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|  | MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES | |
| | Subject EXECUTION OF CRIMINAL PROCESS/CIVIL WARRANTS | Policy Number EE-1 Effective Date 01-12-23 |
| Related Information EA-11, <i>Arrest Procedures</i> EA-16, <i>Immunity</i> EE-2, <i>Civil Disputes and Execution of Civil Process</i> EE-4, <i>Mental Health Petitions</i> GJ-20, <i>Service of Protective Orders</i> Various Arizona Revised Statutes | Supersedes EE-1 (08-03-22) | |

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures regarding the documentation and execution of criminal process.

POLICY

It is policy of the Office to ensure all procedures regarding documentation and execution of criminal process, and the extradition of fugitives in and out of jurisdictions, are conducted in compliance with constitutional provisions, state and federal statutes, and related Office Policies.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

DEFINITIONS

Criminal Process: Writs, summonses, mandates, warrants, or other process from a court of law compelling a person to answer for a felony or misdemeanor. The term also includes process issued to aid in crime detection or suppression, such as search warrants.

Emergency Order of Protection (EOP): An Emergency Order of Protection, governed by ARS 13-3624, may be requested by a peace officer on an emergency or *ex parte* basis when a person's life or health is in imminent danger. It is limited to parties with relationships specified in ARS 13-3601(A), the domestic violence statute.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Governor's Warrant: A warrant issued by the Governor of Arizona or the executive authority of any state or territory governed within the United States, under the Seal of the State, based upon a demand from the Governor or executive authority of another state or territory, to return a person charged with a crime in that state or territory.

Injunction Against Harassment (IAH): An Injunction Against Harassment, governed by ARS 12-1809, may be granted to prevent a person from committing acts of harassment against another. There is no relationship requirement.

Injunction Against Workplace Harassment (IAWH): An Injunction Against Workplace Harassment, governed by ARS 12-1810, authorizes an employer or authorized agent to seek a court order preventing a person from being on the employer's premises and from committing acts of harassment against the employer, the workplace, employees,

or any other person who is on the employer's property or at the place of business or who is performing official work duties.

Order for Lifetime No-Contact Injunction: Effective September 24, 2022, ARS 13-719 permits a victim to request and the court to issue a non-expiring injunction for serious and dangerous felony offenses noted by the statute at the time of the defendant's sentencing. Victims may also petition the court for a lifetime injunction against a defendant sentenced for such offenses prior to the effective date of the law. The Order for Lifetime No-Contact Injunction is comprised of the following:

1. Petition For A Lifetime No-Contact Injunction: Indicates what the plaintiff is requesting.
2. Order For Lifetime No-Contact Injunction: Indicates what has been ordered by the court.
3. Declaration Of Service For Order For Lifetime No-Contact Injunction: Indicates when the service of the order was conducted.
4. Victim Information Sheet For Petition For A Lifetime No-Contact Injunction: This form is a confidential form completed by the Petitioner/Plaintiff to aid law enforcement in the service of the Order For Lifetime No-Contact Injunction. The form also contains confidential contact information so that the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service. This form shall not be given, shared with, or viewed in any way by the person being served.

Order of Protection (OOP): Per Rule 4 of the Arizona Rules of Protective Order Procedure, an Order of Protection, governed by ARS 13-3602, may be granted to prevent a person from engaging in acts of domestic violence. It is limited to parties with relationships specified in ARS 13-3601(A), the domestic violence statute. It is a court order issued to restrain a person from committing harmful acts including those in the domestic violence statute. A protective order includes any order issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including preliminary, temporary, and final orders. The Order of Protection (OOP) is comprised of the following:

1. Petition for Order of Protection: Indicates what the plaintiff is requesting.
2. Order of Protection: Indicates what has been ordered by the court.
3. Defendant's Guide Sheet and a Brady Warning Document: These forms may also be included in the Order of Protection document package. If the forms are included, they are required to be served as part of the Order of Protection.
4. Declaration of Service: Indicates when the service of the order was conducted.
5. Service of Process Form: This form may be included as part of the Order of Protection (OOP) document package. This form is a confidential form completed by the Petitioner/Plaintiff to aid law enforcement in the service of the Order of Protection. The form also contains confidential contact information so that the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service. The Service of Process Form shall not be given, shared with, or viewed in any way by the person being served.

