

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-118

Judge: Adeline Martinez

Complainant: Administrative Office of the Courts

ORDER

This matter was referred to the Commission from the Administrative Office of the Courts (AOC) following an operational review of the Winkelman Municipal Court in November 2018, which revealed numerous deficiencies.

Among the deficiencies noted in the operational audit were: failure to properly advise defendants of their rights in criminal cases, lack of required reporting of dispositions to MVD and DPS, failure to forward appropriate protective order information to the sheriff's office, failure to have sufficient recording equipment to create and maintain a record of the proceedings, and failure to abide by supreme court rules and directives, including the lack of a language-access plan and lack of compliance with various accounting standards. Several months passed before Judge Martinez identified corrective measures for the noted deficiencies. In her response to the Commission, Judge Martinez noted that she did not believe many of the rules were applicable to her court, based on its small size and rural location. She also stated that while she and her staff "tried" to learn the rules, they would forget certain procedures due to the infrequency of those cases arising in her court. While this investigation was pending, Judge Martinez chose to retire effective May 31, 2019.

Judge Martinez' conduct amounted to a dereliction of duty and violated the following provisions of the Code and the Arizona Constitution:

Rule 1.1, which states, "A judge shall comply with the law, including the Code of Judicial Conduct."

Rule 1.2, which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Rule 2.5(A), which states, "A judge shall perform judicial and administrative duties competently, diligently, and promptly."

Article 6.1, Section 4, Arizona Constitution, which forbids a judge to engage in “conduct prejudicial to the administration of justice that brings the judicial office into disrepute.”

Accordingly, Judge Adeline Martinez is hereby publicly reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judge’s response, and this order shall be made public as required by Rule 9(a).

Dated: August 13, 2019

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 13, 2019.

WINKELMAN MUNICIPAL COURT

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Summary of Operational Review Findings

While conducting an operational review at the Winkelman Municipal Court, the following issues were identified which raised concerns regarding the overall operations of this court.

It should also be noted that requests were made from the Superior Court PJ, the Honorable Timothy Wright, asking the court to come into compliance, however no response or action was taken by the court.

CASE MANAGEMENT

COURTROOM ADVISEMENTS

- The court did not advise defendants of all pertinent right during initial appearance, arraignment or before accepting a plea of guilty or no contest.
- The court did not advise of the right to counsel or have the defendant sign a waiver of counsel form.
- The court did not advise the defendant of the nature of the charge and the possible range of sentencing.
- The court did not read the "Immigration advisement".
- The court did not have a statement posted advising victims of their constitutional rights.
- The court does not appear to have a contract or funding for the appointment of defense counsel for those determined indigent.
- The court files appear to lack any evidence that the city prosecutor or attorney appear on criminal matters. All pleas taken were directly to the court.

COURT RECORD AND REPORTING

- The court does not issue fingerprint orders for DUI charges.
- The court does not report disposition information to the Department of Public Safety or Motor Vehicle Division.
- The court does not forward a copy of the proof of service and order of protection to the sheriff's office within 24 hours of filing of proof of service or modifications and dismissals.
- The court does not have sufficient recording equipment to create and maintain a copy of the record

GENERAL OBSERVATIONS

- The judge appeared to be confused about the required right advisements and obtaining factual basis for pleas
- The Court does not have a Language Access Plan and staff advised that either Judge Martinez or court clerk has acted as an interpreter for non-English speaking defendants.

FINANCIALS

GENERAL OBSERVATIONS

- No segregation of duties
- Lack of 2nd person verification for any financial documents
- Court clerk is also working as town clerk
- Unable to find any evidence where the court may have receipted or handled any type of bond or restitution
- The Court does not appear to be monitoring cases for the payment of fines or compliance with other sentencing requirements
- 2018 Minimum Accounting Checklist received by AOC conflicts with the findings from the operational review



Arizona Supreme Court
Administrative Office of the Courts

Winkelman Municipal Court

COURT OPERATIONAL REVIEW EVALUATION

MARCH 2019

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INTRODUCTION AND BACKGROUND

The Administrative Office of the Courts (AOC) conducts operational reviews pursuant to Article 6, Section 3, of the Arizona Constitution, which gives the Supreme Court administrative supervision of all courts in the state. The purpose of the review is to promote accountability, public trust, and confidence in the state's limited jurisdiction courts.

The operational review process includes four phases: (1) pre-review, (2) fieldwork, (3) analysis and findings, and (4) report writing and court response. The pre-review phase for the operational review of the Winkelman Municipal Court began on August 14, 2018 when the AOC notified the court of the review. The AOC conducted the on-site portion of the review between November 27 and November 29, 2018.

This is the AOC's second operational review of the Winkelman Municipal Court. The last review was conducted in 2002.

The findings identified in this evaluation identify areas in which the court was found to be compliant and non-compliant. The non-compliance findings are followed by recommendations which explain best practices, identify opportunities for improvement, and outline the steps necessary for the court to become compliant.

The AOC extends its appreciation to Judge Adeline Martinez and the Winkelman Municipal Court staff for their cooperation and assistance during the operational review.

COURT OVERVIEW

The Winkelman Municipal Court is one of five municipal courts in Gila County. The court provides services to the public from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. The court is located at 206 Giffin Avenue, Winkelman, Arizona.

The court utilizes the AZTEC case management system to automate its business functions.

Judge Martinez has presided over the Winkelman Municipal Court since 2004. The court's staffing levels include one part-time judicial and one part-time non-judicial staff.

For the court's case activity for FY 2017 and the court's five-year case filing trends, see the [Appendix](#).

REVIEW SCOPE AND METHODOLOGY

The AOC determines the operational review scope based on statutes, rules, administrative codes, and local court policies that most affect court operations. As such, reviewers assessed:

Case Management

- Driving Under the Influence (DUI) and Misdemeanor cases to determine if the court correctly advises defendants of their rights, enforces mandatory sentencing requirements, and correctly reports dispositions on a timely basis.
- Court Order Enforcement of DUI cases to determine if the court effectively enforces its monetary and non-monetary orders.
- Orders of Protection that were issued to determine if the court correctly issues orders, schedules hearings, and notifies the sheriff.
- Warrants to determine if the court correctly issues and quashes warrants, and promptly reports warrant status to law enforcement.

Financial Management

- Manual Receipts to determine if the court accounts for all manual receipts and if the court correctly issues the receipts.
- Voided Receipts, both automated and manual, to determine if the court correctly voids receipts.
- Fines and Fees Receipts to determine if the court correctly processes fines and fee payments.
- Deposit and Monthly Reconciliation documentation to determine if the court conducts adequate reconciliations.

In performing the review, AOC staff conducted case file reviews and analysis, interviewed court staff members, observed court proceedings, analyzed statistical data, reviewed the court's financial processes, observed its daily cash handling processes, and analyzed the court's financial data for compliance with the Minimum Accounting Standards.

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Table A details the case sampling sizes selected for the case management portion of the review.

TABLE A - CASE MANAGEMENT SAMPLING					
Case Type	Date Range	Total Population	Total Cases Reviewed	Percentage of Population	
DUI	9/1/17 - 9/1/18	1	1	100%	
Orders of Protection	9/1/17 - 9/1/18	3	3	100%	
Warrants	9/1/17 - 9/1/18	31	18	58%	
Misdemeanor (Non-DUI)	9/1/17 - 9/1/18	5	5	100%	
Civil Traffic Pending	6/4/1997 - 1/26/16	78	78	100%	
TOTAL		118	105	89%	

Table B details the case sampling sizes selected for the financial management portion of the review.

TABLE B - FINANCIAL MANAGEMENT SAMPLING					
Type	Date Range	Total Population	Total Sample Reviewed	Percentage of Population	
Manual Receipts	8/1/2017 - 7/31/2018	21	20	95%	
Fines and Fees Receipts	6/1/2018 - 7/31/2018	19	19	100%	
Voided Automated Receipts	8/1/2017 - 7/31/2018	6	6	100%	
Voided Manual Receipts	8/1/2017 - 7/31/2018	1	1	100%	
Deposit Reconciliations	6/1/2018 - 7/31/2018; 11/27/2018	17	17	100%	
Monthly Reconciliations	6/1/2018 - 7/31/2018	2	2	100%	
TOTAL		66	65	98%	

**CASE MANAGEMENT FINDINGS AND
RECOMMENDATIONS**

General Court Observations

Areas of Improvement:

Finding #1:	Language Access Plan	Instance
1.1	Although the limited jurisdiction courts of Gila County are included in the Gila County Superior Court's Language Access Plan, the court currently utilizes court staff in lieu of court interpreters to make court proceedings available to non-English speaking parties and witnesses. [AO 2011-96]	N/A
Recommendation	The court should ensure that only court interpreters are utilized to make court proceedings and operations available to non-English speaking parties and witnesses.	
Finding #2:	General Observations	Instance
2.1	The court has not conducted a court security self-assessment and developed a report based on the assessment. [AO 2017-15]	N/A
Recommendation	The court should conduct a court security self-assessment at least every three years using a security assessment template or checklist and summarize the assessment in a report.	
2.2	The court does not have a court security manual. [AO 2017-15]	N/A
Recommendation	The court should ensure that a court security manual addressing the basic tenets of court safety and security is developed as required by AO 2017-15.	
2.3	The court did not advise the defendant of all pertinent rights during initial appearance proceedings, arraignment proceedings or before accepting a plea of guilty or no contest. [Rule 4.2, Rule 14.3, Rule 17.2, ARCrP]	N/A
Recommendation	The court should inform the defendant of the following rights: the right to counsel and the right to remain silent; appoint counsel if the defendant requests and is eligible or have the defendant complete a waiver of counsel form; the nature of the charge to which the defendant will plead; the range of possible sentences for the offense; the right to plead not guilty in addition to reading the immigration advisement verbatim.	
2.4	Before accepting a plea of guilty or no contest, the court did not determine that the defendant wished to forego the constitutional rights of which he or she was advised, that the plea was voluntary, and that there was a factual basis for the plea. [Rule 17.3, ARCrP]	N/A
Recommendation	The court should determine that the defendant wishes to forego the constitutional rights of which the defendant has been advised; that the defendant's plea is voluntary and not the result of force, threats or promises as well as determining a factual basis for all guilty or no contest pleas.	

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2.5	The court did not have a statement posted in the courtroom advising victims of their constitutional rights. [ARS § 13-4438]	N/A
Recommendation	The court should ensure that the victims' constitutional rights advisement is prominently displayed in the courtroom.	
2.6	The court did not complete its annual recertification for its interactive audiovisual system. [ACJA § 5-208]	N/A
Recommendation	The court should complete an annual recertification for its interactive audiovisual system.	
2.7	The court's bond card contains incorrect information. Specifically, criminal offenses with fine amounts are listed although an appearance in court must be made by the defendant or an attorney. [Rule 4.2, ARCrP]	N/A
Recommendation	A defendant must be arraigned personally before the trial court unless a written waiver is filed with the court. Therefore, the court should remove all criminal offenses with fine amounts from the bond card as criminal offenses can't be disposed of by mailing in payment.	
2.8	While on-site, the reviewer reviewed a case file that contained an unsealed police report containing confidential information on a deceased defendant. [Rule 123 (d)(4)]	N/A
Recommendation	The court should ensure that confidential information obtained in order to close or take action on a case file is not available for public viewing by ordering applicable documents to be sealed and placed in a confidential envelope within the case file.	

Driving Under the Influence and Misdemeanor (Non-DUI)

In its 2014-2019 strategic agenda, the Arizona Supreme Court charged the judiciary with promoting access to justice via continued timely and efficient case processing in Arizona courts. This includes the efficient and effective processing of DUI and Misdemeanor cases.

Compliance Areas:

- ✓ The court correctly assessed the \$20.00 Time Payment Fee.
- ✓ The court correctly assessed the mandatory minimum base fine amount.
- ✓ The court correctly assessed the \$20.00 Probation Assessment.
- ✓ The court correctly assessed the \$2.00 Victims' Rights Enforcement Assessment.

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- ✓ The court correctly assessed the \$13.00 Additional Assessment.
- ✓ The court correctly assessed the Prison Construction and Operations Fund Assessment.
- ✓ The court correctly assessed the Public Safety Equipment Fund Assessment.
- ✓ The court did not waive or suspend any mandatory DUI fines, assessments, or surcharges.
- ✓ The court correctly entered disposition codes, as ordered by the judge, into AZTEC.

Areas of Improvement:

Finding #3:	Appointment of Counsel	Instance	
3.1	The court did not require the defendant to sign a waiver of counsel form when applicable. [Rule 6.1 (c), ARCrP]	6 of 6	100%
Recommendation	The court should require the defendant to sign a waiver of counsel form upon waiving of his or her rights to counsel and after the court has ascertained that the defendant knowingly, intelligently, and voluntarily desires to do so.		

