

Court Security Codes Implementation Checklist

September 2021

Section: 5-301: Court Security Standards (initially adopted in February 2017 by AO 2017-15)

- Establish Local Security and Emergency Preparedness Committee (SPEC) that meets quarterly
 - Superior Court - establish a County SPEC that meets twice a year
- Conduct a court security assessment (every three years)
 - Share with local SPEC (and county SPEC/AOC as needed)
- Policy, procedure and process for court employees and judges to report a security threat or incident
 - Provide employees with contact information for reporting emergencies
 - Train employees on reporting a security threat or incident
 - Designate employee(s) responsible for reporting significant security threats & incidents
- Presiding Judge determines whether CSOs will carry firearms to maintain court security
 - Policies must be consistent with ACJA, administrative directives and state/local laws
 - Policies for law enforcement carrying firearms subject to ARS §§ 38-1113 & 11-411
- Written policy for judges and/or employees carrying firearms for personal safety:
 - who is authorized to carry a firearm
 - training requirements to be armed
 - process for obtaining authorization to be armed
 - procedure for notifying PJ and court security of armed status
 - type of firearm(s) and ammunition allowed
 - language and requirements conforming to state/local laws regulating firearms
- Establish one main public entrance
 - Additional entrances require at least one form of screening device
 - Appropriate screening at ADA entrances
- Entryway screening
 - One or more judges + daily proceedings = screening during business hours
 - Proceedings 2-3 times per week = screening during hours of court proceedings
 - Single judge + proceedings 1-2 days per week = may request exemption
 - Must screen on request of judge for high-risk hearings
 - Establish policies and procedures for screening high-risk hearings
- All entryway screeners trained on screening devices
- Regular testing and calibration of screening devices
- Post signage at entrances
 - prohibited items
 - notice visitors are subject to screening
 - firearms/weapons prohibited (ARS § 13-3102)
- Secure lockers for firearms storage at entryway (ARS § 13-3102)
- Policies and procedures on prohibited items
 - identification
 - confiscation
 - chain of custody
 - safe handling
 - disposition (ARS § 12-941)
 - collect data on prohibited items
 - Monthly reports on prohibited items to PJ (and SPECS)
- Law enforcement in court for any reason other than official business required to store firearms in secure lockers (ARS § 38-1113)

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Section: 5-301: Court Security Standards (continued)

- Policies and procedures on entryway screening of court employees, judicial officers, and contract service providers
- In-custody defendants enter and leave through an entrance separated from any public entrance
 - Courts with architectural/historical limitations - written policies/procedures keeping in-custody defendants segregated from the public when entering and leaving
- In-custody defendants transported, controlled, and monitored by appropriately trained court security personnel, correctional personnel, or law enforcement officers
- Written policies and procedures for taking individuals into custody in court
 - when it is known in advance there is a potential for taking a person into custody, alert the agency responsible for transportation in advance
- Have at least one active and monitored duress alarm behind each public transaction counter
- Each court shall have active and monitored duress alarms at the judicial officer's bench and the courtroom clerk's station
- Employees working in areas with duress alarms shown how to use it: location, policies, procedures
- Test duress alarms quarterly
 - documented and reported to the presiding judge or designee
 - made available to the Local SEPC and County SPEC as needed
- Keep all public doors to courtrooms locked when a courtroom is not in use
- Courtroom doors and doors to judicial officers must lock (installed/mechanism) from the inside to facilitate sheltering in place (must meet regulations for emergency exit/fire safety)
- Keep jury deliberation rooms locked when not in use unless the room can only be accessed from an otherwise secure area
- Establish policies and procedures for conducting daily sweeps of vulnerable areas (courtrooms, hearing rooms, jury deliberation rooms, facility perimeter)
 - Maintain reports documenting sweeps and sweep findings
- Areas not open to the public secured by a key control mechanism
 - policies and procedures for issuance, control, and collection of keys and access devices
 - policies and procedures for obtaining or disabling keys and access devices upon a person's separation from the court
- Coverings on windows that prevent viewing inside, but allow visibility of the outside
- Reinforce courtroom benches and court employee work areas with bullet-resistant material
- Barrier between the public and court employees at public transaction areas
- Video cameras with recording capability at entryways and common public areas
 - policies and procedures for the retention, storage, and destruction of recordings
- Exterior lighting at building entrances and exits
- Prevent unauthorized vehicle access to critical areas
 - Courts with architectural/historical limitations - written policies/procedures for monitoring areas where vehicles in close proximity to the building
- Prevent unauthorized access to critical areas such as electrical supply, roof, data centers, electrical rooms, and other electronic storage areas
- Courts with data centers shall meet the requirements of ACJA § 1-507

