

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 5: Court Operations

Chapter 3: Court Security

Section: 5-305: Use of Force

(Added text shown in underline, deleted text by ~~strikethrough~~)

A. [No change]

B. Authority. Article 6, Section 3 of the Arizona Constitution authorized~~s~~ the supreme court to establish rules governing the use of force by court security officers.

C. and D. [No change]

E. Officer Response – Use of Force. An officer’s use of force shall be reasonable to control a subject and accomplish lawful objectives. Use of force options include:

1. through 3. [No change]

4. Intermediate Weapons: When intermediate weapons are used, injury to the subject is likely to occur and appropriate medical care shall be provided once the situation is secure. Intermediate weapons include weapons such as ~~oleoresin capsicum (OC) aerosol chemical spray~~chemical irritants, impact weapons and CEWs, and offer a method of controlling subjects when deadly force is not justified and when empty hand control techniques are either not sufficient or are not tactically the best option for the safety of third parties, the suspect, or the officer. Intermediate weapons may be used when the officer reasonably believes it is unsafe to approach an aggressive subject and disengagement is not reasonable or practical, or when the officer reasonably believes the subject’s actions are likely to cause physical harm to the officer or a third party.

The following are types of authorized intermediate weapons:

a. and b. [No change]

c. Chemical irritants: may be used when an officer encounters active aggression resistance and reasonably believes it is unsafe to approach an aggressive or combative subject and disengagement is not reasonable or practical. The officer shall consider the potential for cross-contamination of bystanders and must be prepared to exercise other force options if the subject does not immediately react to chemical irritants.

d. Intermediate weapons not specifically authorized by this code section shall be approved by the director before being issued to an officer for use on-duty.

e. No intermediate weapon shall be issued to an officer for use on-duty until required training has been completed as determined by an authorized Arizona court security defensive tactics instructor, an instructor currently certified by the manufacturer of the intermediate weapon, or an instructor trained in the use of the specific intermediate

weapon who is currently certified by the Arizona Peace Officer Standards and Training Board (AZPOST).

f. All armed officers shall be equipped with at least one intermediate weapon authorized by this section or approved by the director while on-duty.

5. [No Change]

F. Considerations for Use of CEWs. The CEW may be used in situations where officers encounter active aggression resistance as defined in this section. However, any use of the CEW shall be reasonable and based on the totality of the circumstances. While gaining control of a situation, a CEW should be ~~unholstered~~ unholstered, activated and pointed at a subject only when the officer has determined its use is warranted and is preparing to fire the weapon if the situation does not improve immediately. Certified officers may threaten use of the CEW as a show of force when the officer reasonably believes an aggressive or combative subject would escalate the incident or use of force, or when approaching an aggressive or combative subject is unsafe.

Before using a CEW, the officer should consider whether any of the following conditions exist that may create an undue hazard to the falling subject:

1. ~~Women~~ A woman known to be pregnant;

2. A ~~F~~ frail or elderly persons;

3. ~~Juveniles~~

4-3. ~~An~~ Persons who are restrained in an elevated position or near water or unstable surface;
~~and~~

5. ~~Persons who are obviously under the influence of drugs or alcohol.~~

4. Possibility of an impact injury to the head or other areas;

5. Possible sharp object or surface below;

6. Inability to catch or protect themselves in an uncontrolled fall;

7. Impaired reflexes;

8. Running, in motion, or moving under momentum;

9. On a conveyance; or

10. In water or a flammable environment.

Prior to deploying a CEW on a subject in any of these conditions, the officer must be prepared to articulate why other reasonable options were unavailable. The CEW is not an option to thwart deadly force unless a secondary officer or law enforcement officer is present to deploy deadly force in the event the CEW is ineffective, unless it is the only viable option given the circumstances.

G. Conditions for Use of Deadly Force. The following are ~~pre-requisites~~ prerequisites for determining whether a subject's actions constitute a risk or threat of imminent danger or serious bodily harm or death:

1. through 4. [No changes]

H. Notification. An officer involved in any use of force involving unholstering of firearm, the discharge of a firearm, the intentional or unintentional firing of a conducted electrical weapon, or that results in serious injury requiring medical attention shall:

1. Immediately notify the officer's supervisor as soon as practical, but not later than the ~~next business day~~ end of the officer's scheduled shift.

2. and 3. [No Change]

4. Upon review of the incident report, the presiding judge; shall provide a copy to the director.

5. [No change]

I. Review of Use of Force.

1. and 2. [No Change]

3. The use of force committee shall consist of at least three members who have knowledge of the reasonable use of force and of defensive tactics. The committee shall include one representative from each of the following:

a. Department management other than the security director; ~~and~~

b. A court security officer instructor certified by the director or other qualified person appointed by the director; and

c. An authorized Arizona court security use of force instructor.

4. through 8. [No Changes]