

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION § 6-107:)	Administrative Order
SAFETY TRAINING)	<u>No. 2006 - 62</u>
)	(Affecting Administrative
)	Order Nos. 2002-55, 2003-
)	42, 2003-90 and 2003-103)
)	
_____)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on June 19, 2006, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-107 is amended as indicated on the attached document. All other provisions of § 6-107, as originally adopted, remain unchanged and in effect.

Dated this 18th day of August, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-107: Safety Training

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

A. Definitions. In this section, unless otherwise specified, the following definitions apply:

“Certified firearms instructor” means an individual certified in accordance with law enforcement firearms training standards and approved by the Administrative Office of the Courts (AOC).

“Defensive tactics instructor” means an individual certified in accordance with law enforcement training standards and approved by the AOC.

“Nomenclature” means a system that defines firearm components and how the components interrelate to the safe workings of the weapon.

“Officer” means both adult and juvenile probation and surveillance officers.

"Safety sensitive duties" means duties that involve assigned responsibilities for ~~the~~ direct community or custodial supervision of probationers, ~~within the community~~ defendants or juveniles pending adjudication and/or that involve authorization to carry and to use a firearm in the performance of ~~any~~ other assigned responsibilities.

“Safety sensitive positions” means officers, community ~~service~~ restitution coordinators and other employees as designated by the chief probation officer or director of juvenile court services who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court.

B. Applicability. ~~Article VI, Section 3 of the Arizona Constitution~~ Az. Const. Art. 6, § 3 and A.R.S. §§ 12-251(c), and 8-203(c) authorizes the ~~S~~supreme C~~ourt~~ to establish standards for probation and surveillance officers.

C through F [no change]

G. Defensive Tactics Training. ~~Academy.~~

1. All officers in safety sensitive positions and prior to assignment to safety sensitive duties shall and all other officers may:
 - a. Certify, on a form approved by the AOC, that they have no knowledge of any condition

that may render them medically or physically unable to participate in any aspect of the defensive tactics training academy.

- b. Demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy; and
- c. Successfully complete a remedial course within 60 days for any subject area in which a demonstrated proficiency was not attained.

2. Temporary Medical Waiver.

- a. An officer may apply, at any time, for a temporary medical waiver of attendance at the defensive tactics training academy.

- (1) An officer shall submit the request to the chief probation officer or director of juvenile court services.

- (2) The request shall include a statement completed by a licensed physician that indicates the officer has a medical or physical condition that temporarily impairs the officer's ability to participate in the defensive tactics training academy.

- b. Departments shall reschedule an officer for the defensive tactics training academy upon receiving written medical clearance that indicates the officer's temporary condition will no longer impair participation in the academy.

3. Accommodations for a Permanent Medical Condition.

- a. An officer may, at any time, request accommodations for a permanent medical condition that substantially impairs the officer's ability to perform any defensive tactic in the conventional manner taught in the training academy. The department or the AOC, for good cause and at any time, may initiate a medical accommodation review.

- b. The department and the AOC shall review the need for accommodation and may consult any additional source of relevant information including, but not limited to;

- (1) Training staff;

- (2) The officer's physician; and

- (3) A licensed physician employed by the department.

- c. If the department and AOC decide an accommodation is medically advisable, practical and warranted, training staff shall make best efforts to design and teach the officer an

alternative manner of performing defensive tactics consistent with the minimum requirements of the training and the officer's medical condition in order to enable the officer to successfully complete the defensive tactics training academy.

