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1. **ESSENTIAL ELEMENTS OF ARREST** - Elements normally required to effect a lawful arrest:

- Intent on the part of the person making the arrest
- Authority that is lawful on the part of the person making the arrest
- Seizure or detention of the arrestee
- Understanding on the part of the arrestee that they have been arrested

2. **CITIZENSHIP QUESTIONS AND DOCUMENTATION AFTER ARREST**

- A. All arrested persons shall be asked, "What country are you a citizen of?" and "What is your place of birth?"
- (1) If the arrestee answers they are a citizen of a country other than the United States (U.S.), officers will ask the arrested person if they also have dual U.S. citizenship.
- (a) Officers may not ask incriminating follow-up questions unless Miranda has been read and a valid waiver has been obtained.
- (b) Officers/employees must follow the provisions of section 5 of this order in notifying the appropriate foreign consulate for persons who are identified as foreign citizens.
- (2) If the arrestee states they are not a U.S. citizen, and Miranda has been read and a valid waiver obtained, officers should ask the following questions with the answers documented in the Incident Report (IR).
- (a) Are you in the United States legally?
- (b) Do you have any registration documents or other proof of lawful presence?
- B. Arrests resulting in the booking of an adult suspect, or referral of a juvenile, will be processed in accordance with applicable Department policies.

3. **TYPES OF ARREST**

- A. There are two basic types of arrest:

- (1) Arrest with a warrant
- (2) Arrest without a warrant based on probable cause

NOTE: Officers will check for and properly verify all warrants on arrested persons.

- B. **Arrest With a Warrant**

(1) Felony and Misdemeanor Warrant Information	<ul style="list-style-type: none"> • Information on felony and misdemeanor warrants is available through the National Crime Information Center/Arizona Crime Information Center (NCIC/ACIC) by radio, Mobile Data Computer (MDC), desktop, or from the Information Services Unit (ISU). ARS 13-3842 lists the authority to arrest fugitives from other states. • When NCIC/ACIC is unavailable, officers will check the Maricopa County Sheriff's Office (MCSO) Records Section for local felony warrants. • When transporting an arrested subject to the issuing agency of a felony or misdemeanor From Other Jurisdiction (FOJ) warrant, the officer will change or create the incident type on the MDC to 511F for a felony warrant and 511M for a misdemeanor warrant.
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3. B. Arrest With a Warrant: (Continued)

(2) Juvenile Warrants	<ul style="list-style-type: none"> Officers will verify juvenile warrants by contacting both the Juvenile Court Center (JCC) Central Index and the MCSO Records Bureau. Felony juvenile warrants will be served in the same fashion as adult felony warrants; however, juveniles will be detained at JCC. Juveniles arrested on Remand Orders will be booked into Intake, Transfer, Release (ITR) as an adult; see Operations Order 7.9.00, Juvenile Procedures. Juvenile warrants are only valid until the juvenile reaches age 18.
(3) Subject Identification	<ul style="list-style-type: none"> Prior to making <u>any</u> warrant arrest, officers will verify the existence of an outstanding warrant and the identity of the person to be arrested. If it is necessary to establish identity before a person is booked into jail on a warrant, a fingerprint check should be made. In cases where identification is inconclusive, the person will be released. <p>* A memorandum including the subject's personal description, address, vehicle description, etc., will be forwarded to the Fugitive Apprehension Investigations Detail (FAID).</p>
(4) Warrant Verification Procedures	<ul style="list-style-type: none"> Officers will call ISU to request a records check on any subject they believe has an outstanding warrant from the Phoenix Municipal Court. <p>* ISU personnel will advise the officer of any warrant and identification information available, as well as the phone numbers of the other agencies that may need to be notified/contacted.</p> <ul style="list-style-type: none"> Officers will telephone the requesting agency/s listed on warrants issued from other courts to request warrant verification. This includes contacting MCSO for felony warrants issued as a result of Department investigations. Upon verification of the warrant and positive identification of the subject, the person will be arrested and booked into jail. <p>EXCEPTION: If a cash bond is indicated, see Operations Order 7.7.04, Booking Procedures, for information on bondable releases.</p> <ul style="list-style-type: none"> The name and serial number of the person contacted for warrant verification will be documented in the "Remarks" section of the "Clear Call" dialog box in the MDC prior to transmitting the disposition. It is not necessary to obtain a copy of an arrest warrant prior to serving it in on-view situations; however, if the suspect requests to see a copy, the arresting officer will secure a copy from MCSO and give it to the arrestee as soon as practicable.
(5) From Other Jurisdiction (FOJ) Warrant Verification (Outside Maricopa County)	<ul style="list-style-type: none"> If the warrant is valid, but the issuing agency is unable to immediately confirm extradition, the suspect <u>will be</u> booked and this information will be included in the "Hold Comments" data field of the "Hold Information" panel in the Arrest section of the Booking Report. If the warrant is valid but extradition is denied, or if the warrant is no longer valid, the suspect will be released if there are no other charges. <p>* A fingerprint check should be made prior to release, if possible.</p> <p>* A notation with the warrant information and the person to be contacted for verification information will be made in the "Remarks" section of the "Clear Call" dialog box in the MDC prior to transmitting the disposition.</p> <ul style="list-style-type: none"> Officers will provide the jail with a faxed copy of the teletype NCIC hit or a faxed copy of the out-of-state warrant prior to acceptance of the arrestee into central intake for all FOJ arrests.
(6) Suspect Interview	<ul style="list-style-type: none"> Prior to conducting in-custody interviews, the arresting officer will advise suspects of their Miranda Rights by reading the Adults Rights Card PPD #29 to adults or the Juvenile Arrest/Miranda Warnings Worksheet form 80-119D to juveniles. <p>* If suspects wish to waive their right to remain silent, officers will document any statements made in the IR.</p> <p>NOTE: Suspects do not need to be advised of their rights during the identification process</p>

