

IN THE DISTRICT COURT OF THE SECOND JUDICIAL  
DISTRICT OF THE STATE OF IDAHO

FILED

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RE: THE APPOINTMENT OF )  
COURT OFFICERS FOR THE )  
DISTRICT COURT IN THE )  
COUNTY OF NEZ PERCE )

ADMINISTRATIVE ORDER

NO. 2002 - 1

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Jisha Reynolds*

WHEREAS, this Court finds:

A) that Idaho Code, Section 1-907(l) provides the Administrative District Judge with the power and duty of "appointing personnel when needed to attend to the courts, and assigning duties to these court attendants for the purpose of maintaining the security and efficiency of court facilities";

B) that Idaho Code, Sections 18-3302(12)(a) and (g) recognize the authority of duly appointed court attendants to carry weapons under a court issued permit;

C) that there is a need to maintain the security and efficiency of the facilities of the Court in Nez Perce County through the appointment of court attendants authorized to carry weapons;

D) that there is a need to regulate and carefully monitor the conditions and circumstances under which persons appointed as court attendants will be armed while carrying out their duties and to ensure that all persons appointed as court attendants are properly trained and certified in the use, maintenance and discharge of weapons prior to carrying a weapon in the performance of their duties, as well as being required to undergo continuous and ongoing training in this regard;

NOW, THEREFORE, IT IS HEREBY ORDERED:

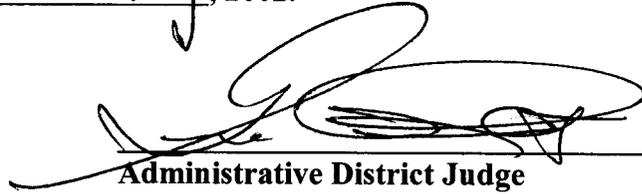
1. that any person appointed as a 'court officer' in Nez Perce County under this Order, or by any earlier or subsequent Order, or by any other subsequently authorized method, shall have authority to act in the statutory capacity of court attendant in any court facility in that county, (which includes court annexes or any other place in which court functions are conducted, including the environs thereof), or in any other location in which the official business of the District Court of Nez Perce County is conducted, or in which the jurisdiction of the magistrate and district judges thereof is exercised;

2. that no person appointed as a court officer shall be authorized to carry, use or discharge a weapon within the scope of their employment unless first issued a weapons permit under the authority of this Order, or a subsequent Order;

3. that no weapons permit shall be issued until the court officer has been certified to carry and use a weapon pursuant to standards such as those established by the National Rifle Association of America and has successfully completed training provided by a certified firearms instructor in the carrying, use and discharge of weapons;
4. that no person shall carry, use or discharge a weapon as a court officer except in the performance of their duty to maintain the security and efficiency of the court facilities to which they are assigned;
5. that no court officer shall carry, use, or discharge any weapon while performing their duties, except within the written guidelines provided in this Order and the Firearms Policy attached as an exhibit to this Order, and incorporated herein by reference;
6. that a regular and ongoing education and training program be instituted and maintained whereby all court officers are instructed regarding the carrying, use, and discharge of weapons;
7. that written records shall be maintained for all court officers, which include details of all trainings and certifications undertaken regarding the carrying, use, or discharge of weapons;
8. that any court officer who carries, uses, or discharges a weapon in violation of any provision of this Order shall be deemed to have acted without authority from this Court and may be subject to sanctions including termination and criminal prosecution;
9. that the appointment of any person as a court officer or their authority to carry, use, or discharge a weapon in that capacity may be withdrawn without prior notice or showing of cause, at which time the person shall promptly surrender his or her duty weapon and weapons permit;
10. that the appointment of any person as a court officer and their authority to carry, use, or discharge a weapon in that capacity shall terminate upon their resignation or the termination of their appointment, at which time the person shall promptly surrender his/her duty weapon and weapons permit;
11. that in order for court officers to effectively perform the duties assigned to them by law and by this Order, a court officer shall have the authority to escort persons from court premises or to detain them: when the court officer witnesses the commission of a crime or has probable cause or reason to believe that a crime has been committed within the court facilities, annexes and environs but outside the court officer's presence; when a person commits a breach of the peace or other disturbance which disrupts or interrupts, or threatens to disrupt or interrupt, court proceedings or the operation of court business; when assisting a deputy sheriff and/or police officer in the performance of their duties; or when so ordered by a district or magistrate judge; and further, that guidelines shall be promulgated and training provided to guide court officers regarding the use of this authority; and finally,

12. that the District and Magistrate Judges of the District Court for Nez Perce County, are hereby designated and authorized to administer this Order and the attached Firearms Policy, and to promulgate and administer such subsequent amendments or addendums which they may choose to make to the court's Firearms Policy, or other security policies pertaining to the District Court of that county, until further order.

