1. GENERAL PROCEDURES

A. In civil disputes, officers will first determine if a criminal offense has occurred.

(1) If no offense has been committed, officers will attempt to arbitrate the dispute.

(2) Officers may offer suggestions and inform the participants of various service agencies equipped to assist them.

B. Civil Standbys

(1) Non-exigent civil matters will be dispatched between 7 a.m. and 3 p.m. only.

(2) In non-exigent civil matters where the potential for violence is not apparent and where no violence is foreseen, officers may standby for a maximum of fifteen minutes.

(3) Standbys lasting longer than fifteen minutes will be at the discretion of the officer.

- Supervisors will be advised of unusual situations requiring extended officer presence.

(4) When exigent circumstances exist (argument in progress, weapons observed, etc.), officers will respond and the fifteen-minute time limit does not apply.

2. SPECIFIC CIVIL MATTER PROCEDURES

A. Landlord and Tenant Act Arizona Revised Statute (ARS) Title 33, Chapter 10	• A landlord cannot take personal property of a tenant for non-payment of rent.
	• A landlord cannot lock out a tenant for non-payment of rent unless the landlord possesses a Writ of Restitution or similar court order.
	• When officers observe violations of this act, they will not take enforcement action.
	  * If the officer feels criminal intent was present, a Case Report (CR) will be completed and submitted for review.
	  * In aggravated cases where only civil actions are involved, the officer may complete a Field Interview (FI).
	• Many lease agreements contain a right of entry clause, which allows a landlord to inspect the tenant's premises for a number of reasons.
	  * When disagreements regarding entry occur, officers should advise the tenant to check the lease for such a clause.
	  * If this does not resolve the difficulty, participants will be advised to consult an attorney for civil remedies.
	• The Landlord and Tenant Act does not include transient occupancy in hotels or motels. Innkeepers may utilize such techniques as lock out, seizure of personal property, etc.
	• Citizens may be referred to the City of Phoenix Neighborhood Services Department (602-262-7210, the landlord/tenant message line).

B. Civil Court Orders and Evictions	• Officers **will not** arrest a person who refuses to obey a Writ of Restitution. • If constables of the justice courts request aid in service of a Writ of Restitution, and the subject refuses to obey the writ, the constable will be referred back to the issuing court for an arrest warrant to be issued in the name of the violating party. • Officers will not enforce a civil Writ of Restitution. • Parties requesting enforcement of a Writ of Restitution will be advised to contact the Maricopa County Sheriff's Office (MCSO) Civil Division at 602-256-1834 for enforcement action.

2. **SPECIFIC CIVIL MATTER PROCEDURES**: (Continued)

C. Boundary Disputes	• No arrests will be made for boundary disputes. • If a criminal violation has occurred, a CR will be completed. • Parties to a dispute will be advised that any physical violence or criminal damage by either party may result in criminal charges, regardless of which party originally committed the civil wrong. • Disputing parties may be: * Referred to local real estate offices for reliable tract maps and advice as to property limits. * Referred to civil engineering firms who will survey property for a fee to determine boundary lines. * Advised to contact an attorney.
D. Damage by Children or Dogs	• While some elements of a criminal violation may be present in damage to property by small children or dogs, the department will not act as a collection agency to recover damages. • Parents may be liable for up to $10,000 for each tort (civil wrong) by their children. • Arrangements for restitution may be made through either juvenile authorities or Superior Court. • If a dog is involved, the owner will be reminded of the licensing and leash laws. • If the problem is aggravated or recurring, the complainant will be advised to contact the Maricopa County Animal Care and Control.
E. Restraining Orders	• Restraining orders are issued by a court to prohibit persons or businesses from taking specified actions. • Complainants will be advised to contact the issuing court judge who signed the document in order that a summons may be issued. • Officers will not take on-view enforcement action on violations of restraining orders unless a separate criminal offense occurs. • Action will then be taken on the separate offense only. • Persons inquiring about the procedure for obtaining restraining orders will be advised of: * Restraining orders concern civil matters in which no police action is required. * A crime need not be committed before a restraining order can be issued. * The complainant will be advised to contact a private attorney.
F. Consumer/ Business Disputes	• Citizens may call the Consumer Information Section of the Attorney General's Office at 602-542-5763.
G. Material & Labor Liens on Personal Property ARS 33-1021	• When an item of personal property (except a motor vehicle) is repaired or cleaned, glazed or washed by the labor of a carpenter, mechanic, artisan, or other workman, such person has a lien on the property and may retain possession of the property until the amount, including materials, is fully paid. • No enforcement action will be taken except to preserve the peace.
H. Garage Liens ARS 33-1022	• When the owner of a vehicle and the owner of a vehicle repair business have entered into an agreement regarding the fee to be charged for repairs to a vehicle, the owner of the business shall hold a lien on the vehicle. • The repair business can hold the vehicle until the charge for services performed on the vehicle has been paid. * This includes fees for parts, labor, and storage. * Verbal agreements are binding. * If the business owner gives up possession of the vehicle, the business owner also gives up the lien. * Garage liens do not apply to towing situations where the owner of the car has not given consent for the tow. * Officers will take no enforcement action except to preserve the peace.

