

**IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA**

In the Matter of:

ADOPTION OF STANDARD OPERATING
PROCEDURES FOR OFFICER
QUALIFICATION AND USE OF
ELECTRONIC CONTROL DEVICES
(TASERS®)

ADMINISTRATIVE ORDER
NO. 2022-05

The use of non-lethal force and non-lethal weapons for Court and public safety threats by the Court's Bailiff/Security Officers has previously been approved and regulated as set forth in the Gila River Indian Community Judicial Employee Handbook at Chapter 15, *Court Bailiff/Security Officer Procedures*.

The Community has chosen to exercise the authority for enhanced sentencing of criminal defendants in tribal courts as provided by the Tribal Law and Order Act of 2010 (Pub. L. No. 111-211 (July 29, 2010), codified in part at 25 U.S.C. § 1302(b)) which was adopted by the Community in Ordinance GR-03-13 (Criminal Code) and Resolution GR-97-13 (Rules of Criminal Procedure) which provide for criminal sentences of imprisonment up to three years for each offense, up to nine years total. The more serious nature of offenses and the more dangerous nature of defendants who now face more jail time increase the potential and likelihood for serious security threats to the defendants, victims, attorneys, Court staff and judges in our Court facilities. To meet the challenges created by these increased security threats, it is appropriate to augment the ability of the Court's security force by providing additional tools and authority for their use. The use of electronic control devices commonly known as TASERS®, will provide that necessary tool and authority.

A policy was crafted to regulate the use of TASERS®, address the training and qualifications of approved users, the use of devices, post-use procedures and other standard operating procedures to be followed by Bailiff/Security Officers in the performance of their official duties. The policy was reviewed by the Office of General Counsel and Gila River Police Department and is now ready for adoption.

IT IS ORDERED that the Gila River Indian Community Court adopts the attached *Gila River Indian Community Court TASER® Policy*. This policy and the authority to carry and use TASERS® becomes effective this day and shall remain in effect until modified or abrogated by further order of this Court or by superseding legislation.

IT IS FURTHER ORDERED that Administrative Order No. 2015-01 is vacated.

DATED this 27th day of January, 2022.

SEAL

/s/ Anthony J. Hill
Honorable Anthony J. Hill, Chief Judge

**GILA RIVER INDIAN COMMUNITY COURT
TASER® POLICY**

**Adopted by Administrative Order 2015-01, January 12, 2015
Revised by Administrative Order 2022-05, January 27, 2022**

A. PURPOSE. The purpose of this policy is to direct Bailiff/Security Officers in the appropriate use of force with respect to the deployment of electronic control devices (TASER®).

B. POLICY. The policy of the Gila River Indian Community Court is to ensure a safe courthouse environment for all personnel and the public. It is the Court's policy that Bailiff/Security Officers will use only reasonable force to bring an incident or event under control. Reasonable force is that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

C. DEFINITIONS.

1. Objectively reasonable: The amount of force used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.
2. TASER®: An electronic control device designed to disrupt the central nervous system of the body leading to incapacitation.
3. Officer: Bailiff/Security Officer of the Gila River Indian Community Court.
4. Certified Officer: Bailiff/Security Officer of the Gila River Indian Community Court who has completed the required TASER® training.
5. Subject: An individual against whom a TASER® may be used.
6. Supervisor: Supervisor of the Bailiff/Security Officers.
7. Court: Gila River Indian Community Court.

D. ADMINISTRATIVE PROCEDURES.

1. The Supervisor will store all of the Court's TASERs®, except one (1), in a locked safe in the Supervisor's office in the Sacaton Courthouse. One (1) TASER® will be stored at the Westend Judicial Center in a lockbox located in the Bailiff office.
2. Certified Officers who are scheduled for court duties will report to the Supervisor, or a designee who has completed the required TASER® training, at 8:15 a.m., for issuance of a TASER® and holster.
 - a. The TASER® holster will correspond to Certified Officer's dominant hand, e.g., a right-hand dominant Officer will check out a right-hand holster.
3. Certified Officers who are assigned courtroom duties will have priority for issuance of a TASER® over other Certified Officers.