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3. B. Arrest With a Warrant: (Continued)

(7) Documentation	<ul style="list-style-type: none"> • An Incident Supplement will be completed when officers effect any of the following: <ul style="list-style-type: none"> * Interview of the suspect arrested on a Phoenix arrest warrant * Book a juvenile into ITR on a Remand Order • The supplement will include the following information: <ul style="list-style-type: none"> * Arrest number * Any statements made by the suspect relative to knowledge of the warrant, summons, or offense charged <p>EXCEPTION: No supplement is required when the warrant was issued subsequent to the conviction of the suspect, such as a probation violation, parole violation, or failure to pay fine.</p> <ul style="list-style-type: none"> • Whether or not the arrest warrant is executed, an Incident Supplement will be completed indicating the efforts taken to serve the warrant.
(8) Obtaining An Arrest Warrant	<ul style="list-style-type: none"> • An arrest warrant may be obtained for a person's arrest. • The needs of the community will be considered when determining if an arrest warrant is needed. • Officers will have their request for an arrest warrant reviewed by their supervisor or the appropriate detail detective to determine if an arrest warrant is needed. <ul style="list-style-type: none"> * Violent Crimes Bureau (VCB) personnel will be contacted for assistance in obtaining an arrest warrant after business hours. • Officers may enter the suspect's residence to affect the arrest with a felony arrest warrant if they have probable cause to believe it is the suspect's residence and reasonable belief the suspect is inside. • Officers lawfully on the premises for the purpose of making an arrest may search the premises for the purpose of finding the person to be arrested. <ul style="list-style-type: none"> * When the person is known to be there and known to be armed, officers conducting the search may look into small places where a weapon might be hidden until the person has been located and arrested. * Evidence found may be seized without a warrant if there is probable cause to believe the evidence is related to a crime.

C. Non-Service of Warrants

- (1) At the officer's discretion, the warrant may not be served when a hazard to the health and well-being of the defendant exists.
- (2) Officers will advise the defendant the warrant will remain active.
- (3) If there is an IR associated with the warrant, an Incident Supplement will be completed to explain why the warrant was not served.
- (4) If there is not an IR associated with the warrant, a Field Interview (FI) will be completed ensuring the appropriate bureau is selected for "Offense Element 1 and 2" for proper routing with an explanation why the warrant was not served.

D. Serving Warrants at Hospitals

- Warrants will not be served on patients being treated in medical facilities.

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3. E. Serving Warrants at Community Bridges, Inc. (CBI) Facilities

- (1) When officers develop probable cause that a subject wanted on a valid arrest warrant is currently at a CBI facility, the following procedures will be followed in accordance with federal confidentiality regulations:
 - (a) Misdemeanor warrants for minor offenses should not be served at a CBI facility.
 - (b) Officers should identify the subject named on the warrant without the aid of CBI employees.
 - (c) The on-duty CBI supervisor will be contacted and advised of the situation
 - When requesting information regarding the wanted person, officer may only ask if the subject is on the premises.
 - A subject's client status at such a facility cannot be disclosed without a court order.
 - (d) Officers will coordinate the arrest with the CBI supervisor to ensure the safety of all persons and a minimum amount of disruption to the facility.
 - (e) If any problems are encountered, a police supervisor will be called to the scene.

F. Disputed Warrants

- (1) Prior to booking, officers will verbally review the details of the warrant with a sworn supervisor.
- (2) When a subject claims to have taken care of a warrant either from being booked or having posted a cash bond, but does not have a receipt or receipt number in his/her possession, officers will attempt to verify the subject was booked or a bond was posted for the outstanding warrant.
- (3) Officers will compare the reported date of booking or the bond receipt number and warrant information with ISU to verify the subject's claims.
- (4) During Business Hours
 - (a) If the subject does or does not have a receipt, officers may contact the Judicial Process Detail ISU for assistance in contacting the City Court Warrant Section to ascertain the status of the warrant in court files.
 - (b) Officers must ensure the receipts retained or referred to by the subject correspond with the outstanding warrant numbers.
- (5) After Business Hours
 - (a) When the subject's claims regarding the disputed warrant cannot be verified, but accurate identification of the subject and their home or business address has been obtained, the subject may be released with the approval of a supervisor.
 - (b) A memorandum will be forwarded to the Judicial Process Detail (JPD) (it will be the responsibility of JPD to re-contact the subject).
 - The memorandum will include the following information:
 - * Subject's identification
 - * Subject's address
 - * Bail receipt number
 - * Alleged date of bail payment/booking

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3. F. (5) (c) If the arrested person has an “unknown if same MNI, verify with fingerprints” Master Name Index (MNI) Alert, the subject will be fingerprinted using LiveScan for a one-roll identification prior to booking.

G. Arrest **Without A Warrant**

- (1) Officers may arrest without a warrant under the following conditions:

- In a public place, a place open to the public, or a place an officer has a legal right to be, with probable cause to believe a crime occurred and probable cause to believe the person to be arrested committed the crime
- When a felony or misdemeanor is being committed in the officer's presence
- At the scene of a traffic accident, based upon personal investigation, when the officer has probable cause to believe the person to be arrested has violated a criminal code of [Arizona Revised Statutes \(ARS\) Title 28](#), the person will be released or booked per Department policy.

- (2) A person arrested for misdemeanor charges only, may be eligible for release under [ARS 13-3903](#) after being issued an Arizona Traffic Ticket and Complaint (ATTC).

- If the person to be arrested does not meet the criteria established in ARS 13-3903 and [Operations Order 7.6.00, Arizona Traffic Ticket and Complaint](#), the person will be booked into jail.

- (3) Prior to booking any adult arrestee into jail, officers will conduct an arrest review with a sworn supervisor.

- (4) Absent lawful consent, officers will not enter a private residence in pursuit of misdemeanor suspects without a warrant to search the premises.

