



**2015 Legislative Policy Statement**  
**10<sup>th</sup> Annual CSA Legislative Summit**  
**Yavapai County, Arizona**  
**October 8-10, 2014**

**A. What is the legislative proposal?**

**Amend A.R.S. 11-584 (Public Defender Statute) to expressly authorize public defender or similar offices (legal defender, legal advocate) to participate in problem solving courts, such as drug courts, mental health courts, veterans' courts, and domestic violence court programs.**

**B. Describe the problem and explain how the proposal solves it.**

**The statute currently sets forth the duties of the public defender. It also authorizes the public defender to provide representation in other matters, provided that the board of supervisors notifies the presiding judge that such representations are authorized.**

**In 1997, the U.S. Department of Justice, Office of Justice Programs established ten key components for the effective operation of drug court programs. These standards have been replicated in other problem solving court models. The second key component cites the nonadversarial participation of prosecution and defense counsel to "promote public safety while protecting participants' due process rights."**

**Drug courts and other problem solving courts are prevalent in Arizona. While each of these programs is unique, all programs should adhere to key components and evidence-based practices to achieve optimum results. By expressly authorizing the Public Defender to participate in problem solving court teams and provide legal representation for participants during court proceedings in A.R.S 11-584, the State of Arizona would be taking an important step toward protecting the rights of problem solving court participants and improving the quality and consistency of program statewide.**

**C. What is the fiscal impact to the state or county budgets of the proposal?**

**The specific fiscal impact to state and county budgets is difficult to estimate, as the size and scope of problem solving courts varies across jurisdictions. Most problem solving court teams meet for several hours on a weekly basis to discuss and review the progress of participants. In most programs, especially those in smaller jurisdictions, a single public defender could cover such meetings. On this basis, the fiscal impact would be de minimus.**

**D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?**

**Problem solving courts are endorsed by the Administrative Office of the Courts (AOC) and programs which adhere to key components are most effective in achieving positive outcomes for participants and the greater community. The specific position of the AOC, Committee on Probation, Chief Probation Officer's**



# County Supervisors

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Association, Arizona Public Defender Association, and other court stakeholder groups is not known.

**E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

**Name:**

**Phone:**

**E-mail:**