4. Certified Officers will fill out the sign-in/sign-out sheet for TASERs® with date, name/badge number, time-out and the TASER® identification number marked on the TASER®.
5. Certified Officers checking out a TASER® will inform/radio surveillance the identification number of the TASER® checked out.
6. Certified Officers checking out a TASER® will perform a visual and operational inspection/test in accordance with their certification training.

NOTE: TASER® has a central information display screen that displays an error symbol when attention is needed. Certified Officers conducting an inspection are alerted by this system that there may be an issue with the TASER® or malfunction with the cartridge. Certified Officers are properly trained on how to detect a malfunction when conducting inspections.

7. Certified Officers possessing a TASER® will place the TASER® into its holster.
 - a. The TASER® holster will be worn on the Certified Officer's non-dominant side of their duty belt.
8. Certified Officers will then conduct their designated daily duties while following this policy.
9. When a Certified Officer is on lunch and clocked out, s/he will check in the TASER® issued to them. The Certified Officer will check out the same TASER® issued to them that morning, when they return to their designated duties.
10. A Certified Officer process serving or conducting other official court duties off site may carry a TASERs® off site, and must follow this policy and follow the sign-in/sign-out procedures when duties are complete.
11. At the end of each day, the Certified Officer will check in their assigned TASER® and holster with the Supervisor and complete the sign-in/sign-out sheet.
12. The Supervisor will place all TASERs® in the locked office safe.
13. The Supervisor will scan the sign-in/sign-out sheet when full, and maintain an electronic copy. The Supervisor will the shred the original.
14. For the Westend Judicial Center, the assigned Certified Officer will perform items 4-11 above.
 - a. Upon completion of a sign-in/sign-out sheet, the assigned Certified Officer at the Westend Judicial Center will scan and email a copy of the Westend sign-in/sign-out sheet to the Supervisor for electronic storage and will shred the original.

E. TRAINING AND QUALIFICATIONS.

1. Only officers who have completed a certification training course are authorized to carry a TASER®. All training is mandatory. Officers shall receive training as soon as practical after their initial hire. All Officers must successfully complete training prior to being issued a TASER®.
2. The Supervisor shall be responsible for ensuring all Officers receive training. The Supervisor shall prescribe a course of training and provide qualified instructors. An instructor shall be TASER® certified. The Supervisor shall maintain a record of training in each officer's personnel file.
3. Certified Officers must attend annual recertification training.
4. All training must be conducted by a certified TASER® instructor, and include written and practical tests (but shall not mandate the officer be subjected to TASER® deployment), a review of this policy, target area considerations, and de-escalation techniques.
5. The Supervisor shall maintain a copy of the Employee Acknowledgement form (Attachment A) for this TASER® policy in the Certified Officer's personnel file, which shall be acknowledged on a yearly basis.

F. CARRY PROCEDURES.

1. Certified Officers are responsible for maintaining the TASER®'s operational readiness and will check for:
 - a. Inspect for any damage including a check of the light, laser site, frame, trigger housing, and safety switch for functionality.
 - b. Check battery strength to ensure an adequate charge. In the event the battery strength is not sufficient, the Certified Officer will replace the battery with a specifically approved battery.
 - c. Any issues with the TASER®'s operational readiness shall be immediately reported to the Supervisor and the TASER® shall not be utilized until repaired.
2. The TASER® shall be carried in an approved holster, loaded with a cartridge with the safety in the 'ON' position. A spare cartridge shall be kept readily available.
3. No changes, alternations, modifications, or substitutions shall be made to the TASER® or the cartridges. All repairs shall be authorized by the Supervisor and completed by an approved vendor. All repairs shall be documented by the Supervisor and records maintained.
4. **TASER® Protection.** The TASER® is a highly sophisticated piece of electronic equipment; therefore, Certified Officers shall reasonably protect the TASER® and cartridges from:
 - a. Water, rain, snow, etc.;
 - b. Extreme temperatures. Cold temperatures can negatively affect battery life;
 - c. Dust, dirt, mud, etc.;
 - d. Risk of theft or storage in a place subject to theft (i.e., storage in a car); and
 - e. Access to unauthorized individuals.

