

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO**

**In re: Appointment and Authority for
Marshals to Carry Weapons While on
Duty and in Court Facilities**

(Amending Order 2019-6)

**ADMINISTRATIVE ORDER
2023-04**

WHEREAS:

1. There is a well-recognized and documented history of incidents in Canyon County court facilities that have endangered the safety of judges, court personnel, and members of the public in those facilities;
2. There is a continuing need to maintain the security and efficiency of all Canyon County court facilities;
3. Idaho Code § 1-907(k) authorizes the administrative judge in a judicial district to appoint “personnel when needed to attend to the courts [...] for the purpose of maintaining the security and efficiency of court facilities”; and
4. The Canyon County Board of Commissioners and the administrative judges in the Third Judicial District have worked cooperatively over the years to provide for the security and efficiency of court services. Such cooperation includes the Board of Commissioners’ support of the hiring and proper equipping of employees to provide such services, whether those employees

are designated as court attendants, bailiffs, or marshals (for uniformity, this Order will use the term Marshal).

For these reasons, the undersigned finds and concludes:

1. To ensure the safety, security, and efficiency of the courts, court facilities, judges, court personnel, and court users in Canyon County, it is necessary that Marshals carry concealed weapons when on duty;
2. Since at least 2007, Marshals in Canyon County have been armed while on duty. In order to regulate and carefully monitor conditions and circumstances under which Marshals will be armed with concealed weapons while carrying out their duties, it is advisable and necessary that such weapons be issued under the auspices of the Court, operating in conjunction with Canyon County officials; and
3. There is a need to ensure that all Marshals are properly trained in the use, maintenance, and discharge of weapons prior to undertaking court security duties, and that they receive continued training during their employment as Marshals.


IT IS THEREFORE ORDERED:

1. Those individuals named on a Marshals List, as maintained and regularly updated by the Trial Court Administrator for the Third Judicial District, State of Idaho, are appointed as Marshals pursuant to Idaho Code § 1-907;
2. Those individuals named on the Marshals List are charged with attending to the courts to maintain the security and efficiency of court facilities, including acting to ensure the safety and security of judges, court personnel, and court users in Canyon County, in compliance with the *Deputy Marshal Policy & Procedure Manual: State of Idaho, Third Judicial District, Canyon County*, as well as the Canyon County personnel manual, and Canyon County rules and regulations, which are hereby incorporated into this Order by reference;
3. In the performance of such duties, Marshals shall be considered employees of the State of Idaho, pursuant to Idaho Code § 1-1613A; *see* Idaho Code § 1-907;

4. Also in performance of such duties, Marshals shall be issued those weapons deemed necessary by the Trial Court Administrator for the Third Judicial District or their designee to effectuate the obligation of a Marshal as set forth in the Deputy Marshal Policy & Procedure Manual;
5. The Trial Court Administrator or their designees shall maintain training procedures for all Marshals regarding the proper procedures for carrying and use of lethal and non-lethal weapons consistent with the Deputy Marshal Policy & Procedure Manual, and shall maintain records of all training and certifications completed and obtained by Marshals;
6. All individuals shall have satisfied the requirements set forth in the Deputy Marshal Policy & Procedure Manual prior to being designated and acting as a Marshal;
7. The appointment of any person as a Marshal may be revoked by the Administrative Judge of the Third Judicial District or their designee at any time without notice or cause. All authority granted to a Marshal under this Order shall end immediately upon such revocation or other separation of employment with Canyon County; and
8. Upon revocation of appointment or separation of employment, the person in question shall immediately surrender to the Trial Court Administrator for the Third Judicial District or their designee all weapons issued as equipment for purposes of employment.

This Order vacates and supersedes Administrative Order 2019-6 entered June 4, 2019.

Dated this 5th day of May, 2023



Davis F. VanderVelde
Administrative District Judge
Third Judicial District

cc: Judges of the Third Judicial District
Canyon County Board of County Commissioners