

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

IN THE MATTER OF COMPETENCY)	AMENDED
PROCEEDINGS IN CRIMINAL MATTERS)	ADMINISTRATIVE ORDER
IN GLENDALE CITY COURT)	NO. 2018-045
_____)	

On August 9, 2017, legislation amending A.R.S. § 13-4503 became effective granting the Presiding Judge in each county the authority to authorize a municipal court or justice court to exercise jurisdiction over competency hearings in misdemeanor cases that arise out of the municipal court or justice court. It further provides that the limited jurisdiction court may refer a competency hearing to another limited jurisdiction court in that county with the approval of the Presiding Judge. Thereafter, the Supreme Court amended Rule 11 of the Arizona Rules of Criminal Procedure (hereinafter "Rule 11") to conform to the jurisdictional changes the legislature made to A.R.S. § 13-4503.

Having considered A.R.S. § 13-4503 and Rule 11, this Order addresses how Glendale City Court may conduct Rule 11 competency proceedings in Maricopa County.

IT IS ORDERED Glendale City Court shall exercise jurisdiction over competency hearings in misdemeanor cases that arise out of its court in compliance with the policies and procedures set forth below.

IT IS FURTHER ORDERED that beginning on April 2, 2018, Glendale City Court shall:

1. Conduct Rule 11 proceedings in compliance with the policies and procedures approved by the Presiding Judge and attached to this Order.
2. Ensure an accurate and complete recording of all Rule 11 courtroom proceedings is taken and maintained in accordance with applicable retention schedules. This includes completion of all automation tasks to ensure the local case management system is properly configured for docketing and retaining case records.
3. Establish a process approved by the Presiding Judge for the issuance, filing, and distribution of minute entries and orders, and for the handling of evaluations and medical reports as required by law and court rule.
4. Appoint mental health experts who meet the requirements set by statute and rule, and who are appointed pursuant to statutory and local procurement requirements.
5. Transmit necessary findings to the Administrative Office of the Courts for the Department of Public Safety for firearm background checks as required by state and federal law.

6. Pay any costs associated with holding Rule 11 competency proceedings as dictated by applicable statute, rule, or local practice at their court.
7. In accordance with A.R.S. § 13-4508, and Arizona Supreme Court Rule 123, judges shall take all necessary steps to ensure the confidentiality of Rule 11 evaluations and ensure that those records are to be treated as confidential records by all who have access to them, including attorneys. Judges who conduct Rule 11 proceedings shall have the authority to order the unsealing of past Rule 11 evaluations for the limited purposes of the Rule 11 proceedings held in their court.
8. The Superior Court and the Clerk of the Superior Court shall ensure that when Glendale City Court conducts Rule 11 competency proceedings, Glendale City Court has access to any records necessary to conduct the proceeding, including past Rule 11 evaluations in the Superior Court.
9. Glendale City Court shall provide to a requesting court access to any records necessary to conduct Rule 11 proceedings in that court if the requesting court is authorized to conduct Rule 11 proceedings.

IT IS FURTHER ORDERED if Glendale City Court wishes to either refer competency hearings to another court authorized to conduct Rule 11 hearings pursuant to A.R.S. § 13-4503(F), or conduct Rule 11 competency hearings for another court, Glendale City Court shall not do so without obtaining prior approval from the Presiding Judge of the Superior Court of Arizona in Maricopa County.

IT IS FURTHER ORDERED the Presiding Judge may revoke the Glendale City Court authorization to conduct or refer Rule 11 competency proceedings if the Presiding Judge determines that the court fails to comply with the conditions of this Order or any subsequent related order.

DATED this 11th day of May, 2018.

/s/ Janet E. Barton

Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Joseph Welty, Associate Presiding Judge
Hon. Sam Myers, Criminal Presiding Judge
Hon. Elizabeth R. Finn, Glendale City Court Presiding Judge
Raymond Billotte, Judicial Branch Administrator
Richard Woods, Deputy Court Administrator
Karen Westover, Deputy Court Administrator
Steven Kolessar, Court Administrator, Glendale City Court

GLENDALE CITY COURT RULE 11 PROCEDURE

Effective Date – This procedure is for cases referred to Rule 11 Court under the jurisdiction of the Glendale City Court effective as of April 2, 2018.

RULE 11 STAFFING LIST

Staff

Kathleen Williams
Veronica Santiago
Denise Castro
Irene Rueda

***Rule 11 Specialists**

Kathleen Williams
Veronica Santiago

Court Program Coordinator

Kathleen Williams

*Specialized training was provided to Rule 11 Specialists by the Superior Court and Clerk of the Court regarding the handling of medical reports.

