

**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**

**ADMINISTRATIVE ORDER
2023-07**

WHEREAS:

1. There is a recognized and documented history of incidents in Payette 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 Payette 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 Payette 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 now necessitates the Board of Commissioners’ support of the hiring, training, 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 Payette County, it is necessary that Marshals carry weapons when on duty;
2. The Payette County Commissioners have previously authorized the carrying of firearms by Probation Officers in the county who will now be serving a joint role as Marshals authorized to carry firearms for courtroom security. In order to regulate and carefully monitor conditions and circumstances under which Marshals will be armed with 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 Payette 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 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 the courts to maintain the security and efficiency of courtroom facilities, including acting to ensure the safety and security of judges, court personnel, and court users in Payette County, in compliance with the *Payette County Court Services Policy and Procedure Manual*, as well as the Payette County personnel manual, and Payette 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 § 1-907;
4. Also in performance of such duties, Marshals shall be issued those weapons deemed necessary by the Payette County Commissioners while keeping informed the Administrative

Judge for the Third District, State of Idaho, and working in conjunction as needed to effectuate the obligation of a Marshal as set forth in the *Payette County Court Services Policy and Procedure Manual*;

5. The Payette County Commissioners shall maintain training procedures for all Marshals regarding the proper procedures for carrying and use of lethal and non-lethal weapons consistent with the *Payette County Court Services Policy and Procedure Manual*, and shall maintain records of all training and certifications completed and obtained by Marshals, copies of which shall be provided to the Trial Court Administrator for the Third District, State of Idaho;
6. All individuals shall have satisfied the requirements set forth in the *Payette County Court Services Policy and 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 his/her 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 Payette County; and
8. Upon revocation of appointment or separation of employment, the person in question shall immediately surrender to the Payette County Commissioners, or their designee, all weapons issued as equipment for purposes of employment.

Dated this 14th day of June, 2023



Davis F. VanderVelde
Administrative District Judge
Third Judicial District

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