



FIELD ORDERS

Chapter

ARREST and SEARCH

Subject

Search Warrants**BOOKMARKS**

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**OBTAINING SEARCH
WARRANTS**

1. Any sworn officer or civilian investigator of the department may complete a search warrant and affidavit for presentation to a magistrate.
2. Both documents must be completed in the approved format, and the affidavit must include facts establishing probable cause.
3. Except for telephonic search warrants, make copies of each document to leave with the magistrate at the time of signing.

**SEARCH WARRANT
DEFINITIONS**

Business Location: Place of intended service that is a business open to the public, which may have special concerns.

Case Investigator: Detective or officer who is most involved with the case or investigation and is usually from the involved unit.

Hazardous Service: Circumstances involving known information about the location or individuals, making the service of the warrant significantly more dangerous for personnel.

Involved Unit: Unit having designated responsibility for a particular area of investigation and is seeking a search warrant.

Magistrate: Judicial officer with the power to issue a warrant for the arrest of a person charged with a public offense, which includes the chief justice and justices of the Supreme Court, judges of the Superior Court, judges of the Court of Appeals, justices of the Peace and judges of a Municipal Court.

Nighttime Search Warrant Exception: Authorizes law enforcement to serve a search warrant between 2200 and 0630.

No Knock Exception: Authorizes law enforcement to serve a search warrant without first announcing their presence before entering the curtilage or actual premises.

Regional Information Sharing System (RISSafe): See General Order [1302/Inter-Agency Law Enforcement Notification](#)/DEFINITIONS.

Search Warrant Checklist: Department form completed by a supervisor or designee usually before the search warrant is served on a physical premise. The checklist helps determine if the Tactical Operations Section (TOS) should be consulted for possible assistance with the service.

Secured Location: Place of intended service under the control of law enforcement officers, which may be as a result of a prior call for service, assisting another agency, or due to an exigent circumstance.

Unsecured Location: Place of intended service that is not under the control of law enforcement officers. Wanted suspects or other individuals may still occupy the scene.

LEGAL ENVIRONMENT

Before serving a search warrant, familiarize yourself with the appropriate statutes covering search warrants, in particular, ARS [13-3911/Definition](#) through [13-3925/Unlawful search or seizure; admissibility of evidence; definitions](#), as amended, and current case law.

PROBABLE CAUSE

DOCUMENTATION – Document all available information supporting probable cause in the affidavit.

NIGHTTIME SEARCHES – If applicable, good cause must be shown to justify a nighttime search, 2200 hours to 0630 hours, ARS [13-3917/Time of service; exception](#), as amended.

1. Detail your justification in the affidavit so the magistrate can authorize the nighttime service.

2. The reasons offered to justify a nighttime search are varied, but may include:
 - a. Officer safety issues that are mitigated by nighttime service.
 - b. The suspect may have a limited supply of drugs or contraband on hand and selling heavily, indicating the need to act on the information as quickly as possible.
 - c. Exigent circumstances, such as the information may be received after 10:00 P.M. or shortly before, necessitating a nighttime search.
 - d. The suspect may only be home during the nighttime hours or may conceal contraband outside during daylight hours and conduct transactions only at night.
 - e. The suspect may come and go at varied, unpredictable hours, necessitating active surveillance coupled with the ability to serve the warrant at any hour.

NO KNOCK EXCEPTION – If applicable, pursuant to ARS [13-3915/Issuance; form of warrant; duplicate original warrant; telefacsimile](#), reasonable showing that an announced entry to execute a warrant would endanger the safety of any person or would result in the destruction of items described in the warrant must be articulated before a magistrate will authorize an unannounced entry (no knock).

1. Articulate reasonable showing by detailing your justification in the affidavit so the magistrate can authorize the no knock service. Reasons justifying a no knock search warrant are varied but may include:
 - a. Officer safety issues, such as threats of violence that may be mitigated by not immediately announcing police presence.
 - b. Evidence sought would likely be destroyed without the no knock exception.
2. The chief of police or designee must approve the service of a no knock search warrant.