DATED this 4<sup>th</sup> day of January, 2002.

  
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**Administrative District Judge  
Second Judicial District**

ATTACHMENT TO  
ADMINISTRATIVE ORDER 2002-1

FIREARMS POLICY FOR  
NEZ PERCE COUNTY COURT OFFICERS

**NEZ PERCE COUNTY COURT OFFICER FIREARMS POLICY**

Revised: 9/7/01

**A. AUTHORIZATION TO CARRY CONCEALED WEAPONS**

1. Idaho Code §18-3302 (12) (a) and (g) authorizes court attendants to carry concealed weapons under a court issued weapons permit. (See attached Code section.)
2. Administrative Order 2002-1 states that no weapons permit shall be issued until the court officer has been certified to carry and use a weapon pursuant to standards such as those established by the National Rifle Association of America and has successfully completed training provided by a certified firearms instructor in the carrying, use and discharge of weapons;
3. All court officers, when working inside the court facilities or annexes, may carry authorized 9MM pistol, ammunition, holster, and magazine pouch with two spare magazines. Officer's may purchase and use their own holster and magazine pouch with the approval of the firearms instructor or chief court officer.
4. All handguns will be carried in their holsters in a safe and secure manner and concealed at all times unless otherwise ordered by the presiding judge or Administrative District Judge.
5. Department issued weapons will be used only for duty or training purposes.
6. Court Officers will not carry their weapons in the following places:
  - a. Nez Perce County Jail,
  - b. Region 2 Juvenile Detention Center,
  - c. other jails, detention centers, or similarly secured facilities,
  - d. where prohibited by court order.
7. During those times that court officers cannot carry their weapons or when they are off duty, they must be locked in the security boxes provided at the Nez Perce County Courthouse.
8. All duty and qualification ammunition will be in 9MM calibers only.
9. Amendments to the firearms policy are subject to approval by the Judges of Nez Perce County and the Administrative District Judge, or his/her designee.
10. Failure to comply with the terms of this policy is cause for disciplinary action, which may include termination.

## B. TRAINING, QUALIFICATION AND RECORDKEEPING

1. Qualification and training will consist of the N.R.A. Police Firearms Training Course and any other training as required.
2. All firearms training and qualification will be supervised by N.R.A. or P.O.S.T. certified firearms instructors.
3. Court Officers are required to pass the Court N.R.A. short course for handguns with the minimum score allowed with their duty weapon.
4. Qualifications will be from the officer's standard carry position.
  - a. Weapon will be snapped in holster.
  - b. Magazines will be in the officer's standard carry position.
  - c. Officer's hands will be in a natural position, not on the weapon.
5. Qualifications will be held semi-annually. Low-light qualification will be held on an annual basis.
6. Court Officer's will be required to qualify with the weapon issued to them and the weapon, which each deputy uses as a back-up weapon if applicable.
7. Court Officers who are unable to attain minimum qualification will be afforded the following:
  - a. A reasonable attempt will be made to test a second time on the same day.
  - b. If unable to qualify after the second attempt, additional training and a third test will be scheduled within 30 days. During this 30-day period, the court officer's will not be allowed to carry their weapon and will be assigned non-security duties. The court officer's may attempt to qualify on their own time providing said qualification is supervised by an N.R.A. or P.O.S.T. certified firearms instructors.
  - c. A newly hired court officer who is unable to attain minimum qualification within the six-month probationary period will be subject to dismissal.
  - d. A court officer who is unable to attain requalification within the 30-day period following testing will be subject to dismissal.
8. The Court will maintain firearms training and qualification records. The records will show dates, type, hours of training, instructor, qualification results, etc.

## C. FIREARMS SAFETY PROCEDURES

1. Court Officers shall not needlessly display or carelessly handle any firearm. Officers are prohibited from engaging in any form of "dry firing" in any court facility or public place, except as part of a training course under supervision. The term "dry firing" includes any form of weapon-drawing practice, trigger-pull, snapping, or sight-picture practice.
2. Officers shall unload, load and clean firearms only in a safe manner.
3. Court Officers shall exercise due caution in the handling and storage of duty firearms, whether on or off duty. Duty firearms shall be secured so as to minimize the possibility of unauthorized interference and accidental or intentional discharge of the weapon.
4. All officers shall be familiar with the following rules and shall practice them in every situation requiring the handling of firearms.
  - a. When properly checking, unloading, or loading a firearm, the officer shall always point the muzzle in a safe direction.
  - b. Officers shall manually and visually check the service weapon to ensure that safe conditions exist on a daily basis, including the following items:
    1. Bore, cylinder, magazine, and chamber.
    2. Operation of the safety device.
    3. Ammunition condition and conformance to court specifications.
    4. Overall weapon condition.
  - c. When handing a firearm to any person, the officer shall cause the weapon to be unloaded and the action to be opened. Exceptions include tactical situations requiring the ready access to loaded firearms.
  - d. When accepting a firearm from any person, the officer shall maintain the muzzle in a safe direction and shall manually and visually check the weapon to ensure that safe conditions exist.
  - e. Officers shall not point a firearm at any person or object unless reasonable cause exists that he is justified and may be required to use deadly force. (See Use of Force Policies & Procedures.)
  - f. Officers shall secure all firearms prior to entering prohibited areas.
5. No modifications will be made to the duty weapons without the prior consent of the Court Firearms Instructor or Chief Court Officer.

