



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: March 17, 2020

**Title:** Pandemic Preparedness in Pima County Superior Court

**Introduction/Background:**

Approve request by Superior Court Presiding that would allow the Public Defender to represent a party in a non-criminal proceeding in cases relating to a potential COVID 19 pandemic pursuant to A.R.S. § 11-584 (A) (10) .

**Discussion:**

Arizona law allows a public health administrator to quarantine individuals with infectious diseases after the governor has declared a state of emergency. A.R.S. § 36-787. If a person won't agree to be quarantined, a legal proceeding may be initiated wherein a judge would be asked to order involuntary quarantine. ARS § 36-789. Any person not otherwise represented by counsel would be entitled to legal representation at the state's expense. Such a proceeding is a civil matter. A judge cannot order the public defender to represent a person in a civil matter without prior approval of the Board of Supervisors. ARS § 11-584 (A)(10). I am aware this request will have an impact on the Public Defender and County budgets, and am therefore not asking for open-ended approval. I would work with the Public Defender and County Attorney to monitor the situation, intending to at some point terminate the request, dependent upon a declaration by the Governor Doug Ducey that the pandemic, and by extension the state of emergency, has ended. I would provide the Board with updates at whatever frequency the Board determines appropriate and/or necessary.

**Conclusion:**

A person's constitutional right of liberty must be respected and protected in a civil involuntary quarantine proceeding. There may be people who are not represented by counsel of their own choosing who must have an attorney.

**Recommendation:**

Upon declaration by Governor Doug Ducey a state of emergency exists with respect to the coronavirus outbreak, allow Pima County Superior Court Pandemic Judge Michael Butler, or his or my designee, to appoint the Public Defender to represent people who do not otherwise have legal counsel and who are facing involuntary quarantine, until such time the governor or his designee declares a state of emergency has ended.

**Fiscal Impact:**

Unknown

**Board of Supervisor District:**

- 1       2       3       4       5       All

Department: Superior Court - Hon. Kyle Bryson, Pres. Judge Telephone: 520.724.4215

Department Director Signature/Date: *Kyle Bryson* *March 3, 2020*

Deputy County Administrator Signature/Date: \_\_\_\_\_

County Administrator Signature/Date: \_\_\_\_\_