Rule 11 Doctor List

1. Joanne Babich
2. Celia Drake
3. Shalene Kirkley
4. Neal Olshan
5. Holly Salisbury

Public Defender Procedures

1. Any regular public defender may transfer a possible Rule 11 case to the Rule 11 Public Defender (“RPD”). Private attorneys may petition the court for a transfer to the Rule 11 docket and a competency evaluation
2. After meeting with the defendant, RPD makes determination whether to pursue Rule 11 proceedings.
3. RPD files a motion for Rule 11 if public defender determines the defendant needs to proceed with a competency evaluation.

Private Lawyer Files Rule 11

1. The case should be transferred for a Rule 11 procedure. The Court Program Coordinator (CPC) should receive the file.
2. The CPC schedules the doctor’s appointments and the hearing.
3. Appropriate information should be updated in AJACS.
4. See procedure below for the remainder of the procedure for the CPC.

Court Program Coordinator (“CPC”) Procedures

1. Prior to the Rule 11 Hearing
 - a. Research prior Rule 11 or pending mental health cases.

- i. CPC researches defendant in iCIS (integrated Criminal Justice Information System)
 - ii. If there is a prior Rule 11 doctor's report, the CPC notifies the Judge. The Judge must retrieve report from iCIS as the only authorized user with access and send the report to the Rule 11 Public Defender
 - iii. CPC obtains the doctors report received from MCRule11@superiorcourt.maricopa.gov and stores the report on a restricted Glendale City Court location on the Supreme Court Network. Any doctor's reports are transmitted primarily by the CPC to the RPD. This email address automatically distributes doctors report to multiple individuals at Mesa Municipal Court and Glendale City Court.
- b. CPC sends an email to Mercy Maricopa Clinical Court Liaison – Stan Alexander (AlexanderS3@mercymaricopa.org) to verify seriously mentally ill status and current clinic and case manager information.
- c. CPC prepares a Minute Entry (Form 122) Notice of Appointment and Competency Hearing Date including appropriate endorsements.
- d. CPC and RPD coordinate the scheduling of doctors and defendants in a courtroom at Glendale City Court.
- e. CPC:
 - i. Enters information into the Glendale City Court tracking calendar. The calendar is located on the Supreme Court network drive accessible to authorized staff.
 - ii. Enters case information into Courtroom Helper including case number, defendants name, doctors name, date, time and courtroom location of the evaluation. (Courtroom Helper is a Glendale City Court application developed by the Court's programmer to track the case and generate court documents and orders.)
- 2. If defendant fails to appear for doctor's evaluation, CPC and RPD coordinate rescheduling the defendant for the doctors evaluation at Glendale City Court.
- 3. Doctors submit reports to Rule11@GlendaleAZ.com. Email automatically distributes to: Judges Finn and Burkholder, Kathleen Williams and Veronica Santiago (Lead clerk for courtroom operations).
- 4. Doctors report is sent as an encrypted file to the RPD primarily by Kathleen Williams CPC or Judge Finn. RPD is responsible for redaction and transmission of the doctor's report to the Prosecutors Office.

5. If doctor indicates defendant is danger to self or others or persistent acutely disabled or has a grave disability, the doctor may recommend a Court Ordered Evaluation or appointment of Guardian Ad Litem.
 - a. RPD may request appointment of Guardian Ad Litem (“GAL”).
 - b. CPC contacts Office of Public Defense Services to obtain the name of the GAL.
 - c. GAL may submit report or appear in person advising the Court of their intent to file appropriate proceedings in Superior Court.
6. Judge and CPC review reports and CPC prepares appropriate minute entry order.
7. At the hearing:
 - a. CPC or other designated person initiates the recordings of the proceedings.
 - i. Discussion occurs between Judge, Prosecutor and Rule 11 Public Defender.
 - ii. The attorneys stipulate to the doctor(s) reports.
 - iii. The Judge accepts the stipulation
8. If the defendant fails to appear
 - a. A warrant should issue.
9. If the Judge finds the defendant competent:
 - a. The case is reset for a pretrial in a regular criminal courtroom:
10. If the defendant is found incompetent:
 - i. The Prosecutor may move to dismiss the charges against defendant.
 - ii. If defense counsel does not object the case is dismissed.
11. CPC delivers a copy of the minute entry order to:
 - a. Prosecutor
 - b. Rule 11 Public Defender
 - c. Defendant
12. National Instant Criminal Background Check System (NICS) court reporting if defendant found incompetent:
 - a. The CPC enters AJACS
 - b. Goes to event management
 - c. Selects NICS
 - d. Enters event entry type Rule 11: Finding of Incompetency – NICS Transmission
 - e. AOC pulls the events nightly reporting to NICS

13. To allow for the Superior Court of Arizona in Maricopa County to access misdemeanor Rule 11 records originating from the Glendale City Court, Glendale Municipal Court agrees to send all misdemeanor Rule 11 records to MCRule11@superiorcourt.maricopa.gov