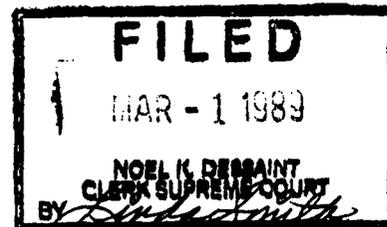


THE SUPREME COURT OF ARIZONA



ADMINISTRATIVE REQUIREMENTS FOR
COMMUNITY PUNISHMENT PROGRAMS

ADMINISTRATIVE ORDER NO. 89-7

In order to administer funds appropriated to the Arizona Supreme Court and to carry out the activities and programs established pursuant to A.R.S. § 12-299, and in accordance with the administrative authority vested in the Supreme Court by Article VI of the Arizona Constitution

IT IS ORDERED THAT:

1. The attached administrative requirements related to the Community Punishment Program are adopted.
2. The new administrative requirements hereby adopted shall become effective on March 1, 1989.
3. A copy of the administrative requirements shall be distributed to all presiding superior court judges, chief adult probation officers and to all persons who require copies no later than ninety days after the effective date of this order.

DATED AND ENTERED this 1st day of March, 1989, at the State Capitol in Phoenix, Arizona.

For the Court:

FRANK X. GORDON, JR.
Chief Justice

THE SUPREME COURT OF ARIZONA

COMMUNITY PUNISHMENT PROGRAM
ADMINISTRATIVE REQUIREMENTS

ADMINISTRATIVE ORDER NO. 89-7
EFFECTIVE March 1, 1989

A. Purpose

The Community Punishment Program is established in A.R.S. § 12-299 for the implementation of programs for persons placed on probation or intensive probation, to provide for increased conditions of probation and community based programs which emphasize supervision, surveillance, control, public protection, community work service, restitution and victims rights, and opportunities for rehabilitation and treatment. Funded through legislative appropriation, monies may be used to develop, expand or enhance the range of adult probation services and, pursuant to A.R.S. § 12-299.01 may be used for programs and services including but not limited to: pre-sentence services; noncustodial programs and services; community residential programs; individualized services including psychological, medical, vocational or educational services; victims' rights programs and services; and for acquisition, renovation and operation of community based facilities. Community Punishment Program monies may be used in implementing these programs to enhance services and increase levels of supervision and surveillance for special probation

populations including potential high risk offenders, to reduce the probation failure rate in these target populations, to reduce the number of probationers committed to the county jails, and to increase levels of public safety and protection.

B. General Administrative Requirements

Administration of community punishment programs on behalf of this Court shall be under the direction of the Supreme Court's Administrative Office of the Courts. The Administrative Director of the Courts, or the Administrative Director's designee, is authorized to prescribe and adopt procedures, guidelines, forms, standards and requirements as necessary for the operation and administration of the community punishment program. The Administrative Office of the Courts is authorized and directed to administer and monitor local community punishment programs including authority to inspect, audit, or have audited the records of any superior court and adult probation department operating a community punishment program per A.R.S. § 12-299.03. Any subcontracts for services shall include a provision acknowledging the authority of the Administrative Director to conduct such inspections and audits.

The Administrative Director is authorized to conduct seminars and educational sessions and provide assistance to judges, probation personnel, and advisory committees regarding the purposes and operation of community punishment programs.

The Administrative Director is authorized to prepare or have prepared the Supreme Court's report stating the number of offenders on probation and intensive probation, the average cost per offender, the amount of restitution, fines and fees paid, the number of community service hours contributed by these offenders and the number of offenders who have successfully completed terms of probation for submittal to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

The Administrative Director may adopt other administrative practices and procedures not inconsistent with this order and as may be necessary and expedient for the Supreme Court's administration of the community punishment program.

C. Budget Request Preparation

1. The presiding judge of the superior court in any county choosing to implement and operate a community punishment program shall submit each year a proposed plan and budget request for the following fiscal year to the Administrative Office of the Courts. The date for submittal shall be established by the Administrative Director and such proposed plans and budget requests shall be filed on forms and according to instructions prescribed by the Administrative Director.

2. Budget requests from a participating superior court may include normal and reasonable categories necessary to support and operate a community punishment program, including funds for personnel costs and employee related expenses, professional and outside contractual services, operating expenses including travel expenses, equipment and the acquisition, renovation and operational costs for community based facilities, and implementation and operational costs associated with the community punishment advisory committee.