INFORMANTS – If information from an informant is used as a basis for probable cause, the following areas may need to be addressed in the affidavit:

1. Informants should have obtained their information through personal knowledge, usually observations.
 - a. Generally, informants must have personally seen the contraband or evidence in the place to be searched or

on the person of the suspect for these criteria to be met, or the information is of such specific detail a court will conclude the informant has personal knowledge.

- b. When the informants acquired and reported their knowledge. The information must be fresh enough that a reviewing magistrate or court could reasonably believe the contraband or evidence is still in the location described.
 - 1) A delay of 48 hours or less is usually enough to screen an informant's identity yet leave the information fresh enough to satisfy court requirements.
 - 2) If the search is for documents or business records, a time delay of several weeks or months between an informant seeing the evidence and reporting it may not create staleness.
 - 3) Obtain and serve warrants for illegal drugs quickly since drugs are subject to rapid consumption and disposal.
- c. Address the following for informants with information that may lead to a drug-related search warrant:
 - Amount of illegal drugs at the location.
 - Type of packaging used by the suspect.
 - Price of the illegal drugs.
 - Method of illegal drug sales.

2. *See also*, SIS Order [4415/Informants/Sources of Information](#).

LISTING of SUSPECT INFORMATION on the SEARCH WARRANT

There are multiple places on the first page of the search warrant and the first page of the affidavit asking for the names or descriptions of the suspect(s) involved. You are only required to list the information the first time on the first page of the affidavit and search warrant. Thereafter, the suspect(s) may be referred to by name only.

PREPARING the SEARCH WARRANT

- A. Paper Submissions
 1. The search warrant and affidavit may be typed or legibly handwritten at the officer's discretion.
 2. If necessary, request the search warrant and affidavit remain outside the public record to maintain the integrity of the investigation by filling out the [Request RE Retention of](#)

[Special Warrant Documents](#) form located on [Link Hub](#). See also, [Return of Search Warrant to Judge](#).

3. Submit initial (Phase 1) geofence warrants on paper with photographic illustrations of the proposed search areas.

B. Online Portal Submissions

1. Use the online portal only for obtaining *historical* data for:
 - Cellular data usage.
 - Cell site simulators.
 - Internet accounts or devices.
 - Internet traffic data (metadata, etc.).
 - IP address tracking.
 - Pen register/trap-and-trace information.
 - Phase 2 or Phase 3 geofence data.
 - Vehicle tracking.
2. Do not use the portal to seize *future* data. (For *future* data, submit on paper.)

**DISTRIBUTING SEARCH
WARRANT/AFFIDAVIT
COPIES**

1. After preparation, the affiant needs the original search warrant and additional copies.
 - a. Return the original to the judge having disposition.
 - b. Give one copy to the respective charging office along with the DR.
 - c. Present one copy of just the search warrant (not the affidavit) to the suspect or leave at the location served with a receipt for confiscated items.
 - d. Scan a copy into the Records Management System (RMS) attached to the respective DR.
2. After preparation, the affiant needs the original affidavit and the additional copies.
 - a. The original stays with the issuing judge.
 - b. Scan a copy into RMS attached to the respective DR.
 - c. Give one copy to the respective charging agency.

**PRESENTATION of the
SEARCH WARRANT to the
JUDGE**

1. A search warrant may be obtained from any magistrate in the state, including a Municipal judge, a Justice of the Peace, a Superior Court judge or commissioner, a Court of Appeals judge, or a State Supreme Court justice.
 - a. Generally, attempt to obtain search warrants from the Initial Appearance (IA) court judge.

- b. In cases that may involve the filing of federal charges, use a Superior Court judge.
 - c. Contact judges by phone and inform them you intend to present an affidavit and search warrant. Give an estimated arrival time.
- 2. ARS [13-3914/Examination on oath; affidavits](#), as amended, requires that oral testimony used to supply additional facts to support a finding of probable cause for issuance of a search warrant be under oath and recorded on tape, wire, or comparable method.
 - a. Remind the judge to swear you in, if necessary. Carefully document your verbal testimony and ensure it is given under oath.
 - b. Sworn but unrecorded or undocumented testimony cannot be used as the basis for a search warrant.

