

IN THE SUPREME COURT OF THE STATE OF ARIZONA

**FILED**  
DEC 16 1999  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

In the Matter of: )  
)  
PROGRAM AND FINANCIAL )  
POLICIES OF THE CRIMINAL )  
CASE PROCESSING AND )  
ENFORCEMENT IMPROVEMENT )  
FUND; STATE AID TO COURTS FUND; )  
LOCAL COURT'S ASSISTANCE FUND; )  
MUNICIPAL COURT ALLOCATION )  
\_\_\_\_\_ )

Administrative Order  
No. 99- 78

In 1999, the Arizona Legislature enacted A.R.S. §§12-102.01, 12-102.02 and 41-2421 appropriating funds and authorizing the Supreme Court to expend funds for the implementation of the Criminal Case Processing and Enforcement Improvement Fund, State Aid to Courts Fund, Local Court's Assistance Fund and Municipal Court Allocation monies.

It is the desire of this Court to establish policies for the administration of the Criminal Case Processing and Enforcement Improvement Fund, State Aid to Courts Fund, Local Court's Assistance Fund and Municipal Court Allocation monies.

Now, therefore, in accordance with the administrative authority vested in the Supreme Court by Arizona Constitution, Article VI, § 3 and § 7, and A.R.S. §§12-102.01, 12-102.02 and 41-2421.

IT IS ORDERED that the attached policies for the Financial and Program Administration of the Criminal Case Processing and Enforcement Improvement Fund, State Aid to Courts Fund, Local Court's Assistance Fund and Municipal Court Allocation monies are approved.

IT IS FURTHER ORDERED that the attached policies are effective immediately upon the filing of this order with the Clerk of the Arizona Supreme Court.

Dated and entered this 16th day of December, 1999.

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THOMAS A. ZLAKET  
Chief Justice

# **SUPREME COURT OF ARIZONA**

## **Policies for the Financial & Program Administration of the**

### **CRIMINAL CASE PROCESSING AND ENFORCEMENT IMPROVEMENT FUND; STATE AID TO COURTS FUND; LOCAL COURTS ASSISTANCE FUND; MUNICIPAL COURT ALLOCATION**

#### **I. PURPOSE**

The purpose of these policies is to provide financial and program administration requirements for the funds described below. Monies in the fund shall be expended pursuant to these administrative policies and any other pertinent statutes, rules and administrative policies adopted by the Arizona Supreme Court or the Administrative Director.

#### **II. CRIMINAL CASE PROCESSING AND ENFORCEMENT IMPROVEMENT FUND**

The purpose is to allocate monies in the fund to counties for the planning and implementation of collaborative projects that are designed to improve the processing of criminal cases and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanction and forfeitures. At a minimum, each project shall involve the County Attorney, Superior Court, Clerk of the Superior Court, County Manager and justice courts in the county, and if applicable, the County Public Defender, County Legal Defender and County Contract Indigent Defense Counsel. Additional criminal justice entities may also be included in the project. A plan is required to identify problems and propose solutions, showing participation of all criminal justice agencies in the county using discretionary funds.

#### **III. STATE AID TO COURTS FUND**

The purpose is to provide state aid to the superior court, including the Clerk of the Superior Court, and justice courts for the processing of criminal cases. An application is required from the Presiding Judge of the Superior Court, Chairman of the Board of Supervisors, Presiding Justice of the Peace, and the Clerk of the Superior Court. The Supreme Court can approve or change the plan and the funding is formula-driven based on a composite index based on felony filings and population.

#### **IV. LOCAL COURT'S ASSISTANCE FUND**

The purpose is to provide state aid to the Superior Court, including the Clerk of the Court and the justice courts in each county for the processing of criminal cases. An application is required in the same format as the State Aid to Court's and the Supreme Court must approve the plan. The funds come from 5% of monies collected by the courts. Each year the Board of Supervisors must certify whether to distribute the funds to the courts. Certification is based on the percent of collections increase over the base year of FY97-98.

#### **V. MUNICIPAL COURT ALLOCATION**

The purpose is to improve, maintain or enhance collections and management of money, improve court automation, case processing or the administration of justice for the municipal courts. Plans are to be submitted and approved before expenditures are allowed. The Supreme Court will distribute the 14.29% of the 7% surcharge portion for the municipal courts according to a statutory formula based on the total surcharges transmitted by each municipal court compared to the total surcharges transmitted by municipal courts statewide. The 7% surcharge is imposed on every fine, penalty and forfeiture collected by the courts for criminal offenses, civil traffic violations, any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes.

#### **VI. GENERAL ADMINISTRATION**

1. The financial and program administration of these funds are delegated to the Administrative Director of the Administrative Office of the Courts or designee(s). The Administrative Director is authorized to develop, implement and adopt additional policies and procedures necessary for financial and program administration, financial and program monitoring and evaluation, program standards, and all other requirements imposed by law or Supreme Court order or rule.
2. The Administrative Director is authorized to prepare fund projections, recommend and authorize amounts to be awarded each fiscal year, prescribe and adopt policies and procedures for revertment of funds and execute contracts necessary to administer the fund in accordance with this rule.
3. The Administrative Director is authorized to expend funds to implement, evaluate, and administer the Criminal Case Processing and Enforcement Improvement Fund, State Aid to Courts Fund, Local Court's Assistance Fund and Municipal Court Allocation and its funding. Further, the Director shall administer and monitor the funds and shall have the authority to inspect, audit, or have audited the records of any fund recipient related to the use and expenditure of monies provided through the fund. The distribution of the funds have been developed in a formula which has been distributed to the counties.

4. The Administrative Office of the Courts, Court Services Division Director or designee(s) will review all plans and shall recommend to the Administrative Director approval or disapproval of funding awards. Applicants will be notified in writing of the funding decision.
5. Plans must be submitted and approved prior to expenditure of funds, which will be distributed on a quarterly schedule. The plan and any modification shall be consistent with this Order, applicable policies and procedures, and the budget request of the applicant. Budget modifications must have the same signatures as were obtained on the original plan. The Director is authorized to approve plans and modifications.
6. Upon approval of the plan and the availability of funds, the Director shall enter into a written funding agreement with the applicant for expenditure of the allocated funds. The Director shall have authority and discretion to amend or terminate the funding agreement, if such action is necessary, due to a lack of funds or a failure to comply with the applicable statutes, rules, orders, policies or the approved plan, or other circumstances.
7. Funds distributed pursuant to these policies shall be deposited into an account established pursuant to the procedures provided in Sections III and V.B of the Auditor General's Uniform Accounting Manual for Arizona Counties, consistent with Chapter 346, Laws 1999. These sections describe the account code structure consisting of predefined codes that represent specific categories and also governmental fund descriptions respectively. Once funds are distributed, interest earned remains with the fund and may be used in support of the approved plan.
8. Funds distributed shall be used only for the support and operation of approved plans. Upon agreement with any one or more participating entity, the Director may withhold funds allocated and may authorize direct expenditures for the benefit of any entity. The Director may also reallocate funds during a fiscal year, if circumstances justify such action.
9. Each participating entity shall maintain and provide to the Administrative Office of the Courts such reports, data, and statistics as may be required by the Director, and shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five (5) years from the close of each funding period.
10. The Administrative Director is authorized to contract for consulting services, conduct seminars and educational sessions or otherwise provide assistance to the recipients of the funds.

## **VII. AMENDMENTS**

These administrative policies may be waived or modified as deemed necessary by the Administrative Director.

## **VIII. EFFECTIVE DATE**

These administrative policies shall be effective upon the entry of this order.