Finding #4:	Sentencing - Documentation	Instance	
	The court did not execute an adequate minute order at sentencing. Additionally, the sentencing order used had missing or incomplete elements as follows: [ARS § 13-607]		
	➤ The Defendant's date of birth;	6 of 6	100%
	➤ The name of defendant's counsel, or if counsel was waived, the fact that the defendant knowingly, voluntarily, and intelligently waived the right to counsel after having been fully apprised of his or her right to counsel;	6 of 6	100%
4.1	➤ The name of the offense;	6 of 6	100%
	➤ The classification of the offense;	6 of 6	100%
	➤ That there was a knowing, voluntary, and intelligent waiver of all pertinent rights if the finding of guilt was based on a plea of guilty or no contest;	6 of 6	100%
	➤ Certification by the court or the clerk of the court that the defendant's fingerprint was permanently affixed to the document or order at the time of sentencing and in open court.	1 of 1	100%
Recommendation	The court should issue a minute order at sentencing that includes all required elements .		

Finding #5:	Sentencing - Monetary	Instance	
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5.1	The court did not correctly assess the state surcharges. Specifically, in two cases, the court assessed less than the 83% surcharge required by state statute. [ARS §§ 12-116.01 and 12-116.02]	2 of 6	33%
Recommendation	The court should assess the correct surcharge on base fines in accordance with the date of violation.		

Finding #6:	Sentencing - Non-Monetary	Instance	
6.1	The court did not sentence the defendant to the mandatory term of incarceration. Specifically, the court did not issue an Order of Commitment with the date that the defendant was to report to jail. [ARCrP Rule 26.16(b)]	1 of 1	100%
Recommendation	The court should issue an Order of Commitment to the defendant upon sentencing mandatory jail time.		
6.2	The court did not order the defendant to complete mandatory alcohol screening. [ARS § 28-1387(B)]	1 of 1	100%
Recommendation	The court should ensure that mandatory alcohol screening is ordered on all DUI cases.		

Finding #7:	Court Record and Disposition Reporting	Instance	
7.1	The Department of Public Safety (DPS) reported that the court did not report final dispositions for all charges. [Rule 37.1, ARCrP]	1 of 1	100%
Recommendation	The court should ensure that dispositions are accurately reported to DPS within ten days of the final disposition of the case.		
7.2	The Department of Public Safety (DPS) reported that it did not have a record of the DUI charge in its database. This may be attributed to the court not issuing or following up on a fingerprint order. [Rule 37.1, ARCrP]	1 of 1	100%
Recommendation	The court should verify and obtain fingerprints for charges within 20 days if the defendant does not provide proof at initial appearance, or if the court has not received the process control number. Further, if the court orders a defendant to be fingerprinted, the court should follow up to ensure compliance with the order.		
7.3	The court did not report disposition to Motor Vehicle Division (MVD) within ten days of conviction, judgment or forfeiture of bail or deposit. [Rule 37.1, ARCrP]	5 of 5	100%
Recommendation	The court should ensure that dispositions are reported to MVD within ten days of conviction, judgment, or forfeiture of bail or deposit.		

Court Order Enforcement

Courts may impose many types of sanctions including monetary and non-monetary sanctions such as incarceration and screening, education, or treatment attendance. Supreme Court Administrative Order 2002-113 and the National Center for State Courts, CourTools, Measure 7, speak directly to the importance of court-ordered sanction enforcement for the continued maintenance of the integrity and public trust in the judiciary.

Areas of Improvement:

Finding #8:	Monetary Enforcement	Instance	
8.1	The court took no action when the defendant did not pay the amount required by the payment plan. Specifically, the reviewer found in one case that the payment due date was November 19, 2017. [Arizona Criminal Procedure Manual]	1 of 6	17%
Recommendation	The court should monitor defendant compliance with all court orders and should take enforcement action within 30 days of defendant non-compliance. Additionally, the court should establish a written policy or procedure to account for the monitoring of all court orders, both monetary and non-monetary.		

Orders of Protection

The Arizona Judicial Branch emphasizes the need to hear petitions involving a threat to personal safety as expeditiously as possible. As such, the Arizona Rules of Protective Order Procedure (ARPOP) include provisions requiring that no court refuse a request to file a petition and that if necessary, the court should interrupt previously scheduled hearings to accommodate the consideration of the petition.

Compliance Areas:

- ✓ The protective order forms used by the court comport with the Supreme Court model forms.
- ✓ The judicial officer conducted an initial ex-parte hearing with the plaintiff requesting the protective order.
- ✓ The court entered the correct disposition of the protective order into AZTEC.
- ✓ The court entered the correct service dates into AZTEC.

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- ✓ The court correctly entered the Protection Order Condition codes into AZTEC.
- ✓ The court is available during all normal operating hours to issue protective orders.

Areas of Improvement:

Finding #9:	General Administration	Instance	
9.1	The court did not correctly set the order of protection hearings when an order of protection granted exclusive use of the home. [ARS § 13-3602(I), Rule 38(b), ARPOP]	2 of 2	100%
Recommendation	The court should set protective order hearings within five business days of the request when exclusive use of the home is granted, and within ten business days of the request when exclusive use of the home is not granted.		
9.2	The court did not verify the petition for order of protection. Specifically, the petitioner did not sign the petition. [ARS § 13-3602(B)(1), Rule 16, ARPOP]	2 of 3	67%
Recommendation	The court should ensure that Petitions for Orders of Protection are signed by the petitioner and a judicial officer.		
9.3	The court did not require the petitioner to complete a hearing request form prior to the petitioner requesting a dismissal of the order of protection. [Administrative Order 2013-03, Rule 41, ARPOP]	1 of 1	100%
Recommendation	The court should ensure that the appropriate protective order forms are completed prior to dismissing an order of protection.		
9.4	The court does not provide parties with a safety plan or information regarding emergency and counseling services. [ARS § 13-3602(D), Rule 15, ARPOP]	N/A	
Recommendation	The court should provide petitioners with a safety plan and should make reasonable efforts to provide both parties with an information sheet on emergency and counseling services.		
Finding #10:	Sheriff Notification	Instance	
10.1	The court did not forward a copy of the proof of service and order of protection to the sheriff's office within 24 hours of the filing of the proof of service. [ARS § 13-3602(M); Rule 32 (a), ARPOP]	3 of 3	100%
Recommendation	The court should forward a copy of the proof of service and order of protection to the sheriff's office within 24 hours of the filing of the proof of service.		
10.2	The court did not send notice of the modification or dismissal to the sheriff's office, in writing, within 24 hours (excluding non-business days). [ARS § 13-3602(M); and Rule 32 (c), ARPOP]	1 of 2	50%
Recommendation	The court should send a written notice of the modification or dismissal to the sheriff's office within 24 hours of the modification or the dismissal.		

Warrants

A judge orders a warrant when there is probable cause the defendant committed a crime, failed to comply with a court order, or violated his or her written promise to appear. A judge can also order warrants quashed (terminated). Upon either issuing or quashing a warrant, the court must timely notify law enforcement regarding the warrant status.

Compliance Areas:

- ✓ Warrants were correctly signed by a judge.
- ✓ The court correctly docketed the warrant issuance.
- ✓ In issuing warrants pursuant to ARS § 13-810, the court correctly refrained from filing a complaint and did not add a charge into AZTEC.

Areas of Improvement:

Finding #11:	General Administration	Instance	
11.1	The court did not issue warrants within 30 days of defendant non-compliance. Specifically, delay periods ranged from 28 to 958 days. [Arizona Criminal Procedure Manual]	12 of 18	67%
Recommendation	The court should take enforcement action, up to and including issuing warrants, as soon as possible, but no later than 30 days from the date of non-compliance.		
11.2	The court did not docket the warrant quash or termination date in AZTEC. [ARS § 22-422]	1 of 7	14%
Recommendation	The court should ensure that the warrant quash, or termination date is entered into AZTEC in a timely manner.		
11.3	The court did not promptly notify law enforcement upon quashing a warrant. [Arizona Criminal Procedure Manual]	4 of 7	57%
Recommendation	The court should ensure that law enforcement is promptly notified when a warrant is quashed or terminated.		
11.4	The court did not issue the correct warrant type. Specifically, the court issued post-adjudicated failure to pay warrants on pre-adjudicated cases. [Arizona Criminal Procedure Manual]	8 of 18	44%
Recommendation	The court should ensure that pre-adjudication warrants are issued on cases where a case disposition has not been entered.		

Finding #12:	Court Record and Disposition Reporting	Instance
12.1	The court did not enter the warrant issuance disposition code into AZTEC for underlying MVD reportable charges for a pre-adjudication warrant. [ARS § 22-422]	1 of 1 100%
Recommendation	The court should enter the warrant issuance disposition code of "56" into AZTEC for underlying MVD reportable charges for a pre-adjudication warrant and should promptly report the disposition codes to MVD.	

Civil Traffic

Defendants cited for civil traffic offenses are required to appear in court by the date and time noted on the Arizona Traffic Ticket and Complaint (ATTC), unless they complete a defensive driving diversion program. If the defendant fails to appear or does not complete a diversion program, courts must issue a default judgment, impose financial sanctions, and notify the MVD within ten days.

Areas of Improvement:

Finding #13:	Court Record and Disposition Reporting	Instance
13.1	As of November 1, 2018, the court had 78 civil traffic cases pending over 70 days. Further, the filing date in these cases date back to 1997. [ARS § 22-422]	N/A
Recommendation	<p>The court should research the pending cases and take appropriate action, including:</p> <ul style="list-style-type: none"> • Entering dispositions for all charges where appropriate; • Entering judgments and the corresponding disposition codes where appropriate; • Entering the completion of Defensive Driving School and the corresponding disposition codes where appropriate; and • Updating disposition codes where appropriate. 	

**FINANCIAL MANAGEMENT FINDINGS
AND RECOMMENDATIONS**

Courts are responsible for establishing sound financial practices to safeguard and account for public funds. Statutes, Administrative Orders (AO), codes, and Arizona Code of Judicial Administration (ACJA) § 1-401: Minimum Accounting Standards (MAS) mandate the minimum requirements a court must meet to ensure adequate internal controls are in place to protect public monies from misappropriation and to detect accounting errors and irregularities.

Administrative Requirements

Courts are required to complete a MAS Compliance Checklist annually for submittal to the AOC and undergo an independent financial review triennially. Minimum Accounting Standards §§ E and G and Administrative Order 2018-31 outline these responsibilities, their associated procedures, and the accompanying due dates. Compliance with these requirements promotes candid self-examination and provide courts with the opportunity to remedy deficient practices and procedures.

Additionally, courts are required to adopt written financial policies and procedures reflecting all of their current financial practices and to conspicuously post their financial policies for acceptance of payments. Minimum Accounting Standard § E.5 specifies the types of statements required for inclusion in the posted acceptance of payments policy.

Compliance Areas:

- ✓ The court completed and submitted its 2017 MAS Compliance Checklist to the AOC by the March 1st deadline.
- ✓ The court's independent triennial financial review by auditors was timely conducted and the court timely submitted the final report to the AOC.

Areas of Improvement:

Finding #14:	Administrative Requirements Practices	Instance
14.1	Although the court has its payment acceptance policy posted in a conspicuous location in the lobby, the types of payments accepted are not in compliance with Administrative Order 2017-80. [MAS E.5 and AO2017-80]	N/A
Recommendation	The court should submit a MAS exception requesting approval, which (if approved) will allow the court to limit the types of payments it accepts.	

14.2	The court does not have established written policies and procedures that adequately detail its current financial practices. For example, the court does not have policies and procedures on daily and monthly reconciliations, cash drawer reconciliations, the handling of cash overages and shortages, automated receipting, unidentified monies, voids, etc. [MAS F.17 and E.4.]	N/A
Recommendation	The court should establish written policies and procedures that reflect <i>all</i> the court's current financial practices and are in compliance with MAS. This includes, but not limited to, policies and procedures for daily and month end processes, cash drawer reconciliations, the handling of cash shortages and overages, automating receipting, unidentified monies, and voids.	

Safeguarding/Internal Controls

Courts are responsible for establishing internal controls and procedures to safeguard monies and financial records. This includes securing and depositing receipted monies, detecting and accounting for identified discrepancies, and sufficiently segregating financial duties in a manner that allows for twofold protection when performing and verifying financial transactions. Court adherence to Minimum Accounting Standards §§ F, H, I, and K maintains the checks and balances necessary in financial functions.

Compliance Areas:

- ✓ The court has an established policy on identifying and handling counterfeit monies.
- ✓ The court did not use signature stamps to sign financial documents.
- ✓ The court assigned the cashier a unique user identification number.
- ✓ The court did not commingle personal monies with court monies.
- ✓ The court stored monies overnight in a locked, immovable, and fireproof safe.

Areas of Improvement:

Finding #15:	Money Safeguarding and Deposit Practices	Instance
15.1	The court does not maintain a physical restriction between the public and areas where court monies and financial records are stored. Specifically, there is no physical restriction between the work area where court business is conducted, such as receipting monies and preparing deposits, and the public. [MAS F.3]	N/A
Recommendation	The court should ensure that there is a physical restriction between the public and the areas where court monies and financial records are processed and stored.	