#### D. MAINTENANCE OF FIREARMS

1. It is the responsibility of all court officers to maintain their service weapon and back-up weapon in a clean and serviceable condition at all times and to arrange for appropriate repair of their weapons which are found to be mechanically deficient or unsafe.
2. Any court officer shall not knowingly carry mechanically unsafe or deficient firearms. Any firearm discharged accidentally, due apparently to an ineffective safety device or other mechanical defect, shall be presumed to be an unsafe weapon. The unsafe weapon shall be immediately removed from service and submitted to the Court Firearms Instructors for inspection and evaluation.
3. The Court Firearms Instructor on a semi-annual basis or as needed will inspect all weapons, ammunition and gear.

#### E. DISCHARGE OF FIREARMS

1. Court officers may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious bodily injury.
2. An officer shall not discharge a firearm as a warning.
3. An officer shall not discharge a firearm to protect property (i.e., money, mail, etc.).

#### F. INVESTIGATIONS CONCERNING THE USE OF FIREARMS

1. If an on-duty court officer draws but does not discharge a weapon, the Chief Court Officer and the Trial Court Administrator will be immediately notified. The officer will file a report with the Chief Court Officer by the end of the working day. The report will be transmitted to the TCA, the Administrative District Judge and the Senior District Judge of the County when the ADJ is chambered in another county.
2. The Chief Court Officer and local Law Enforcement will be notified immediately following the intentional discharge of a firearm by an on-duty court officer.
  - a. The Chief Court Officer will immediately secure the scene for investigation by a law enforcement agency.
  - b. The involved court officer will maintain his/her weapon in its exact condition and not alter or tamper with the weapon in any way pending an investigation of the incident. The court officer will surrender the weapon to the investigating officer for inspection if so requested.

c. The court officer involved in the intentional discharge of a firearm will file a written report of the incident with the Chief Court Officer by the end of the working day. The Chief Court Officer will deliver a copy of the incident report to the investigating officer.

#### G. COURT OFFICERS SURRENDERING WEAPONS

Court Officers will use every means at their disposal to avoid surrendering their weapon to an unauthorized person.

#### H. CARRYING WEAPONS AWAY FROM COURT AREA

1. Court Officers are not authorized to carry their duty weapon while performing non-security functions off premises.

#### I. BACK-UP WEAPONS POLICY

1. This department may authorize the use of back-up weapons under the following guidelines.

- a. The terms of this Firearms Policy apply to all back-up weapons.
- b. Back-up weapons are a last resort weapon. They will not replace or be used as a primary weapon.
- c. Authorized back-up weapons will be of an approved and reputable manufacturer.
- d. The make, model and serial number of any authorized back-up weapon will be maintained in department records, as will all training and qualification data with that weapon.
- e. Authorized Calibers include 22 long rifle, 380, 9-MM, and 38 calibers (NO MAGNUM LOADS).

2. Qualification requirements:

- a. The court officer must provide ammunition for qualification and duty use after approval by a firearms instructor.
- b. The court officer will pass approved back-up firearms course.
- c. Qualification will be from officers carry position

## J. RELEVANT STATUTES

### I.C. 1-907 Administrative judge – Administrative powers and duties. --

The administrative judge or acting administrative judge in each judicial district, subject to the rules of the Supreme Court, shall have administrative supervision and authority over the operation of the district courts and magistrates in the district. These powers and duties include, but are not limited to, the following ...

(l) appointing personnel when needed to attend to the courts, and assigning duties to these court attendants for the purpose of maintaining the security and efficiency of court facilities.

### I.C. 18-3302. Issuance of licenses to carry concealed weapons. –

(12) The requirement to secure a license to carry a concealed weapon under this section shall not apply to the following persons:

(a) Officials of a county, city, state, of Idaho, the United States, peace officers, guards of any jail, court appointed attendants or any officer of any express company on duty. ...

(g) Any person who has a valid permit from a state or local law enforcement agency or court authorizing him to carry a concealed weapon. ...