TELEPHONIC SEARCH WARRANTS

- 1. Prepare the search warrant and face sheet following unit guidelines.
- 2. Prepare the affidavit to be read to the judge.
- 3. Contact judges by phone and advise them of your request for the telephonic search warrant. Start recording the conversation when the judge is ready to begin.
- 4. Read the content of the search warrant and affidavit to the judge while recording the conversation.
- 5. Obtain permission to sign the judge's name on the search warrant face sheet and affix the signature.
- 6. Retain the recording for later transcription.
- 7. Impound the recording after it has been transcribed.
- 8. Return the original transcribed affidavit to the issuing judge after the search warrant is returned.

EXECUTING the SEARCH WARRANT

- 1. Search warrant statutory requirements and procedures are found under ARS [13-3911/Definition](#) through [13-3925/Unlawful search or seizure; admissibility of evidence; definitions](#), as amended. In addition to adhering to these requirements, review all documentation prior to service.
 - a. The affiant detective proofreads the affidavit and search warrant for accuracy and completeness.

- b. The supervisor overseeing service of the warrant also reviews the documents prior to serving.
 2. Verification of location to be searched
 - a. Officers will not serve search warrants on residences or other locations based on informant information until the informant personally identifies the location to the affiant.
 - b. If another police officer or undercover detective furnishes the information for the warrant, the officer/undercover detective will personally identify the location to the detective designated to serve the warrant.
 - c. If these conditions are not possible, check the location prior to serving to establish validity.
 - d. Verify the search warrant location matches the description listed in the search warrant. If a location is not identified by numbers or markers, then describe the unique physical characteristics of the location. Do not assume the unit number or address of the search warrant location if one is not visible.
 - e. Whenever possible, one or more officers will observe the location to be searched to:
 - Verify the presence of the suspect.
 - Determine the number of people present.
 - Obtain additional information to facilitate serving the warrant.
 3. Protection and identification of personnel
 - a. A sworn supervisor in uniform or raid equipment with badge visible must be present during the search warrant service. When reasonable, a uniformed officer also should be present during the initial entry.
 - b. The affiant prepares an operation plan for use during the pre-warrant briefing, listing relevant information regarding the suspect(s) and the premises to be searched.
 - c. The responsible supervisor reviews and approves the operation plan prior to use.
 - d. The supervisor in charge, or designee, thoroughly briefs all participants.

- e. Warrant planning primarily emphasizes the safety of both detectives and suspect(s) during actual warrant execution.
- f. It is preferable that the affiant be present during the warrant service since the affiant is most familiar with the suspect(s), circumstances, informant involved, and potential hazards to detectives.
- g. If the case detective is not available, the case detective will thoroughly brief the supervisor in charge or designee on these issues.
- h. Supervisors will ensure that all police personnel wear protective vests and appropriate identification equipment when participating in initial entries at search warrant services. *See* General Order [2100/Appearance, Attire, and Equipment](#).
 - 1) Plainclothes detectives wear approved raid equipment with “Police” patches during entry until the scene is secured.
 - 2) Employees who do not have access to approved raid equipment are not used at search warrant scenes until entry has been made and the premises secured. This stipulation also applies to assisting officers from other agencies who do not have appropriate identifying equipment.

KNOCK and ANNOUNCE REQUIREMENTS

ARS [13-3916/Service of warrant; breaking and entering to execute](#), as amended, covers how an officer may execute a search warrant during initial entry. The supervisor in charge designates an officer responsible for the announcement of authority and purpose. Record the knock and announce and the initial entry, if practical.

- 1. Occupants must be given a “reasonable time” to respond.
- 2. Making entry too quickly without evidence to indicate exigency can result in the suppression of evidence seized.
- 3. You do not have to announce your authority and purpose immediately after the knock (cold knock). However, you must make the announcement before entry.
- 4. If a no knock exception has been authorized, police announcements do not have to be given prior to entering the curtilage of the property but may be given prior to entering a physical structure if reasonable.

INITIAL ENTRY

Upon initial entry, locate all occupants of the residence. Immediately frisk all occupants for weapons unless there are extenuating circumstances. If reasonable, use the same gender detectives as the person being searched, and then take the person to a cleared location. (This varies with the circumstances and would not apply to innocent third parties).