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15.2	The court did not adequately secure the court's manual receipts. Specifically, during the court's business hours, the manual receipt book was kept in an unlockable desk drawer. [MAS F.9]	N/A
Recommendation	The court should ensure the court's manual receipts are adequately secured and only accessible to authorized users.	
15.3	The court's change fund was not adequately secured at all times prior to reconciliation and verification. Specifically, when reviewers inventoried the safe, the court's change fund was stored with the town's financial transactions in an unlocked bank bag. [MAS F.6 and F.7]	N/A
Recommendation	The court should ensure the court's change fund is adequately secured at all times and kept separate from the town's financial transactions.	
15.4	The court did not deposit monies by the end of the following business day when the deposit amount exceeded \$300.00, nor did it deposit monies at least twice per week, per the court's policy, for deposits amounting to less than \$300.00. Specifically, monies were deposited from one to 16 business days after receipt, with an average of six business days. It should be noted that this was listed as a finding in the court's previous operational review. [MAS K.3.c]	12 of 16 75%
Recommendation	The court should ensure all cash and money orders are deposited to the bank by the next business day when the day's deposit exceeds \$300.00. If the day's total is less than \$300.00, the court should deposit all monies at least twice weekly per the court's policy.	
15.5	The court did not keep the safe locked when not in use. Specifically, reviewers found the safe, kept in a locked room, unlocked when they conducted an inventory on November 27 th , 2018. [MAS F.11]	N/A
Recommendation	The court should ensure that the court's safe is kept locked at all times when not in use.	
15.6	The court did not use a tamper-proof plastic bag or lockable zippered bank bag to transport its deposit monies to the bank. Specifically, the reviewer observed both the Court's and the Town's deposits were kept in a locked room, in an unlocked safe, within an unlockable bank bag. [MAS F.13 and K.3.d]	N/A
Recommendation	The court should ensure use of a tamper-proof plastic bag or lockable zippered bank bag to transport its deposit monies to the bank.	

Receipting

Courts are responsible for ensuring public funds are properly received and receipted. Minimum Accounting Standards §1 outlines the appropriate practices, necessary case identifiers, and time requirements specific to the act of receipting. This includes required processes to account for overpayments and unidentified

monies, voiding of receipts, adequate segregation of duties, and recording of the financial transaction for automated or manual receipting.

Compliance Areas:

- ✓ The court allowed only authorized personnel to receipt payments.
- ✓ The court issued AZTEC and manual receipts in sequential order and the receipts contained all of the required elements.
- ✓ The court has an established policy to account for all *unissued* manual receipts at least quarterly.
- ✓ The court's manual receipts were at least a two-part form, contained unique sequential numbers, and were pre-printed with the court's name.
- ✓ The court had a second person review and verify the manual receipts used to ensure the receipts were actually issued or voided and were issued in numerical sequence. Additionally, the verifier initialed the manual receipts to document the verification.
- ✓ The court indicated "VOID" on the copy of the voided manual receipt, recorded the reason for the void, and retained a copy of the voided receipt.
- ✓ The court recorded the reason in AZTEC when a receipt was voided.

Areas of Improvement:

Finding #16:	General Receipting Practices	Instance	
16.1	The court issued manual receipts at times other than when AZTEC is inoperable. [MAS I.5.a.]	N/A	
Recommendation	The court should issue manual receipts when AZTEC is inoperable.		
16.2	The court does not have a designated unidentified monies file. [MAS I.3.c]	N/A	
Recommendation	The court should ensure there is an established unidentified monies file.		
16.3	Although the court cross-referenced the manual receipt number on the associated AZTEC receipt and the AZTEC receipt number on the manual receipt retained by the court, errors were made documenting inaccurate receipt numbers. [MAS I.5.e]	3 of 20	15%
Recommendation	The court should document correct receipt numbers when cross-referencing manual receipt information in AZTEC.		
16.4	The court did not receipt all monies within one business day. Specifically, on three occasions, delay periods ranged from one to seven days, with an average delay period of four days. [MAS I.4.a]	3 of 6	50%
Recommendation	The court should receipt all monies received within one business day.		

Finding #17: Manual Receipting Practices		Instance	
17.1	Although the court did review unissued manual receipts to account for all receipts at least quarterly, the court did not record the sequence of unissued manual receipts and the reconciliation was not reviewed by a second person. [MAS I.5.b.]	N/A	
Recommendation	The court should ensure the quarterly review of the unissued manual receipts log includes the unissued receipt numbers, as well as the initials of second person who verified the review.		
17.2	The court did not cross-reference the number of the manual receipt voided on the replacement receipt in AZTEC. [MAS I.6.a.]	1 of 1	100%
Recommendation	The court should cross-reference the number of the manual receipt voided on the replacement receipt in AZTEC.		

Finding #18: Voided Receipting Practices		Instance	
18.1	The court did not have a second person verify the voids in AZTEC. [MAS H.1]	6 of 6	100%
Recommendation	The court should establish a process for a second person verification of voids in AZTEC.		
18.2	The court did not have a second person verify or note on copy of automated voided receipt. [MASH.1]	4 of 6	67%
Recommendation	The court should print the receipt voided, as well as the replacement receipt, indicate the reason for the void and have the judge review and verify the void by initialing and dating the copies		
18.3	The court did not cross-reference the number of the automated receipt voided on the replacement receipt in AZTEC. [MAS I.6.a.]	6 of 6	100%
Recommendation	The court should cross-reference the number of the automated receipt voided on the replacement receipt in AZTEC.		

Reconciliation

Reconciliation is the process of comparing and matching one set of records to another to ensure that both sets of records are in agreement and are accurate. Minimum Accounting Standards §§ L, M, N, and ACJA § 4-302 outline reconciliation, balancing, verification, documentation, and retention requirements. This includes the responsibility to reconcile and balance daily all monies received and to reconcile and balance monthly all court accounting records to properly account for receipts, disbursements, bonds, and outstanding checks.

Compliance Areas:

Winkelman Municipal Court
Court Operational Review Evaluation

- ✓ The court performed monthly reconciliations of its receipts and retained documentation of its monthly reconciliations performed.
- ✓ and prepared the corresponding bank reconciliations.
- ✓ A second authorized person reconciled and verified the daily receipts log with the deposit detail reports and documented the verification by signing or initialing the deposit reconciliation documentation.
- ✓ The court performed monthly reconciliations of the receipts and disbursement journals and prepared the corresponding bank reconciliations.

Areas of Improvement:

Finding #19:	General Reconciliation Practices	Instance
19.1	The court did not reconcile its court change fund daily. Specifically, the court reported that the court change fund was only counted "when used." [MASL.1.a]	N/A
Recommendation	The court change fund should be reconciled daily.	
19.2	When reconciled, the court's change fund reconciliation was not verified by a second person. [MAS H.1]	N/A
Recommendation	The court change fund reconciliation should be verified by a second person.	
19.3	The court does not have a process in place to segregate the court's clerk's duties from the duties the clerk performs for the town. Specifically, the court's clerk reconciles the town's bank account monthly, which also contains deposits the clerk prepares on behalf of the court. Therefore, there is not an adequate segregation to account for the court's monies. [MASH1.]	N/A
Recommendation	The court's clerk should only prepare reconciliations on behalf of the court.	
Recommendation	The judge should review and verify the court's end of month reconciliations by initialing and dating the documents.	

Reporting

On a monthly basis, as required by statute, courts must remit to the state and local treasurer all fines, fees, and assessments received. Minimum Accounting Standards § 0 outlines the responsibility to timely remit funds and receive documentation acknowledging the remittal's submission. Remittances that are accurately prepared and timely submitted safeguard against state or local program funding reductions and the creation of opportunities for fund misappropriation.

Compliance Areas:

- ✓ The court accurately prepared and timely submitted its monthly remittance reports to the local treasurer.
- ✓ The court received and retained documentation from the local treasurer acknowledging submission of the monthly remittance reports.

Areas of Improvement:

Finding #20:	Monthly Remittance Practices	Instance
20.1	<p>Although the court submitted the month's <i>State Remittance Report</i> form specific to the funds payable to the Arizona State Treasurer as part of its monthly reconciliation documentation to the Town of Winkelman, and received documentation acknowledging the submission of these items, the court did not prepare and submit a monthly remittance report to the Town of Winkelman, identifying how all monies deposited with the town for the month are to be distributed and used to reconcile the court's monthly revenues. Further, the preparer did not initial or sign and date the monthly reconciliation documentation. [MASL.2.a and O.1-2]</p>	N/A
Recommendation	<p>The court should prepare and submit a monthly remittance report for all court revenues for the month to the Town of Winkelman Finance Department and should ensure all funds payable to the city, county, and state treasurers, or other agencies are identified in the monthly remittance report and are disbursed to the appropriate entity. The court should also review prior months to determine whether funds payable to the county treasurer or other agencies were disbursed as required.</p> <p>The court should have the person who performs/prepares the monthly reconciliations initial or sign and date the reconciliation documentation retained by the court as the preparer.</p>	

Winkelman Municipal Court
Court Operational Review Evaluation

APPENDIX

MUNICIPAL COURT CASE ACTIVITY
FISCAL YEAR 2017

GILA COUNTY
WINKELMAN MUNICIPAL COURT

ALL CASES ON FILE

CASE TYPE	PENDING 7/1/2016	CASES FILED			TOTAL ON FILE	FISCAL YEAR 2016	
		ORIGINAL FILINGS	TRANSFER IN	TOTAL FILED		PENDING 7/1/2015	TOTAL FILED
DUI	37	3	0	3	40	40	3
SERIOUS TRAFFIC	4	0	0	0	4	4	2
OTHER TRAFFIC	50	4	0	4	54	49	18
TOTAL CR TRAF	91	7	0	7	98	93	23
TOTAL CV TRAF	146	6	0	6	152	149	73
MISDEMEANOR	118	31	0	31	149	115	31
MISDEMEANOR FTA	0	0	0	0	0	0	0
TRAFFIC FTA	18	0	0	0	18	19	0
TOTAL MISD	136	31	0	31	167	134	31
NC PARKING	0	0		0	0	0	0
NC NON-PARKING	33	0		0	33	32	4
TOTAL NON-CR ORD	33	0		0	33	32	4
TOTAL	406	44	0	44	450	408	131
ORD PROTECTION				3			2
INJ HARASSMENT				2			3

TRIALS COMMENCED

CASE TYPE	NON-JURY	JURY	TOTAL	FISCAL YEAR 2016		
				NON-JURY	JURY	TOTAL
CRIMINAL TRAFFIC	0	0	0	0	0	0
MISDEMEANOR	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

OUTSTANDING WARRANTS - END-OF-YEAR

TRAFFIC	6/30/17	6/30/16	CRIMINAL	6/30/17	6/30/16
DUI	3	3			
SERIOUS TRAFFIC	2	2			
OTHER TRAFFIC	78	75	MISDEMEANOR	87	78
SUBTOTAL	83	80			
TOTAL ALL WARRANTS				170	158

Winkelman Municipal Court
Court Operational Review Evaluation

MUNICIPAL COURT CASE ACTIVITY
FISCAL YEAR 2017

GILA COUNTY
WINKELMAN MUNICIPAL COURT (CONTINUED)

CASE TYPE	ALL CASES TERMINATED					FISCAL YEAR 2016	
	CASES TERMINATED			STAT CORR	PENDING 6/30/2017	TOTAL	PENDING
	TERMIN- ATIONS	TRANSFER OUT	TOTAL TERM			TERM 6/30/2016	6/30/2016
DUI	0	0	0	0	40	3	37
SERIOUS TRAFFIC	0	0	0	0	4	2	4
OTHER TRAFFIC	4	0	4	0	50	15	50
TOTAL CR TRAF	4	0	4	0	94	20	91
TOTAL CV TRAF[1]	12	0	12	9	149	88	146
MISDEMEANOR	16	0	16	-5	128	25	118
MISDEMEANOR FTA	0	0	0	0	0	0	0
TRAFFIC FTA	1	0	1	0	17	0	18
TOTAL MISD	17	0	17	-5	145	25	136
NC PARKING	0		0	0	0	0	0
NC NON-PARKING	0		0	0	33	3	33
TOTAL NON-CR ORD	0		0	0	33	3	33
TOTAL	33	0	33	4	421	136	406
		ISSUED	DENIED				
ORD PROTECTION	3	0	3			2	
INJ HARASSMENT	2	0	2			3	

