control Center to call out for medical services if any injury has occurred, local law enforcement, and the JBSD Director. The JBSD Director will notify the Judicial Branch Administrator and Presiding Judge.
  - 2. Apply emergency first aid if applicable.
  - 3. Verbally report the incident as soon as possible to his or her supervisor.
  - 4. Preserve the scene, if possible.
- B. The first supervisor on scene shall:
  - 1. Secure and preserve the firearm in a condition as close as possible to the condition when the discharge took place. For example, leaving the firearm with the CSO in the holster until it can be surrendered to the investigating law enforcement CSO.
  - 2. Take care not to destroy or add fingerprints.
  - 3. Record exactly what is done with the firearm and report it to the investigating law enforcement agency.
  - 4. Act as a liaison with responding law enforcement or other agencies.
  - 5. Provide all gathered information to the JBSD Director or designee and law enforcement.
  - 6. If a criminal investigation is commenced by a law enforcement agency in regards to the shooting, the criminal investigation will take priority. Any related administrative investigation shall not include any interviews of the involved court employees and/or related victims and witnesses until after adjudication of the criminal charges or permission of the appropriate legal authority.
  - 7. If a CSO has their firearm seized by the investigating agency, the JBSD Director with approval from the Judicial Branch Administrator will determine if/when a replacement weapon is issued to the CSO.
  - 8. An incident report shall be created by the CSO's supervisor, which shall be submitted to the JBSD Director and forwarded to the Judicial Branch Administrator and Presiding Judge as needed. A copy shall also be provided to both County and State Risk Management.
  - 9. The JBSD Director in coordination with the Judicial Branch Administrator shall decide whether to take the firearm from the CSO, if it is not officially taken as part of the official investigation.
  - 10. Any media inquiries shall be directed to the JBSD Director and the Judicial Branch PIO.

### **XIV. POST SHOOTING TRAUMA**

- A. The physical and emotional wellbeing of JBSD CSOs is a primary concern following any shooting incident.
- B. Post Shooting Reassignment: Depending on the circumstances of the incident, after an CSO-involved shooting, the JBSD Director may:
  - 1. Leave the CSO in the current assignment.



2. Place the CSO on paid administrative leave.
  3. Reassign the CSO to another assignment.
  4. Work with JBHRD on ordering a post-shooting psychological debriefing.
  5. Take any other action deemed appropriate.
- C. Any CSO involved in a shooting will be referred to a LFI or CFI to be provided with an opportunity to fire their court-issued firearm and discuss any weapon related questions they may have as a result of their shooting incident.
- D. Any CSO involved in a shooting shall attend at least one session of psychological debriefing with a court-contracted psychologist as soon as practical after the incident. After the psychological debriefing, the psychologist shall provide the Judicial Branch Administrator with confirmation of participation in the mandatory session. All such reports are filed with the JBHRD.
- E. The purpose of the UoF Review Board is to establish a process for the JBSD to review the UoF by its CSOs. This review process shall be used in conjunction with any other review or investigation that may be conducted by an outside agency having jurisdiction over the investigation or evaluation of the UoF. The JBSD will objectively evaluate the UoF by its CSOs to ensure that their authority under ARS 12-299.10 is used lawfully, appropriately and is consistent with training and policy.
- F. The UoF Review Board will be convened when the UoF by a CSO results in a CSO applying soft or contact controls, up to deadly force, to another individual. The UoF Review Board will also review circumstances surrounding every discharge or use of lethal or less than lethal equipment (Firearms, CEWs, expandable batons).
- G. The JBSD Director or designee will convene the UoF Review Board as necessary. It is the responsibility of the supervisor of the involved CSO to notify the chain of command via the JBSD Notification Matrix of any incidents requiring a board review. The supervisor will ensure the incident report and all corresponding enclosures are made available for review by the board.
- H. The JBSD Director or designee will select at least three (3) UoF Board members:
1. JBSD Deputy Director.
  2. JBSD Emergency Management Manager or the JBSD Safety Supervisor.
  3. Impacted Regional Security Manager/Captain.
  4. LFI or CFI.
- I. The board shall issue a written report to the JBSD Director within ten (10) business days of the incident. The review shall be based upon those facts which were reasonably believed or known by the CSO at the time of the incident, applying any legal requirements, JBSD policies, procedures, and approved training to those facts. Facts later discovered but unknown to the CSO at the time shall neither justify nor call into question a CSO's decision regarding the UoF.
- J. The board shall recommend that the CSO either acted within JBSD policy or acted in violation of policy. The board shall recommend any additional/changes to training or policy amendments. The board does not have the authority to recommend discipline.
- K. The JBSD Director shall review the recommendation, make a final determination as to whether the CSO's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the JBSD Director concludes that discipline should be considered, a disciplinary process will be initiated. At the conclusion of any additional reviews, copies of all relevant reports and information will be maintained in the affected CSO's personal information file. The JBSD Director will coordinate with the JBHRD and the Judicial Branch Administrator as needed.