2. **SPECIFIC CIVIL MATTER PROCEDURES**: (Continued)

I. Self-Service Storage Lockers ARS 33-1703	• Owners of self-service storage lockers facilities have the right to withhold personal property stored in locker spaces if rent is unpaid and due. • If rent payments are 30 days past due, the storage locker owner may sell the property. • These rights **only** apply if the rental agreement contains warnings to the tenant that the storage locker owner has these rights. • Violation of this statute is not a crime. • Complainants should be advised to contact a private attorney.
J. Repossession of Property	• When a person borrows money or receives credit to purchase an item of property such as a piece of furniture, an appliance, or an automobile which establishes a certain payment plan, the party lending money or extending credit to the borrower/debtor for the purchase is considered a lien holder who retains a security interest in the item of property until the loan or credit terms are repaid. • If the borrower/debtor defaults on his or her obligation to pay the lienholder when payment is due, the lien holder has the statutory right under ARS 47-9609, to reclaim the property through repossession: for example, "self-help" without court action, if it can be done without a breach of the peace. Lien holders typically engage repossession companies ("repossessors") to accomplish this task for them. * The statute does not define the term "breach of the peace" and it does not proscribe certain or specific acts. It is a legal term that gives the borrower/debtor or other private individuals the right to assert a civil cause of action against the lienholder or repossessor. * Property has been legally repossessed and the lien holder's lien has been perfected when the lienholder or repossessor gains entry to the property or when it becomes connected to a tow truck. * A lienholder or repossessor may lawfully enter onto the real property of the borrower/debtor for the purposes of repossession. However, the lienholder or repossessor may not enter into any portion of the curtilage of the real property, including an outbuilding or enclosed structure: for example, garage, or any area secured by a lock or fence, without the consent of the owner of the real property or the person in legal possession of the personal property subject to the debt: for example, borrower/debtor. • Officers will take no enforcement action in these cases except to preserve the peace. * Officers may not advance or hinder repossessions under "color of State law." Officers will not force a lienholder or repossessor to give up possession of the borrower/debtor's property. Doing so may subject the Department to civil liability. * Officers will not accompany a lienholder or repossessor in repossessing the borrower/debtor's property. This may be construed as "color of law" and subject the Department to civil liability. * To the extent any party (debtor/borrower, lienholder or repossessor) commits an offense punishable under ARS Title 13, such as trespassing into borrower/debtor's home, threatening violence, or committing an act of violence against another party, officers may take appropriate law enforcement action.
K. Neighborhood Disputes	• The City Prosecutor's Mediation Program provides mediation and conciliation services to neighborhood residents involved in disputes that are non-criminal and non-violent in nature (noise complaints, animal complaints, problems between families, etc.) • Residents can call Community Mediation Services at 602-256-4309 directly to schedule an appointment.

2. **SPECIFIC CIVIL MATTER PROCEDURES**: (Continued)

L. Crime Abatement, Rental Property Registration, and Sign Enforcement	• When officers believe a building or a place is used regularly in commission of a crime, in violation of ARS 12-991 through ARS 12-999, they should forward a memorandum to the crime abatement detective in the precinct in which the property is located. • Include the address of the property, any known suspect information, and the reason the location is in violation. * Crime abatement detectives will complete the original CR when appropriate. * Officers may be asked to complete an Officer Narrative of their investigation and experience with the location. • Any property used solely as a rental property must be registered as a rental property with the County Assessor's Office in the county in which the property is located (ARS 33-1902). * Officers will refer the complainant to the Rental Property Registration Hotline at 602-262-7844 when they receive a complaint about an unregistered property in the City. * Crime abatement detectives are responsible for follow-up on cases forwarded to the Department for prosecution. • Posting, placing, tacking, or displaying any sign within any street right of way (Phoenix City Code (PCC) 3-6) is prohibited. * Officers will refer violations to the Neighborhood Services Department Hotline at 602-534-7100 for the initial investigation. * Crime abatement detectives are responsible for follow-up investigation.
M. Child Custody Disputes	• Custody of children generally rests with either of the natural parents. * In out-of-wedlock situations, and in the absence of a court order stating otherwise, the custody of a child rests solely with the mother. * Only a Court of Record can take a child from the custody of a natural parent except in child abuse cases. * When a court orders a child into the custody of one parent and the other seizes the child, the violation is generally contempt of civil court, however, charges of Custodial Interference ARS 13-1302 may be filed in aggravated cases. * If in doubt as to custody, a CR may be completed. • If it appears a child is in no danger as to health and morals, the complaining party will be advised to contact an attorney to commence a civil contempt action. * No force will be used to remove a child in non-dangerous, non-violent situations. • Officers will be dispatched and take necessary protective enforcement action as well as preserve the peace for the following situations: * Threat or use of physical violence * When the non-custodial parent is present or en route to the victim's location
N. Court Orders from Other States	• Court orders from other states are not enforceable in Arizona until they have been registered with the Superior Court of Arizona. **NOTE**: This does not include protection orders as covered by ARS 13-3602.R.2. • Officers who are presented with an out-of-state court order accompanied by a court order from the Superior Court of Arizona showing the out-of-state court order is properly registered should handle the order in the same way they would if the order was issued in Arizona.

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