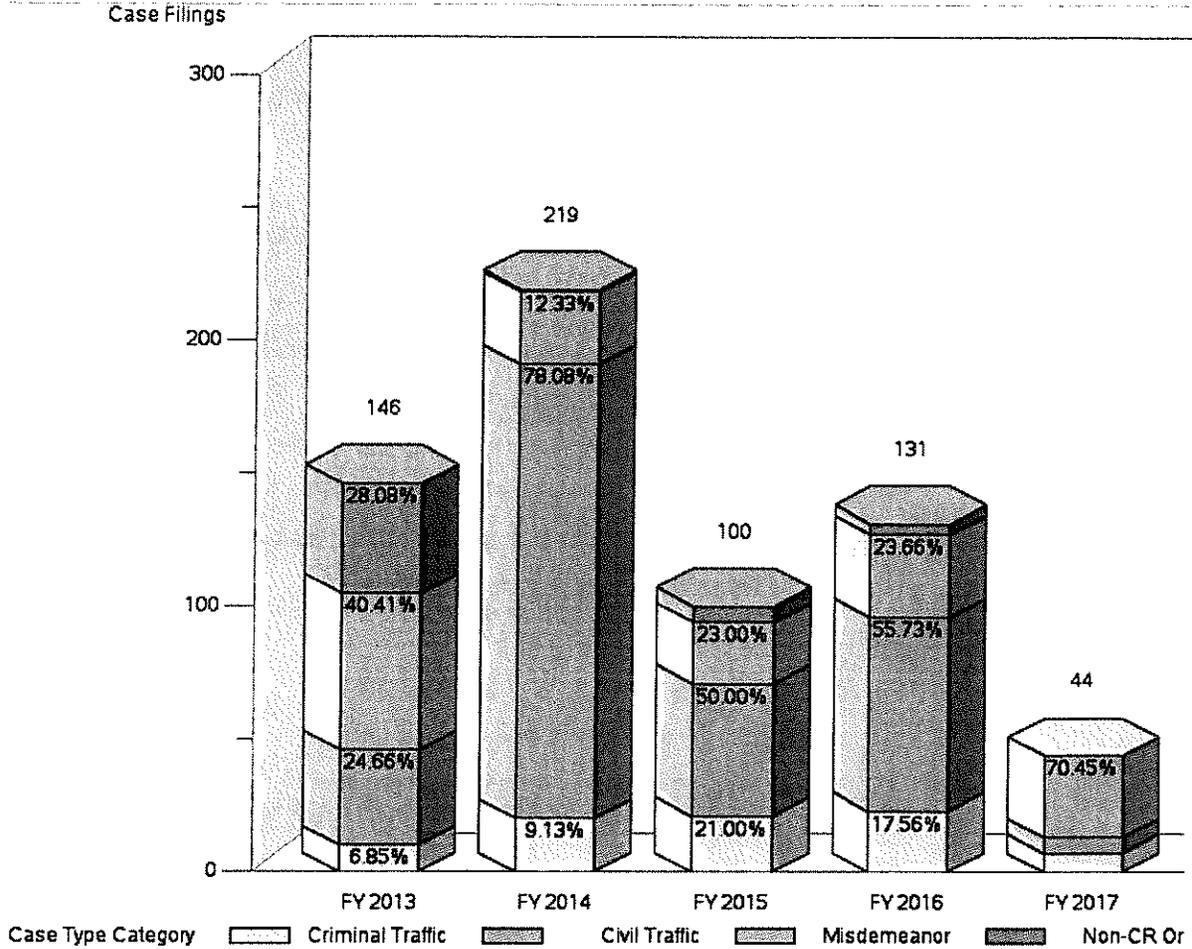
[1] TERMINATIONS INCLUDE DEFAULT JUDGMENTS.

OTHER PROCEEDINGS		
	FY 2017	FY 2016
CIVIL TRAFFIC HEARINGS	0	0
INITIAL APPEARANCES	11	46
ORDER OF PROTECTION REVIEW HEARINGS	0	1
INJUNCTION AGAINST HARASSMENT REVIEW HEARINGS	0	0
PEACE BOND COMPLAINTS	0	0
FUGITIVE COMPLAINTS	0	0
JUVENILE HEARINGS	0	0
SEARCH WARRANTS ISSUED	0	0

Winkelman Municipal Court
Court Operational Review Evaluation

Case Filings for Municipal Courts
Case Filing Trend - Fiscal Years 2013-2017

Court Name=WINKELMAN



Each bar displays total number of case filings and case type percentages. Smaller percentages may not display.

Source: AOC Annual Data Report

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

WINKELMAN MUNICIPAL COURT)

Administrative Order
No. 2019 - 30

_____)
The Administrative Office of the Courts recently conducted a court operational review of the Winkelman Municipal Court. This review found significant record keeping and case processing deficiencies in the court's operations.

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

IT IS ORDERED that administrative control and oversight of the day-to-day operations of the Winkelman Municipal Court shall be assumed by the Honorable Timothy Wright, Presiding Judge of the Arizona Superior Court in Gila County. Judge Wright shall assign judicial officers and administrative resources as needed to conduct the court business.

IT IS FURTHER ORDERED that Judge Wright is authorized to issue such orders as necessary to ensure the continued and appropriate operation of the Winkelman Municipal Court. Any cost associate with operating this court, including cost for judicial officers, shall be a town cost.

IT IS FURTHER ORDERED that until further notice, Judge Adeline Martinez is reassigned to perform only such duties as authorized by the Presiding Superior Court Judge in Gila County.

IT IS FURTHER ORDERED that no paper or electronic records of the Winkelman Municipal Court shall be removed from the court premises, altered or destroyed without authorization of the Presiding Judge of the Superior Court in Gila County or designee, consistent with the document retention policies of the Arizona Supreme Court.

Dated this 15th day of March, 2019.

SCOTT BALES
Chief Justice

BRYAN B. CHAMBERS
Judge, Division I
Extension 8686



TIMOTHY M. WRIGHT
Presiding Judge, Division II
Extension 8690

JON BEARUP
Court Administrator
Extension 8672

Gila County Courthouse
1400 East Ash
Globe, Arizona 85501
(928) 425-3231

Superior Court of Gila County

4 September 2018

Winkelman Town Council
P.O. Box 386
Winkelman, AZ 85292

Dear Members of the Winkelman Town Council,

The purpose of this letter is to notify you that, based upon information provided by the Winkelman Magistrate Court at meetings on January 30, 2018, and February 27, 2018, we believe the court is operating out of compliance with important procedural requirements and other State mandates.

Specifically, it appears that the court has no arrangement to provide indigent legal defense representation in certain criminal matters as required by the United States Constitution, the Arizona Constitution, and the Arizona Rules of Criminal Procedure. Additionally, the court is non-compliant with three Arizona Supreme Court Administrative Orders regarding Language Access services, court security standards, and automated payments.

At a meeting with the Town Magistrate on May 1, 2018, plans were jointly made to remedy these circumstances and the Winkelman Magistrate Court agreed to pursue compliance with a deadline of July 1, 2018 for all items. Gila County Court Administration received an email on June 27, 2018, outlining efforts made by the Magistrate Court and, subsequently, the Magistrate Court did resolve an outstanding issue regarding video conferencing. That being said, significant issues remain to be addressed and Court Administration attempted to follow-up to ascertain specific details about the other items represented in the email on July 9, 2018. Court Administration also sent a letter to Judge Martinez on August 15, 2018, requesting an update by August 31, 2018. To date, no response has been received to either inquiry and thus we wished the Town Council to be aware of the circumstances.

Please do not hesitate to contact me with any questions or inquiries.

Thank you,

Jon Bearup
Court Administrator
Arizona Superior Court – Gila County

ATTACHED:

- Arizona Rules of Criminal Procedure Rule 6.1 – Right to Counsel, etc.
- Arizona Supreme Court Administrative Order 2017 – 15 (re Court Security Standards)
- Arizona Supreme Court Administrative Order 2011 – 96 (re Language Access plans)
- Arizona Supreme Court Administrative Order 2017 – 80 (re Automated Payments)
- Letter dated August 15, 2018 from Court Administration to Judge Martinez
- Document entitled “Operational Items: May 1, 2018”

Rule 6.1. Right to Counsel; Right to a Court-Appointed Attorney; Waiver of the Right to Counsel

Arizona Revised Statutes Annotated Rules of Criminal Procedure

Arizona Revised Statutes Annotated

Rules of Criminal Procedure (Refs & Annos)

III. Rights of Parties

Rule 6. Right to Counsel; Duties of Counsel; Court-Appointed Attorneys, Investigators, and Experts (Refs & Annos)

16A A.R.S. Rules Crim.Proc., Rule 6.1

Rule 6.1. Right to Counsel; Right to a Court-Appointed Attorney; Waiver of the Right to Counsel

(a) Right to Be Represented by Counsel. A defendant has the right to be represented by counsel in any criminal proceeding. The right to be represented by counsel includes the right to consult privately with counsel, or the counsel's agent, as soon as feasible after a defendant has been taken into custody, at reasonable times after being taken into custody, and sufficiently in advance of a proceeding to allow counsel to adequately prepare for the proceeding.

(b) Right to a Court-Appointed Attorney.

(1) *As of Right.* An indigent defendant is entitled to a court-appointed attorney:

(A) in any criminal proceeding that may result in punishment involving a loss of liberty;

or

(B) for the limited purpose of determining release conditions at or following the initial appearance, if the defendant is detained after a misdemeanor charge is filed.

(2) *Discretionary.* In any other criminal proceeding, the court may appoint an attorney for an indigent defendant if required by the interests of justice.

(3) *Definition of "Indigent."* For the purposes of this rule, "indigent" means a person who is not financially able to retain counsel.

(c) Waiver of Right to Counsel. A defendant may waive the right to counsel if the waiver is in writing and if the court finds that the defendant's waiver is knowing, intelligent, and voluntary. After a defendant waives the right to counsel, the court may appoint advisory counsel for the defendant at any stage of the proceedings. In all further matters, the court must give advisory counsel the same notice that is given to the defendant.

(d) Unreasonable Delay In Retaining Counsel. If a defendant appears at a proceeding without counsel, the court may proceed if:

(1) the defendant is indigent and has refused appointed counsel; or

(2) the defendant is not indigent and has had a reasonable opportunity to obtain counsel.

(e) Withdrawal of Waiver. A defendant may withdraw a waiver of the right to counsel at any time. But the fact that counsel is later appointed or retained does not alone establish a basis for repeating any proceeding previously held or waived.

Credits

Added Aug. 31, 2017, effective Jan. 1, 2018.
<Promulgated August 31, 2017>
<Effective January 1, 2018>

Editors' Notes

HISTORICAL AND STATUTORY NOTES

Former Rule 6.1, relating to right to counsel and waiver to right of counsel, was abrogated effective Jan. 1, 2018. See, now, this rule.

16A A. R. S. Rules Crim. Proc., Rule 6.1, AZ ST RCRP Rule 6.1

Current with amendments received through 04/15/18

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

LANGUAGE ACCESS)
PLANNING)

Administrative Order
No. 2011 - 96

The Arizona Supreme Court is committed to ensuring meaningful access to justice for all persons. As noted in this Court's Justice 20/20 Strategic Agenda, Arizona courts must ensure that the rule of law protects the rights of all those who come before them in every type of case. Strengthening the administration of justice by better serving the growing numbers of non-English speaking members of the public who appear in court, is a goal in the Court's strategic agenda.

Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act of 1984, and the Juvenile Justice Delinquency Prevention Act of 1974 ("Title VI") prohibit discrimination on the basis of national origin. National origin discrimination manifests most directly as discrimination on the basis of English proficiency.

Arizona courts routinely respond to the language needs of non-English speaking litigants, witnesses, and victims. By formally documenting how they conduct this important aspect of their operations, the judicial branch can better share innovations and cost-saving measures and better educate its work force to serve the needs of this significant group of court users.

Pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that each court shall develop a language access plan that documents how the court currently makes court proceedings and operations available to non-English speaking parties and witnesses and how it plans to cover those proceedings and operations not currently provided for. The court's plan shall describe the following:

1. The court's frequently encountered foreign languages, identified either from local census data or information generated internally by the court;
2. Interpreting and translation resources the court uses to provide language access in the courtroom, at the counter, and during court-ordered programs and services;
3. Court forms that the court has translated into its most frequently encountered foreign languages;
4. Orientation and training provided to court staff who interact with non-English speaking court users;

5. The process the court will use to review the court's language access plan and the frequency with which the court will review and update the plan.

Any court that lacks the funding to provide complete interpreting or translation services for all case types should identify its strategy for seeking financial support from its funding authority to enable implementation of those portions of the court's plan that are presently unachievable because of lack of funding.

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall provide a language access plan template and planning tools to assist local courts to comply with this order.

IT IS FURTHER ORDERED that the presiding judges shall submit the language access plans for all courts in their respective counties to the Administrative Office of the Courts by December 31, 2011. The plans may be developed individually or in conjunction with other courts within the same jurisdiction.

DATED this 12th day of September, 2011.

REBECCA WHITE BERCH
Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ADOPTION OF COURT SECURITY) Administrative Order
STANDARDS AND IMPLEMENTATION) No. 2017 - 15
OF COMMITTEE RECOMMENDATIONS)
)
_____)

Administrative Order No. 2015-104, entered on November 25, 2015, established the Court Security Standards Committee. Pursuant to Administrative Order No. 2015-104, the Court Security Standards Committee issued its final report in December 2016, recommending mandatory court security standards and related recommendations for the implementation of those standards, including a three-year phased implementation period and a tiered approach to entryway screening. At its December 2016 meeting, the Arizona Judicial Council recommended adoption of the final report, court security standards, and related implementation recommendations.

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

IT IS ORDERED that the Court Security Standards and related implementation recommendations in Appendix A are adopted effective July 1, 2017. All courts shall comply with the court security standards as adopted.

IT IS FURTHER ORDERED that the standards be implemented in a phased three-year period as provided in Appendix B and that entryway screening requirements be established based upon the tiered structure provided in Appendix C.

IT IS FURTHER ORDERED that the Administrative Director of the Administrative Office of the Courts shall have the authority to issue Administrative Directives as necessary to implement these standards including, but not limited to, adopting a process to request an exception to a security standard.

Dated this 8th day of February, 2017.

