



City of Phoenix

DRAFT ADMINISTRATIVE REGULATION	A.R. NUMBER X NEW
SUBJECT USE OF CITY PROPERTY FOR CIVIL LAW ENFORCEMENT	FUNCTION City Manager's Office Page 1
	EFFECTIVE DATE
	REVIEW DATE

I. PURPOSE

This Administrative Regulation (A.R.) provides clear direction, pursuant to the Charter and other authorities, as to the use of City property for civil law enforcement purposes.

II. POLICY

City property exists for public use and enjoyment in support of authorized City purposes. The City has a duty to ensure that all real and personal property under its ownership and control is used appropriately. Accordingly, City-Owned and City-Controlled property may be used only for authorized City purposes and shall not be used for any unauthorized or non-City purposes. Prohibited uses include, but are not limited to, using City property as a staging area, processing location, or operations base for civil law enforcement actions, unless approved by the City Manager or their designee.

This A.R. regulates the use of City property and does not regulate or direct the conduct of any individual law enforcement officer.

III. APPLICABILITY

This A.R. does not apply in the following circumstances:

- The service of a judicial warrant.
- Where objectively exigent circumstances exist or flight from a law enforcement officer.

This A.R. applies to all City-Owned or City-Controlled property, except for:

- Property owned by the City but controlled by another governmental entity, a nonprofit partner, or other third-party organization except in cases where the third-party organization is operating a program on the property on behalf of the City.
- City rights-of-way, such as publicly accessible streets and sidewalks.

- City Airports or the Phoenix Municipal Court.

Properties with unique ownership and operational characterizations not clearly covered by a defined category will be evaluated individually. The City Manager or their designee will determine use authorization.

IV. DEFINITIONS

The following definitions apply for the purposes of this A.R.

- **Access Control Plan:** A document that defines the appropriate access level for a City property, the measures used to manage and enforce that access, and opportunities to strengthen appropriate access control.
- **City-Controlled Property:** Any land, building, facility, structure or space, regardless of ownership, over which the City exercises operational control, management authority, or administrative responsibility through lease, agreement, or other legal mechanism or where a third-party operates a program on behalf of the City, noting exceptions in Section III.
- **City-Owned Property:** Any land, building, facility, structure, or space in which the City holds title, noting exceptions in Section III.
- **Employee:** Any full time, part time, seasonal, or temporary worker employed by the City, including interns, contractors under City supervision, and volunteers when acting on behalf of the City.
- **Inventory:** A documented listing of all City-Owned and City-Controlled properties, including designations, access classifications, and operational purposes.
- **Law Enforcement Official:** Any sworn officer employed by a municipal, county, state, tribal, or federal law enforcement agency.
- **Signage Plan:** A document that identifies required access signage for City property and outlines how and where those signs will be posted.
- **Staging area:** An area used to assemble, mobilize, or deploy vehicles, equipment, materials, or personnel, in a manner that is outside of regular business hours or purposes, or that disrupts or impedes the area's use for City purposes.

V. RESPONSIBILITIES

To ensure that City spaces remain accessible and available for City purposes and their intended public uses, City departments are directed to work with City leadership to identify and, where possible, control access to City-Owned and City-Controlled property that has been used, or is likely to be used, for unauthorized purposes, including unauthorized civil law enforcement activities.

A. Department Responsibilities

1. Each City department shall identify and inventory any City-Owned and City-Controlled Property that may be subject to or have been subject to unauthorized use, including for unauthorized civil law enforcement purposes.
2. Upon identification of City-Owned and City-Controlled Property, each department shall then identify locations and number of signs necessary (“Signage Plan”) to post clear signage at each identified location, stating the following:

THIS PROPERTY IS OWNED AND/OR CONTROLLED BY THE CITY OF PHOENIX. USE FOR ANY CIVIL LAW ENFORCEMENT PURPOSE, INCLUDING AS A STAGING AREA, PROCESSING LOCATION, OR OPERATIONS BASE IS NOT PERMITTED WITHOUT PRIOR WRITTEN AUTHORIZATION.

3. City departments shall also identify, where possible, means of controlling access (“Access Control Plan”) to City-Owned and City-Controlled Property, especially those serving vulnerable populations, both during and outside of regular business hours or when not in use for its intended purpose.
4. Each department shall keep and provide to the City Manager’s Office, or their designee, an annual updated list of City-Owned and City-Controlled Property, its Signage Plan, and its Access Control Plan for approval.
5. Upon approval of each department’s Signage Plan and Access Control Plan by the City Manager or their designee, the department shall implement the Signage Plan and Access Control Plan and clearly communicate both to departmental employees. City departments should also designate a departmental point of contact (POC) to receive and provide notifications of unauthorized use of City-Owned and City-Controlled Property. The department POC will receive notifications of unauthorized use from staff and communicate them to the City Manager’s Office as well as the Law Department for further action.

B. City Leadership Responsibilities

1. The City Manager, or their designee, shall be responsible for approving each department’s Signage Plan, Access Control Plan, and related expenditures before implementation.
2. The City Manager may authorize additional uses of City-Owned and City-Controlled Property as necessary and consistent with the intended purpose of the property and this A.R.
3. The City Manager shall approve or deny any requests from local, state, or federal law enforcement agencies to engage in civil law enforcement on City-Owned and City-Controlled Property consistent with this A.R. and the recommendation of the Chief of Police of the Phoenix Police Department (Police Chief”). The Police Chief shall serve

as the central contact for local, state, or federal law enforcement agencies making such requests. For each request, the Police Chief shall gather enough information to determine the impact of any proposed operation on City property and its use and shall make a recommendation as to whether to grant the request.

C. Employee Responsibilities

1. Reporting: City employees who become aware of the unauthorized use of City-Owned and City-Controlled Property should contact their department POC or immediate supervisor and Director if no other department POC has been selected. To the extent possible, the reporting employee should report and/or document: 1) the location; 2) date and time; 3) agency or agencies involved; 4) physical descriptions and number of unauthorized users; and 5) the activities engaged in.
2. Consistent with other City policies, employees are not authorized to engage, obstruct, or impede unauthorized users engaged in civil law enforcement without further direction from the City Manager or their designee.

VI. CONSTRUCTION

1. This A.R. is not intended to restrict or interfere with the execution of lawful judicial warrants or the enforcement of criminal law, nor does it limit the rights of any person or entity under local, state, or federal law.
2. This A.R. is not intended to restrict the rights of individuals or groups to exercise First Amendment or other Constitutional rights.
3. This A.R. shall be implemented in a manner consistent with state and federal laws.
4. Nothing in this A.R. shall be construed as limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law.

VII. TERM

This Administrative Regulation shall sunset on March 25, 2029, unless the directive to implement is extended by the City Council.

VIII. QUESTIONS

Questions related to this A.R. should be directed to the City Manager's Office.

ED ZUERCHER, City Manager