Procurement Card (P-Card): A card that is issued by Maricopa County and functions as a credit card.

Territorial Limitations: The jurisdictional limitations imposed on the authority of peace officers of the State of Arizona to arrest and serve criminal process on individuals.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

PROCEDURES

1. **Documentation of Criminal Process:** When criminal process is received, the documentation shall be time-stamped, indicating the date and time it was received. Warrant information shall be entered into the Wanted Person File of the Arizona Criminal Justice Information System (ACJIS) by the Criminal Process Section, of the Records and AFIS Division.
2. **Execution of Criminal Process:** The execution of criminal process shall be accomplished in compliance with constitutional provisions in accordance with state and federal statutes, and related Office Policy such as, EA-11, *Arrest Procedures*.
3. **Types of Criminal Process:** The Judicial Enforcement Division or other appropriate Office divisions, shall be responsible for the service of criminal process, as specified in the court order. Criminal process may include the following:
 - A. **Warrant to Take Physical Custody of Child(ren):** This order is issued by the superior court in a divorce or child custody situation. It is directed to the Sheriff or other Arizona peace officers and requires the removal of child(ren) by peace officers and provides for the placement of the child, pending final relief. It may be in response to a child taken from the person having legal custody, to keep a child from possible harm, or to prevent a child from being taken from a jurisdiction. (Arizona Revised Statutes [ARS] 25-1061)
 - B. **Writ of Habeas Corpus:** This order is similar to a summons or a subpoena, as it requires the recipient to appear before a judge at a given place and time. (ARS 36-546, ARS 13-4140)
 - C. **Mental Health Petitions:** This order shall be handled, as specified in Office Policy EE-4, *Mental Health Petitions*.
 - D. **Felony and Grand Jury Warrants:** This order shall be acted on depending on the class of the felony, not the type of crime or the fact that the warrant is for failure to appear. Class 1 felonies shall be given the highest priority.
 - E. **Misdemeanor Warrant:** This order shall be acted on depending on the class of the misdemeanor, not the type of crime or the fact that the defendant failed to appear. Class 1 misdemeanors shall be given the highest priority.
 - F. **Civil Arrest Warrant:** This order is issued in a noncriminal matter, directed to any peace officer in the state, to arrest the individual named therein and bring such person before the court.
 1. Child support arrest warrants shall be served as time permits. In addition, child support arrest warrants differ from other civil arrest warrants as follows:
 - a. The warrants shall not expire one year from the date of issue; they shall remain active until served, quashed, or canceled by the court. (ARS 25-681.B)
 - b. The warrants can be served 24 hours a day. (ARS 25-682.A)

- c. In order to execute a child support arrest warrant, the arresting deputy may use reasonable force to enter any building in which the person named in the warrant is or is reasonably believed to be. (ARS 25-682.C)
 - d. Child support arrest warrants shall be entered in the wanted person file of the ACJIS. (ARS 25-685)
 - e. Arrest procedures shall be followed, as specified in Office Policy EA-11, *Arrest Procedures*.
2. In all other cases, a notice shall be sent to the defendant that a civil arrest warrant is on file with the Office.
4. **Protective Orders:** The service of protective orders shall be completed as specified in Office Policies EA-8, *Domestic Violence* and GJ-20, *Service of Protective Orders*. The following are protective orders which upon issuance of a judicial officer can be served and processed by a deputy:
- A. Order of Protection (OOP): A victim of domestic violence, as specified in ARS 13-3601, may apply for an OOP through the Arizona Protective Order Initiation Notification Tool (AZPOINT) and attend a hearing through the courts.
 - B. Injunction Against Harassment (IAH): A person may apply for an IAH through AZPOINT when a relationship does **not** exist between all parties involved and does not meet the criteria for domestic violence.
 - C. Injunction Against Workplace Harassment (IAWH): An employer may apply for an IAWH on behalf of the business and/or their employees through AZPOINT and attend a hearing through the courts.
 - D. Emergency Order of Protection (EOP): An EOP may be requested by a peace officer on an emergency or ex parte basis when a person's life or health is in imminent danger. It is limited to parties with relationships specified in ARS 13-3601(A). An EOP expires seven calendar days after issuance, unless otherwise continued by the court, as specified in ARS 13-3624.
 - E. Order For Lifetime No-Contact Injunction: An Order For Lifetime No-Contact Injunction **does not** populate within AZPOINT. Victims will have possession of these orders and request that law enforcement serve the defendants.
 - 1. Sworn or detention personnel receiving an Order Lifetime No-Contact Injunction to serve, shall only serve after contacting a Judicial Enforcement Division (JED) sworn supervisor and receiving instructions on accurate completion of the Declaration of Service and routing to JED for filing with the issuing Court.
 - 2. An expeditious entry into N.C.I.C. by the Arizona Department of Public Safety may only occur upon the Office's timely filing of the order with the Clerk of the Court.
 - 3. An unserved Order For Lifetime No-Contact Injunction does not expire.
 - 4. Law enforcement shall not charge a fee for serving an Order For Lifetime No-Contact Injunction.
5. **Service of Criminal Process:** When a deputy serves, or attempts to serve criminal process, the following information shall be recorded on a work sheet:

- A. The address at which the service was attempted;
 - B. The date and time of the attempt;
 - C. The name and serial number of the deputy attempting to complete the service;
 - D. The progress, results, disposition, or an explanation of the nonservice of the criminal process;
 - E. To whom the process was served, or on whom it was executed; and
 - F. The method of service.
6. **Upon Completion of Service or Inability to Complete Service:** A copy of the criminal process and the IR completed by the deputy shall be returned to the Operations Information Center/Warrants (OIC) Section for the appropriate disposition or retention in accordance with current guidelines. If an arrest was made, a copy of the Arrest/Booking Record shall be included with the paperwork.
7. **Arrest Warrant Geographical Boundaries and Limitations:** An arrest warrant is valid anywhere within the geographical boundaries of the State of Arizona and may be served by any law enforcement officer within the state. If the warrant has been confirmed, the subject of the warrant may be arrested and detained pending transport or, in the case of an Indian reservation, appropriate extradition procedures.
- A. The authority of a deputy may extend to anywhere within the state under the following limitations:
 1. The deputy has prior consent of the agency head having the primary law enforcement responsibility within the jurisdiction;
 2. Any circumstances delineated in ARS regarding arrest by a deputy without a warrant; and
 3. Any circumstances delineated in the Arizona Constitution regarding Indian lands as sovereign nations, as specified in this Office Policy.
 - B. When serving an arrest warrant outside the Office's geographical boundaries, but within the state, in ordinary circumstances, the deputy shall contact the area's primary law enforcement agency prior to warrant service.
 - C. There are **no** time limitations attached to a criminal arrest warrant or child support arrest warrants. Criminal arrest warrants and child support arrest warrants are valid until served or quashed by the court.
 - D. Civil arrest warrants issued within Maricopa County generally expire one year from the issue date.
 - E. Certain individuals are immune from arrest by local law enforcement agencies. The immunity may be for a limited time period, or for their entire stay in the state. Additional information concerning immunity privileges are specified in Office Policy EA-16, *Immunity*. Such individuals are:
 1. State legislators, electors;
 2. National Guard members; and
 3. Foreign diplomats and dignitaries.

