

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF SEARCH WARRANTS }  
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ADMINISTRATIVE ORDER  
NO. 2024-027

Arizona Revised Statutes § 13-3918 states that the documents and records of the court relating to a search warrant “need not be open to the public until the return of the warrant or the warrant is deemed void . . . 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.”

Arizona Rule of Criminal Procedure 2.6(f) states the following:

(f) Maintenance of Search Warrant Records.

- (1) *Clerk of Court.* The clerk of the court that issued the warrant must maintain a record of the warrant and any return and inventory.
- (2) *Request to Modify the Time Search Warrant Records Are Maintained Outside of the Public Record.* A request to modify the time search warrant documents are maintained outside the public record that is made at the time the return and inventory is delivered must be submitted on a separate page accompanying the return and inventory, be signed by the affiant or the officer returning the warrant, state the reasons establishing good cause for the request, and state specifically whether the request pertains to:
  - (A) the application and affidavit;
  - (B) the issued search warrant;
  - (C) the return and inventory;
  - (D) any other specific document; or
  - (E) all documents associated with the search warrant.
- (3) *Submission Through an Electronic Portal.* For search warrants that are submitted and issued through an electronic portal approved by the Administrative Office of the Courts, a request to modify the time before a

document relating to a search warrant is open to the public record may be programmed or incorporated into the return and inventory documents compiled by the electronic system rather than submitted as a separate page.

While A.R.S. § 13-3918 is permissive as to whether special warrant documents may be closed to the public prior to the return, it is the policy of this Court that such warrants should and are closed prior to the return of the warrant. Additionally, Rule of Criminal Procedure 2.6(f)(2) and (3) provide the process by which law enforcement can request that a search warrant and any associated documents be ordered closed to the public for a period of time after the return and inventory is made to a magistrate.

To provide further clarification and guidance to the Court, the Clerk of Court, and law enforcement agencies, **THE FOLLOWING IS HEREBY ORDERED:**

1. Prior to the delivery of the return and inventory to the Court, special warrant documents shall be maintained outside the public record and will not be released absent a court order.
2. After the delivery of the return and inventory to the Court, special warrant documents are presumed open to the public.
3. In accordance with Criminal Rules 2.6(f)(2) and (3), at the time the return and inventory are delivered to the Court, a law enforcement agency may request that specific documents or all documents pertaining to the special warrant documents remain outside the public record. If good cause is shown, the Court may grant all or a portion of the request.
4. When utilizing the Court's electronic search warrant portal to submit a return and inventory, law enforcement requests for special warrant documents to remain outside the public record will be made through the electronic search warrant portal. When delivering the return and inventory in paper form, law enforcement requests for special warrant documents to remain closed to the public will be made using a form created by the Court.
5. Pursuant to Supreme Court Rule 123(c)(5), special warrant documents that are maintained outside the public record may be accessed by judicial officers, clerks, administrators, professionals or other staff employed by or working under the supervision of the Court or Clerk of Court as needed to carry out their assigned duties and as directed by a supervisor. They may also be provided to the affiant who requested the special warrant.
6. Search warrant documents that have been sealed by the Court can only be viewed by a judicial officer or by employees of the Clerk of Court's office as needed to carry out Clerk of Court business.

7. In the event of a conflict between the retention status of special warrant documents ordered in an Issuance Order or Return Order and any orders regarding retention status (including sealing) of such documents contained within a search warrant, the retention status ordered in the Issuance Order or Return Order, as applicable, shall control.

Dated this 5<sup>th</sup> day of April, 2024.

/s/ Joseph C. Welty  
Hon. Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Criminal Department Judges and Commissioners  
Hon. Jeff Fine, Clerk of the Superior Court  
Raymond Billotte, Judicial Branch Administrator  
Shawn Friend, Deputy Court Administrator  
Nicole Garcia, Criminal Department Administrator