## **XV. AUTHORITY TO CARRY AND USE JBSD-ISSUED FIREARMS WHILE OFF-DUTY**

- A. CSOs are only authorized to carry JBSD-issued firearms away from the Court campus for training, certification and while working Court approved off-campus security events with prior approval from the JBSD Director.
- B. CSOs are prohibited from taking JBSD-issued firearms home or while off-duty unless approved in writing by the JBSD Director.
- C. CSOs who carry a JBSD-issued firearm off-duty, without written authorization pursuant to this section, shall be deemed to be acting outside the course and scope of employment and completely independently from the county or state.
- D. All CSOs must store their assigned firearm in a lock box or a JBSD storage safe during non-duty hours or when not in use.

## **XVI. AUTHORIZED FIREARMS, AMMUNITION, AND HOLSTERS**

- A. CSOs may only carry and use their duty firearm(s), magazine, and ammunition approved by the AOC and issued by the JBSD.
  - 1. A designated LFI or CFI shall record the firearm serial number with the JBSD Equipment Manager.
  - 2. The JBSD shall maintain records of all firearms carried by CSOs on official duty.
  - 3. Only JBSD-approved armorers shall make adjustments to the firearm, except for personalized grip or grip adapter that may be added by the CSO which must be approved by the JBSD Equipment Manager.
  - 4. All safety devices manufactured into the firearm shall be intact and functioning at all times.
  - 5. A CSO may use another CSO's firearm in the case of a life-threatening emergency.
- B. The authorized and approved firearm must be encased in a JBSD-issued holster and be worn or carried in accordance with the JBSD Policy.
- C. Loaded handguns are never to be carried or transported outside their holster or other approved protective device.
  - 1. The JBSD Director shall approve holsters for the authorized handguns based on guidelines issued by the AOC.
  - 2. CSOs authorized to carry and use JBSD-issued handguns shall qualify with the JBSD-issued holster(s) prior to initiating use and upon re-qualifying.
  - 3. Holsters provided by the JBSD must be used at all times. (**NOTE:** CSOs are encouraged to use a strong side hip holster; in the event another carry system is requested, the JBSD Director can approve on a case-by-case basis). **EXCEPTION:** CSOs working Court approved off-campus security events may utilize alternate carry systems due to the relaxed civilian clothes attire used for those specific events.
- D. LFIs and CFIs, with the approval of the JBSD Director, shall ensure that only factory ammunition is used. The use of reload ammunition is prohibited.
- E. CSOs shall only carry the approved and authorized firearm and wear the JBSD-issued Level II ballistic vest when carrying a JBSD-issued firearm.
- F. JBSD-issued CEW/TASER will be holstered on the middle of the JBSD-issued Level II ballistic vest when carrying a JBSD-issued firearm. Wear of the CEW/TASER could be holstered on the utility belt when carrying a JBSD-issued firearm however the CSO must be trained on weak-hand usage of the CEW/TASER.
- G. CSOs shall have in their possession their JBSD-issued badge, identification card and firearms authorization card whenever carrying a JBSD-issued firearm.
- H. CSOs shall ensure that the firearm is fully loaded when it is carried or worn per policy with two (2) fully loaded magazines on their duty belt.
- I. The JBSD Director may grant written approval for a CSO on official Court business to carry an issued firearm in

support of off-campus events. If permission is granted, the CSO shall carry the written approval at all times and follow all federal, state, and local laws and regulations.