8. **The Uniform Criminal Extradition Act, 18 United States Code (18 USC) §3182:** The Uniform Criminal Extradition Act provides that it is the duty of a state governor to deliver a person from their state to another state when that person has fled the other state to avoid prosecution. This is also referred to as a Governor's Warrant.
- A. A demand for extradition must be in written form and must be accompanied by a copy of an indictment, information, or magistrate's affidavit which charges the demanded person with a crime. If the defendant escaped from confinement in the demanding state, a copy of a judgment of conviction or any sentence imposed must accompany the demand.
 - B. The Governor's Warrant must be issued within 90 days from the date of the fugitive's arrest, or the suspect must be released from custody. A Writ of Habeas Corpus may be filed by the defendant, and/or their legal representative, to challenge the Governor's Warrant on its legitimacy to determine identity.
 - C. A person arrested in this state, charged with having committed any crime in another state, or alleged to have escaped from confinement, broken terms of bail, probation, or parole, may waive the issuance and service of the Governor's Warrant. Once the waiver has been signed, the demanding agency has a reasonable period of time, which the courts have held can be up to 30 calendar days, to take custody of the suspect. In most cases, the change of custody takes place within 10 days. Some jurisdictions require a specific deadline for the change of custody, usually at the discretion of the judge.
 - D. International extraditions are governed by 18 USC, Sections 3181 through 3195, and are coordinated through the United States Department of Justice (DOJ), Office of International Affairs. Extradition of any suspect from outside of the United States, or its Territories, shall be accomplished in compliance with the USC. Following the completion of the extradition proceedings, the DOJ Office of International Affairs shall contact the Office Extradition Unit, which shall coordinate taking custody of the suspect and returning them to Maricopa County. Under no circumstances should an employee contact the authorities of another country for the purpose of having a subject wanted in this jurisdiction arrested. The international extradition procedures are set by treaties, and the premature arrest of an individual could jeopardize their eventual extradition from that country. Employees contacted by authorities from other countries and requested to arrest an individual wanted in their jurisdiction should refer that request to the Extradition Unit.
 - E. The Arizona Constitution contains a disclaimer of rights and title to any land within the boundaries owned or held by any Indian or Indian tribe, the right or title to which shall have been acquired through or from the United States, or any prior sovereignty. No arrest warrant issued from any court of any county within the state, may be executed upon any Indian while on Indian land. An Indian must be extradited from Indian land before the warrant may be executed. Each tribe has different extradition requirements. The requirements for a particular tribe may be obtained by contacting the tribal legal counsel.
9. **Extradition of Fugitives In/Outside of Maricopa County:** The Extradition Unit is responsible for the return to Maricopa County of fugitives extradited from jurisdictions outside the State of Arizona and responsible for the processing of fugitives arrested in Maricopa County who are wanted in jurisdictions in other states and territories. Under **no** circumstances shall employees other than those assigned to the Extradition Unit contact another jurisdiction to make arrangements for the return of fugitives from other states.
10. **Extradition Trips:** Employees are authorized to assist the Extradition Unit with the extradition trips:

- A. Employees authorized to assist with the extradition trips include:
 - 1. All sworn personnel;
 - 2. Detention personnel who have received prisoner transport training; and
 - 3. Reserve deputies.
 - 4. Reserve deputies and detention officers may be considered for the second position on a two person trip.
- B. Eligible authorized employees shall meet the following training requirements:
 - 1. Obtain a County Wide P-Card: <https://mymc.maricopa.gov/314/P-Card-Training>;
 - 2. Complete the MCSO P-Card Training Course; and
 - 3. Complete the Flying Armed Course.
- C. Only sworn, full time, compensated employees are permitted to carry a firearm while flying on a commercial airline carrier per Title 49 Code of Federal Regulations (CFR) 1544.219.
- D. To be accepted, employees must have the approval of their supervisor and must be approved by the Extraditions Unit.
- E. The Extradition Unit has developed a computer database to identify destination requests from eligible personnel. Employees wishing to be considered for specific destinations may submit a written request to the Extradition Unit. The request must include the employee's name, serial number, duty assignment, work and personal telephone numbers, and the destinations desired.
- F. Available trips may be posted on a trip list and e-mailed to all employees. The computer database containing the destination requests may also be checked to determine those personnel who have requested trips to specific locations. The trips shall be assigned based on the needs of the Office and the Extraditions Unit as determined by the Extraditions Unit Commander.
 - 1. Trips outside the continental United States shall be taken primarily by the Extradition Unit.
 - 2. Trips involving the extradition of juveniles shall be taken by the Extradition Unit or the Aviation Unit. When possible, one member of the pickup team should be the same gender as the juvenile being extradited.
 - 3. Employees of higher rank shall not be given preference over employees of lower rank for a specific trip. However, preference shall be given to personnel traveling to a specific destination on other County business, such as an on-going investigation, training school, conference, or for security reasons.
 - 4. When assignments are requested by multiple employees at approximately the same time, the Extradition Unit Commander shall determine the assignment. Past performance on prisoner trips shall be a factor in the selection of personnel.
 - 5. Employees taking extradition trips shall be familiar with, and comply with, all procedures established by the Extraditions Unit for extraditions. The Extraditions Unit Commander

may suspend or revoke extradition trip participation for personnel who have violated these established procedures.

- G. The Extraditions Unit Commander shall be responsible for approving the participation of any employee who does not meet the requirements set forth in procedure 9.B of this Office Policy, prior to the employee assisting with the extradition of a subject. However, the Extraditions Commander shall not waive the flying armed requirement for those sworn employees who are flying armed.