

FILED

2016 JUN 30 PM 3:28

CLERK OF SUPERIOR COURT
YUMA COUNTY ARIZONA 95354

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

In the Matter of:)	
)	Administrative Order
SUSPENSION OF THE IMPOSITION)	2016-27
OF PROBATIONARY TERMS IN THE)	
SAN LUIS MUNICIPAL COURT)	

Pursuant to Supreme Court Administrative Order 2016-25 issued by Arizona Chief Justice Scott Bales on March 30, 2016, the administrative control and oversight of day-to-day operations of the San Luis Municipal Court was granted to the Honorable Maria Elena Cruz, Presiding Judge, Superior Court in Yuma County.

The City of San Luis previously passed ordinances relating to probation services and fees in Ordinance 308 adopted on September 28, 2011 and amended by Ordinance 345 adopted on January 13, 2016. In part, the latter ordinance served to revise the former as to the prohibition of imposition of monthly fees for unsupervised probation in municipal courts. Although the City of San Luis has authority under ARS 22-414 (E.) "...to establish and assess fees for court programs and services", San Luis Municipal Court has no staff providing probation supervision who meet the standards of probation officers pursuant to the Arizona Code of Judicial Administration (ACJA) §§ 6-101 through 6-211.

Additionally, it had been the practice of the San Luis Municipal Court to assess certain fees not supported by law. More specifically, certain offenders were ordered to serve terms of unsupervised probation, but assessed an accompanying fee for such non-supervision. Similarly, certain offenders, whether ordered to supervised or unsupervised probation, were assessed anticipated fees for urinalysis testing without reimbursing such fees when no testing actually occurred. Finally, certain offenders were charged a fee as a precursor to termination of their probation supervision. An ongoing review of all cases involving the San Luis Municipal Court probation system reveals that fee adjustments are required in several cases.

In order to remedy these situations, the San Luis Municipal Court could seek to enter into an intergovernmental agreement (IGA) with the Yuma County Superior Court Probation

1 Department to provide these services. There exist other alternatives for probation
2 supervision. However, the Presiding Judge must ensure any probation supervision provided
3 to defendants in the San Luis Municipal Court system fully complies with the comprehensive
4 statutory regulations for probation agencies and probation officers within the state of Arizona,
5 including the Arizona Code of Judicial Administration for the regulation of probation officers.
6 In addition, any ordinance instituting such probation supervision should provide for sliding
7 fees based on the financial circumstances of offenders and recognize the authority and duty of
8 the court to order a reduction or waiver of the fees as justice may require. Finally, any fees
9 assessed must be directly related to a service provided to the offender.

10 **IT IS THEREFORE ORDERED** that the imposition of any probationary term shall
11 be suspended unless and until such time as San Luis Municipal Court complies with Arizona
12 Code of Judicial Administration provisions as they relate to the requirements for Arizona
13 Probation Officers.

14 **IT IS FURTHER ORDERED** that San Luis Municipal Court judicial officers shall
15 be authorized to delete fees charged for unsupervised probation and for services not rendered
16 such as urinalysis testing, as well as to quash and reissue warrants to reflect the adjusted and
17 proper bond amounts.

18 **DATED** this 30th day of June, 2016.

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20 _____
21 Honorable Maria Elena Cruz
22 Presiding Judge
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Copies to:

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- Hon. Maria Elena Cruz, Presiding Judge
- Hon. David M. Haws, Associate Presiding Judge
- Hon. Mark Wayne Reeves, Juvenile Presiding Judge
- Hon. John Paul Plante, Div. 2
- Hon. Larry Kenworthy, Div. 3
- Hon. Roger A. Nelson, Div. 5
- Hon. Kathryn Stocking-Tate, Comm. 1
- Hon. Stephen J. Rouff, Comm. 2
- Hon. Gregory S. Stewart, Justice Courts Presiding Judge
- Hon. Yolanda V. Torok, JP1
- Hon. Juan M. Guerrero, JP2
- Hon. Russ Jones, JP3
- Hon. Kristin McManus, San Luis Magistrate
- Hon. Cora Romine, San Luis Judge Pro Tem
- Hon. James F. Coil, City of Yuma Presiding Judge
- Hon. Jeanette Umphress, Magistrate
- Hon. Manuel Figueroa, Somerton Magistrate
- Hon. Lynn Fazz, Clerk of the Superior Court
- Margaret C. Guidero, Court Administrator
- Kathleen M. Schaben, Trial Court Administrator
- Sandi L. Hoppough, Chief Adult Probation Officer
- Tim Hardy, Director of Juvenile Court Services
- Sharayah Montgomery, Interim Court IT Manager
- Dona Miller-Robbins, Caseflow Manager
- Susan K. Thorpe, County Administrator
- Jon R. Smith, Yuma County Attorney
- Michael Breeze, Yuma County Public Defender
- Terri L. Capozzi, Yuma County Legal Defender
- Shannon Gunderman, Conflict Administrator
- Jerry Sanchez, Mayor of San Luis
- Tadeo de la Hoya, Interim San Luis City Administrator
- Kay Macuil, San Luis City Attorney
- Jose de la Vara, San Luis City Prosecutor
- Andrea Ruiz, San Luis Municipal Court Administrator
- Yuma County Bar Association