4. The chief probation officer or director of juvenile court services shall review the assignment of an officer who has been granted a temporary medical waiver or accommodation to determine whether the officer can perform the assigned job duties consistent with the safety of the officer, other officers and the public.
5. Based upon the review of assignment, the chief probation officer or director of juvenile court services shall take action consistent with ACJA, ~~section~~ § 6-106: Personnel Practices (J)(2)(d).
6. The chief probation officer or director of juvenile court services shall ensure that ~~an officer attends and successfully completes the following training: a new probation officer attends and successfully completes the probation certification academy.~~
 - a. ~~A new probation officer shall attend and successfully complete the probation certification academy;~~
 - b. ~~A new intensive surveillance officer shall attend the intensive probation institute; and~~
 - c. ~~The COPE approved defensive tactics safety training academy.~~
7. The chief probation officer or director of juvenile court services shall ensure that a new intensive surveillance officer attends the intensive probation institute.
8. The chief probation officer or director of juvenile court services shall ensure that all officers attend and successfully complete the COPE approved defensive tactics safety training academy.
- 9.7. ~~Only AOC approved~~ defensive tactics instructors (DTI) shall instruct at defensive tactics training academies.
- 10.8. ~~The DTI shall :~~ only use curriculum approved by COPE.
 - a. ~~Only use curriculum approved by COPE; and~~
 - b. ~~Prepare and submit a quarterly training report to the chief probation officer or director of juvenile court services and AOC, on a form approved by AOC.~~
- 11.9. ~~The defensive tactics training academy shall include the following topics:~~ and training as approved by COPE and the AOC probation safety specialist.

- ~~a. Verbal de-escalation;~~
- ~~b. Use of force and corresponding legal issues;~~
- ~~c. Parrying and redirection of force;~~
- ~~d. Personal weapons;~~
- ~~e. Control holds;~~
- ~~f. Pressure points;~~
- ~~g. Prone self defense;~~
- ~~h. Oleoresin Capsicum (OC);~~
- ~~i. Impact weapons;~~
- ~~j. Knife attacks (close quarter management);~~
- ~~k. Handcuffing and pat search techniques;~~
- ~~l. Weapon disarming;~~
- ~~m. Escape holds;~~
- ~~n. Simulation training; and~~
- ~~o. Other training as approved by COPE and the AOC probation safety specialist.~~

~~12.10.~~ The chief probation officer and director of juvenile court services shall ensure that all officers attend a refresher defensive tactics course of not less than ~~8~~ eight hours every ~~12~~ months calendar year.

- a. An officer may at any time apply for a temporary medical waiver or request accommodations for a permanent medical condition as provided in subsections (G)(2) and (G)(3) of this code section.
- b. The DTI shall make best efforts to design and teach the officer an alternative manner of performing defensive tactic techniques, if the officer demonstrates physical limitations in the refresher training that has not been previously disclosed by the officer.

- c. The DTI shall document and forward to the chief probation officer or director of juvenile court services all information regarding an officer who cannot physically perform any defensive tactics technique if best efforts to teach the officer an alternative manner failed during a defensive tactics refresher class.
- d. The department shall follow guidelines as provided by subsections (G)(2) and (G)(3) of this code section. The department or the AOC, for good cause and at any time, may initiate a medical accommodation review.
- e. The chief probation officer or director of juvenile court services shall review the assignment of an officer who has been granted a temporary medical waiver or accommodation to determine whether the officer can perform the assigned job duties consistent with the safety of the officer, other officers and the public.

H. Firearms Training Academy.

1. The COPE approved firearms training academy shall include:
 - a. Only COPE approved curriculum;
 - b. Instruction to eligible officers in the safe and effective use of a firearm;
 - c. Emphasis that firearms are for defensive purposes only;
 - d. Training and testing that ~~A firearms qualification course which~~ shall, at a minimum, include:
 - (1) Classroom instruction on the following topics:
 - (a) Nomenclature of firearms;
 - (b) Weapons retention lecture and practicum;
 - (c) Understanding the effects of a critical incident;
 - (d) Legal issues; ~~and~~
 - (e) ACJA §§ 6-112 and 6-113; and Range safety.
 - (f) Range Safety.
 - (2) Range training including:
 - (a) Daylight condition and Qqualification;
 - (b) Low light conditions and qualification;
 - (c) Tactical training;
 - (d) Firearms automated training system or a judgmental shooting simulation; and
 - (e) Range safety.
2. Only ~~AOC approved~~ certified firearms instructors (CFI) shall instruct at firearms training academies.