## **XVII. FIREARMS SAFETY AND STORAGE**

- A. CSOs authorized to carry firearms shall observe and practice the following safety guidelines:
  - 1. All firearms shall be handled safely and treated as a loaded firearm until the handler has personally proven otherwise.
  - 2. CSOs shall only dry-fire, clean, exhibit, load, or unload in a safe manner and environment as dictated by the JBSD Safety Supervisor, JBSD Equipment Manager and approved by the JBSD Director. With the exception of JBSD-approved firing ranges; county, state, and municipal buildings are not considered a safe environment.
  - 3. CSOs are required to wear the JBSD-issued Level II ballistic vest when carrying a JBSD-issued firearm.
  - 4. CSOs shall ensure that a firearm equipped with any safety device is carried in a safe position.
  - 5. CSOs shall ensure that the firearm is empty of ammunition prior to dry fire, cleaning, or inspection. A JBSD firearm safety clearing barrel will be used at all times to safely clear a weapon.
- B. When not carrying or wearing the firearm, CSOs shall ensure the firearm and ammunition are stored in designated lock box or JBSD storage safe that is not accessible to unauthorized persons. Each authorized JBSD post will be outfitted with an approved, individual lock box firearm storage unit.
  - 1. CSOs shall not store firearms overnight in any vehicle.
  - 2. In situations when an on-duty armed CSO is entering a building or facility where firearms are prohibited by law, the CSO shall temporarily store the firearm in a locked automobile trunk, console, glove compartment or appropriate firearm storage containers provided by the facility.
    - a. CSO must ensure the JBSD Security Control Center is notified and this is documented in the JBSD Security Blotter.
    - b. CSOs shall ensure that the entire vehicle is securely locked, and all windows are fully closed if the firearm is stored in a glove compartment or if the trunk is accessible through the passenger area.
    - c. CSOs shall exercise care that the public does not observe the placement of the firearm in the glove compartment or trunk.
    - d. The JBSD Director may approve alternative arrangements upon request of the CSO, such as a secure lock box.
  - 3. Upon entering any correctional or Court facility, CSOs shall ascertain and follow facility procedures for safekeeping and temporary storage of their firearm, ammunition, and other prohibited items.
  - 4. For CSOs in a non-carry position, who have retained their firearms for training purposes, are not authorized to carry any other time, unless specific permission has been granted by the JBSD Director.
  - 5. Armed CSOs not on duty for an extended period of time greater than 30 days should store their firearm, magazines, ammunition and holster in the JBSD Armory located in the South Court Tower.
- C. CSOs shall immediately notify their supervisor of any unauthorized use, handling, or discharge of a JBSD-issued firearm. The JBSD Director shall ensure that all discharge investigations follow criteria provided by ACJA and UoF Review Board procedures.
- D. CSOs who fail to comply with the safety and storage regulations outlined in this policy may be subject to disciplinary action which may include the loss of authorization to carry a firearm.

## **XVIII. STOLEN, LOST, OR DAMAGED FIREARMS**

### **A. Lost or Stolen Firearm:**

1. A CSO shall immediately notify their supervisor and immediately file a police report with local law enforcement upon discovery that their JBSD-issued firearm is lost or stolen and complete a departmental Loss/Damage Report.
2. If a CSO's firearm is lost or stolen, they shall complete a Loss/Damage report and submit it to their supervisor as soon as practical, but no later than the end of the next business day.
3. Upon receiving the lost or stolen report, the immediate supervisor shall forward the report via the chain of command to the JBSD Director. The JBSD Director shall forward the report to the AOC as needed.
4. The JBSD Director in coordination with the supervisory chain of command shall decide on the appropriate discipline for the CSO who is found negligent in the loss of their JBSD-issued firearm.