3. The Administrative Director of the Courts shall determine the portion to be allocated from available funds to each participating superior court.

4. All budget requests shall be supported by adequate justification and explanation as required by the Administrative Director. Pursuant to statute, monies allocated shall be used to develop or expand the range of community punishment programs and services as set forth in A.R.S. § 12-299.01. These monies shall be used to supplement existing monies available to the local court.

5. The presiding judge of a participating superior court or the Administrative Director of the Administrative Office of the Courts may enter into agreements with qualified private human services agencies for the provision of any or all of these programs and services, pursuant to the Procurement Policies and Procedures of the Arizona Supreme Court, or local court procurement policies.

D. Program Plan and Financial Management

1. Each participating superior court shall submit to the Administrative Office of the Courts a plan for the expenditure of the monies allocated for community punishment programs. The plan shall be in a format and on forms as required by the Administrative Office of the Courts and must be submitted and approved prior to distribution of funds. The plan shall include defined goals and objectives for the community punishment program, as well as the data to be collected and retained for evaluation and review of the program. The plan shall also contain program component priorities in the event that funds appropriated by the legislature are less than the sum total of requests from participating superior courts. The plan and any plan modifications shall be consistent with all applicable laws and these administrative requirements.

2. The Administrative Director is authorized to approve those plans and modifications which are in conformity with the applicable laws and this order and which: enhance the adult probation services system by developing additional probation conditions, programs and services for offenders who are placed on supervised probation or intensive probation; provide programs or services and increased supervision and control to special probation populations; promote the accountability of offenders to the local community by requiring financial

restitution to victims of crime or community work service to local governments and community agencies; reduce the number of felony offenders committed by the superior court to county jails by ordering strict terms of control supervision and correctional treatment as conditions of supervised probation and intensive probation; maintain safe and cost effective community punishment programs which emphasize supervision, surveillance and control of offenders; encourage the involvement of local officials and citizens in developing local community punishment programs; and promote the development of community punishment programs and services which are tailored to the specific needs of the superior court in each participating county.

3. In the event that the Administrative Director determines not to approve a plan or plan modification submitted by a superior court, the Administrative Director shall submit the plan to the Chief Justice of the Supreme Court for consideration and final determination. Any plan which is not in conformity with the statute or this order shall be returned to the presiding judge of the submitting court with a written explanation of where the plan fails to comply either with the statute or this order.

4. Upon approval of the plan and availability of funds, the Administrative Director shall enter into a written funding agreement with the submitting court for distribution of the allocated funds on a basis determined by the Administrative Director. The Administrative Director

shall have authority to alter the funding agreement if such action is necessary due to a lack of funds, a lack of financial need by the court, or due to failure to comply with the applicable statutes, the approved plan or this order.

5. Funds received by the superior court pursuant to these administrative requirements shall be deposited into a special revenue fund with the county treasurer established pursuant to the procedures provided in Section III.B and IV.E of the Auditor General's Uniform Accounting Manual for Arizona Counties.

6. State funds appropriated to the Supreme Court for distribution to superior courts shall be used only for the support and operation of approved community punishment programs. Upon agreement with any one or more participating courts, the Administrative Director may withhold funds allocated to such courts and may authorize direct expenditures for the benefit of such courts. The Administrative Director may also reallocate funds during a fiscal year, when circumstances justify such action.

7. The presiding judge of each participating superior court shall submit to the Administrative Office of the Courts, reports as required by the Administrative Office of the Courts, setting forth actual financial and program activity related to each court's plan.

8. The presiding judge of each participating superior court shall return to the Supreme Court on or before August 31, for reversion into the State general fund, all community punishment funds distributed to that superior court which are unencumbered as of June 30 of each fiscal year and unexpended as of July 31. The reverted funds shall be accompanied by a closing financial statement and a program activity report related to each court's plan as of June 30, signed by the presiding judge.

9. In the event that a superior court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for community punishment programs, the Administrative Director of the Courts shall determine how such funds allocated to that court shall be used consistent with the provisions of the community punishment act and this order.

10. Each participating superior court and its probation department shall maintain and provide to the Administrative Office of the Courts such data and statistics as may be required by the Administrative Director. Such data shall include, at a minimum, the information necessary for the Supreme Court's community punishment program evaluation report as required by law and individual program data as specified in the approved program plan.

11. Each participating superior court and its probation department shall retain all financial records, applicable program records, and data related to each

approved plan in accordance with the Adult Probation Records Management Records Retention and Disposition Schedule and any other law or directive that may apply.

