



GOODYEAR POLICE DEPARTMENT

Policy and Procedure Manual

POLICY 8.04 CIVIL PROCESS

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03/27/2024

Approved:


1. PURPOSE AND SCOPE

1. It is the policy of the Goodyear Police Department to become involved in civil matters only to the extent necessary to preserve the peace and to serve protective orders and injunctions. The Goodyear Police Department shall not become involved in the service of civil court orders except as mandated by law and outlined in this policy. When questions arise concerning the legal process surrounding civil matters, contact the Public Safety Legal Advisor.

2. DEFINITIONS

1. Order of Protection (OP) - A civil order granted by a court and signed by a judge to protect the plaintiff from future acts of domestic violence. In an OP, a judge can set limits on the adverse party (defendant) behavior by specifying the conduct allowed and prohibited, such as from contacting the plaintiff or other named persons, from possessing a weapon, and / or their presence at a specific location. Failure to comply with an OP can result in arrest and prosecution. An OP is valid for a period of two years from the date of service on the defendant.
2. Emergency Order of Protection (EOP) - An OP that is granted by an on-call judge via the phone during days and hours when the courts are closed for business. EOPs are granted by a judge to protect a person who is in imminent danger of domestic violence. EOPs expires seven calendar days after issuance, unless otherwise continued by the court.
3. Injunction Against Harassment (IAH) - A civil order that does not depend upon relationships and is available if the conduct of any person is "harassment" as defined by law. An IAH prohibits a person from harassing, annoying, or alarming another person. An IAH is good for a period of one year from the date of service on the defendant.
4. Injunction Against Workplace Harassment (IAWH) - A civil order granted to protect employees at an employer's place of business. Only an employer or an authorized agent of an employer may file an injunction prohibiting workplace harassment. Once served, an IAWH is valid for one year from the date of service on the defendant.

3. SERVICE OF CIVIL PROCESS

1. If officers are requested for a civil standby by a process server, the process server will be advised to contact a Constable or the Sheriff's Office for assistance. Officers shall not perform a civil standby unless approved by a supervisor in the best interest of keeping the peace.
2. If an altercation does occur during the service of civil papers, officers will respond, upon request, preserve the peace, and take the appropriate action if a violation of the law has occurred.
3. Officers shall not take any action involving the service of the papers.

4. REPOSSESSION OF PROPERTY

1. If officers are requested to assist in the repossession of property, the authorized agent will be advised to contact a Constable or the Sheriff's Office for assistance. Officers of this department shall not assist in the repossession of property.
2. Authorized agents may only repossess property when they are in possession of appropriate paperwork and when the repossession can be accomplished without a breach of the peace.

5. CIVIL PROCESS - AZPOINT AUTOMATED PROTECTION ORDER PROCESS

1. The Arizona Protective Order Initiation Notification Tool (AZPOINT) is Arizona's statewide automated protective order process whereby the court shall electronically transmit Orders of Protection (OP) to the appropriate law enforcement agencies for service. AZPOINT includes three portals. The Petition Portal is used by the plaintiff to submit a petition to the court; the Clerk Portal is used by any Arizona court to access a submitted petition; and the Service Portal is used by law enforcement to access, update, print, and serve protective orders. An overview of the petition process is as follows:
 - A. The plaintiff enters a petition for an order into the AZPOINT Petition Portal.
 - B. Once the plaintiff submits the petition, it is transmitted to the Clerk Portal. Court staff at any Arizona court can access the petition via the Clerk Portal, thus the plaintiff can go to any Arizona court for a hearing with a judge and to have an order reviewed and possibly granted.
 - C. Upon approval by a judge, the court grants the OP and it is transmitted to the appropriate law enforcement agency for service within their jurisdiction.
 - D. The AZ Supreme Court / AOC Court Protective Order Repository (CPOR) is the central repository for OPs, IAHs, and IAWHs, and AOC will enter served protective orders into NCIC. Upon expiration or cancellation of these court orders, AOC shall purge the court orders from NCIC.
 1. Exception: Emergency orders of protection shall be entered and purged from NCIC by the serving agency.
 - E. When advising citizens on how to obtain a protective order, department members shall direct them to the AZPOINT website at <https://azpoint.azcourts.gov/>.
2. Accessing and Assigning AZPOINT Protection Orders
 - A. The Communications Division shall assign service of OP upon system notification e-mails or at the direction of the administrator / supervision.
 - B. The administrator shall monitor the portal for compliance.