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Section: 5-303: Personnel Practices

- CSO applicants certify on an AOC-approved form that they can perform required job duties in court security ACJA code sections (with or without reasonable accommodations)
- May institute uniform requirement for all CSO applicants to submit to physical exam after receiving a conditional offer of employment but before service begins
- Complete employment qualification and character and fitness investigation after CSO receives conditional offer of employment but before beginning service
 - Fingerprint and criminal history records check through ACJIS
 - Drug testing according to model policy in Appendix A of ACJA § 6-106
 - Armed officers include psychological evaluation (standards in section H)
 - Pre-employment screening results kept confidential
 - Medical records including psychological evaluations kept confidential and separate from personnel records
- Application form must include:
 - Awaiting trial or convicted of a felony offense (or similar in another state)
 - Whether or not offense was sealed or expunged
 - AZPOST certification or DPS-issued guard card was revoked
- Determines whether an applicant reporting offense is disqualified for further consideration
- Provide training to all CSOs on code of conduct for judicial employees and ACJA
 - Officers certify that they have received training
 - Officers certify that they shall adhere to code of conduct and ACJA
- Policies and procedures for reasonable suspicion drug screening
- Written policy for CSOs to immediately disclose to supervisor a citation (misdemeanor or felony), arrest, conviction, order of protection, warrant, other litigation in home court
- Written policy addressing department action upon disclosure
- May require medical or psychological (standards detailed in Section H) evaluation if objective evidence is received that CSO health condition prevents performing job functions safely or poses a direct threat to safety
 - Licensed/certified professional completes evaluation
 - Court pays cost of evaluation
 - Review assignment to determine whether the officer can perform duties
 - May take away firearm, reassign or take other action when officer can no longer perform assigned job duties
 - All medical records kept confidential including psychological eval
- Standards for pre-employment and reasonable suspicion drug testing are set forth in Section I and Appendix A of ACJA § 6-106
 - Officers involved in discharging a firearm while on duty shall submit drug/alcohol test as soon as practicable (not more than 24 hours)
- Protocols allowing for medical review of positive drug test results when officer requests a retest
- Offer of employment conditioned upon background (fingerprints and character+fitness)
- Provide that failure to complete training and certification requirements (ACJA § 5-304) are grounds for dismissal

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Section 5-304: Certification and Training

- Court-employed CSOs attend and complete CSO Training Academy (CSOA) within 90 days of hire
- Court-employed CSOs complete 90 calendar days of service on post
- Local court provides AOC with recommendation to certify officer after CSOA is complete and 90 calendar days of service on post
- Include CSO training in annual COJET report
- CSO's failing to attain the passing score on the competency assessment are permitted to retake the competency assessment once within 90 days of completion of the Court Security Officer Training Academy.
- CSO's granted certification by the director shall undergo the certification process again if the officer returns to service as a court security officer after an absence of more than two years.

Section 5-305: Use of Force

- Implement notification procedures in use of force incident that involves unholstering of firearm, the discharge of a firearm, the firing of a conducted electrical weapon, or that results in serious injury requiring medical attention
 - Immediate notification of supervisor (by next business day)
 - Written incident report (by 3rd business day)
 - Criminal investigation – someone other than officer prepares report (Note: CSOs may not be compelled to incriminate themselves during investigatory interviews conducted by their employers - Garrity Rule)
 - Report forwarded to Presiding Judge (immediately upon review)
 - Provide copy to AOC (immediately upon review)
 - PJ may request extension or exception
- Implement process of reviewing use of force incidents
 - Review of all use of force incident reports (within 2 business days of receiving)
 - Appoint use of force committee within 20 business days (under certain conditions)
 - At least 3 members (to include department management and one appointed by AOC director)
 - Investigator may be assigned, and may be law enforcement (AZPOST)
 - Issue report within 10 business days of review conclusion
 - Forward report to PJ, who forwards report to AOC director with summary of any action taken

Statutory citations for reference:

ARS § 13-402

ARS § 13-406

ARS § 13-105

ARS § 13-403

ARS § 13-408

(14), (15), (39)

