

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 5-302:)	No. 2020 - <u>02</u>
COURT SECURITY OFFICER POWERS)	(Affecting Administrative
AND DUTIES)	Order No. 2017-15)
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The above-captioned provision having come before the Arizona Judicial Council on December 12, 2019 and having been approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 8th day of January, 2020.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 3: Court Security
Section: 5-302: Court Security Officer Powers and Duties

A. Definitions. The following definitions apply to this section:

“Administrator” means superior court administrator, justice court administrator, or municipal court administrator.

“Certified court security officer” means any court employee who provides court security, whether full or part-time, and who has been granted certification by the director pursuant to ACJA § 5-304.

“Presiding judge” means, for superior court, justice courts, and consolidated justice/municipal courts, the superior court presiding judge or a designee who may be an administrator; for municipal courts, the municipal court presiding judge or a designee who may be an administrator; for appellate courts, the chief justice or chief judge or a designee.

“Director” means the Administrative Director of the Administrative Office of Courts or designee.

“Officer” means any person providing court security either by job title or job description, either full or part-time, and regardless of whether the person is certified to do so pursuant to the ACJA.

“Security director” means the individual designated by a presiding judge to oversee security operations, whether part- or full-time.

B. Authority. Pursuant to Az. Const. Art. 6, § 3 and A.R.S. § 12-299.10, the supreme court is authorized to regulate court security operations in the courts of Arizona.

C. Purpose. This section establishes the powers and duties of court employees who are engaged primarily as security officers and contractors who provide security services for Arizona courts.

D. Duties of Officers.

1. Offender Detention Authority.

- a. Officers may detain people in violation of Arizona law under the authority granted in A.R.S. § 13-3884 (arrest by private person), which states:

A private person may make an arrest:

1. When the person to be arrested has in his presence committed a misdemeanor amounting to a breach of the peace, or a felony.

2. When a felony has been in fact committed and he has reasonable ground to belief that the person to be arrested has committed it.

b. When making an arrest, officers must comply with A.R.S. § 13-3889, which provides:

A private person when making an arrest shall inform the person to be arrested of the intention to arrest him and the cause of the arrest, unless he is then engaged in the commission of an offense, or is pursued immediately after its commission or after an escape, or flees or forcibly resists before the person making the arrest has opportunity so to inform him, or when the giving of such information will imperil the arrest.

2. In addition to the authority described in section (D)(1), a certified court security officer can perform the duties prescribed by A.R.S. § 12-299.10, which provides in part:

B. A certified court security officer, in the performance of the officer's duties, may do the following:

1. With reasonable cause, detain a person on the premises for a reasonable time to contact a law enforcement officer and maintain the safety and well-being of a person who is in a judicial branch facility, on judicial branch grounds or where a court is convening.

2. Refuse to allow a weapon or unlawful material in a judicial branch facility, on judicial branch grounds or where a court is convening.

3. Respond to threats to and emergencies involving a judicial branch employee in a judicial branch facility, on judicial branch grounds or where a court is convening.

4. Receive information from a law enforcement agency regarding threats to a judicial branch facility or judicial branch grounds or to a judicial branch employee.

3. Additional Powers. Officers are authorized to:

a. Maintain order in the court facility to which they are assigned and any surrounding environs dedicated to court operations, in accordance with A.R.S. § 13-403(use of physical force).

b. Request unauthorized visitors and visitors who are engaged in misconduct to leave the court facility or prohibit their entry in accordance with A.R.S. § 13-1502(criminal trespass in the third degree).

4. Additional Duties. Officers shall:

a. Screen visitors for and confiscate and properly dispose of weapons and prohibited materials consistent with required training and local and statewide policies;

- b. Summon law enforcement assistance when a crime is committed in the presence of the officer or when a crime is reported to the officer but was not committed in the officer's presence;
- c. Abide by the Code of Conduct for Judicial Employees;
- d. Adhere to all federal and state statutes, the ACJA, and all administrative orders concerning court security services;
- e. Comply with all local court policies and procedures; and
- f. Perform other duties as prescribed by the security director or presiding judge.