- (5) When requested to assist probation or parole officers where a suspect has fled from home arrest, officers will only assist in the search for the suspect. See [Operations Order 6.5.01, Tribal Jurisdiction](#), for additional information involving probationers.

- All paperwork and booking is to be done by the probation or parole officer.
- An IR is not required.
- When circumstances are such that **new** charges are sought against the probationer, such as drug offenses, assault, or disorderly conduct, Phoenix officers will take custody of the arrestee, complete all the necessary paperwork and impounding, and book the subject.

H. Terrorist Screening Center (TSC)

- (1) NCIC checks will automatically include a check for any known or suspected links to terrorism and the hit will contain a handling code level 1 through 3.

- (2) Procedures for Handling Codes 1 through 3

- (a) Handling Code Level 1 - **Arrest this individual**, he/she is associated with terrorism.

- The TSC has access to supporting information behind the record and will work through the dispatcher to resolve the issue.
- The TSC will coordinate with the Federal Bureau of Investigation (FBI) Counterterrorism Watch to ensure appropriate actions are taken, whether or not the identity is confirmed or remains uncertain.

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3. H. (2) (b) Handling Code Level 2

- Detain this subject for a reasonable amount of time for questioning.
- This individual is of investigative interest to law enforcement for reasons associated with terrorism.
- Immediately contact the TSC for additional information and direction.

(c) Handling Code Level 3

- The person queried through this search may be an individual identified by intelligence information as having possible ties with terrorism.
- **Do not** alert this individual of this notice.
- Do not arrest this individual unless there is evidence of a criminal violation.
- Contact the TSC by phone or through the dispatcher using the phone number listed in the NCIC record to assist in the identification of the subject.
- Ask probing questions to determine if this individual is in fact the same individual on the hit.

4. **ARREST OF FEDERAL AND STATE EMPLOYEES** - With the exception of those persons immune from arrest, the following special notifications/procedures will be made when certain federal or state employees are arrested and booked:

A. Internal Revenue Service (IRS)	<ul style="list-style-type: none"> • The arresting officer will notify the IRS Security Office at 602-207-8300.
B. Postal Service	<ul style="list-style-type: none"> • The arresting officer will, at the time of the arrest, notify the Postal Inspection Service at 602-223-3660.
C. Department of Corrections (DOC)	<ul style="list-style-type: none"> • When a DOC employee is arrested <u>or</u> cited for a major traffic offense, the arresting officer will notify the DOC employee's supervisor. • The DOC supervisor is responsible for notifying the DOC's Internal Affairs Bureau at the Alhambra Facility at 602-255-1608.
D. Military Personnel	<ul style="list-style-type: none"> • When military personnel are arrested and booked on criminal charges, ITR personnel will notify appropriate military authorities. <p><u>Absent Without Leave (AWOL)/Desertion</u></p> <ul style="list-style-type: none"> • Members of the military services of the U.S. cannot legally be held for being AWOL or desertion until verification of their status has been confirmed by military authorities. • Military holds <u>will only</u> be placed on military personnel arrested by officers of this Department in the following situations: <ul style="list-style-type: none"> * When a Mandate or Process is issued by a Military Court directed to the Department instructing that a particular person be held for military authorities * When a member of the Armed Forces is reported as being a deserter or AWOL (AWOL personnel are in violation of 10 US Code 886 Article 86, of the Uniform Code of Military Justice.) * When arrestees advise they are AWOL <p><u>AWOL/Desertion Verification Procedures/Points of Contact</u></p> <ul style="list-style-type: none"> • U.S. Army - U.S. Army Deserter Information Point 502-626-3711/3712/3713; NCIC Fax 502-626-3715; or Fort Huachuca Provost Marshal 520-533-3269. • U.S. Air Force - U.S. Air Force Military Personnel Center 800-531-5501 or Luke AFB Security Force Squadron 623-856-5979. • U.S. Navy - Navy Absentee Collection and Information Center 800-423-7633 or MCAS Yuma Military Police 928-269-2361. • U.S. Marine Corps - Commandant of the Marine Corps, Corrections Branch 703-614-3248/3376 or MCAS Yuma Military Police 928-269-2361. * (Continued on next page)

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4. **ARREST OF FEDERAL AND STATE EMPLOYEES** (continued)

D. Military Personnel (continued)	<ul style="list-style-type: none"> • U.S. Coast Guard - USCG Headquarters 202-267-2100 or USCG District 11 Command Center 510-437-3701. * The officer will provide the subject's name, rank, social security number, date of birth, unit designation or station, and any other pertinent information available. * If the branch of service is unknown and the subject claims to have been discharged, the place from which the subject alleges to have been discharged will be obtained. * If the AWOL or desertion is verified and military authorities desire a "HOLD", the subject will be held at ITR. <p><u>Documentation</u></p> <ul style="list-style-type: none"> • The name and rank of the military person requesting the HOLD will be placed in the "Hold Comments" data field of the "Hold Information" panel in the Arrest section of the Booking Report. • The "Charge Description" will be entered as "Desertion" in violation of Article 86, Uniform Code of Military Justice. • The military unit requesting detention will be required to provide the Department with a written detainer as soon as practicable. • When a subject is arrested and <u>subsequently</u> discovered to be AWOL or a deserter, the same verification procedures as listed above will be followed. * The subject will be held as though apprehended on the original AWOL or desertion charge.
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5. **IMMUNITY FROM ARREST**

- A. Specified persons are immune from arrest under certain conditions; however, officers will report the details of all offenses in applicable IRs.
- B. Refer to the following chart for the specific application of immunity/non-immunity information:

(1) Diplomatic Agents	<p>Includes ambassadors, foreign ministers, their families, servants, and staff</p> <ul style="list-style-type: none"> • All are TOTALLY immune from arrest for ANY offense. * Questions regarding immunity may be directed to the FBI.
(2) Legislators	<p>If a Legislator invokes his/her privilege, they are privileged from arrest except in cases of treason, felonies, or misdemeanors amounting to a breach of the peace.</p> <ul style="list-style-type: none"> • Additionally, State Legislators shall not be subject to any civil process, including civil traffic citations, during the following: <ul style="list-style-type: none"> * While the Legislature is in session * For 15 days prior to the start of the session (applies to Arizona State Legislators only) * While traveling from their homes to attend a session (applies to Federal Legislators only) * When returning to their homes at the end of a session (applies to Federal Legislators only) • Officers will make arrests for misdemeanors only in the following cases: <ul style="list-style-type: none"> * An offense by violence * An immediate disturbance of the public order * A violation of driving while under the influence (DUI) within the guidelines of Operations Order 7.5.04, DUI Investigations <p>NOTE: The interpretation of a breach of peace and the decision to arrest will be referred to a supervisor in all cases.</p> <p>(continued on next page)</p>


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5. B. Refer to the following chart for the specific application of immunity/non-immunity... (continued)

(2) Legislators	<ul style="list-style-type: none"> Per ARS 28-1591, civil traffic citations shall be treated as civil matters. State Legislators are privileged from such processes if they wish to invoke their privilege for civil traffic citations. <p>NOTE: If legislators (state or federal) choose to exercise their privilege, a memorandum detailing the offense will be forwarded to the Legal Unit.</p>
(3) Foreign Consuls	<p>Foreign consuls, their families, servants, and employees are not immune from arrest.</p> <p>EXCEPTION: The Mexican consul is immune from arrest for misdemeanor offenses, but deputy consuls are immune only if they are citizens of Mexico.</p> <ul style="list-style-type: none"> If either the consul or a deputy consul is involved in offenses, the matter will be referred to the patrol assistant chief or the duty commander after normal business hours. Though immunity is not extended to families, servants, or employees of the consulate, they will be released on misdemeanor offenses when practical, in lieu of booking, pending the issuance of an ATTC (appropriate ATTC procedures will be followed). Vehicles bearing any Consular Corps license plates will not be given parking citations, nor will drivers assigned to the Mexican Consulate be cited for traffic violations when operating a vehicle bearing consulate plates. The Mexican Consulate will be notified by the investigating officer when a Mexican national dies, regardless of the cause, within the Department's jurisdiction. Offenses committed by members, families, or employees of all other foreign consulates will be referred to a supervisor.
(4) Federal Employees	<ul style="list-style-type: none"> Federal employees operating federally owned vehicles are subject to the same enforcement policy as other citizens who are in violation of traffic ordinances, except that they will not be cited for driver license violations. Arizona National Guard members, unless charged with a felony offense, are immune from arrest while enroute to and from an armory drill, encampment, formation, or while otherwise engaged in training activities but may be cited for traffic violations not demanding detention. <p>* If a guard member in immune status commits a misdemeanor, an investigation will be made so that a warrant or summons may be obtained for action after the period of immunity expires.</p>
(5) Witnesses Under Subpoena	<ul style="list-style-type: none"> A witness under subpoena is privileged from arrest while attending or traveling to and from court, except for treason, felony, or breach of the peace.

6. ARREST OF FOREIGN NATIONALS

A. Foreign Nationals	<p>Due to treaties with foreign countries, when foreign nationals are arrested, the arresting officer will advise them of their right to have their government notified concerning the arrest.</p> <ul style="list-style-type: none"> This policy also applies to the arrest of undocumented persons. A Consular Notification Form and Fax Sheet 80-11D will be completed and once signed, scanned and attached to the IR as a "Document". If the foreign national asks that notification be made, the officer will inform the nearest consulate or embassy using the completed Consular Notification Form and Fax Sheet. To obtain contact information for foreign consular offices in the United States and notification statements in foreign languages, log onto the U.S. Department of State-Bureau of Consular Affairs website travel.state.gov/cna or contact the Information Desk. It will be noted in the IR whether the foreign national did or did not request his/her government be notified. <p style="text-align: right;">(continued on next page)</p>
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6. ARREST OF FOREIGN NATIONALS (Continued)

A. Foreign Nationals
(Continued)

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7. CITIZEN ARREST

A. All citizen arrests will have the following elements before officers accept an arrestee:

- (1) The arrestee is in the custody of the citizen (either by actual physical restraint or the arrestee's voluntary submission to the arrest).
- (2) The citizen making the arrest intends to prosecute.

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7. A. (3) The citizen arrest is apparently lawful, being a misdemeanor amounting to a breach of the peace or a felony committed in the citizen's presence.

NOTE: Officers must inform suspects they are under arrest and the cause of the arrest.

B. Signing Complaints

- (1) Arresting citizens will be advised they are not required to sign complaints; however, they will receive a subpoena to testify in court if the charge is contested by the suspect.
- (2) If a citizen does not desire to make a citizen arrest, or is unable to make a citizen arrest, but desires prosecution, an IR will be completed.
- (3) Officers will inform the citizen the report will be forwarded to the City Prosecutor for review and the City Prosecutor will advise of the case status by mail.

8. **FUGITIVE ARRESTS**

- A. A fugitive is any person wanted by any law enforcement agency **outside the state of Arizona** on a verified **felony** warrant.

B. Demand for Arrest From a Law Enforcement Agency

- (1) A demand for the arrest of a wanted subject will be honored if received from a law enforcement or correction agency, or other public authority with powers of prosecution and extradition.
- (2) Copies of the complaint, warrant, and verification that extradition has been authorized should be on file before the arrest is made.

NOTE: In the case of a serious offense or probability the fugitive will escape, an arrest may be made on an electronically verified (fax, e-mail, etc.) or computerized warrant.