1. Any person on the premises may be searched if it reasonably appears that property or items enumerated in the search warrant might be concealed upon the person to be searched, [ARS 13-3916/Service of warrant; breaking and entering to execute](#), as amended.
 - If contraband is found on a person, and it is not reasonable to call for the designated finder, note the items and where the contraband was found. (This applies only to people on the premises).
2. You may frisk people who show up at the warrant location after entry has been made if you have reasonable suspicion they are armed. You can only search them for contraband if:
 - You develop independent probable cause, or,
 - They are listed in the search warrant.

**DETECTIVE DUTIES DURING
SEARCH of the PREMISES**

1. The affiant or designee assigns the following duties to officers/detectives participating in the search:
 - a. A detective documents:
 - The time of warrant issuance by the judge.
 - Time of entry.
 - Names, locations, and actions of the occupants at the time of entry.
 - b. An officer closely watches all people present to prevent the destruction of evidence or contraband and documents all incriminating actions and statements.
 - c. In all cases, except for those persons who specifically request an attorney or invokes, a detective:
 - Attempts to interview all occupants to solicit incriminating statements to use as evidence and to strengthen the case.
 - Gives Miranda warnings as needed. *See* Field Order [1302/Probable Cause/Miranda Warnings](#).
 - d. Detectives may verbally place any person under arrest when probable cause exists to arrest.
 - e. A detective is responsible for seeking evidence concerning who owns, rents, lives in, or occupies the premises. Obtain sufficient information about the

landlord or owner so the landlord/owner may be subpoenaed to court to testify if necessary.

- f. A detective records the time the search is concluded and ensures the location is secured before leaving or turning over to a responsible party.
 - g. Detectives will complete department reports detailing all information necessary to present the case to the County Attorney for filing and successful prosecution in court.
 - h. A detective ensures that a listing of seized items is furnished to the suspect or left inside the search warrant location.
 - 1) List the information on the three-part Return of Search Warrant form whenever possible. When the form is used, divide the three parts as follows:
 - White – Give to the judge.
 - Yellow – Scan into the DR.
 - Pink – Give to the suspect.
 - 2) If the Return of Search Warrant form is not used, list the information on, or attached to, the copy of the search warrant you will give to the suspect.
 - 3) If the suspect is booked before completing the listing, place the receipt in the suspect's property at the jail or leave at the scene at the affiant's discretion.
2. A detective is designated as the "finder" and performs the following:
- a. Searches for all items of evidence.
 - b. Maintains a chain of custody and oversees the proper packaging, sealing, and marking of all evidence for impounding.
 - c. Completes related reports such as Request for Scientific Analysis and Property Invoice forms.
 - d. Ensures all items of evidence are transferred to the Property and Evidence Unit per department policy.
 - e. Verifies the knock and announce recording is impounded.

3. A detective is designated as the recorder and performs the following:
 - a. Documents all items seized on the Return of Search Warrant form. Once the form is completed, gives it to the case detective.
 - b. Completes a supplemental report listing a full description of each item and where it was found during the search warrant.
4. Duties of other detectives – Once the residence and suspects are secured, the supervisor/detective in charge assigns detectives areas to search.
 - a. Systematically and thoroughly search the selected or assigned area until the search is complete unless the supervisor/detective in charge assigns another task.
 - b. If evidence is located, notify the designated finder.
 - c. If assigned, complete record checks of all occupants, excluding suspects to be booked for other charges.

**SEARCH WARRANT SERVICE
when NO EVIDENCE is SEIZED**

If the evidence is not located after serving a search warrant, the case detective completes a “Search Warrant” DR and returns the search warrant to the judge.

**RELEASE of PROPERTY
SEIZED DURING a WARRANT**

The Property and Evidence Unit holds items until released by a judge. Items are then returned as allowed by law, destroyed, or auctioned.

**RETURN of SEARCH
WARRANT to JUDGE**

The affiant is responsible for returning the original search warrant with an itemized list (inventory) of seized items to the issuing judge within three days after executing the warrant by delivering a written form of the return and a written inventory.