3. The CFI shall:
 - a. Only use curriculum approved by COPE; and
 - b. ~~Prepare and submit a quarterly training report to the chief probation officer or director of juvenile court services and AOC in a format specified by AOC. Submit a written incident report no later than the next business day to the officer's chief probation officer or director of juvenile court services of any discharge on the range that violates range safety.~~

4. An officer requesting firearms authorization shall:
 - a. Satisfactorily complete a psychological evaluation, as outlined in ACJA ~~Section § 6-113: Firearms Standards code section;~~ and
 - b. Have completed and demonstrated proficiency in all courses of the defensive tactics training academy; ~~and.~~
 - c. ~~Satisfactorily complete and pass a competency test in a training course on ACJA Section 6-112 Use of Force Code and Section 6-113 and Firearms Standards Code.~~

5. The chief probation officer and director of juvenile court services shall ensure ~~all~~ screening requirements in subsection H(4)(a-e) are satisfactorily completed and written documentation is placed in the officer's personnel file prior to attending the firearms training academy.

6. An officer shall successfully complete the firearms training academy prior to being considered for authorization to carry a firearm. ~~attain a minimum standard score of 80% on the firearm's course to qualify.~~
 - a. ~~An officer shall be considered qualified for one year from qualification date, unless there is a reason to retest proficiency during that time.~~
 - ab. The CFI shall provide an officer failing to successfully complete any component of the range training as provided in subsection (H)(1)(d)(2) ~~qualify~~ another opportunity to qualify on the same day. The CFI shall make other arrangements as soon as practical, if this is not possible.
 - be. An officer failing to successfully complete ~~qualify~~ at the second opportunity, and wishing for another attempt ~~at qualification~~, shall successfully complete a remedial course.
 - c(4) The lead CFI and an AOC Safety Specialist ~~remedial course~~ shall develop a remedial course contain 16 hours of training and use curriculum approved by COPE that meets the

deficiencies of the officer.

d. The lead CFI and an AOC Safety Specialist shall use curriculum approved by COPE.

e. ~~(2)~~ The remedial course will shall be scheduled as soon as practical.

f. The officer shall, within 60 days:

(1) Complete the remedial course for any subject area in which a demonstrated proficiency was not obtained.

(2) Have one opportunity to successfully demonstrate the required proficiency.

g. The department, for good cause and at any time, may retest an officer's proficiency in order to maintain firearms authorization.

7. An officer wishing to maintain firearm authorization shall, each calendar year: re-qualify annually and attend practice sessions if wishing to maintain firearm authorization status.

a. Attend, at minimum, eight hours of COPE approved firearms practice conducted by a CFI. This practice shall include: ~~CFIs shall only use a firearms re-qualification course and curriculum that is approved by COPE.~~

(1) Day light conditions;

(2) Low light conditions;

(3) Tactical conditions;

(4) Firearms automated training system or a judgmental shooting simulation; and

(5) Range safety.

b. Successfully complete the low light and day light re-qualification. ~~An officer, requesting to carry a firearm, shall attend the full firearms training academy if firearm certification lapses for more than one full year.~~

c. ~~An officer, requesting to carry a firearm, shall successfully complete the annual re-qualification if certification has lapsed for less than a year.~~

8. ~~The CFI shall ensure that all authorized officers receive 8 hours of COPE approved firearms practice per year. This practice shall include:~~

~~a. Low light conditions;~~

~~b. Tactical conditions;~~

~~c. Firearms automated training system or a judgmental shooting simulation; and~~

d. ~~Range safety.~~

I. **Waiver Requirements. Reporting Requirements.** The chief probation officer and director of juvenile court services shall ensure that all officer safety related training reports are included in the annual Committee on Judicial Education and Training report.

1. ~~An officer previously employed in a position functioning in the capacity of a peace officer in another county, state or federal law enforcement agency whose training substantially conforms to this code section, may submit the supporting documentation and apply for a waiver of training requirements. Re-qualification standards shall apply.~~
2. ~~The chief probation officer or director of juvenile court services shall forward all applications for waiver requests, with supporting documentation, on approved forms to AOC for COPE review.~~
3. ~~COPE shall review all training requirement waiver requests and either approve, conditionally approve or deny each request.~~