5. The TASER® shall be returned to an approved storage location at the workplace at the end of each workday. Under no circumstances shall a TASER® be taken out of the workplace (unless the Certified Officer is on field duty) after work hours. The Supervisor shall be responsible for ensuring the return of each device at the end of each workday.
6. A TASER® may only be carried and used by an on-duty Certified Officer, in compliance with this policy and procedure, in the course and scope of the Certified Officer's duties while within the boundaries of the Gila River Indian Community reservation.

G. USAGE PROCEDURES.

1. A TASER® should only be used against persons who are actively resisting (physically evasive movements to defeat an Officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody) or exhibiting aggression, or to prevent individuals from harming themselves or others. A TASER® may be used when force is legally justified to prevent the reasonably foreseeable threat or actual attempted assault, battery, and/or injury to Officers, other persons, and/or the subject. A TASER® may be used in other instances where an emergency exists and the use of a TASER® would be considered reasonable in lieu of using other force.
2. **Deployment Considerations.** Certified Officers should be cognizant that the application of the TASER® is a physically stressful event and may contribute to secondary injuries. A Certified Officer should use reasonable judgment before deployment, based on the totality of the circumstances. Prior to deployment of the TASER®, the Certified Officer should consider the following conditions of the subject:
 - a. Age, particularly the very young and the very old;
 - b. Suspected pacemaker and/or defibrillator implant;
 - c. Suspected pregnancy;
 - d. Frailty, infirmity, or disability;
 - e. Passivity; and
 - f. Individuals who are handcuffed or otherwise restrained.

The following factors, where apparent to Certified Officers, increase the risk of direct or secondary injuries and require increased consideration prior to TASER® deployment:

- a. Presence of flammable liquids/fumes or explosives (including a subject sprayed with OC spray);
- b. Subject in elevated positions (i.e., stairways, roof, fire escape, etc.);
- c. Subject operating moving vehicle (i.e., car, bicycle, motorcycle, etc.) or machinery;
- d. Subject near body of water; and
- e. Subject running.

TASER® is an effective tool against animals in the field. A TASER® may be deployed by a Certified Officer on an animal only when the animal is threatening or attacking an Officer. The center of mass of the animal should be targeted and care taken to avoid the head and other sensitive areas. All Officers should quickly remove themselves from the scene as animals have shown the ability to rapidly recover from the effects of a TASER®. Once in a safe location, Officers shall notify the Court dispatch officer and the dispatch officer shall notify animal control of the incident. The animal's owner shall be responsible for any

medical attention needed for the animal. The Certified Officer shall file a TASER® Use of Force Report (Attachment B) on the matter and deliver it to the Supervisor by the end of the workday.

3. **Prohibited Uses.** A TASER® shall not be used:

- a. To punish subjects;
- b. To prod or escort a subject;
- c. To rouse unconscious, impaired or intoxicated subjects;
- d. For horse play or clowning around in an unprofessional manner;
- e. To experiment on a person or allow a person to experience the TASER® even if the person requests it; and
- f. For illegal coercion or torture.

4. **Displaying/Pointing the TASER®.** Certified Officers should only display a TASER® when they reasonably believe that discharge, if proven necessary, will be justified under the circumstances.

Under these circumstances, a Certified Officer may spark the TASER® and/or display the visible laser (away from the subject's eyes) in order to encourage voluntary compliance.