1. Delivery of the written form of the return and written inventory can be made through fax, electronic means, in person, or any other manner the court permits.
2. The return and inventory must include a statement confirming a true and detailed account of the property taken and, if additional property is expected to be taken, the reason why.
3. Verify the return and inventory by signing a written oath affirming the accuracy and completeness of the itemized inventory list being returned.
4. The itemized inventory list may be placed on the Return of Search Warrant form, or the self-carbonizing form may be used if attached to the Return of Search Warrant form.

5. Even if you previously requested the original search warrant and affidavit remain outside the public record, ALL search warrant documents (search warrant, affidavit, return, and inventory) will be designated public record unless you make an additional request at the time of the return. To maintain all or specific documents outside the public record, fill out the [Request RE Retention of Special Warrant Documents](#) form on [Link Hub](#).

SUPERVISOR DUTIES for SEARCH WARRANTS

A. Prior to Briefing

1. Proofread and check the affidavit and warrant for accuracy and sufficiency. If you find an error, e.g., an incorrect address is listed, amend the affidavit and warrant before serving them. The judge will not allow an amendment or resubmittal after the warrant is executed.
2. Require surveillance information from the case officer.
3. Require background information on all known residents, suspects, and associates.
4. Determine if the [Search Warrant Checklist](#) needs to be completed.
5. Determine if patrol may be needed for suspect transports.
6. Determine if RISSafe needs to be completed and, if so, whether a RISSafe number has been assigned.

B. During Briefing

1. Ensure that sufficient staffing is available.
2. Ensure that all personnel participating in the warrant are briefed.
3. Ensure each participant is briefed on the Search Warrant Operation Plan.
4. Designate a recorder and finder.
5. Make additional specific assignments as needed.
 - Breacher or equipment for forced entry.
 - Coverage for rear exits.
 - Order of entry.
 - Medical extraction.
6. Identify special hazards.
 - Weapons.
 - Dogs.

- Hazardous chemicals – Solicit assistance of the Department of Public Safety Clandestine Laboratory Team, the Drug Enforcement Administration, and the Fire Department if the site is a suspected drug lab.

7. Notify:
 - a. The concerned watch commander and/or patrol supervisor.
 - b. The respective city police department Communications Supervisor, if serving a warrant out of the city.
 - c. The SPD Communications Section Manager as soon as practical before service of the warrant.
 - 1) Include the following:
 - Approximate service time.
 - Location of warrant service.
 - Pertinent information and nature of the warrant, such as narcotics or property.
 - The selected talk group and whether monitoring is requested.
 - The units involved.
 - The conclusion of the event.
 - 2) The information supplied remains confidential within Communications.
 - Mobile Data Computer (MDC) traffic will not be sent unless the supervisor for the search warrant service requests notification of specific units.
8. Identify a staging location if necessary.
9. Surveillance of location just prior to service. Note if:
 - Additional persons are present.
 - The suspect is home.
10. Arrange for participating uniformed personnel to attend the briefing.

C. Entry

1. Ensure the recorder is operating to record entry.
2. Ensure all personnel participating in the entry are wearing protective vests and appropriate raid equipment.

D. After Arrest

1. Ensure all seizure forms are properly filled out and served.

2. Ensure property receipts and a copy of the search warrant are left on the premises or given to the defendant.
3. Account for all police equipment.
4. Ensure the premises are secured or turned over to a responsible party.
5. Ensure photographs of any damage are taken and detailed in the DR.
6. Conduct a debrief of the operation with participating personnel.
7. Make an entry into the Significant Incident Report if applicable.
8. If unusual circumstances exist, make necessary command notifications.

**ASSISTING ANOTHER
AGENCY SERVING a
WARRANT****A. Policy**

SPD complies with the 1992 Valley Chief's Agreement (General Order [1302/Inter-Agency Law Enforcement Notification](#)) and assists other departments in the service of search warrants within Scottsdale city limits whenever possible.

B. Procedure

Requests for assistance in servicing search warrants from other agencies are referred to the supervisor of the related investigative unit.