SCOTT BALES
Chief Justice

APPENDIX A

**COURT SECURITY STANDARDS
AND RELATED RECOMMENDATIONS**

Governance and Administration

1. Court Security and Emergency Preparedness Committees. The presiding judge of the county shall establish a court security and emergency preparedness committee (county SEPC) chaired by the presiding judge of the county or a designee.¹ The county SEPC shall consist of a representative cross-section of each local SEPC in the county. The presiding judge may appoint other members as deemed necessary. The committee shall meet at least twice a year.

The function of each county SEPC includes, but is not limited to, setting goals for implementation of the court security standards, review of local court security plans and self-assessments, coordination of security needs countywide, and ensuring continuous court security improvement.

Additionally, each court building or court complex shall have a court security and emergency preparedness committee (local SEPC) that meets at least quarterly. The chairperson of the local SEPC shall be the presiding judge of the court or a designee and the chairperson shall appoint members of the local SEPC. Local SEPCs shall include at least one representative from law enforcement and a first responder.² Local SEPCs shall meet at least quarterly.

The functions of each local SEPC include, but are not limited to, implementation of court security standards adopted by the Arizona Supreme Court within each court; development and allocation of resources necessary for security needs; and coordination of security self-assessments, security drills, and testing of security equipment.

Comment: The make-up of SEPCs should be based on the needs of the varied geographical size and population of each county as well as the structure of each county's court system. Survey results indicate 57.8% of respondent court employees work in courts co-located in buildings with other agencies or entities. The role other agencies or businesses may play in court safety and security is an important aspect of security and emergency preparedness planning that requires inclusion of representatives from those other agencies or entities.

2. Court Security Manual. The Arizona AOC shall develop and promulgate a court security manual addressing the basic tenets of court safety and security. The manual shall include court security standards, security assessment tools, security incident and threat reporting forms, personal security tips for judges and court personnel, and templates for written policies on evacuations, hostage situations, sheltering in place, and bomb threats. The manual should also include practical tools, checklists, and templates for use by local courts. Each court shall add additional security-related information unique to the needs and security plans of the court.³

¹ See AO-2005-32, Presiding Judges Authority (establishing duties over court security and facilities).

² First Responders as used here refers to medical and emergency personnel such as fire, rescue, or paramedic.

³ Security manuals shall not be open to the public per Rule 123(e)(4), Arizona Rules of Supreme Court.

3. Court Security Self-Assessment. Courts shall conduct a court security self-assessment at least every three years.⁴ The local SEPC shall conduct the self-assessment using a security assessment template or checklist and summarize the assessment in a report.⁵ However, court security assessments may be conducted by an outside team with members who have knowledge of court security best practices or who are not employed by the court being assessed. Reports of court security self-assessments shall be shared with local and county SEPCs for use in developing plans for security improvement and for resource justification.

4. Response to a Negative Event.⁶ Court staff shall have a way to report negative events. Each court shall have access to an emergency phone number or access and contact information for a control center operated by law enforcement. Courts shall develop policies related to reporting negative events and shall train employees on those policies.

5. Incident and Threat Reporting.⁷ The court administrator, lead clerk, or a designee shall report all significant threats made against a court, a judge, or a court employee and all significant incidents that occur within the courthouse or its perimeter. The AOC shall establish a process for reporting incidents and threats and shall develop guidelines for defining criteria for what is a major incident or significant threat.

Recommendation: Two levels of incident reporting are recommended: (a) contemporaneous reporting of significant security threats and incidents to the AOC and to employees and stakeholders to be defined by the AOC, and (b) annual reporting of security incident data by courthouse. Information from the first type of incident report shall be securely shared in real time.⁸ The second form of incident reporting should include reports to local and county SEPCs and the AOC.⁹

The second type of report should serve as a basis for determining areas for security improvement and should provide resource and funding request justification from local funding authorities. Moreover, these reports should be required as part of funding requests for monies from the statewide court security fund. This standard follows the national best practice of maintaining records of all threats and incidents for use in local decision-making related to security measures and funding.¹⁰

⁴ Security assessments and security assessment reports shall not be open to the public per Rule 123(e)(4), Arizona Rules of Supreme Court.

⁵ See Court Security Guide, 2005, pp. 6-8, National Association for Court Management. Committee members reviewed the detailed Court Security Assessment tool and report template used by the Superior Court in Pima County.

⁶ See the Glossary for definition of 'negative event'.

⁷ See the Glossary for definition of 'incident', 'threat', and 'significant threat'.

⁸ The committee recommends use of a tiered alert system as used by many government agencies and colleges around the country for alerting those in need of emergency alert information.

⁹ Incident and threat reports are not open to the public per Rule 123(e)(4), Arizona Rules of the Supreme Court.

¹⁰ See Hall, et. al. *Steps to Best Practices for Court Building Security*, pp. 9-10.

Entryway Screening

6. Entryway Screening.

(a) Entrances. Each court shall establish one main entrance through which the public can enter the court building. Additional entryways for the public are allowed if the additional entryways are staffed and use entryway screening of at least one handheld metal detector (magnetometer). Additional entrances may be established to comply with Americans with Disabilities Act (ADA) standards; however, appropriate screening of individuals using such entrances is required.

(b) Screening Devices. Based upon court activity levels, courts will be categorized into one of three tiers, which will determine the level of entryway screening of visitors to the courthouse, using walk through, or handheld metal detectors (magnetometers). (See Appendix C.) Courts that will not be required to have entryway screening due to low court activity levels shall establish policy and procedure for screening during a high conflict or high-risk event. Courts may also choose to use x-ray (fluoroscope) machines in conjunction with metal detector screening.

Courts that do not have a walk through or handheld metal detector at the time these standards are initially adopted shall obtain at least one handheld device for use in the event of a high-risk event¹¹ until such time as the entryway screening protocol based on the courts activity level can be accomplished. Entryway screening shall be by trained court security personnel or law enforcement.

(c) Prohibited Item Signage. Each court building shall have signage posted at each entrance stating that all persons are subject to search by security personnel and that firearms and dangerous weapons are prohibited pursuant to law. Each court shall provide secure lockers at the entryway for storage of firearms pursuant to law. Law enforcement who come to the court for personal business¹² rather than professional business shall be required to store their firearms in secure lockers the same as other persons.¹³ (See Standard 8, Armed Court Personnel in Courthouses for when law enforcement may carry a firearm in a court building.)

(d) Screening Device Training and Calibration. Court personnel or security personnel who conduct entryway screening shall be trained and receive refresher training on the operation of the devices that they use. Each court shall ensure that regular calibration and testing of metal detectors and x-ray machines occur.

(e) Prohibited Items. Courts shall develop a list of items prohibited in the court building.¹⁴ The list shall be a part of the local materials in the court security manual and all employees shall be trained on what are prohibited items.

¹¹ 'High risk event' is defined in the Glossary.

¹² E.g. party to a legal matter, witness in a legal proceeding in a capacity other than official law enforcement duties, or an observer of a legal proceeding where not involved in an official law enforcement capacity.

¹³ See Arizona Supreme Court AO 2005-32 and A.R.S. § 38-1113(C)(2) et. seq. (current through 2016).

¹⁴ E.g., Arizona Supreme Court AO 2005-32 establishing authority for presiding judge of county over court security including prohibiting or regulating possession of weapons of potential weapons in the court; e.g. Superior Court for Pima County AO 2014-05 list of items prohibited in the Superior Court of Pima County; Arizona Supreme Court AO 98-0008, list of prohibited items in the Arizona Supreme Court

Policies and procedures shall be developed for the confiscation, handling, and disposition of prohibited items found during entryway screening.¹⁵ Courts shall track the types and amount of contraband detected through screening and maintain monthly reports reflecting that information.

Comment: It is recommended that the AOC develop a list of standard prohibited items that courts should include as a minimum standard in local administrative orders and policies. This list should be part of the tools available in the court security manual for use by local courts.

7. Court Employee Screening. In jurisdictions that do not conduct full entryway screening of all employees, each court must develop a policy on, and randomly carry out, court employee screening upon entry to the courthouse.

Comment: Unfortunately, workplace violence is all too common. It is the risk of workplace violence that can be mitigated through periodic employee screening for prohibited items.

8. Armed Court Personnel in Courthouses. The presiding judge of the county shall determine whether court security officers may carry firearms in the courthouse for the purpose of maintaining court security.¹⁶ Once the AOC Administrative Director adopts a firearms training program, such training must be completed prior to actively carrying a firearm in the courthouse.¹⁷ Contract security guards with valid armed guard cards shall have six months to complete that training. Moreover, courts with armed court security shall develop protocols for court security officer involved shootings.¹⁸

Presiding judges of the county shall establish written policies on the carrying of firearms for personal safety by judicial officers or other court staff. Specifically, the policy shall address the following points: who may carry a firearm, the process for registering or otherwise notifying the court and court security of the status of being armed, the process for confirming training requirements, type of firearm and ammunition that can be carried, and the conformance with all applicable state and local statutes and ordinances.¹⁹ Additionally, until such time as AOC adopts firearm training standards, judges or other court staff authorized to carry firearms shall meet the requirements of Arizona law.

¹⁵ Such policies and procedures shall be in accord with A.R.S. § 12-941 on the disposal of unclaimed property.

¹⁶ See Arizona Supreme Court AO-2005-32, Presiding Judges Authority (establishing duties over court security). Cf. Arizona Supreme Court AO 98-0008 (weapons in the Arizona State Courts Building); Superior Court of Pima County AO 2014-05 (weapons in Pima County Superior Court).

¹⁷ This training requirement does not apply to law enforcement meeting the training requirements of A.R.S. § 38-1113 (current through 2016) or sheriff's officers who are present pursuant to A.R.S. § 11-411 (current through 2016).

¹⁸ The existing use of force code section for armed probation officers would be an example of a comprehensive use of force policy. See ACJA § 6-112.

¹⁹ Ariz. Rev. Stat. § 13-3102(D) (judges carrying firearms in conformance with orders of presiding judge not subject to offense of misconduct involving weapons).

Comment: It is recommended that courts adopt a policy prohibiting law enforcement officers from carrying firearms in the courthouse unless the officers are appearing for official business, providing court security, or responding to an emergency.²⁰ The committee further recommends all law enforcement officers who are allowed to carry firearms in the courthouse be required to sign in and record the purpose for the officer's presence at the court and the courtroom(s) in which the officer has business. This sign-in process allows court security to be aware of the officers' location in the courthouse and the official purpose for which they are present. As a general guiding principal, in policy formulation, law enforcement officers should not be permitted to carry weapons in the courthouse when they are present for personal business or in a personal capacity, such as a party to a case or witness or observer to a case where they were not acting in an official law enforcement capacity.²¹

In-Custody Defendants

9. Entrance for In-Custody Defendants. Courts shall ensure in-custody defendants are brought into and leave the court building through an entrance separated from any public entrance to the courthouse.

Comment: Courts that cannot meet this standard because of the architectural construction of a building shall have written procedures for ensuring that in-custody defendants are segregated from the public when entering and exiting the court to ensure the safety of all.

10. In-Custody Defendants; Transport and Control. In-custody defendants must be transported, controlled, and monitored at all times by appropriately trained court security personnel or law enforcement officer(s).

11. In-Custody Defendants; Protocols for Taking Individuals into Custody. Courts shall have written protocols for taking individuals into custody and securing individuals into custody for transport to a detention facility. Courts should make every effort to alert security personnel or law enforcement responsible for transporting detainees in advance if it is anticipated a litigant will be taken into the immediate custody of a county jail or correctional facility, or otherwise taken into custody.

Facilities, Alarms, and Equipment

12. Duress Alarms.

(a) At Public Transaction Counters. Courts are required to have at least one active and monitored duress alarm "panic button" behind each public transaction counter.

²⁰ See A.R.S. § 38-1113(C)(2) et. seq. (authority to prohibit officers from carrying firearm unless appearing in official capacity or providing security or responding to an emergency).

²¹ See A.R.S. § 38-1113(C)(2) et. seq.; Arizona Supreme Court AO 2005-32.

(b) In the Courtroom. Courts are required to have active and monitored duress alarm “panic buttons” at the judges’ or other judicial officers’ benches and at the courtroom clerks’ stations.

(c) Training on and Testing of Duress Alarms. The court administrator, lead clerk, or a designee shall physically show all employees working in a court building the location of duress alarm “panic buttons” and how and when to use them. The court administrator, lead clerk, or a designee shall ensure testing of duress alarm systems occurs at least quarterly and that such testing is documented. Reports of duress alarm system testing shall be reported to local and county SEPCs.

13. Locking Protocols.

(a) Locked Courtrooms. Courts shall keep public doors to courtrooms locked at all times when a courtroom is not in use. Courts shall install or obtain a type of locking mechanism that will allow the courtroom and judicial chambers to be locked from the inside to allow for the ability to shelter in place, but will also allow emergency exit, such as crash bars, one way door handles, alarmed doors, or remote locks.

(b) Locked Jury Deliberation Rooms. Courts shall keep jury deliberation rooms locked when not in use, unless jury deliberation rooms are behind secured areas.

14. Courtroom, Jury Room, and Perimeter Sweeps. Court security, bailiffs, or designees of the presiding judge or court administrator, shall ensure sweeps of courtrooms, hearing rooms, jury deliberation rooms, and the perimeter of the court building are conducted at least daily. Reports of these sweeps shall be maintained.