5. **Verbal Commands.** Prior to deploying a TASER®, the Certified Officer will announce to the subject and other officers that the TASER® is about to be deployed. In order to gain compliance prior to deployment, the officer will give commands such as “stop resisting,” “lie flat,” “put your hands behind your back,” etc.

6. **Target.** When targeting the front of the body, TASER® deployment should split the belt line with the top probe in the abdomen and the lower probe in the upper thigh/hip flexor area. When targeting the back of the body, TASER® deployment should split the belt line with the top probe in the upper back and the lower probe in the lower back/hip flexor area. Certified Officers encountering subjects wearing heavy or loose clothing on the upper body may consider targeting the legs. Certified Officers shall avoid targeting the head, face, larynx, chest, and genitals

7. **Single Deployment.** No more than one (1) Certified Officer should deploy a TASER® against a single subject at the same time.

8. **Deployment.** Prior to deployment, the Certified Officer should announce “Taser! Taser! Taser!” This will let other Officers know that a TASER® is being deployed, so they will not be startled by the “pop” of the activation of the cartridge. The Certified Officer should apply a full five-second cycle deployment without interruption unless circumstances dictate otherwise. The Certified Officer should avoid prolonged cycles after the initial, five-second cycle. If possible, Officers should take the subject into custody after the TASER® cycle. The Certified Officer should assess the situation after each cycle to determine if additional cycles are necessary, additional cycles are only necessary to accomplish the legitimate operational objective (subduing the subject). If the subject refuses to comply after multiple TASER® applications, the Certified Officer should consider whether additional applications are making sufficient progress toward compliance/restraint or if transition to a different force option is warranted. Each activation or reactivation should be individually justified.

NOTE: The application of a TASER® is a physically stressful event. Length of cycles and frequency of cycles should be minimized when dealing with persons in a health crisis, such as excited delirium. Additionally, TASER® applications directly across the chest may cause sufficient muscle contractions and impair normal breathing patterns; therefore, prolonged applications should be avoided.

H. POST-USE PROCEDURES.

1. **Transport.** Officers should avoid transporting a subject face down after a TASER®'s use. If probes are still embedded in the subject, Officers should avoid transporting the subject in a position that would further embed the probes into the subject.
2. **Probe Removal.** Some probes may remove themselves from skin or clothing. If a subject who has an embedded probe, requests that the probe be removed by medical personnel, then the Officer shall arrange for medical personnel to remove the probe. Probes located in sensitive areas (i.e., head, neck, groin, etc.) shall be removed by medical personnel only.

Probes in non-sensitive areas may be removed by Officers:

- a. Officers shall use latex gloves;
 - b. Inspect the removed probes to see that the entire probe and barb has been removed. If the probe has been completely removed, Officers shall clean the wound with antiseptic wipes and bandage it. If the probe has broken off and is still embedded in the subject, the subject shall be provided with the appropriate medical attention;
 - c. Certified Officers shall place the probes in the spent cartridge barb side down and securely tape the cartridge and probes in a marked biohazard evidence bag. The evidence bag shall be given to the Supervisor who will store the bag in a secured location.
3. **Medical Attention.** All subjects shall be monitored for a time period after TASER® deployment. No subject shall be left unattended after deployment. If an Officer believes that the subject exhibits any signs of medical distress, the Officer shall render aid and summon emergency medical care.
 4. **Reporting and Documentation.** The Certified Officer shall immediately notify the Supervisor that a TASER® was deployed and provide verbal details to the Supervisor. The Supervisor shall immediately respond to the scene. The Supervisor shall immediately notify the Court Administrator and Chief Judge that a TASER® was deployed.

Photographs of the impact sites and any other related injuries should be taken as soon as reasonably possible. In some instances, photographs may **not** be taken in cases involving juveniles or where the probes impact private body parts. The Supervisor shall be responsible for ensuring photographs are taken of the impact sites and any related injuries, and for attaching the photographs to the TASER® Use of Force Report.