### **B. Damaged Firearm:**

1. If a CSO's firearm is damaged, they shall report directly to the JBSD Equipment Manager or trained armorer with the damaged firearm and provide written notification through their supervisory chain of command outlining what occurred.
2. CSOs will then be issued a replacement firearm until the original can be fixed.

## **XIX. FIREARM CARE AND MAINTENANCE**

- A. All CSOs shall be responsible for cleaning and inspecting their issued firearm. The JBSD shall issue a cleaning kit with each JBSD-issued firearm.
- B. Armorer, LFI and CFI's will be responsible for all inspection. Cleaning will occur during quarterly training or in the presence of a LFI, CFI or armorer.
- C. The JBSD shall retain accountability of all firearms and all other firearm-related equipment purchased and provided to a CSO.
- D. Upon request of a CFI, Armorer, or LFI, CSOs shall present their firearm for inspection.

## **XX. FIREARM SURRENDER**

- A. CSOs shall surrender their JBSD-issued firearm and all other firearm-related equipment to a CFI, Armorer, or LFI under the following circumstances:
  1. Upon the CSO's termination or resignation from the Judicial Branch.
  2. Upon the CSO's retirement from the JBSD.
  3. When the CSO is placed on administrative leave.
  4. When the CSO is placed on suspension.
  5. When the CSO fails remedial firearms qualification.
  6. In any other circumstance at the direction of the Judicial Branch Administrator, JBSD Director, CFI, Armorer, or LFI.
- B. In addition to the parameters outlined in the JBSD Equipment Policy, CSOs shall surrender their JBSD-issued firearm, firearms authorization card, and all other firearm-related equipment to the JBSD Equipment Manager in collaboration with the LFI, CFI and the CSO's supervisor when they have repeatedly failed remedial firearms qualification.

## **XXI. VOLUNTARY RELINQUISHMENT**

- A. CSOs may voluntarily relinquish their authorization to carry a JBSD-issued firearm by notifying their immediate chain of command, CFI, LFI and the JBSD Equipment Manager or designee in writing to advise of their intent to do so.
- B. Upon notification by the CSO, the CFI, LFI, Equipment Manager or designee shall:
  - 1. Notify the CSO's chain of command via email.
  - 2. Perform the collection process with the CSO.
  - 3. Notify the chain of command via email once the collection is completed.
- C. CSOs who voluntarily relinquish their authorization to carry may re-apply for authorization following the procedures set forth in Section III of this policy.

## **XXII. ATTACHMENTS:**

- 1. Firearms Declaration Form.
- 2. Firearms Prescreening Form.
- 3. Firearms Approval Form.
- 4. Use of Force Model.



**Judicial Branch of Arizona in Maricopa County**  
**Judicial Branch Security Department**  
**201 W. Jefferson Street, Phoenix, AZ 85003**  
**FIREARMS DECLARATION FORM**



I, \_\_\_\_\_, Employee ID #: \_\_\_\_\_, on this date \_\_\_\_\_,

declare the following to be true and accurate:

INITIALS	TASK
	I have no medical, psychological, or health condition including a physical or mental disability, or any other condition which I have not disclosed, which substantially impairs my ability to responsibly carry a firearm or interferes with the safe use or handling of a firearm.
	I am not addicted to alcohol or prescription drugs.
	I do not use unlawful narcotics or drugs.
	I acknowledge I am subject to random and reasonable suspicion drug tests if authorization to carry a firearm is granted in accordance with ACJA 5-303.
	I will abide by all ACJA requirements and JBSD policies/procedures regarding firearms.
	I will abide by all State, County and local administrative laws, statutes, orders and requirements regarding the carry and use of firearms including the UoF.
	I will disclose any changes in my medical, psychological, or health conditions that would impair my ability to responsibly carry a firearm or that would interfere with the safe use or handling of a firearm.
	I acknowledge that the Judicial Branch has designated an armed Court Security Officer as a "safety sensitive position." Therefore, for so long as I am authorized to carry a firearm, I will not use cannabis/marijuana, regardless of whether the use is legal or illegal or on or off duty.

