

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ESTABLISHMENT OF THE TASK)	Administrative Order
FORCE ON PLEA BARGAINING,)	No. 2021 - <u>84</u>
SENTENCING, AND DISPOSITIONS)	
)	
)	

Each year, more than 300,000 cases are adjudicated in Arizona’s criminal courts. More than 90% of the convictions and penalties imposed in these cases are the result of plea bargaining. Plea bargaining has become an essential component of our justice system, as it enables criminal cases to be resolved promptly and provides greater certainty about the case outcome for the state, defendants, and victims. While we recognize the process of negotiating a plea rests primarily with the prosecutor and the defendant’s attorney, judges also have an important oversight role in determining the accuracy, completeness, voluntariness, and intelligent acceptance of the plea agreement by the defendant.

The Judicial Branch’s Strategic Agenda, *Justice for the Future: Planning for Excellence*, Goal 5 emphasizes the need to recognize and deal with concerns that affect public trust and confidence in our justice system. The penalties imposed at sentencing are the most visible, impactful and measurable point of comparison for similarly situated individuals. Because most defendants in our courts arrive at sentencing through a negotiated guilty plea, it is important to determine if there are ways to improve transparency, fairness, and consistency in the process. Additionally, we must ensure all pleas and the resulting orders are complete, accurate and clear enough for clerks to be able to do data entry into the court’s case management system to correctly capture and process results of the plea hearing.

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

IT IS ORDERED that:

1. ESTABLISHMENT: The Task Force on Plea Bargaining, Sentencing and Dispositions is established.
2. PURPOSE: The Task Force shall examine and make recommendations regarding:
 - a. Compiling and publishing demographic data on plea bargains, sentencing and dispositions;
 - b. Developing and providing implicit bias training for attorneys who negotiate plea agreements;

- c. Developing and providing judicial training on plea agreements to improve bias awareness, ensure sufficiency of facts, and to utilize data to inform decision making and increase awareness of disproportionate sentencing outcomes for minority defendants;
 - d. Identifying and training judges on best practices for ensuring sentencing orders are complete and legible for those responsible for data entry into the court's case management system;
 - e. Doing more to advise defendants of the possible collateral consequences of a guilty plea; and
 - f. Proposing amendments to the Rules of Criminal Procedure, as needed, to accomplish the goals of this Task Force.
3. **REPORT AND RECOMMENDATIONS:** The Task Force shall submit a report of recommendations to the Arizona Judicial Council by June 1, 2022.
4. **MEMBERSHIP:** The individuals listed in Appendix A are appointed as members of the Task Force for a term beginning upon the signing of this Order and ending June 30, 2022. The Chief Justice may appoint additional members as may be necessary.
5. **MEETINGS:** Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
6. **STAFF:** The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary reports and petitions.

Dated this 2nd day of June, 2021.

ROBERT BRUTINEL
Chief Justice

Appendix A

Task Force on Plea Agreements, Sentencing, and Dispositions

Chair

The Honorable John R. Lopez
Justice, Arizona Supreme Court

Members

Melissa Acosta, Esq.
Public Defender, Pasqua Yaqui Tribe

The Honorable Krista M. Carman
Judge, Superior Court in Yavapai County

Domingo Corona
Director, Pima County Pretrial Services

The Honorable David Cunanan
Judge, Superior Court in Maricopa County

Sandra Diehl, Esq.
Public Defender, Coconino County

Will Gonzalez, Esq.
Executive Court Administrator
Phoenix Municipal Court

The Honorable Frankie Jones
Judge, Phoenix Municipal Court

Jason Kalish, Esq.
Division Chief
Maricopa County Attorney's Office

Andrew T. LeFevre
Executive Director
Arizona Criminal Justice Commission

Steven Lessard
Chief Probation Officer
Superior Court in Gila County

The Honorable Danelle Liwski
Judge, Superior Court in Pima County

Xochitl Orozco, Esq.
Cochise County Legal Advocate

Elizabeth Burton Ortiz, Esq.
Executive Director, Arizona Prosecuting
Attorneys' Advisory Council

Rosemarie Pena-Lynch, Esq.
Capital Attorney, Maricopa County
Office of the Legal Advocate

Sheila Polk, Esq.
Yavapai County Attorney

The Honorable Antonio Riojas
Presiding Magistrate, Tucson Municipal
Court

Jon R. Smith, Esq.
Yuma County Attorney

The Honorable Valerie Wyant
Clerk of the Court, Coconino County