By no later than the end of the workday, the Certified Officer who deployed the TASER® and those Officers on scene at the deployment shall each submit to the Supervisor a written TASER® Use of Force Report detailing the incident and any witnesses. The Supervisor will provide copies to the Court Administrator and Chief Judge. The Supervisor shall be responsible for interviewing all witnesses and attaching copies of any witness

statements. The Supervisor shall preserve all video surveillance footage of the incident. Any deployed TASER® shall be taken out of service and placed into evidence.

Within five (5) business days of the TASER® deployment, the Supervisor shall submit a written report, along with the TASER® Use of Force Report (including the Certified Officer's report and the reports of any other Officers witnessing the incident) and any other documentation, to the Court Administrator and Chief Judge detailing the following:

- a. The names of the subject and Officer(s) involved;
- b. The events leading to the use of the TASER®;
- c. The extent to which the TASER® was utilized (i.e., number of cycles);
- d. Any witness statements; and
- e. Medical treatment or lasting injury to the subject.

Within the report, the Supervisor shall indicate whether the TASER® was deployed consistent with this policy and if additional training for the officer who deployed the TASER® is recommended.

Within five (5) business days of receipt of the TASER® Use of Force Report, the Court Administrator shall forward the TASER® Use of Force Report and all documentation provided by the Supervisor to the Gila River Police Department's Chief of Police for review and determination of whether any violation of use of force occurred.

I. ACCIDENTAL DISCHARGE. In the event of accidental discharge, the Certified Officer shall immediately notify the Supervisor. The Certified Officer shall submit an Incident Report no later than the end of the workday to the Supervisor detailing the circumstances that led to the discharge. The Supervisor shall review the incident and provide a report within five (5) business days to the Court Administrator and Chief Judge indicating whether any violation of this policy occurred.

J. DISCIPLINE. Any employee who deploys a TASER® in violation of this policy, or otherwise violates this policy, is subject to disciplinary action and other penalties, including but not limited to immediate termination.

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ATTACHMENT A

**GILA RIVER INDIAN COMMUNITY COURT TASER® POLICY
EMPLOYEE ACKNOWLEDGEMENT**

I have read and understand the Gila River Indian Community Court TASER® Policy, and I understand that I am obligated to follow and abide by the TASER® policy. Failure to read the TASER® policy is not an excuse for violating it.

Print Officer's Name

Officer's Signature

Date

Print Supervisor's Name

Supervisor's Signature

Date

Copies: Officer
 Personnel File

ATTACHMENT B

**GILA RIVER INDIAN COMMUNITY COURT TASER® POLICY
USE OF FORCE REPORT**

Date of Incident: _____ Location: _____ Time: _____

Reporting Officer: _____
(Print First and Last Name)

Subject Name: _____ Date of Birth: _____
(Print First, Middle (if known) and Last Name)

Male Female

TASER type: _____ TASER Serial Number: _____

Warning type before TASER utilized:

Number of Deployments: _____

Describe area on Subject where TASER® was deployed:

Injury to Subject as result of TASER®: Yes No If yes, describe injury:

Attach copy of Officer's narrative describing the incident (describe events leading up to use of TASER®, where TASER® was deployed, proximity of Officer to subject, how the subject was actively resisting or exhibiting aggressiveness or harming themselves or others, how the force was objectively reasonable, names of any medical personnel that responded after the TASER® was deployed, and any other relevant facts) to this sheet.

Attach copy of Supervisor's report and any photographs to this sheet.

Date Submitted to Court Administrator and Chief Judge: _____

By: _____ Signature: _____
(Print First and Last Name)

Date Submitted to Gila River Police Department Chief of Police: _____

By: _____ Signature: _____
(Print First and Last Name)

**THIS FORM MUST BE FULLY COMPLETED WITH ATTACHMENTS, INCLUDING DATES
SUBMITTED TO COURT ADMINISTRATOR, CHIEF JUDGE AND CHIEF OF POLICE.**