ARS § 13-404

ARS § 13-409

ARS § 12-29910

ARS § 13-405

ARS § 13-411

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Section 5-306: Firearms

- Applies to court-employed CSOs – local policy in conformity with ACJA for armed guards
- PJ may require some job assignments to be staffed by an armed officer
- PJ shall decide when an armed officer is restricted from carrying a firearm
- Document and certify on AOC-approved form prior to granting authorization (Section D.2.c.)
 - Officer must acknowledge and sign authorization document (Section H1)
- May require officer to submit to a polygraph exam
- Provide training/range equipment including eye and ear protection to officers
- Officer's direct supervisor may give written authorization for officer to use authorized firearm for practice while off duty on a range (approved by PJ/designee)
- Officer must attend CSOA before attending CSO Firearms training program
- Ensure all CSOs are trained on local policies and procedures including response to unholstering, discharges, and firearms-involved incidents
- May deny, temporarily suspend or revoke firearms authorization
 - Shall deny if officer has been convicted of qualifying misdemeanor domestic violence 18 USC § 922(g)(9) or qualifying protective order See 18 USC § 922(g)(8)
 - Shall provide written reasons for denial, suspension, revocation & keep on file
 - Some reasons for cause are explicitly outlined in Section G.5.
 - Officer revoked may submit a request for reinstatement of armed status after a year
- Reporting required when handgun unholstered but not discharged in course of duty
 - Officer written report to supervisor next business day, supervisor reports internally to PJ
- Required response to discharges and firearms involved incidents
 - Unintentional Discharge without injury (including training-related)
 - Administrative investigation
 - Notification to AOC within 72 hours
 - Unintentional discharge with injury or intentional discharge
 - Law enforcement investigates immediately
 - Internal administrative investigation
 - Policies and procedures shall include:
 - who shall be notified & called to the scene
 - Notification to AOC and law enforcement
 - Notification to the court's city, county, or state risk management, as appropriate
 - Notification to county attorney and attorney general
 - Establish critical incident response team, with a member to aid an officer
 - Notification of a critical incident response team representative(s)
 - Procedures to place an officer on administrative leave after shooting/discharge
- Maintain database/record of firearm serial numbers and all firearms carried on duty by CSOs
- Court-issued badge, identification card, and firearms authorization card
- Officer shall immediately notify the security director of any unauthorized use, handling, or discharge of an authorized firearm – follows same discharge investigation procedure
- Officer immediately notify supervisor of lost or stolen firearm in writing by next business day
 - Report reviewed and forwarded to PJ
 - Shall discipline officer found negligent in loss of firearm, minimally a letter of reprimand

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5-307: Use of Conducted Electrical Weapons

- May authorize CSO to carry CEW if training completed, restrict CEWs from some officers, and require job assignments to carry CEWs
- CEWs are court property and subject to handling criteria
- CSOs must attend initial and annual CEW certification training approved by manufacturer
- CSOs must sign form acknowledging terms and conditions, code and policy
- May suspend, deny or revoke CEW status for cause as in ACJA § 5-306
- Internal policies for response to deployment of CEW on person (Section 12)
- Response to discharges and CEW involved incidents
 - Administrative review required in all deployments of CEW (including unintentional)
 - UOF review for deployments resulting in injury (other than superficial puncture wounds)
 - Report injuries requiring internal investigation to AOC within 72 hours
- Maintain database/record of each CEW serial number and all CEWs carried on duty by officers
- Approve CEW holsters based on AOC guidelines
- Policies and procedures for lost or stolen CEW
- Audit CEWs for proper authorized use and testing
- A CEW deployed against a subject shall be taken as soon as possible for data download
- Every pull of the trigger on the CEW is an independent, stand-alone use of force and must have justification that is clearly documented An Incident Report shall be completed and given to the security director after each use or threatened use

5-308: Court Security Guards Not Eligible for Certification

- Contractors, volunteers, or off-duty police officers are not eligible for CSO Certification because they are not employed by the court. We refer to them as “Security Guards.”
- Security Guards shall complete the Court Security Guard Training Academy (CSGA) within 90 days of providing court security services to a court.
 - AzPost-certified Law Enforcement Officers may attend AOC court security training
- Presiding judge shall establish a written policy for armed Security Guards:
 - who is authorized to carry a firearm,
 - process for obtaining authorization to be armed,
 - the procedure for notifying the presiding judge or designee of the status of being armed,
 - the type of firearm(s) and ammunition allowed within the courthouse in conformity with Arizona Supreme Court Administrative Directives, and
 - must have written policy conforming to ACJA §5-306 and state and local laws.
- Presiding judge may authorize a Security Guard to carry a Conducted Electrical Weapon (CEW) while providing court security.
 - Must have a written policy confirming to ACJA §5-307 and state and local laws.
- Security Guards who do not attain a passing score on the CSGA competency assessment are permitted to retake the assessment once within 90 days.
- Security Guards shall complete the CSGA again if they return to service as a court security guard after an absence of two or more years