15. Secured Access to Non-Public Areas. Areas of the court not open to the public shall be electronic card-key or hard-key controlled. The court administrator, the lead clerk, or a designee shall ensure that doors remain locked at all times and are not propped open.

16. Security Cameras. Courts shall have video cameras in areas including, but not limited to, entryways and common public areas. Security camera systems shall be equipped with recording capability.

17. Exterior Lighting. Each court location shall have exterior lighting at building entrances and exits.

Comment: Where a court facility includes parking areas, it is recommended such parking areas also have exterior lighting.

18. Protection of Critical Locations. Courts shall prevent unauthorized vehicular access to critical areas with obstacles such as, but not limited to, bollards or natural landscapes.

Comment: Courts that cannot meet this standard because of the architectural construction of a building shall have written procedures for ensuring monitoring of areas where vehicle accessibility is within close proximity to the building.

19. Window Coverings. Court windows shall have coverings to prevent views from the outside into the court building. Window coverings must allow visibility from inside to the outside.

20. Creation of Barriers at Public Transaction Counters. Clerk transaction counters and public service windows shall have a barrier between the public customers and court staff. The type and manner of barrier shall be a local decision, based upon evaluation of each courts' design and operations.

21. Bullet-Resistant Material in Courtrooms. Courtroom benches and staff work areas in courtrooms shall be reinforced with bullet-resistant material.

22. Data Centers and Electronic Equipment. Courts with computer data centers shall have separate, secure electronic key-card or hard-key controlled, limited access areas for computer data centers, network equipment, video recording systems, and other critical electronic equipment. Courts shall maintain disaster recovery "hot sites" pursuant to ACJA § 1-507.

Training

23. New Hire Security Training Requirements. All court employees, including judges, shall participate in and complete, whether in person or online, a course in court security. That course should address general security principals, the court security manual, personal safety on the job, emergency preparedness including what to do in a negative event, evacuation routes, and sheltering in place protocols.²²

Comment: It is recognized that judges are subject to a separate orientation program pursuant to ACJA § 1-302 and that court security is generally addressed in that program. However, the committee emphasizes that court security is not a one-size-fits-all topic. As such, court security training provided to newly hired employees, including judges, should not be limited to a one-size-fits-all course that provides generalized content only. Each court will have its own policies and procedures on court security topics such as, but not exclusively: who provides security, what evacuations routes are, how to respond to negative events, who to report security threats and incidents to, and courtroom and courthouse lockdown procedures. In order for effective training to occur, each new employee, including judges, needs to receive training specific to the courthouse they will be working in. Therefore, the committee recommends that the AOC develop new orientation training on court security that has statewide applicability but that the AOC also work with local courts to develop guidelines for training specific to local courts.

²² The committee notes ACJA § 1-302(J)(2) requires new hire orientation for all staff within 90 days of hire. The committee recommends that an amendment be made to § 1-302(J)(2) reducing this time frame to within 30 days of hire.

24. Annual Security Training Requirements. All employees of the Arizona Judicial branch, including judicial officers,²³ shall be required to engage in court security-related training or drills annually.

Comment: Security training in the form of broadly applicable training videos is useful for many security-related topics; however, local training and drills that require employees to actively engage the security protocols of a given court are proved to be the most effective method of ensuring employees are prepared to appropriately react to and manage security incidents. As such, the focus of annual training shall be local court security-related drills and training.

25. In-Service Court Security Officer Training. Court security officers employed by a court must receive annual training including, but not limited to:

- use of force training;²⁴
- metal detection devices and x-ray machines, based on what is used at the officer's court;
- de-escalation tactics;
- defensive tactics;
- active shooter;
- incident reporting;
- policies and procedures on the handling of prohibited items; and
- emergency preparedness.

26. Contract Court Security Training. Private contract court security officers shall be subject to the minimum court security training standards established by the AOC for in-house court security officers. Once implemented, contract security with valid guard cards shall complete AOC training within 6 months of hire by a court.

27. Security Officer Equipment. Court security officers shall restrict equipment and tools carried on their person to items for which they are trained in the use of and, where applicable, certified in the use of. Security officers shall restrict equipment to items approved by the court security officer-training program adopted by the AOC or otherwise designated by the AOC. Court security officers who are armed shall wear a bulletproof vest that is rated to at least the caliber weapon the officer carries.

28. Courtroom, Jury Deliberation Room, and Perimeter Sweep Training. Court employees or court security assigned to conduct daily courtroom, jury deliberation room, or perimeter sweeps shall be trained on how to conduct such sweeps, identification of suspicious items or

²³ The committee recommends judges should receive the same amount of security-related training as employees because they are an integral part of security in the courts and they face similar security risks. The committee recommends the ACJA be amended to include specific court security requirements for judges in keeping with the training structure set forth in the ACJA.

²⁴ The committee recommends that use of force regulations that are similar to ACJA § 6-112 be adopted for court security officers, excluding law enforcement whom the committee recognizes are governed by separate specific use of force laws and regulations.

conditions, protocols for reporting suspicious items or conditions, and securing of the location if a suspicious item or condition is identified.

29. Court Security Officer Training. Court security officers shall be trained in accordance with a court security officer training program developed by or approved by the AOC Administrative Director. The Committee makes the following recommendations related to court security officer training:

- A security training workgroup should be developed to collaborate with the AOC Education Services Division to determine the specific training curriculum and annual training hours necessary for an effective, security officer training, education, and certification program.
- Trainers be approved by the AOC or AZ POST certified.
- There be a method for establishing the proficiency of current security officers for purposes of determining if any court security officer training program adopted or approved by the AOC needs to be completed in whole or in part by the officer.
- Court security officers, including contracted private court security, be readily identifiable via clothing or some type of marking on their clothing.

30. Firearms Training. Any person providing court security to a court, excluding POST certified law enforcement officers, shall complete training in the use of firearms as designated by the AOC before being allowed to carry a firearm within the court. Contract security with a valid guard card for armed guards shall have six months to complete AOC training.

Comment: The committee recommends that any person, whether court security armed for court security purposes or judges or other court employees authorized to carry a firearm for personal security, complete training similar to that established for Arizona probation officers in the Arizona Code of Judicial Administration. The committee further recommends that firearms standards be adopted for armed court security, excluding POST certified law enforcement officers that are similar to the standards in the Arizona Code of Judicial Administration. The committee recommends that the AOC Administrative Director approve such training and standards.²⁵

²⁵ The committee notes A.R.S. § 13-3102(D) provides for judges to be held to the standard for those who obtain a concealed carry permit. However, the committee strongly encourages that all persons authorized to carry a firearm in a court, excluding law enforcement who have separate training standards, be trained and held to a uniform standard.

IMPLEMENTATION RECOMMENDATIONS

1. The Court Security Standards will be implemented via a three-year, phased implementation period for the court security standards. (See Appendix B.)
2. The AOC has established a preliminary structure of tiers for categorizing courts by activity level, which will be used to determine the level of entryway screening. (e.g., Appendix C.)
3. The AOC has developed a process for courts to seek an exception to the standards at the request of the Presiding Judge based either on a request from the court's funding authority or on the Presiding Judge's own initiative, with exceptions encompassing both delay and timing of implementation or departure from standards. Requests for exceptions shall be made on a yearly basis on the form approved by the Administrative Office of the Courts and shall be submitted to the Administrative Director.
4. The AOC shall pursue legislation to establish a statewide court security fund to assist local courts with one-time outlays for security equipment and security system improvements. The fund will be non-lapsing and non-reverting. The AOC shall determine the best source of monies for the fund.

Local courts will continue to pursue local funding for court security personnel and ongoing security-related court operations.

5. The AOC has secured the services of Donald Jacobson as a consultant to assist in the implementation of the court security standards.
6. The AOC shall develop policies and procedures for assessment of or accountability for compliance with the court security standards, particularly standards that require training, certification, and testing.
7. The term of the Court Security Standards Committee is extended by separate Administrative Order.

GLOSSARY

The following definitions govern the meaning of terms within the standards:

Standard - A court security standard is a policy or measure that is required to be in place in order to improve the general state of security in a court building and to ensure the personal safety and security of the public, judges, judicial officers, court staff, city and county employees, and the law enforcement officers and court security officers that protect them.

Guideline - A court security guideline is a policy or measure that is recommended to be in place in order to improve the general state of security in a court building and to ensure the personal safety and security of the public, judges, judicial officers, court staff, city and county employees, and the law enforcement officers and court security officers that protect them.

Incident - An incident is an action or communication that causes or threatens to cause personal injury, property damage, or disruption of courthouse proceedings.

Hierarchy of seriousness of incident - In descending order: (1) incident against persons, (2) incident against property, (3) threats without violence.

High-risk event – The following characteristics are commonly associated with high-risk events: multiple victims involved in the matter, incidents involving female victims and multiple offenders, homicides that involve intimate partners and family relationships, celebrated or featured articles or media coverage that are associated with the matter, and demonstrations that may occur before, during, or after hearings or otherwise are associated with the events of the case.²⁶

Negative event - A negative event is an event that has potential to, or does cause interruption of court operations or poses a risk to the safety and security of those in and around a court facility. Negative events may include, but are not limited to, threats, such as threats to the physical safety of someone on or associated with a court, bomb threats, or suspicious or unattended packages; security incidents such as physical violence, active shooter, hostage taking; and other incidents such as cyber-attacks, medical emergencies, fires, severe weather, or power outages.

Significant threat – Any threat against court personnel, including judge and court staff that impacts operations of the court.

Threat - A statement of an intention to inflict pain, injury, damage, or other hostile action on someone (court employee) or an institution (court building) in retribution for something done or not done now or in the future. A threat is synonymous with a threatening remark, warning, or ultimatum such as a menace to a person or institution. A threat can be a person or a thing likely to cause damage or danger.

²⁶ See National Association for Court Management, *Court Security Guide* p. 24. June 2005

APPENDIX B
CHART OF PHASED THREE-YEAR
IMPLEMENTATION PLAN

Standard	Year 1	Year 2	Year 3
Governance & Administration Court Security Committee (SEPC) Security Self-Assessment & Report Security Manual Incident Response Policies Incident Reporting Policies Policy on Armed Personnel Other Security Policies	✓		
In-Custody Defendants	✓		
Training New Hire Training		✓	
Annual Court Employee Training Task Specific Training		✓	
Security Officer Training Firearms Training			✓
Facilities & Equipment Duress Alarms Locking Protocols Courtroom, Jury Room, Perimeter Sweeps Secured Access to Non-Public Areas Cameras Exterior Lighting Window Coverings Public Counters, Benches, & Clerk Stations Protecting Critical Areas		✓	
Entryway Screening Visitors Employees			✓

APPENDIX C

**TIERED ENTRYWAY SCREENING REQUIREMENTS
BASED ON COURT ACTIVITY LEVEL**

Court Hearing Frequency & Judicial Officers	Level of Entryway Screening
1. One or more full-time judicial officers, court proceedings occur throughout daily business hours and on a daily basis	Entryway screening during courthouse business hours e.g., business hours are 8:00 a.m. – 5:00 p.m. ²⁷
2. Full-time or part-time judicial officer(s), court proceedings held to 2 to 3 days a week and occur only a few hours a day (court proceedings do not occur daily throughout the week)	Entryway screening during hours of court proceedings. e.g., court proceedings occur Tuesday and Wednesday 8:30 a.m. to noon.
3. Single full-time judicial officer or part-time judicial officer(s), court proceedings occur infrequently (generally occur 1 to 2 days a week and only a few hours each day)	Request for exemption from regular entryway screening standard; however, entryway screening should occur upon request of a judicial officer for a high conflict or high-risk hearing.

²⁷ National Center for State Courts Best Practices for Court Security, 2016, recommends screening stations be staffed 30 minutes before and after business hours or court proceeding hours.

- b. Electronic Fund Transfer (EFT) or electronic payment such as electronic check and direct deposit; and
 - c. Online transaction or electronic transaction conducted by telephone or internet.
4. Determining an individual's ability to pay applicable at the original imposition of a financial obligation at any Order to Show Cause hearing that includes a financial obligation, and at any other appropriate time.
5. Mitigating, at the discretion of the judge, the financial penalty imposed at sentencing for those who have been determined unable to pay the full obligation amount normally imposed by providing:
 - a. Credit for time served in a detention facility;
 - b. Credit for the performance of community restitution; or
 - c. Reduction or waiver of the presumptive fine amount or other non-mandatory fees and assessments for a financial hardship as permitted by law.

IT IS FURTHER ORDERED that, in the interest of the efficient administration of justice and good public service, the presiding judge of each court may provide by administrative order for court staff to implement a mitigation schedule adopted by the court. The order shall include a financial mitigation policy and a financial sanctions schedule for staff to follow based on the individual's federal poverty level or other applicable ability to pay factors.

Dated this 5th day of July, 2017.

SCOTT BALES
Chief Justice

BRYAN B. CHAMBERS
Judge, Division I
Extension 8686

JON BEARUP
Court Administrator
Extension 8672



TIMOTHY M. WRIGHT
Presiding Judge, Division II
Extension 8690

Gila County Courthouse
1400 East Ash
Globe, Arizona 85501
(928) 425-3231

Superior Court of Gila County

15 August 2018

Hon. Adeline Martinez
Winkelman Magistrate Court
P.O. Box 386
Winkelman, AZ 85292

Dear Judge Martinez,

Based upon information provided by your court at our meetings on January 30, 2018, and February 27, 2018, we believe your court is operating out of compliance with important statutory procedural requirements and other State mandates.

