

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL) Administrative Order
ADMINISTRATION § 5-307: USE OF) No. 2020 - 07
CONDUCTED ELECTRICAL WEAPONS) (Affecting Administrative
) 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: 5-307: Use of Conducted Electrical Weapons

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

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

“Certified Conducted Electrical Weapon instructor” means an individual trained and certified in accordance with manufacturer standards and approved by the Administrative Office of the Courts.

“Conducted Electrical Weapon” means a device using propelled wires that transmit electrical pulses to override the central nervous system and control the skeletal muscles, causing immediate incapacitation.

“Director” means the Administrative Director of the Arizona Supreme Court Administrative Office of the Courts or the director’s designee.

“Officer” means any court employee who provides court security, whether part- or full-time.

“On duty” means the period during which the officer performs duties or is functioning at the direction of the presiding judge.

“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.

“Security director” means the individual responsible for maintaining a CEW log for each assigned CEW, ensures that officers conduct a five-second spark test of their device every work day, and is responsible for ensuring that the daily reports are printed.

B. Applicability. This code section applies to court-employed security officers authorized by the presiding judge to carry and use a Conducted Electrical Weapon (CEW) while on duty.

C. Purpose. This code section establishes protocols for the use of CEWs and governs the administration and authority of an officer to use a CEW for official court security purposes while on duty.

D. General Policy.

1. The presiding judge may authorize an officer to carry a CEW if the officer has completed CEW training based on the CEW manufacturer specifications and delivered by a certified CEW instructor.
2. The presiding judge shall determine when an officer authorized to carry a CEW is restricted from carrying the CEW in the performance of the officer's duties.
3. The presiding judge may require that certain job assignments are staffed by an authorized CEW officer.
4. Officers must only carry an authorized CEW.
5. Authorized officers shall carry their CEW in a holster, which will be carried on their duty belt or on a tactical vest. If an officer is armed, the officer must carry a CEW on the opposite side of the officer's firearm.
6. All CEW weapons and associated equipment are court property. As such, this property will be subject to certain handling criteria, security, and accountability requirements.

E. Required CEW Training and Instructor Certification.

1. CEW training shall be delivered by a certified conducted electrical weapon instructor (CEW instructor) using only director-approved CEW manufacturer's curriculum.
2. An officer may become a certified CEW instructor by:
 - a. Completing CEW manufacturer's instructor training course.
 - b. Submitting a written endorsement from their presiding judge to become certified as an instructor.
 - c. Receiving written confirmation from the Director that the officer meets all certified CEW instructor criteria.
 - d. Maintaining CEW manufacturer's criteria for instructor recertification.
3. Qualified security personnel must attend yearly training and qualifications to retain the CEW certification. Failure to pay the recertification requirements will result in the immediate suspension of authorization to carry a CEW weapon. Reinstatement of the authorization requires the successful completion of the certification requirements.
 - a. Officers will be allowed one remedial training session within a reasonable period of time.
 - b. Remedial CEW training will be provided by a certified CEW instructor.

F. Authorization.

1. The presiding judge shall authorize an officer to carry a CEW on duty after the officer satisfactorily completes all requirements stated herein.
2. An officer granted authorization to carry a CEW must acknowledge and sign an authorization document indicating the officer understands the terms and conditions of this code and any local court policy regarding CEW use.
3. An authorized CEW officer failing to comply with regulations and limitations is subject to disciplinary action and loss of CEW authorization.
4. An authorized CEW officer must successfully complete regular re-qualification.

G. Procedures for Denial, Temporary Suspension, or Revocation.

1. The presiding judge shall deny, revoke, or suspend authorization to carry a CEW if an officer meets any of the conditions specified in ACJA § 5-306(G).
2. Failure to pass the officer CEW recertification requirements will result in the suspension of authorization to carry a CEW, in accordance with subsection E(3) above.
3. All screening and testing records shall be maintained in the officer's personnel file and remain confidential as required by law.

