

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

IN THE MATTER OF THE TRANSPORT
OF INMATES FROM THE MARICOPA
COUNTY JAIL TO IN-PERSON COURT
PROCEEDINGS

ADMINISTRATIVE ORDER
No. 2020-101

This administrative order memorializes two emergency verbal orders issued by this Court on June 20th and June 25th, 2020, respectively, regarding the transportation of in-custody defendants from the Maricopa County Jail to court proceedings throughout Maricopa County.

On Tuesday morning, June 16th, 2020 a jury trial recommenced in a division of the Criminal Department with the in-custody defendant present in the courtroom. The trial recessed for lunch during which the Court learned that the defendant had been placed on a COVID-19 quarantine list by Maricopa County Correctional Health Services (CHS) the previous evening. However, MCSO had not received this information until Tuesday morning while the defendant was in court. MCSO indicated that the defendant could not be transported back to court and instead would be going into quarantine. Later Tuesday afternoon, in a hearing to address the defendant's health and transportation, CHS indicated during testimony that the defendant's placement on a quarantine list had been in error, and the defendant could again be transported to court.

Following the hearing, in order to prevent the transport of quarantined defendants to court proceedings, the Criminal Department Administrator was instructed to work with CHS and MCSO to ensure that a prompt and effective notification process existed between CHS and MCSO whenever CHS identified an inmate requiring quarantine. Throughout the week on June 15, 2020, at least two additional inmates were transported to court after having been placed on a quarantine list several hours prior to their transport. On Friday, June 19th, the Criminal Department Administrator indicated to this Court that he did not have confidence that an effective process existed. This prompted a discussion between this Court and County officials in which the Court informed them that without a timely and effective notification process in place, the Court would not allow the transport of inmates to court proceedings on Monday, June 22nd.

On Saturday, June 20th, a representative of County management informed the Court that due to the sudden and rapid expansion of potential COVID-19 exposures throughout the County Jail system, CHS could not guarantee that an inmate designated for quarantine would not be transported to a County courtroom. The County further indicated that while a new communication protocol was being implemented, it would not

be in place on Monday, June 22nd. Based on this, the County recommended the Court consider cancelling inmate transports until CHS had more confidence in the communication process. Once informed of this, the Court contacted the Maricopa County Sheriff and issued a verbal emergency order that all transportation of inmates to any court in Maricopa County be suspended until further order. The Court then informed all judicial officers throughout Maricopa County of the order and that no in-custody defendants would be transported to any superior court or limited jurisdiction court in Maricopa County on Monday, June 22nd.

Subsequently, on the afternoon of Monday, June 22nd, Tuesday, June 23rd, and Wednesday, June 24th, the Court was informed by County officials that an effective notification protocol had still not been implemented. Therefore, the Court's order to suspend transportation of inmates remained in effect. At a meeting on Thursday, June 24th, between Court officials and representatives of County management, MCSO and CHS, the Court was informed that an effective protocol had been put in place for the immediate notification to MCSO when an inmate was being quarantined and that this would prevent any inmate who had been designated for quarantine from being transported to a court proceeding. At this point, this Court verbally ordered that the order suspending the transport of inmates to courtrooms be lifted and MCSO was immediately notified. On the morning of Friday, June 25th, the transportation of inmates by MCSO to Maricopa County courts resumed.

Dated this 1st day of July, 2020

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

Original: Clerk of the Superior Court

Copies: Maricopa County Board of Supervisors
Judge Keith E. Russell, Presiding Judge of Justice Courts
All Municipal Court Judges
Sheriff Paul Penzone, Maricopa County Sheriff
Hon. Allister Adel, Maricopa County Attorney
Joy Rich, Maricopa County Manager
Christina Phillis, Office of Public Defense Services
Tania Lynch, Director of Correctional Health Services
Raymond Billotte, Judicial Branch Administrator
James Morrow, Justice Courts Administrator