

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ESTABLISHMENT OF THE)	Administrative Order
TASK FORCE ON RULE 11 OF THE)	No. 2022 - <u>45</u>
ARIZONA RULES OF CRIMINAL)	
PROCEDURE AND RELATED)	
MATTERS)	
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The Arizona Supreme Court’s Committee on Mental Health and the Justice System (Committee) brought together a broad array of justice and mental health stakeholders to identify best practices and cross-agency protocols for those justice-involved individuals who have behavioral health care needs.

The Committee’s final report to the Arizona Judicial Council in 2020 included 30 recommendations for the Arizona Judicial Branch to consider. The recommendations are aimed at supporting and implementing policies and protocols that will improve interactions with those individuals who have behavioral health care needs and become involved in the justice system.

In furtherance of the Committee recommendations, the Arizona Judicial Branch Strategic Agenda, *Justice for the Future: Planning for Excellence*, states “Explore additional changes to Rule 11 of the Arizona Rules of Criminal Procedure to identify ways in which court rules governing competency and mental health examinations can be updated, clarified, and improved.”

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Task Force on Rule 11 of the Arizona Rules of Criminal Procedure (“Task Force”) is established as follows:

1. **Purpose:** The Task Force shall:
 - A. Review the current practice of evaluation of competency and restoration to competency to stand trial in misdemeanor criminal cases to determine if the current Rule 11 process for handling cases should be changed or replaced.
 - B. Determine if there are more effective alternatives to evaluating misdemeanor defendants who repeatedly fail to appear other than an in-custody evaluation process.

- C. Determine if there are alternative practices that should be considered to provide restoration or treatment when an individual is found not competent yet restorable.
2. **Membership:** The individuals listed in Appendix A are appointed as members of the Task Force beginning upon entry of this Order and ending October 31, 2023. The Chief Justice may appoint additional members as necessary.
 3. **Meetings:** The Task Force shall meet as necessary, and meetings may be scheduled, cancelled, or moved at the discretion of the Task Force chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
 4. **Administrative Support:** The Administrative Office of the Courts shall provide administrative support and staff for the Task Force who may, as feasible, conduct or coordinate research as requested by the Task Force.
 5. **Reporting:** The Task Force shall submit an interim report with findings and recommendations to the Arizona Judicial Council at the October 2022 Council meeting. The Task Force shall submit a final report with findings and recommendations to the Arizona Judicial Council at the October 2023 meeting. Each report shall include any recommendations for necessary court rule and statutory changes.

Dated this 20th day of April 2022.

ROBERT BRUTINEL
Chief Justice

Appendix A

Chair Donald Jacobson Sr. Special Project Consultant Administrative Office of the Courts Court Services Division	Jack Fields Assistant Yavapai County Administrator	Hon. Joshua Steinlage JP Pro Tem Flagstaff Justice Court
Vice-Chair Hon. John Tatz Presiding Judge, Mesa Municipal Court Shelley Curran Mercy Care	Will Gonzales Court Administrator, Phoenix Municipal Court	Lisa Struble Interim Director Maricopa Correctional Health Services.
Asim Dietrich Arizona Center for Disability Law	Elizabeth Herbert Chandler City Prosecutor	Marianne Sullivan Flagstaff Police Department
Paul Galdys RI International	Kristin McManus Assistant City Prosecutor, Yuma Kate Milewski, Public Defender, Pinal County Chris Phelps Court Administrator, Glendale Municipal Court	Hon. Lisa Surhio Magistrate, Tucson Municipal Court
Barton Fears General Council, Phoenix Municipal Court	Beya Thayer Yavapai Justice & Mental Health Coalition, Yavapai County Sheriff's Office	Juli Warzynski Maricopa County Attorney's Office Dr. Megan Woods AHCCCS