Specifically, it appears that the court has no arrangement to provide indigent legal defense representation as required; the court conducts telephonic initial appearances without any express authority; and the court is non-compliant with three Arizona Supreme Court Administrative Orders regarding Language Access services, court security standards, and automated payments.

At a meeting with the Presiding Judge on May 1, 2018, plans were jointly made to remedy these circumstances and you agreed to pursue compliance with a deadline of July 1, 2018 for all items. Court Administration received an email on June 27, 2018, outlining efforts made by your court. While effort is commendable, compliance is required. Court Administration attempted to follow-up to ascertain specific details about the items represented in the email on July 9, 2018. To date, no response has been received.

Please contact Court Administration with detailed plans for compliance. In the event that we do not hear from you by August 31, 2018, we will notify the Winkelman Town Council of the situation.

Thank you,


Jon Bearup
Court Administrator
Arizona Superior Court – Gila County

CC: Hon. Timothy M. Wright, Presiding Judge, Gila County

Winkelman / Hayden – Operational Items: May 1, 2018

Employment of counsel:

- **Requirements:** when facing jail; to address release conditions (6.1); DUIs;
- **Options:** Other local Gila County attorneys.
- **Challenges:** Cost / Procurement of professional services
- **PLAN:** Obtain an agreement with an attorney to accept court appointments and provide the required legal defense. The courts are encouraged to work with _____ or contact _____ for other potential contacts. Target Date – 6/1 or earlier.

Telephonic I/As:

- **Requirements:** Telephonic I/As are not authorized but video conferencing is permissible under the Rule.
- **Options:**
 - 1) JP Courts to conduct I/As
 - Would require that the JPs be authorized in the Magistrate Courts;
 - IGA / Compensation?
 - 2) Skype
 - Already set up
 - Training (Field Trainer)
 - Coordinate with S.D.
- **Challenges:** Potential costs to IGA for JP coverage. No cost for Skype.
- **PLAN:** The Court Field Trainer will work with local staff. The hardware (webcams) / software (Skype) are in place. Once training and testing is complete, Court Admin will notify the Sheriff. Target Date – 6/1.

Language Access:

- **Requirements:** Supreme Court Admin Orders require courts to provide language access services;
- **Options:** Language Line – the magistrate courts could “piggy-back” for contract rate; Any other interpreter service; training for local staff.
- **Challenges:** Cost of service;
- **PLAN:** Obtain an agreement with a multi-lingual interpreter service. Court Admin will provide contact information for service manager and an example of the Court Admin contract (taken from a State contract). Target Date – 6/30.

Security:

- **Requirements:** Supreme Court Admin Orders require courts to comply with security standards;
- **Options:** Develop a plan for evacuation and processing high-risk events. Work with PDs.
- **Grant funding:** Available through AOC for security items (panic buttons, window coverings, wands, etc.)

- **PLAN:** Contact local Fire Departments, Police Departments, and Town Facilities for an evacuation plan. Such a plan should contain plans for fire, bomb threats, active shooter, power failure, etc. The Towns may have such planning already. Safety of the public, staff can be greatly enhanced by relatively simple planning. The Court Security Standards are applicable in tiers – not every court is expected to enact every standard. Should the courts be interested in other security equipment, contact Jon Bearup for potential grant opportunities. Target Date – 6/30.

Automated Payments

- **Requirements:** Supreme Court Admin Orders require courts to accept card payments.
- **Options:** Employ nCourt (or some other vendor) for payments.
- **PLAN:** Obtain an automated payment system capable of accepting debit / credit card payments. The courts can obtain an agreement with the AOC-approved vendor nCourt, currently employed in other Gila County courts. nCourt contact information previously provided. Target Date – 6/30.

From: Bearup, Jonathan
Sent: Wednesday, May 2, 2018 1:22 PM
To: Martinez, Adeline;
Cc: Wright, Timothy
Subject: Operational Items / Plans
Attachments: Winkelman_Hayden Operational Items_Plans 5_1_2018.docx; 2011-96 re LAP.pdf; AO2017-15 with Security Standards.pdf; 2017-80.pdf

Good Afternoon, Your Honors,

Thank you for the meeting yesterday. Attached is a brief outline of the operational items / plans we discussed. I've also attached the mandates for Language Access, Security, and Automated Payments; being an Administrator, I'll leave the legal matters to the Judges but I'd encourage review of the pertinent statute / Criminal Rules of Procedure.

The administration of courts contains inherent responsibilities and, as operations continue to shift with new mandates (AOs, legislative updates, Rule changes, etc.), new service obligations are often imposed. We're certainly experiencing those effects at the County level so we understand the pace of recent developments; we can offer support and guidance in many areas. Please do not hesitate to contact me with any questions.

Regards,

~~Jan~~

From: Bearup, Jonathan
Sent: Monday, June 4, 2018 12:38 PM
To: Martinez, Adeline,
Cc: Wright, Timothy
Subject: FW: Operational Items / Plans
Attachments: Winkelman_Hayden Operational Items_Plans 5_1_2018.docx; 2011-96 re LAP.pdf; AO2017-15 with Security Standards.pdf; 2017-80.pdf

Good Afternoon, Your Honors / Colleagues,

I hope this email finds you all well.

I write to inquire as to the status of two of the operational items discussed at our meeting approximately one month ago, specifically, 1) the procurement of attorney services (as required) and 2) the use of video conferencing (Skype or other) for Initial Appearances.

Could you please provide updates on those two items?

As always, we are available to assist – if you need help, please just ask.

Thank you,

Jon Bearup

**Court Administrator
Arizona Superior Court – Gila County
1400 E. Ash St.
Globe, AZ 85501
928 402 8672 (office)**

From: Bearup, Jonathan
Sent: Wednesday, May 02, 2018 1:22 PM
To: Martinez, Adeline
Cc: ; Wright, Timothy
Subject: Operational Items / Plans

Good Afternoon, Your Honors,

Thank you for the meeting yesterday. Attached is a brief outline of the operational items / plans we discussed. I've also attached the mandates for Language Access, Security, and Automated Payments; being an

Administrator, I'll leave the legal numbers to the Judges but I'd encourage review of the pertinent statute / Criminal Rules of Procedure.

The administration of courts contains inherent responsibilities and, as operations continue to shift with new mandates (AOs, legislative updates, Rule changes, etc.), new service obligations are often imposed. We're certainly experiencing those effects at the County level so we understand the pace of recent developments; we can offer support and guidance in many areas. Please do not hesitate to contact me with any questions.

Regards,

Jon

From: Bearup, Jonathan
Sent: Monday, July 9, 2018 11:15 AM
To:
Cc: Martinez, Adeline
Subject: RE: Operational Items / Plans

Hello,

I hope things are well with you and Judge Martinez. I wanted to circle back for some additional information.

1. I/As: I understand that Skype is active and mentioned that he has plans to test / maintain the system. Good job. Please make sure that all I/As are conducted via Skype.
2. Language Access: Was your budget request approved? If so, the next step would be to establish an account with a telephonic or in-person interpreter.
3. Security: Let me know your thoughts on my last email. The most important aspect (I believe) is to make sure that you have an evacuation plan and a protocol for high-risk cases (i.e. law enforcement standby). Does your Town Hall have an evacuation plan already? Most civic facilities probably do.
4. Attorney: This is vitally important. In fact, you can't really process DUIs or other offenses without a defense attorney; and, if your judge wishes to detain a defendant pretrial, an attorney has to be appointed to determine release conditions. Please let me know the status of this item and please understand the urgency with this due process related item.
5. Automated Payments: Any update on this item? I believe you mentioned that it was under review by your Town. Please make sure they understand that the mandate came directly from an Administrative Order.

Thank you,

Jon

From:
Sent: Wednesday, June 27, 2018 1:10 PM
To: Bearup, Jonathan
Subject: RE: Operational Items / Plans

Hi, Jonathan!

1. Winkelman now has Skype for Initial Appearances for defendants.
2. We've added Language Access budget line item for \$500 for FY 2018-2019.
3. Should we add a line item to purchase a wand as a security measure for our court? Please advise. We're working on the budget now.
4. I remember mentioning an attorney. I'll ask her for information.

I hope this helps you. Let me know if you need additional information.

Winkelman Magistrate Court

From: Bearup, Jonathan
Sent: Friday, June 15, 2018 1:36 PM
To: Martinez, Adeline ;
Cc: Wright, Timothy ; Bearup, Jonathan
Subject: RE: Operational Items / Plans

Good Afternoon, Your Honors / Colleagues,

I received no reply (from either court) to the email below and I wished to circle back. Could you please provide any updates on attorney services and video conferencing for Initial Appearances?

Please feel free to contact me directly if you need any assistance; I'd be pleased to assist.

Thank you,

Jon Bearup

Court Administrator
Arizona Superior Court – Gila County
1400 E. Ash St.
Globe, AZ 85501
928 402 8672 (office)

From: Bearup, Jonathan
Sent: Monday, June 04, 2018 12:38 PM
To: Martinez, Adeline ; Bravo, Larry A.
Cc: ; Wright, Timothy
Subject: FW: Operational Items / Plans

Good Afternoon, Your Honors / Colleagues,

I hope this email finds you all well.

I write to inquire as to the status of two of the operational items discussed at our meeting approximately one month ago, specifically, 1) the procurement of attorney services (as required) and 2) the use of video conferencing (Skype or other) for Initial Appearances.

Could you please provide updates on those two items?

As always, we are available to assist – if you need help, please just ask.

Thank you,

Jon Bearup

Court Administrator
Arizona Superior Court – Gila County
1400 E. Ash St.

Globe, AZ 85501
928 402 8672 (office)

From: Bearup, Jonathan
Sent: Wednesday, May 02, 2018 1:22 PM
To: Martinez, Adeline ;
Cc: ; Wright, Timothy
Subject: Operational Items / Plans

Good Afternoon, Your Honors,

Thank you for the meeting yesterday. Attached is a brief outline of the operational items / plans we discussed. I've also attached the mandates for Language Access, Security, and Automated Payments; being an Administrator, I'll leave the legal matters to the Judges but I'd encourage review of the pertinent statute / Criminal Rules of Procedure.

The administration of courts contains inherent responsibilities and, as operations continue to shift with new mandates (AOs, legislative updates, Rule changes, etc.), new service obligations are often imposed. We're certainly experiencing those effects at the County level so we understand the pace of recent developments; we can offer support and guidance in many areas. Please do not hesitate to contact me with any questions.

Regards,



Winkelman Magistrate Court



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RESP
2019-118

APR 26 2019

April 23, 2019

Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Dear Members of the Commission:

In November 2018, the Administrative Office of the Courts conducted an audit of the Winkelman Municipal Court. There were many issues in which the court was out of compliance most notably failure to properly advise defendants of their rights, lack of required reporting of dispositions to MVD and DPS and failing to abide by Supreme Court rules and directives.

Winkelman is the smallest incorporated town in Arizona with a population of less than 400 residents. As a result we have a very limited amount of criminal cases, approximately twenty per year. Because our cases are so infrequent, although we have tried to learn the rules, we sometimes fail to remember some procedures for certain criminal cases, especially DUIs, which happen only once or twice a year. At the suggestion of Presiding Judge Wright, we are in negotiations with the Hayden Magistrate Court and Gila County Justice Court to handle criminal cases cited in Winkelman.

Presiding Judge Wright has asked Judge Perlman, of Gila County, to assist the court in reviewing all of its current cases. This will occur at the end of April.

Winkelman is located in the rural part of Arizona. Our Town is different from more populous parts of the state in that staff is familiar with most of the residents. Some of the requirements the Supreme Court has ordered, such as safety plans, interpreters and receiving debit and credit card payments seemed perhaps to be more applicable to larger courts, specifically in the urban areas. The Winkelman Court apologizes for not adhering to the requirements of the Supreme Court and is in the process of obeying these orders. The court will be in compliance at the end of May 2019.

In the following pages of this correspondence, the court has cited the findings from the auditors and has indicated how they are being addressed.

We thank you for your time and the opportunity to explain our deficiencies, and the steps we are taking to remedy them.