- (3) Demands should contain the following information, regardless of how they are received:

<ul style="list-style-type: none"> • Subject's full name and date of birth • Charges • Statement that demanding agency will extradite • Physical description • Issuing agency name and judge's name • County where warrant was issued 	<ul style="list-style-type: none"> • Warrant number • Court address • State where warrant was issued • Date of warrant • Bond amount, if any • Date, time, and name of officer placing hold
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- (4) Demands by electronic message with the above information should state that copies of the complaint and warrant will follow via fax or U.S. mail.
- (5) Demands by letter from other agencies will be honored if accompanied by copies of the complaint, warrant, and a statement that extradition has been authorized.
- (6) Demands by telephone will not be honored except in unusual or emergency cases.
 - (a) The demanding agency will be asked to fax the required warrant and extradition information immediately following the telephone call.
 - (b) Under these circumstances, a VCB supervisor or the duty commander must authorize the arrest before it can be made.

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8. B. (7) The arresting officer will determine the person about to be arrested is the person named on the demanding agency's warrant and will also advise the subject of the following:

- Charge information
- Requesting agency name
- Fact that a warrant has been issued
- Bail amount

- (8) When a telephone call is made to the demanding agency, the demanding agency will be notified of the following:

- The suspect is in custody
- Suspect will be held at ITR
- The MCSO Fugitive Detail will notify them whether or not the suspect signs a waiver of extradition.

C. Foreign Fugitives

- (1) Information on subjects wanted by foreign countries is available in NCIC.

NOTE: Special inquiries into this file are not required as all wanted person file inquiries will be searched against the Foreign Fugitive File.

- (2) If a positive response is received, the following procedures will be followed:

- (a) A supervisor will be advised of the situation.
- (b) The subject will be taken to a police facility for follow-up investigation.
- (c) INTERPOL will be contacted at 202-272-8283 and advised of the situation.
 - INTERPOL will confirm or deny the warrant and attempt to estimate how long it will take to verify extradition.
 - * If INTERPOL confirms the warrant and there are no other charges, the subject will be booked into jail with a **HOLD** for INTERPOL.
 - * If INTERPOL cannot confirm the warrant and there are no other charges, the subject will be released and an FI will be completed ensuring *Tactical Support Bureau//Tactical Support Bureau*, FAID is selected as "Offense Element 1"/"Offense Element 2" for proper routing.

- (3) If the subject is not a U.S. citizen, see [Operations Order 6.6.00, Immigration Procedures](#).

- (4) HOLDS may be placed for both INTERPOL and U.S. Immigration and Customs Enforcement (ICE).

- D. Non-Support or Desertion - Warrants charging non-support or desertion from other states will be handled in the same manner as any other out-of-state warrant.

E. Fugitive From Justice Documentation

- (1) An FI (select *Other/Non-Crime* for the "Offense Description") documenting a fugitive from justice will only be completed if any of the following conditions exist:

- There is a problem with the identification of the suspect
- An interview was conducted
- Incriminating statements were made by the suspect that may assist the originating agency

8. E. (2) Refer to the following chart for information to include in the FI:

(a) Suspect	<ul style="list-style-type: none"> • Include a clothing description and any scars, marks, tattoos, and aliases
(b) Narrative	<p>Warrant information:</p> <ul style="list-style-type: none"> • Name as shown on warrant • Charge as shown on warrant • Warrant number (some agencies do not use numbers) • Warrant issue date • Who issued the warrant (judge or issuing person, court or agency) • County, city, and state in which warrant was issued • Recommended bond (set by judge who issued warrant) • "Will extradite" • Suspect admissions or comments • Confirmation of person named on the warrant and/or knowledge of warrant, guilt, or innocence • Criminal activity or criminal involvement since arrival in Phoenix • Information on local associates • Disposition of children, vehicle, or property • Response to demanding agency

9. **FELONY WARRANT FOJ** - Any person arrested for a felony warrant issued by an Arizona law enforcement agency outside Maricopa County will be handled like a felony warrant listed in section 3.B of this order.

10. **REDUCED PROSECUTION OF SPECIFIC CLASS 6 FELONIES**

- A. The prosecution of eligible adult first offenders for the following class 6 felonies will be handled as class 1 misdemeanors in City Court.

B. Designated Class 6 Felonies

(1) Criminal Trespass	<ul style="list-style-type: none"> • ARS 13-1504; first degree • When the residential structure is vacant
(2) Criminal Damage	<ul style="list-style-type: none"> • ARS 13-1602 • A class 6 felony when the value of the property damaged is more than \$250 but less than \$2,000.
(3) Theft	<ul style="list-style-type: none"> • ARS 13-1802 • A class 6 felony when the value of the property stolen is more than \$1000 but less than \$2,000, or when the property stolen is a firearm, a car (ARS 13-1803), or a dog taken for the purpose of dog-fighting.
(4) Unlawful Use Of Means Of Transportation	<ul style="list-style-type: none"> • ARS 13-1803A2 • Applies to passengers only.
(5) Shoplifting	<ul style="list-style-type: none"> • ARS 13-1805 • A class 6 felony when the value of the property stolen is more than \$1000 but less than \$2000, or the item stolen is a firearm.
(6) Unlawful Failure to Return Rental Property	<ul style="list-style-type: none"> • ARS 13-1806 • A class 1 misdemeanor regardless of value unless: <ul style="list-style-type: none"> * The item is a rental car (ARS 13-1814.A.2.), which is a class 6 felony * The item is a car and there is payment due (ARS 13-1813), also a class 6 felony
(7) Escape	<ul style="list-style-type: none"> • ARS 13-2502; third degree
(8) Resisting Arrest	<ul style="list-style-type: none"> • ARS 13-2508 • When the resistance is to a misdemeanor arrest, but in no cases where the defendant inflicts injury upon the police officer.