1. Detectives do not participate in the initial entry of another agency's warrant unless an SPD supervisor is present.
2. If the search warrant has an authorized no knock exception, the chief of police or designee must approve.
3. If an SPD supervisor is not available, detectives will wait until entry has been made and the scene is secured by officers of the other agency. Detectives may then enter and participate in the search or subsequent investigation.
4. The supervisor of the agency executing the search warrant is responsible for all notifications, warrant information review, warrant conduct and security, appropriate memos, recordings, and other tactical or administrative details regarding the operation.

5. Uniformed patrol supervisors and officers are used as situations dictate but return to their regular duty assignments as soon as practical.
6. Plainclothes detectives who must be present to further the investigative process may enter the scene after the on-site supervisor has declared it secure and has authorized entry.

C. Procedure for Plainclothes Officers

When a search warrant with tactical entry involves plainclothes officers from another agency, the department onsite supervisor will meet with the onsite supervisor from the other agency before executing the search warrant to discuss assignments, provide for appropriate notifications, and ensure all plainclothes detectives involved will be wearing adequate apparel to provide immediate recognition as police officers. A group assembly of involved personnel is held to promote recognition between participants.

1. Involved plainclothes personnel from other agencies are expected to wear garments conspicuously marked to provide immediate recognition as a police officer.
2. If the other agency's tactical event plan does not meet the reasonable expectations or requirements of department policy, such as inadequate staffing, inadequate current knowledge of the structure and occupants, other safety concerns, plainclothes officer recognition, or the absence of an onsite agency supervisor, the SPD supervisor will inform the other agency of the inadequacies and will not allow further involvement by department personnel until the inadequacies are corrected.

D. Procedure for Undercover Detectives

1. Undercover detectives from an agency whose dress and appearance are not conventional for law enforcement personnel will not be involved in executing a search warrant unless their particular training and knowledge are necessary for the execution of the search itself.
2. They will not be among the first officers to enter the premises and normally will not be in view of any persons inside the premises until entry has been accomplished.
3. All officers involved in the initial tactical entry will wear body armor unless granted an exception by a supervisor for unusual circumstances.

E. Using Forced Entry to Execute Search Warrants

When the supervisor of the detail executing the search warrant anticipates forcing entry into an occupied structure and/or using force against the occupants, comply with the following:

1. Determine and make provisions for communications and specialized equipment needs.
2. Coordinate required assistance from specialized support units.
3. Consider the availability of medical resources.
4. Develop strategies and tactics for approaching, entering, securing, and leaving the structure.
5. Discuss the threat potential and the anticipated necessity for using force and making arrests with all members of the entry and search teams.
6. When the potential for violence is imminent or considered significant, review the plan of execution with your immediate superior to evaluate effectiveness and approve the necessity of action or the need for a tactical entry. Consult the TOS Lieutenant or designee.

**SPECIAL CONCERNS DURING
SEARCH WARRANT SERVICE**

A. Hazardous Search Warrant Service

In addition to the requirements and procedure set forth above, follow the below guidelines when appropriate for service of hazardous warrants:

1. Update the plan of service to include the considerations that place the warrant service in the “hazardous” category.
2. Include appropriate personnel from other law enforcement agencies, emergency medical response personnel, and/or department personnel such as SWAT or the Crime Lab in the briefing.
3. When appropriate, due to hazardous items, materials, or conditions, remove all occupants from the area of risk to a pre-designated secure location.
4. Coordinate scene processing and removal of evidence, hazardous items, conditions, or materials with available uniformed police, fire, and medical personnel as required.

B. Business Location Search Warrant Service

The supervisor has discretion on whether to use raid equipment when serving a warrant at a business for records or other similar evidence, and no suspects are anticipated to be present. Personnel involved in the service/entry may only

need to identify themselves verbally and with a badge or police identification card.

C. Low Risk Search Warrant Service

The supervisor has discretion on whether to use raid equipment when serving a warrant on any location where information leads investigators to believe there is no suspect or the only suspect is a non-violent person.

1. Personnel involved in the service/entry may only need to identify themselves verbally and with a badge or police identification card.
2. The case investigator or another officer may be designated as the officer in charge to take the place of the supervisor.