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Finding #1: Language Access Plan:

- 1.1 *Although the limited jurisdiction courts of Gila County are included in the Gila County Superior Court's Language Access Plan, the court currently utilizes court staff in lieu of court interpreters to make court proceedings available to non-English speaking parties and witnesses. In the past the only other language spoken was Spanish. Since the Judge and Clerk are both Spanish speaking, and Spanish is the only other language, other than English, we felt that no interpreter was required. We now realize we have to adhere to the Language Access Plan and will use it when applicable.*

Finding #2: General Observations:

- 2.1 *The Court has not conducted a court security self-assessment and developed a report based on the assessment. The Court is working with Hayden Police Chief and Winkelman Fire Chief on a court security self-assessment.*
- 2.2 *The Court does not have a security manual: The Court is working with Hayden Police Chief Tamatha Villar and Winkelman Fire Chief on a security manual.*
- 2.3 *The Court did not advise the defendant of all pertinent rights during initial appearance proceedings, arraignment proceedings or before accepting a plea of guilty or no contest. and*
- 2.4 *Before accepting a plea of guilty or no contest, the court did not determine that the defendant wished to forego the constitutional rights of which he or she was advised, that the plea was voluntary, and that there was a factual basis for the plea: Since Winkelman is a very small town and has such a limited number of criminal cases, we have sometimes not remembered proper procedures for some criminal cases. At the suggestion of Presiding Judge Wright, the court is in negotiations with the Hayden Magistrate Court and Gila County Justice Court to handle criminal cases cited in Winkelman.*
- 2.5 *The court did not have a statement posted in the courtroom advising victims of their constitutional rights. The court now has a victim's rights constitutional rights advisement posted.*
- 2.6 *The court did not complete its annual recertification for its interactive audiovisual system. We are working with Gila County Trainer to remedy this.*
- 2.7 *The court's bond card contains incorrect information. Specifically, criminal offenses with fine amounts are listed although an appearance in court must be made by the defendant or an attorney. The Winkelman Court is in the process of negotiating with Hayden Magistrate Court and Globe Justice Court to handle all future criminal cases. The bond cards will be changed.*
- 2.8 *While on site the reviewer reviewed a case file that contained an unsealed police report containing confidential information on a deceased defendant. The police report is now sealed in a confidential envelope, and this practice will be followed for any future confidential information.*

Finding #3: Driving Under the Influence and Misdemeanor (Non-DUI)

- 3.1 *The court did not require the defendant to sign a waiver of counsel form when applicable. Yes, the court has 1 or 2 DUI cases a year, and we sometimes have failed to remember proper procedures, but all future DUI cases will be sent to Gila County Justice Court.*

Finding #4: Sentencing – Documentation

- 4.1 *The court did not execute an adequate minute order at sentencing. Additionally, the sentencing order used had missing or incomplete information. We will send all future DUI cases to Gila County Justice Court.*

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Finding #5: Sentencing – Monetary

- 5.1 *The court did not correctly assess the state surcharges. Specifically, in two cases, the court assessed less than the 83% surcharge required by state statute. The court will follow the fine amounts on the bond schedule for the appropriate year.*

Finding #6: Sentencing – Non-Monetary

- 6.1 *The court did not sentence the defendant to the mandatory term of incarceration. Specifically, the court did not issue an Order of Commitment with the date that the defendant was to report to jail. and*
- 6.2 *The court did not order the defendant to complete mandatory alcohol screening. The court is in negotiations with the Hayden Magistrate Court and Gila County Justice Court to handle DUI cases cited in Winkelman. As the criminal cases will be assigned to another court, we will not be involved.*

Finding #7: Court Record and Disposition Reporting

- 7.1 *DPS reported that the court did not report final dispositions for all charges. The court will submit final dispositions to DPS. and*
- 7.2 *DPS reported that it did not have a record of the DUI charge in its database. This may be attributed to the court not issuing or following up on a fingerprint order. and*
- 7.3 *The court did not report disposition to Motor Vehicle Division (MVD) within ten days of conviction, judgment or forfeiture of bail or deposit. Criminal cases will be assigned to another court, but final dispositions will be reported to DPS in a timely manner when applicable.*

Finding #8: Monetary Enforcement

- 8.1 *The court took no action when the defendant did not pay the amount required by the payment plan. The court has created a monitoring system to ensure defendants are adhering to the payment plan. The court will take action within 30 days if defendants are not in compliance.*

Finding #9: Orders of Protection

- 9.1 *The court did not correctly set the order of protection hearings when an order of protection granted exclusive use of the home. Although orders of protection are limited, we have, on occasion, failed to follow the proper order of protection procedures. The court will review order of protection procedures. The court will set hearings within 5 business days when exclusive use of the home is applicable.*
- 9.2 *The court did not verify the petition for order of protection. Specifically, the petitioner did not sign the petition. The court will ensure that future petitions for orders of protection are signed by petitioner and judicial officer.*
- 9.3 *The court did not require the petitioner to complete a hearing request form prior to the petitioner requesting a dismissal of the order of protection. When a petitioner requests a dismissal of an order of protection, we will require them to complete and sign a hearing request form before the order of protection is dismissed.*
- 9.4 *The court does not provide parties with a safety plan or information regarding emergency and counseling services. Although these services are not offered in our area, staff will provide safety plan and emergency and counseling services information.*

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Finding #10: Sheriff Notification

- 10.1 *The court did not forward a copy of the proof of service and order of protection to the sheriff's office within 24 hours of the filing of the proof of service.* Staff did give a copy of the proof of service and order of protection to the Hayden Police Department because they are the local police department. The Gila County Sheriff's office is 40 miles away. Staff will forward future orders of protection to the Gila County Sheriff's office, as well as the local police department.
- 10.2 *The court did not send notice of the modifications or dismissal to the sheriff's office, in writing, within 24 hours.* The court's practice was to send this information to Hayden Police Department. From now on, we will send this information to Gila County Sheriff's Office, as required, within 24 hours.

Warrants

Finding #11: General Administration

- 11.1 *The court did not issue warrants within 30 days of defendant non-compliance.* The court has created a monitoring system and will issue warrants for defendants who are out of compliance within 30 days.
- 11.2 *The court did not docket the warrant quash or termination date in AZTEC.* Staff will ensure this is done in a timely manner.
- 11.3 *The court did not promptly notify law enforcement upon quashing a warrant.* The Hayden Police Department contracts with Kearny Police Department for dispatching services. Every month or twice a month, the Kearny Dispatch Supervisor requests warrant information from the court. Staff has responded to this request. Apparently this information was not shared between agencies. Staff will promptly give active and quashed warrant information to both Hayden Police Department and Kearny Police Department.
- 11.4 *The court did not issue the correct warrant type. Specifically, the court issued post adjudicated failure to pay warrants on pre-adjudicated cases.* These clerk errors will no longer occur.

Finding #12: Court Record and Disposition Reporting

- 12.1 *The court did not enter the warrant issuance disposition code into AZTEC for underlying MVD reportable charges for a pre-adjudicated warrant.* Staff will enter code of 56 into AZTEC when applicable.

Civil Traffic

Finding #13: Court Record and Disposition Reporting

- 13.1 *As of November 1, 2018, the court had 78 civil traffic cases pending over 70 days. Further, the filing date in these cases date back to 1997.* Staff has reviewed cases from 2006 to 2019 and made corrections. Staff will continue to review cases all and make any appropriate corrections.

Administrative Requirements

Finding #14: Administrative Requirements Practices

- 14.1 *Although the court has its payment acceptance policy posted in a conspicuous location in the lobby, the types of payments accepted are not in compliance with Administrative Order 2017-80.* The court is in the process of accepting credit and debit card payments. This will begin in May 2019.

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- 14.2 *The court does not have established written policies and procedures that adequately detail its current financial practices. For example, the court does not have policies and procedures on daily and monthly reconciliations, cash drawer reconciliations, the handling of cash overages and shortages, automated receipting, unidentified monies, voids, etc. The court is in the process of creating written policies and procedures detailing proper financial practices.*

Safeguarding/Internal Controls

Finding #15: Money Safeguarding and Deposit Practices

- 15.1 *The court did not maintain a physical restriction between the public and areas where court monies and financial records are stored. Specifically, there is no physical restriction between the work area where court business is conducted, such as receipting monies and preparing deposits and the public. The court will be in another part of the building. There will be physical restrictions between the work area and where court business is conducted. The move will occur in May 2019.*
- 15.2 *The court did not adequately secure the court's manual receipts. Specifically, during the court's business hours, the manual receipt book was kept in an unlockable desk. The manual receipts will be kept in a locked room.*
- 15.3 *The court's change fund was not adequately secured at all times prior to reconciliation and verification. Specifically, when reviewers inventoried the safe, the court's change fund was stored with the town's financial transactions in an unlocked bank bag. Court monies and town monies are now separate. Court monies are in a locked cash box that is in the locked court safe that is in a locked room. Deposits are in a locking bag that is in the locked court safe that is in a locked room.*
- 15.4 *The court did not deposit monies by the end of the following business day when the deposit amount exceeded \$300.00, nor did it deposit monies at least twice per week, per the court's policy for deposits amounting to less than \$300.00. Specifically, monies were deposited from one to 16 business days after receipt, with an average of six business days. It should be noted that this was listed as a finding in the court's previous operational review. The closest bank is 40 miles away. Winkelman and the immediate surrounding areas do not have a bank. Staff will make the trip and will make deposits twice a week when any payments are made to the court and will deposit amounts exceeding \$300.00 the next business day.*
- 15.5 *The court did not keep the safe locked when not in use. Specifically, reviewers found the safe, kept in a locked room, unlocked when they conducted an inventory on November 27, 2018. The safe is now locked at all times when not in use.*
- 15.6 *The court did not use a tamper-proof plastic bag or lockable zippered bank bag to transport its deposit monies to the bank. Specifically, the reviewer observed both the Court's and the Town's deposits were kept in a locked room, in an unlocked safe, within an unlockable bank bag. The court deposits are kept in a locked bag at all times.*

Receipting

Finding #16: General Receipting Practices

- 16.1 *The court issued manual receipts at times other than when AZTEC is inoperable. In the absence of the court clerk, the judge will input information into the AZTEC system.*
- 16.2 *The court does not have a designated unidentified monies file. The court will have a designated unidentified monies file.*

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- 16.3 *Although the court cross-referenced the manual receipt number on the associated AZTEC receipt and the AZTEC receipt number on the manual receipt retained by the court, errors were made documenting inaccurate receipt numbers. A second person will verify all financial transactions, so errors will not occur in the future.*
- 16.4 *The court did not receipt all monies within one business day. Specifically, on three occasions, delay periods ranged from one to seven days, with an average delay period of four days. In the absence of the court clerk, the judge will input information into the AZTEC system.*

Finding #17: Manual Receipting Practices

- 17.1 *Although the court did review unissued manual receipts to account for all receipts at least quarterly, the court did not record the sequence of unissued manual receipts and the reconciliation was not reviewed by a second person. The court created a form to review unissued manual receipts, and it includes sequence of unissued manual receipts, and it is verified by a second person.*
- 17.2 *The court did not cross-reference the number of the manual receipt voided on the replacement receipt in AZTEC. Staff will now make sure that the manual voided receipt is cross-referenced with the receipt in AZTEC, and it is verified by a second person.*

Finding #18: Voided Receipting Practices

- 18.1 *The court did not have a second person verify the voids in AZTEC. There is only one clerk in the court, but now the town clerk will be the second person verifying voided receipts in AZTEC.*
- 18.2 *The court did not have a second person verify or note on copy of automated voided receipt. There is only one clerk in the court, but now the town clerk will be the second person verifying voided receipts in AZTEC.*
- 18.3 *The court did not cross-reference the number of the automated receipt voided on the replacement receipt in AZTEC. There is only one clerk in the court, but now the town clerk will be the second person verifying cross-referencing the number of the automated receipt voided on the replacement receipt in AZTEC.*

Areas of Improvement:

Finding #19: General Reconciliation Practices

- 19.1 *The court did not reconcile its court change fund daily. Specifically, the court reported that the court change fund was only counted "when used." The court now has a separate cashbox and separate change and is counted daily by the court clerk and verified by a second person.*
- 19.2 *When reconciled, the court's change fund reconciliation was not verified by a second person. The court has its own separate change fund that is in a locked cash box that is in the locked court safe that is in a locked room. A second person verifies the change fund reconciliation.*
- 19.3 *The court does not have a process in place to segregate the court clerk's duties from the duties the clerk performs for the town. Specifically, the court's clerk reconciles the town's bank account monthly, which also contains deposits the clerk prepares on behalf of the court. therefore, there is not an adequate segregation to account for the court monies. The court clerk is working with the bookkeeper to create a system to reconcile only court monies, and the town's money will be segregated and reconciled separately.*

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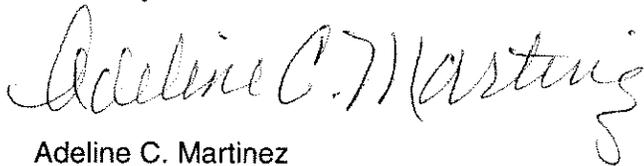
Areas of Improvement:

Finding #20: Monthly Remittance Practices

- *20.1 Although the court submitted the month's State Remittance Report form specific to the funds payable to the Arizona State Treasurer, as part of its monthly reconciliation documentation to the Town of Winkelman, and received documentation acknowledging the submission of these items, the court did not prepare and submit a monthly remittance report to the Town of Winkelman, identifying how all monies deposited with the town for the month are to be distributed and used to reconcile the court's monthly revenues. Further, the preparer did not initial or sign and date the monthly reconciliation documentation. Staff is submitting a monthly remittance report to the Winkelman Town Council. The court clerk will initial all remittance reports.*

Again, we want to thank for the Commission for the opportunity to address our court's deficiencies. We now more fully understand the importance of having all courts in the State of Arizona conducting business in the same manner, whether a defendant is in Phoenix or Winkelman.

Sincerely,



Adeline C. Martinez
Judge
Winkelman Court