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10. C. An eligible “adult first offender” is an individual 18 years of age or older who:

- Has no prior felony convictions
- Has no prior misdemeanor convictions for any of the class 6 felonies listed in section 10.B of this order
- Is not a Repeat Offender Program (ROP) target as determined by an ACIC/NCIC records check

D. Law Enforcement Justice Information Systems (LEJIS) Check

- (1) Officers must request a LEJIS conviction check to obtain the proper conviction information.
 - LEJIS is a countywide records check
 - LEJIS conviction information may be obtained through ISU
- (2) LEJIS information of prior convictions and who provided it must be noted in the Release Questionnaire (Form IV) Booking form and the IR, such as “Per Mary A1582, ISU, prior conviction for burglary, Maricopa County, 1985.”
- (3) If there is a question concerning the identity of the suspect/violator, a full set of fingerprints and a photograph will be taken, and an Automated Fingerprint Identification System (AFIS) search completed prior to release, or the suspect may be booked.
- (4) If LEJIS information is not available, the offense will be handled as a felony.

E. Charging Designated Class 6 Felonies (See [Operations Orders 7.7.04, Booking Procedures](#), for additional information)

- (1) If the suspect does not meet the criteria outlined in section 10.C of this order, he/she is not eligible for the reduced prosecution and *Class 6 Felony* will be selected as the “Charge Class” in the Offense section of the Booking Report.
- (2) When LEJIS information is not available, the offense will be handled as a felony.
 - Follow-up investigators must obtain the needed conviction history to continue the case as a felony.
- (3) If the suspect meets the criteria outlined in section 10.C of this order, they will be charged with the offense as a misdemeanor.
 - (a) *Class 1 Misdemeanor* will be selected as the “Charge Class” in the Offense section of the Booking Report.
 - The following statutes will require a dollar amount (over \$1,000, under \$1,000, or unknown) to be selected from the “Property Value” drop-down box in the Offense section of the Booking Report for the property damaged or stolen:
 - * [ARS 13-1602](#), Criminal Damage
 - * [ARS 13-1802](#), Theft
 - * [ARS 13-1805](#), Shoplifting
 - * [ARS 13-1806](#), Failure to Return Rental Property

F. ATTCs

- Suspects eligible to be charged with a misdemeanor under the reduced prosecution may be cited in lieu of detention (CLD’d), with the issuance of an ATTC, as an alternative to incarceration.

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11. **ARRESTS IN OUTSIDE JURISDICTIONS**

- A. Officers must have a supervisor's permission before leaving City limits to make a probable cause or warrant arrest.
- B. Unless exigent circumstances exist, officers must also notify the jurisdiction in which the arrest is to be made and request a local uniformed officer be present for felony arrests and arrests involving potentially violent subjects.

12. **ARRESTS BY UNDERCOVER OFFICERS**

- A. When an undercover officer responds to a radio call or observes an incident requiring police action, the undercover officer will not immediately intervene in the situation or make an arrest.

EXCEPTION: Undercover officers will take immediate police action if it is likely serious bodily injury will result if the officers do not take action.

- (1) The undercover officer's primary responsibility will be to maintain surveillance of the situation and await the arrival of marked units.
- (2) The undercover officer should relay any pertinent information about the situation to responding marked units.
- B. This policy will not apply under the following conditions:
 - (1) Those situations in which a pre-planned arrest is to occur, such as narcotics, "buy bust", or Human Exploitation and Trafficking (HEAT) Unit prostitution arrest.
 - (2) Any situation in which the element of surprise is necessary to maintain officer safety and an arrest contingency plan has been previously established, such as a Special Assignments Unit (SAU) "street jump".
- C. The term "undercover" will include those officers working in a covert capacity or any officers whose appearance deviates from Department hair and grooming regulations to an extent that they would not be readily recognized as a police officer.
- D. When practical, an undercover officer should wear a Rapid Response outer vest carrier or raid jacket when involved in an arrest situation (see [4.11N Undercover or Specialty assignments Uniform](#)).

13. **PETTY OFFENSE ENFORCEMENT**

- A. Officers will only enforce petty offenses upon complaint and will normally make an educational contact with the violator.
 - (1) In aggravated situations, an ATTC may be issued or the IR submitted for a complaint.
 - (2) Violators will NOT be booked.
- B. Any attempted class 3 misdemeanor is processed as a petty offense.

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14. ARREST OF SWORN DEPARTMENT EMPLOYEES

A. Notifications	<ul style="list-style-type: none"> Officers will immediately notify a supervisor when they arrest a sworn Department employee. When any supervisor is notified by Phoenix or another law enforcement agency a sworn employee has been arrested, the notified supervisor will be responsible for ensuring the arrestee's immediate supervisor and commander/administrator (duty commander after normal business hours) are promptly notified. <ul style="list-style-type: none"> * The notified supervisor will also complete and forward a memorandum to his/her bureau/precinct commander/administrator by the end of shift. * The bureau/precinct commander/administrator will promptly review and forward the supervisor's memorandum to his/her assistant chief. * The Office of Administration (OOA) will notify the City Prosecutor and Deputy City Prosecutor via email The arrestee's bureau/precinct commander/administrator (duty commander during non-business hours) will ensure the Professional Standards Bureau (PSB), his/her assistant chief, and the City Manager Liaison commander is notified of the arrest.
B. Documentation	<u>Memorandum</u> <ul style="list-style-type: none"> Arrested employee's name Arrested employee's assignment Nature of crime for which the employee was arrested or indicted Attach copies of the applicable documentation listed below to the memorandum <u>Related Paperwork</u> <ul style="list-style-type: none"> IR (including the Impaired Driver Report (IDR) when applicable) Booking forms Arizona Traffic Ticket Complaint (ATTC) <u>Routing</u> – Office of Administration, arrested employee's assistant chief
C. Management and Responsibility	<u>Arrested/Indicted Employees Commander's Responsibility</u> <ul style="list-style-type: none"> Upon notification of a sworn employee being arrested or indicted, the affected employee's commander will immediately assign the employee to a minimal public contact non-enforcement position. During the period of the non-enforcement assignment, the employee's commander will review the circumstances of the arrest or indictment to ensure the employee's return to his/her regular duty assignment will not endanger the public or further harm the Department's reputation. Prior to the employee being returned to his/her normal duty assignment, the circumstances surrounding the arrest or indictment will be reviewed by the assistant chiefs including the executive officer. <p>NOTE: This policy applies to the initial notification of an employee arrest and the immediate action required. For other employee disposition and reassignment options see Operations Orders 4.1.00, Employee Related Administrative Procedures, and Operations Order 2.2.00, Misconduct Investigations, for investigations and follow-up requirements.</p>

