

**1. Why the item is necessary:**

The formalization of a MOU between Maricopa County Superior Court and El Mirage City Court ensures the continuity of critical services. Initial Appearance Hearings are vital for upholding due process and preventing unlawful detention, due to El Mirage does not have its own jail facility. Maricopa County Superior Court's ability to provide these services 24/7 guarantees that individuals arrested on El Mirage charges, are placed into a safe and secure detention facility until they receive their Initial Appearance Hearing within 24 hours from arrest, as required by the Arizona Rules of Criminal Procedure.

**2. How the item benefits the City:**

The El Mirage Police Department does not have its own jail facility and per the department's policy, officers are required to transport arrested individuals to the Maricopa County Sheriff's Office's Intake, Transfer, and Release (ITR) jail facility. The MOU will allow the continuation of upholding legal and constitutional requirements by ensuring timely in-custody Initial Appearance Hearings within 24 hours of arrest, as mandated by Arizona Rules of Criminal Procedure.

**3. How it impacts residents:**

The formalization of a MOU establishes clear expectations and responsibilities, ensuring transparency in the collaborative process and adherence to defined legal principles and processes. This builds confidence among residents that the City is committed to protecting rights and public safety, providing equitable access to justice, and upholding the integrity of the judicial system, entirely free of charge to the City.

**4. Any statutory requirements or Code provisions involved:**

Arizona Rules of Criminal Procedure 4.1, an Initial Appearance before a judge must occur within 24 hours of arrest. Additionally, during the Initial Appearance Hearing, a judge must appoint counsel if the defendant is eligible under Arizona Rules of Criminal Procedure Rule 6.1(b)(1).

**5. Whether the item is critical or time-sensitive, and why it needs to be voted on at this particular meeting:**

The Maricopa County Superior Court has requested that courts sign the Memorandum of Understanding at the earliest opportunity. The El Mirage City Court has informed the Superior Court that the MOU will be presented to City Council for authorization during an upcoming meeting.