6. SEMI-AUTOMATED OP/IAH/IAWH PROCESS

1. While AZPOINT is Arizona's statewide automated protective order process, there may be occasions when agencies are required to receive and serve paper copies of OPs, IAHs, or IAWHs.
2. IAHs and IAWHs – For IAHs and IAWHs, plaintiffs may enter the petition information into AZPOINT, but upon issuance of the court order, the court will provide the plaintiff with a paper copy of the petition, order, and service declaration because other jurisdictions may charge a fee for service of IAHs and IAWHs. Therefore, IAHs and IAWHs will not be assigned to specific law enforcement agencies for service in the portal as are OPs.
 - A. For service, the plaintiff may enlist the assistance of law enforcement, constables, or process servers.
 1. Goodyear PD does not charge fees for service, and will only serve within Goodyear jurisdiction.
 - B. Should GPD receive a paper copy of an OP, IAH, or IAWH for service:
 1. Follow service process as outlined in SOP 8030 shall be followed.
 2. Documentation of service can be done in AZPOINT if the order is entered into the system. If not the paper Declaration of Service shall be completed and mailed to the appropriate court.
 - C. Service of orders Issued by Another State – If an order is issued by another state, but needs to be served on a defendant in Arizona, the issuing jurisdiction and the serving jurisdiction (the state of issuance and the state where service is to occur) shall communicate and coordinate the service on the defendant. Once served, proof of service shall be provided to the issuing jurisdiction for entry into NCIC.

1. Note: Ops / IAHs issued by other states shall not be entered into AZPOINT because this system is designed to maintain and track Arizona orders only.

7. EMERGENCY ORDERS OF PROTECTION

1. If a responding officer determines that the victim is in imminent danger, a victim's life / health is in jeopardy, or the suspect is in close proximity, an emergency order of protection may be requested as follows:
 - A. The responding officer contacts the Maricopa County Sheriff's Office (MCSO) Communications Section at (602) 876-1000, who will connect the officer with the on-call judge. Alternatively the Initial Appearance (IA) Court phone number may be contacted at (602) 372-9421 to be connected to a judge directly.
 - B. The responding officer will brief the on-call judge on the reason(s) the emergency order of protection is requested.
 - C. When the order is granted:
 1. The officer will complete the Order using the assigned Goodyear PD DR/OCA number for the case number. The EOP fillable form can be located in PowerDMS.
 2. The officer will then:
 1. Serve the Defendant a copy of the order.
 2. Provide a copy of the order to the Plaintiff.
 3. E-mail a copy to Discovery and Confidential Materials Department: coscr-filesconfident@maricopa.gov and Clerk of the Superior Court Customer Service: donna.hall@maricopa.gov.
 4. Have Dispatch enter the EOP information into NCIC; only after it has been served.
 5. Attach or turn in a copy to PD Records with the report.
 6. There is no requirement to update AZPOINT as the EOP will not be in there. Proof of service is the entry in NCIC.
2. If the defendant cannot be served during the officer's duty shift, the order will be turned over to the next shift Patrol Sergeant for service. This process will continue until the order is served or expires. The date and time of expiration is listed on the top of the order.

8. OUT OF STATE CUSTODY ORDERS

1. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) creates a process for registering out of state custody and visitation orders. Once registered such orders are enforceable as if they were a local order as of the date of the registration.
 - A. The UCCJEA includes a procedure to ensure a child's safety and presence in the jurisdiction when notice of an enforcement proceeding may likely cause the recipient to flee with or harm the child.
 - B. Upon finding that a child "is imminently likely to suffer serious physical harm or be removed from the State", a court is authorized to issue a warrant directing officers to take immediate physical custody of the child.
2. For an out of state custody order to be recognized in Arizona, the individual requesting enforcement must satisfy the requirements of A.R.S. § 25-1055 through the Superior Court. The Court will then file the custody order as a foreign judgment.
 - A. The order may then be enforced by filing a Petition to Enforce a Physical Child Custody Order in Arizona court.
 - B. The Court will order the parties to appear and may issue any other order necessary to ensure the safety of the parties and the child. Such orders may include granting one parent the immediate physical custody of the child or requesting the assistance of officers in carrying out

the order. In extreme cases, a court may issue a warrant to take physical custody of the child under A.R.S. § 25-1061.

3. Upon receipt of any such order, officers shall carefully review the order to understand the exigency involved.
 - A. The order may have one of two boxes checked regarding enforcement of the order: Authorization for officers to enter private property to take physical custody of the child, or authorization for officers to make forcible entry at any hour if exigent circumstances exist.
 1. Authorization to Enter Private Property: No specific authority is granted to forcibly enter property if the other party does not answer or denies entry.
 2. Authorization to Make Forcible Entry: Specific authority is granted to forcibly enter property. However, officers shall consult with the supervisor before any decision to make forcible entry is made. If the reasons for forcible entry appear suspect or unclear, the Court shall be contacted for clarification of the emergency circumstances prior to enforcement action.
 1. If the decision is made to forcibly enter the premises, officers must decide the tactics and means by which to do so.