15. ARREST OF MUNICIPAL EMPLOYEES, AIRLINE PILOTS, MEDICAL DOCTORS, AND PHYSICIAN'S ASSISTANTS - A supervisor **will be** contacted in all circumstances.

A. City of Phoenix Employees	
(1) Notifications	<p>If it is necessary to arrest an on duty City employee, the arresting officer will adhere to the following steps prior to making the arrest unless exigent circumstances exist:</p> <ul style="list-style-type: none"> Advise a police supervisor of the circumstances of the impending arrest. Advise and consult with the City employee's supervisor. Make the arrest in a manner that minimizes undue disruption to the arrestee's workplace and does not jeopardize the safety of other City employees. <p>(continued on next page)</p>

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15. **ARREST OF MUNICIPAL EMPLOYEES, AIRLINE PILOTS, MEDICAL DOCTORS, AND PHYSICIAN'S ASSISTANTS** (continued)

A. City of Phoenix Employees (continued)	
(1) Notifications (continued)	<ul style="list-style-type: none"> • If exigent circumstances exist which prevent the officer from making notifications prior to making the arrest, they will be made as soon as possible after the arrest. • The arresting employee's supervisor will notify his/her bureau/precinct commander/administrator who will in turn notify the City Manager Liaison commander of the circumstances (24-hour a day notification). • The Office of Administration (OOA) will notify the City Prosecutor and Deputy City Prosecutor via email. • Arrest procedures will be the same for off duty City employees as with any other citizen. <p>Officers will complete the documentation listed below for all arrests of any City employee (on duty or off duty).</p>
(2) Documentation	<p><u>Memorandum</u></p> <ul style="list-style-type: none"> • Arrested employee's name and serial number • Arrested employee's supervisor's name • Department name and location • Telephone extension • Attach copies of applicable documentation listed below to the memorandum <p><u>Related Paperwork</u></p> <ul style="list-style-type: none"> • IR (including the IDR when applicable) • Booking forms • ATTCs <p><u>Routing</u> - Office of Administration</p>
B. Employees of Other Arizona Municipalities	
(1) Notifications	<p><u>Law Enforcement Personnel</u></p> <ul style="list-style-type: none"> • Officers will notify their chain of command when they arrest a sworn employee from another law enforcement agency. • Bureau/precinct duty commanders/administrators will be responsible for notifying the arrested person's agency. • First-line supervisors will complete and forward a station entry to their bureau/ precinct commander/administrator. <p><u>Other Municipal Employees</u> - Arrest procedures will be the same as with any other citizen, but the documentation procedures listed below will be complied with.</p>
(2) Documentation	<p><u>Memorandum</u></p> <ul style="list-style-type: none"> • Arrested person's name • Arrested person's employer (agency name and address) • Agency telephone number • Attach applicable documentation listed below to the memorandum <p><u>Related Paperwork</u></p> <ul style="list-style-type: none"> • IR (including the IDR when applicable) • Booking forms • ATTCs <p><u>Routing</u> - Office of Administration</p>
C. Airline Pilots, Medical Doctors (MD), or Physician's Assistants (PA)	
(1) Notifications	<ul style="list-style-type: none"> • Officers will complete the documentation listed below and route to the Office of Administration.
(2) Documentation	<p><u>Memorandum</u></p> <ul style="list-style-type: none"> • Subject's name • Location of arrest • Date and time of arrest • Charges • Attach applicable documentation listed below to the memorandum

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15. **ARREST OF MUNICIPAL EMPLOYEES, AIRLINE PILOTS, MEDICAL DOCTORS, AND PHYSICIAN'S ASSISTANTS** (continued)

(2) Documentation (continued)	<p><u>EXCEPTION:</u> A memorandum is not necessary when the subject is cited only for driving on a suspended or revoked driver license.</p> <p><u>Related Paperwork</u></p> <ul style="list-style-type: none"> • IR (including the IDR when applicable) • Booking forms <p>ATTCs</p>
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16. **OFF-DUTY OFFICERS FROM OUTSIDE AGENCIES** - Off-duty officers from outside agencies working as store security within the City will refer to their agency's internal policies and procedures when making arrests.

17. **CIVIL ARREST WARRANTS**

A. A civil arrest warrant is an order issued by a judge in a non-criminal matter directed to any peace officer in the State to arrest the individual named in the warrant and to bring such person before a court; this does not include child support arrest warrants (see section 17.B below).

(1) Civil arrest warrants are entered in ACIC.

(2) (a) If an officer gets a hit on a civil arrest warrant and the ACIC information indicates the warrant is valid at the time of contact, the subject will be arrested and verification procedures will be followed.

(b) If the warrant is not valid, the subject will not be arrested.

(3) Verification Procedures

(a) Contact the Maricopa County Operations Information Center (OIC) at 602-876-1061 and verify the following:

- Date of the warrant
- Date of expiration
- Whether or not the civil warrant can be served (based on the time of day specified by the court on the warrant)

(b) The subject will be booked if the warrant is valid.

(4) The charge will be Interfering with Judicial Proceedings (civil), [ARS 13-2810.A](#), a class 1 misdemeanor.