E. Eligibility Requirements

Any person for whom a pre-sentence report is ordered or any person placed on supervised probation or intensive probation by a participating superior court is eligible to receive services offered in a community punishment program or programs funded pursuant to A.R.S. § 12-299.

F. Advisory Committees

1. At the discretion of the presiding judge of each participating superior court, a community punishment advisory committee may be appointed to assist in the development and review of the court's community punishment program plan. This committee, which is to be structured as a standing committee, shall have a chairman and a vice chairman appointed by the presiding judge. Pursuant to statute, an advisory committee must be composed of no fewer than five members, and at least one half of the membership shall be citizens who have an interest in or knowledge of the criminal justice system. No more than one half of the total membership of the advisory committee may be representatives from the following disciplines: law enforcement, corrections, education, mental health, victim services, social services or probation.

2. The advisory committee will serve to provide information and make recommendations to the presiding judge regarding community punishment issues at the local level, and may be asked to perform duties at the direction of the presiding judge. These duties shall include assessing community wide sentencing needs; reviewing local community punishment plans; monitoring the effectiveness of local community punishment programs and advising the presiding judge of needed modifications; informing and educating the general public regarding the need for community punishment programs; and preparing a report on a periodic basis to the presiding judge on the status and effectiveness of community punishment programs and services. This report shall be advisory in nature and supplemental to any program audit or evaluation conducted by the Administrative Office of the Courts.

3. The terms of advisory committee members shall be staggered to permit the continuous operation of the committee. Appointments to the committee shall be made by the presiding judge for a term of two years. Members of the advisory committee may be retained or removed at the discretion of the presiding judge.

4. The advisory committee shall operate pursuant to directives from the Administrative Office of the Courts, this order, the presiding judge and advisory committee bylaws. Bylaws shall be developed by the chief probation officer and the chairman and vice-chairman of the advisory

committee and shall be approved by the presiding judge. These bylaws shall include procedures governing the committee's purpose, its membership and the number and structure of advisory committee meetings. A copy of the approved bylaws shall be submitted to the Administrative Office of the Courts as part of the community punishment program plan. Any modifications to the bylaws, once approved by the presiding judge, shall be forwarded to the Administrative Office of the Courts.

5. As may be directed by the presiding judge, staff assistance to the advisory committee shall be provided by the chief probation officer.

6. The Administrative Office of the Courts and the adult probation department shall cooperate with the presiding judge who chooses to appoint an advisory committee by offering assistance in the development and implementation of an orientation program to the members of the advisory committee. This orientation, given by the presiding judge, shall take place as soon as practical following the appointment of advisory committee members and shall, at a minimum, include the following: an overview of the criminal justice system in Arizona, a review of probation practices, principles and theory, a review of community wide sentencing programs and trends at the local, state and national levels, and an overview and analysis of A.R.S. § 12-299, and the procedures outlined in this order. Within thirty days of completion, the presiding judge shall provide to the

Administrative Office of the Courts notice of all members of the advisory committee who participated and completed the orientation program.

7. In the event that a presiding judge does not impanel an advisory committee, alternative methods employed to assist in the solicitation and advocacy of community input or review of local program plans shall be documented and submitted to the Administrative Office of the Courts as part of the county's community punishment program plan.

G. Evaluation and Monitoring

1. Pursuant to statutory authority, the Administrative Office of the Courts shall evaluate each community punishment program to ensure program accountability and compliance with all appropriate laws and the policies and procedures as prescribed by the Administrative Director. This evaluation shall include but not be limited to a review of the following: program goals and objectives in each participating county and the extent to which these goals and objectives have been met; cost-effectiveness of programs implemented in each participating county; compliance with all applicable statutes, policies and procedures and this order in the development and implementation of a program(s) funded with community punishment monies; review of all records of any

court or its subcontractors related to the use and expenditure of community punishment funds which may be allocated.

2. Pursuant to statute, the Administrative Office of the Court is authorized to review and examine each community punishment program in order to prepare or have prepared the Supreme Court's report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. This review and examination shall include but not be limited to all data and statistics to be retained in accordance with this order and specified in the approved program plan, and any other materials as deemed appropriate by the Administrative Director.

These administrative requirements are subject to modification as deemed necessary.

DATED this 1st day of March, 1989.

ARIZONA SUPREME COURT

FRANK X. GORDON, JR.
Chief Justice

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