H. Authority to Unholster, Draw, and Display CEW. CEW weapons will not be displayed outside of official duty requirements or authorized training. An authorized CEW officer shall only draw their CEW from its holster, or display it in public, under the following conditions:

1. In compliance with court policy regarding CEW concealment or exposure.
2. The circumstances surrounding the incident create a reasonable belief that it may become necessary to use the CEW in carrying out court security duties;
3. When a law enforcement officer requests assistance from an officer;
4. For spark testing, maintenance, inspection, and training purposes; and
5. When using the CEW in an approved training course, practice session, or qualification with a certified CEW instructor.

I. Responses to Discharges and CEW Involved Incidents. Presiding judges shall respond to discharges and CEW involved incidents according to the following criteria:

1. All deployments of a CEW, whether intentional or unintentional, shall require an administrative review. All deployments resulting in an injury other than superficial

puncture wounds from the device probes shall require an internal investigation and use of force review as described in ACJA § 5-305(I).

- a. Presiding judges shall report injuries requiring internal investigation to the director within 72 hours.
 - b. The presiding judge shall have the authority to administer any discipline or remedial measures according to local personnel procedures.
 - c. The improper use of a CEW may result in sanctions, criminal action, or civil action.
2. Subsequent to the use of the CEW on an individual, the following steps should be taken:
- a. Summon medical assistance if the person received a charge or had the probe(s) penetrate their skin.
 - b. Notify the security director or designee.
 - c. Do not remove the cartridge from the CEW until local law enforcement personnel have arrived and the individual is in law enforcement custody.
 - d. Do not remove the probe(s) from the individual, unless trained to do so.
 - e. In addition to the required Incident Report, photographs of the affected area of the subject should be taken as soon as possible.

J. Authorized CEW and Holster.

1. An authorized CEW officer may only carry and use a CEW approved by the director.
2. The presiding judge shall ensure a database of each CEW serial number is maintained with the local court.
3. The presiding judge shall maintain records of all CEWs carried by officers on duty.
4. Only technicians authorized by director-approved manufacturer shall adjust a CEW.
5. All safety devices manufactured into the CEW shall always be intact and functioning.
6. The presiding judge shall approve CEW holsters based on guidelines issued by the Director.
7. An authorized CEW officer shall complete CEW training using an approved CEW holster.

K. CEW Safety and Storage.

1. Officers are required to obey all state, county, and local regulations regarding the transportation of their weapon.
2. CEWs will not be left unsecured at any time. All CEWs will be properly secured in the officer's approved storage unit when not being worn or used by the officer. The officer is responsible for the care, safety, and control of their issued weapon.
3. All CEWs and associated equipment are for the sole use of the authorized officers. An officer shall notify their supervisor of any unauthorized use, handling, or discharge of a CEW no later than the close of the next business day.

L. Stolen or Lost CEW.

1. An authorized CEW officer shall immediately file a report with local law enforcement upon discovery that a CEW is missing.
2. An authorized CEW officer shall immediately report a stolen or lost CEW to a supervisor, who will in turn notify the security director.

M. CEW Care and Maintenance. Testing and maintenance shall be consistent with the manufacturer's specifications and training provided.

1. Officers shall check their issued CEW at the beginning of each shift to ensure that the unit is adequately charged and free of any damage. This will include spark testing in accordance with the CEW manufacturer's specifications and inspection of the CEW.
2. The court shall retain ownership of all CEWs purchased and provided to an officer.
3. An authorized CEW officer shall return the CEW to the security director upon request.
4. An authorized CEW officer shall present the CEW to a certified CEW instructor for inspection upon the instructor's request.

N. Documentation. All CEWs shall be electronically audited for proper authorized usage and testing.

1. A CEW that has been deployed against a subject shall be taken as soon as possible by the security director for data download.
2. After each use, or threatened use of the CEW, an Incident Report shall be completed and given to the security director. Every pull of the trigger on the CEW is an independent, stand-alone use of force and must have justification that is clearly documented.