B. Child Support Arrest Warrants

(1) A child support arrest warrant is an order issued by a judicial officer in a non-criminal matter involving child support which directs a peace officer in the State to arrest the individual named on the warrant and to bring such person before the court.

(2) Child support arrest warrants may be served 24 hours a day/seven (7) days a week and will be executed like any other arrest warrant.

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17. B. (3) Verification Procedures

(a) Contact the Maricopa County OIC at 602-876-1061 and verify the following:

- Date of the warrant
- Issuing court and judge
- Release amount (the amount of money set by a Superior Court judge or commissioner that is a portion of the suspect's delinquent child support)

(b) If the warrant is valid, the subject will be booked into jail under [ARS 25-681](#), Civil Child Support Arrest Warrant.

- Even if a release amount is indicated, individuals arrested on this type of warrant will NOT be allowed to post a release amount until after they have been booked into jail.
- The release amount will be listed in the Offense section, "Bail Amount" data field of the Booking Report.
- After formal booking procedures, suspects may arrange with ITR Bonds and Fines Desk to post the release amount.

(4) Documentation

- Booking forms
- An IR is not required

(5) Child Support Warrants Issued **Outside** Maricopa County

- The warrant information will be entered in the Arrest section, Hold Information panel of the Booking Report with the pertinent information.
- Ensure the Form IV Booking form is also completed.

18. **TELEPHONE CALLS FOR ARRESTED PERSONS**

A. When a suspect is detained or arrested and transported to a police facility prior to being booked into jail, the suspect will be given the opportunity to make two telephone calls within two hours of the time the suspect was taken into custody.

- (1) When extenuating circumstances exist, such as a search warrant is being drawn and contraband may be removed or destroyed if the suspect is allowed to make a call, officers may delay the use of the telephone beyond the two-hour limit.
- (2) When use of the telephone is delayed beyond the two-hour limit, a memorandum documenting the circumstances will be forwarded through the chain of command to the Chief of Police.
- (3) All long-distance telephone calls will be paid for by the suspect, by credit card, collect, or by charging to a third number.
- (4) If the suspect requests to contact an attorney and is unable to do so, the reasons will be noted on the appropriate reports and the officer will discontinue questioning concerning the criminal investigation.

B. Procedures

- (1) To ensure a suspect's right to confidential conversation with counsel, officers will dial the telephone numbers requested and place the suspect in the holding cell with the phone receiver.

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18. B. (1) (a) The cell door will be closed so as not to damage the phone cord.
 - (b) The officer will move far enough away so as not to overhear the conversation.
 - (2) Telephone numbers called should be documented in the IR or the arresting officer's Daily worksheet via the RT command using their MDC.
19. **BAIL BOND ENFORCEMENT** - In accordance with [ARS 13-3885.A](#), a bail bond agent or bail recovery agent may arrest or apprehend a defendant whose bail has been revoked.
- A. Definitions
 - (1) Bail Bond Agent - A person licensed by the Arizona Department of Insurance and appointed by an insurer through a power of attorney to execute or countersign bail bonds in connection with judicial proceedings.
 - (2) Bail Recovery Agent - A person who is employed or hired as an independent contractor or otherwise utilized by a bail bond agent to assist the bail bond agent in the presenting a defendant in court when required, in apprehending a defendant, surrendering the defendant to a court, or in keeping a defendant under necessary surveillance.
 - B. Assistance to bail bond agents or bail recovery agents
 - (1) Officers **will not** assist bail bond agents or bail recovery agents in arresting or apprehending subjects solely for the purpose of bail bond enforcement.
 - (2) Officers should obtain the name and date of birth of the subject the bail bond agent or bail recovery agent is attempting to arrest or apprehend.
 - (3) A warrant check on the subject should be made via the MDC/radio.
 - (a) If a valid warrant exists and the subject's location is known, officers must follow procedures outlined in [Operations Order 1.8.00, Search and Seizure](#), regardless of **any** paperwork provided by the bail bond agent or bail recovery agent.

NOTE: Bail bond agents or bail recovery agents will not be utilized in the arrest of the subject other than for providing information on the current situation that may assist officers in developing their course of action/tactics.
 - (b) If the subject is ultimately arrested for a valid warrant, **officers** will maintain custody of the subject and complete the booking procedures.
 - (c) If no valid warrant exists, no further assistance will be provided other than to preserve the peace or to investigate alleged law violations.
 - C. Bail bond enforcement violations
 - (1) [ARS 13-3885.B.1](#) - A bail bond agent or bail recovery agent cannot enter an occupied residence without the permission of all the occupants who are present at the time of the entry (preauthorized written consent for agents to enter does not preclude them from this requirement). Any violation is a class 5 felony.
 - (2) [ARS 13-3885.E](#) - A bail bond agent who is licensed in another state, but is not licensed in Arizona, shall contract with a bail bond agent licensed in the state to retain the services of a bail recovery agent in this state to conduct bail recovery or arrest. Failure to do so is a class 5 felony.

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19. C. (3) [ARS 13-3885.B.2](#) - Any person who conducts a bail recovery arrest or apprehension must have written authorization from a bail bond agent licensed in Arizona. Failure to do so is a class 5 felony.
- (4) [ARS 13-3885.B.4](#) - A bail bond agent or bail recovery agent cannot authorize or allow any third party bail recovery agent to undertake an apprehension or arrest if the bail recovery agent has been convicted in any jurisdiction of theft or of any felony or any crime involving carrying or the illegal use or possession of a deadly weapon or dangerous instrument. Any violation is a class 5 felony.
- (5) [ARS 13-3885.B.3](#) - A bail bond agent or bail recovery agent cannot wear, carry, or display any uniform, badge, shield or other insignia or emblem that implies that the bail recovery agent is an employee, officer, or agent of the state, a political subdivision of this state, or the federal government. A bail recovery agent may display identification that indicates the agent's status as a bail recovery agent only. Any violation is a class 5 felony.

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