\_\_\_\_\_  
CSO Signature

\_\_\_\_\_  
Date

=====

Original: JBSD Director

Copies to: Judicial Branch Human Resources Department and Requesting CSO.





**Judicial Branch of Arizona in Maricopa County  
Judicial Branch Security Department  
201 W. Jefferson Street, Phoenix, AZ 85003  
FIREARMS PRESCREENING FORM**



☐ Request for Authorization      ☐ Request for Reinstatement      Date: \_\_\_\_\_

CSO Name: \_\_\_\_\_ Employee ID #: \_\_\_\_\_

Current JBSD Position and Security Assignment: \_\_\_\_\_

Reasons Requesting Authorization or Reinstatement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
CSO Signature      Date

**JBSD REGIONAL LEADERSHIP COORDINATION**

Review the following and provide recommendation on whether the CSO is in good standing and should be armed with a department-issued firearm while on duty:

DATE	TASK	DATE	TASK
	CSO Firearm Declaration Form completed		JBSD Personnel File Review
	Verified JBSD Annual training up-to-date		Completed CSO Firearm Suitability Review
	Verified no ongoing issues within the JBSD		Verified no ongoing personal issues negatively impacting on-duty status

\_\_\_\_\_  
Supervisor Signature / Date      Regional Captain Signature / Date      JBSD Deputy Director Signature / Date

**JBSD DIRECTOR'S REVIEW**

☐ CSO Initial Interview with the JBSD Director.      Date: \_\_\_\_\_

☐ Background History Verification Completed.      Date: \_\_\_\_\_

☐ Completed a comprehensive prescreening and recommend scheduling psychological testing.

☐ Approved for next steps.

☐ Denied request based on the following: \_\_\_\_\_

☐ Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
JBSD Director Signature      Date

Original: JBSD Director      Copies to: Judicial Branch Human Resources Department and Requesting CSO.





Judicial Branch of Arizona in Maricopa County  
Judicial Branch Security Department  
201 W. Jefferson Street, Phoenix, AZ 85003  
**FIREARMS APPROVAL FORM**



CSO Name: \_\_\_\_\_ Employee ID #: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Request for Authorization ☐ Request for Reinstatement

☐ JBSD Prescreening Completed (see attached documentation) Date: \_\_\_\_\_

☐ Psychological Testing Completed Date: \_\_\_\_\_

**AUTHORIZATION TO CARRY FIREARM**

☐ I have reviewed the security department's prescreening documentation along with the psychological testing results and authorization is given to \_\_\_\_\_ to carry a JBSD-issued firearm while on duty. This authorization is granted from the date of successful completion of the AOC Basic Firearm Course and while all firearm annual training certification requirements are maintained unless directed to relinquish firearm sooner.

☐ Authorization is denied to \_\_\_\_\_ due to the following: \_\_\_\_\_

\_\_\_\_\_  
Judicial Branch Administrator Signature Date

**REVOCATION OF AUTHORIZATION**

☐ Authorization to carry a firearm is revoked for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
Judicial Branch Administrator Signature Date

☐ CSO Scheduled for AOC Basic Firearm Course ☐ CSO Final Interview with JBSD Director. \_\_\_\_\_  
Date

\_\_\_\_\_  
JBSD Director Signature Date

**CSO ACKNOWLEDGEMENT:**

DATE	TASK	DATE	TASK
	Criminal History Check		Use of Force (UoF) Training/Certification
	Psychological Testing & Evaluation		Verbal De-escalation Training
	CSO Firearm Declaration Form		Defensive Tactics Training
	Firearms Policy & Safety Training		Emergency First Aid & CPR Training
	AOC Basic Firearms Course, Firearm Standards and UoF. Qualifying Range Score (circle one): <b>PASS FAIL</b>		

I understand and accept the above conditions for authorization to carry a department-issued firearm. I also agree to adhere to all state laws, ACJA and JBSD requirements regarding the carry and use of firearms including all laws relating to the UoF.

\_\_\_\_\_  
CSO Signature Date

Original: Judicial Branch Human Resources Department

Copies to: JBSD Director and Requesting CSO





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Attachment 4: USE OF FORCE MODEL.

