	CLERK OF THE COURT INTERNAL POLICY	
	Area: Records Management Document Number: POL-RECMAN-1015 Subject: Public Access to Search Warrants Page 1 of 3	Effective Date: 7/16/09 Revision Level: Last Revised Date: 6/28/18

PURPOSE:

It is the purpose of this policy to define the guidelines utilized by the Clerk of the Superior Court (COSC) regarding making search warrants and related-search warrant documents available to the public.

OBJECTIVE:

- Compliance with Arizona Revised Statutes §§ 13-3918, 13-4293 and 13-4294.

POLICY:


Upon issuance of a search warrant by a judge and upon the COSC's receipt of the warrant documents, which should include an Issuance Worksheet, an Affidavit and the Search Warrant, the COSC will process these documents. However, these documents will not be made available to the public until or unless the following happens:

- (1) The COSC receives a return whereby the judicial officer specifically orders the COSC to unseal all search warrant documents.
- (2) The COSC receives a return whereby the judicial officer specifically orders the COSC to unseal certain documents and to seal other documents. Only those documents that are ordered to be unsealed will be made available to the public.
- (3) The COSC receives a court order directing it to unseal the entire search warrant file or only certain specified documents. If the order pertains to only certain specified documents, then these are the only documents that will be made available to the public. The other documents will remain sealed.

PURPOSE:

A.R.S. § 13-3918, Subsection (A) provides the following:

A search warrant shall be executed within five calendar days from its issuance and returned to a magistrate within three court business days after the warrant is executed. Upon expiration of the five day period, the warrant is void unless the time is extended by a magistrate. The time for execution of the warrant may be extended for no longer than five calendar days. **The documents and records of the court relating to the search warrant need not be open to the public until the return of the warrant or the warrant is deemed void pursuant to this section unless a magistrate orders the time to be shortened or lengthened for good cause. Thereafter, if the warrant has been executed, the documents and records shall be open to the public as a judicial record.** (emphasis added).

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While the COSC acknowledges the importance of the public being able to access information related to judicial proceedings, the COSC is unable to open search warrant documents to the public unless one of the three (3) above-referenced events occur because of the following:

- (1) A.R.S. § 13-3918 does not require that the return be filed with the issuing court. Unless the warrant and return are both filed with the COSC, the COSC is not able to confirm whether the warrant has been executed and is to be released to the public.
- (2) If the return is filed elsewhere, and the receiving court orders the search warrant and any of the relating documents to be sealed, the COSC would not know this and could potentially allow the public access to documents that should be sealed.
- (3) Time for execution of the warrant may be extended by any magistrate or court, not just the issuing court. A warrant may be issued by a Superior Court judicial officer in Maricopa County and the time extended for execution by a judicial officer in a justice court or municipal court, and the COSC would not know this and could potentially allow public access to documents that should be sealed.

This Policy applies to warrants issued under A.R.S. § 13-3918 (regular search warrants); A.R.S. § 13-4293 (tracking device search warrants); and A.R.S. § 13-4294 (cell site simulator device search warrants).

POLICIES / RELATED DOCUMENTS:


- Procedures: Thirty-Day Search Warrants and Sixty-Day Search Warrants

OTHER PARTIES INVOLVED:

- Discovery & Confidential
- IGT
- Business Analysts
- Public Information Officer

APPLICABILITY:

This policy applies to all employees of the Clerk of the Court.

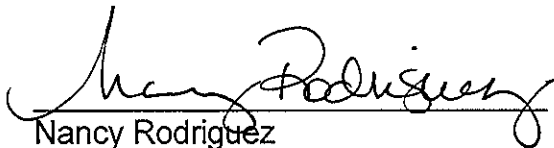
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Revision Author	Summary of Changes	Approval Date
N/A	Document Origination	7/16/2009
Nancy Rodriguez	Revised	4/25/2015
Christine Kelly	Updated to Controlled Document Index	6/26/2015
Jessica Fotinos	Revised	6/28/2018

Revision History

AUTHORIZED SIGNATURES:

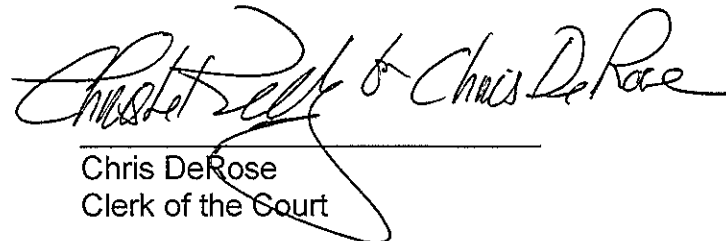
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