

## Judiciary - Superior Court

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DESCRIPTION	FY 2003	FY 2004	FY 2005	
	ACTUAL	ESTIMATE	OSPB	JLBC
<b>SPECIAL LINE ITEMS</b>				
<i>Full Time Equivalent Positions</i>	199.3	199.3		199.3
Judges Compensation	12,633,900	14,623,400		14,623,400
Adult Standard Probation	23,563,900	11,110,200		11,110,200
Adult Intensive Probation	18,537,700	10,170,800		10,170,800
Community Punishment	2,282,800	2,721,900		2,721,900
Interstate Compact	1,315,400	558,600		558,600
Juvenile Standard Probation	6,883,600	8,341,600		8,341,600
Juvenile Intensive Probation	12,494,100	13,236,400		13,236,400
Juvenile Treatment Services	21,398,500	22,066,700		22,066,700
Juvenile Family Counseling	606,300	660,400		660,400
Progressively Increasing Consequences	9,238,900	9,268,100		9,268,100
Juvenile Crime Reduction	2,816,300	5,136,100		5,136,100
Special Water Master	0	20,000		20,000
<b>AGENCY TOTAL</b>	<b>111,771,400</b>	<b>97,914,200</b>		<b>97,914,200</b>
<b>FUND SOURCES</b>				
General Fund	108,380,900	90,947,700		90,947,700
<u>Other Appropriated Funds</u>				
Criminal Justice Enhancement Fund	3,390,500	6,966,500		6,966,500
SUBTOTAL - Other Appropriated Funds	3,390,500	6,966,500		6,966,500
<b>SUBTOTAL - Appropriated Funds</b>	<b>111,771,400</b>	<b>97,914,200</b>		<b>97,914,200</b>
Other Non-Appropriated Funds	251,600	257,700		257,700
<b>TOTAL - ALL SOURCES</b>	<b>112,023,000</b>	<b>98,171,900</b>		<b>98,171,900</b>

### CHANGE IN FUNDING SUMMARY

FY 2004 to FY 2005 JLBC

	<u>\$ Change</u>	<u>% Change</u>
General Fund	0	0.0%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	0	0.0%
Non Appropriated Funds	0	0.0%
Total - All Sources	0	0.0%

**AGENCY DESCRIPTION** — The Superior Court, which has a division in every county, is the state's only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.

PERFORMANCE MEASURES	FY 2003	FY 2003	FY 2004	FY 2005
	Appropriation	Actual	Appropriation	Recommend.
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	6.0	7.6	6.0	7.7
<b><u>Juvenile Standard Probation:</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	75	75	75	80
• Average annual state cost per probation slot (in \$)	1,016	796	1,000	1,090
<b><u>Juvenile Intensive Probation (JIPS):</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	70	70	74	75
• Average annual state cost per probation slot (in \$)	6,941	6,662	7,000	7,511
<b><u>Adult Standard Probation:</u></b>				
• % of probationers successfully completing probation without a new conviction	90	86	92	90
• Average annual state cost per probation slot (in \$)	756	654	750	929
<b><u>Adult Intensive Probation (AIPS):</u></b>				
• % of probationers successfully completing probation without a new conviction	81	69	75	75
• Average annual state cost per probation slot (in \$)	5,821	6,156	5,750	6,235

## RECOMMENDED CHANGES FROM FY 2004

### **Special Line Items**

#### **Judges Compensation**

The JLBC recommends \$14,623,400 from the General Fund for Judges Compensation in FY 2005. This amount is unchanged from the adjusted FY 2004 base. (See *Juvenile Treatment Services for additional information.*)

This line item provides funding for the state's 50% share of the salary and Employee Related Expenditures of Superior Court Judges. Pursuant to A.R.S. § 12-128, one-half of Superior Court Judges' salaries are provided by the state General Fund. The line item includes 158 FTE Positions.

#### **Adult Probation Programs**

As part of the FY 2004 budget solution, Maricopa County agreed to assume the state's share of Maricopa's adult probation costs in FY 2004 and FY 2005. The state and counties have typically shared the costs of adult probation. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the standard programs and treatment services, the state predominantly pays for the cost of additional probation officers. Counties typically contribute through Probation Service Fee collections, outside grants, and office space. Pursuant to a provision in the Public Finances ORB (Laws 2003, Chapter 263), Maricopa County is required to fund adult probation in that county and submit monthly performance measures for each of the probation programs.

#### **Adult Standard Probation**

The JLBC recommends \$11,110,200 from the General Fund for the Adult Standard Probation line item in FY 2005. This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than an average of 60 adults on probation at one time. A provision in the Public Finances ORB (Laws 2003, Chapter 263) suspends Adult Standard Probation caseload ratios in Maricopa County for FY 2004. The JLBC recommends continuing the suspension of Adult Probation officer caseload ratios in Maricopa County in FY 2005. (See *JLBC Recommended Statutory Changes for more information.*) The line item includes 4.3 FTE Positions. The recommended amount is unchanged from FY 2004.

The Adult Standard Probation population decreased by 4% from FY 2002 to FY 2003. Through September 2003, there has been no growth in the program in FY 2004. The JLBC estimates a 2.5% growth in the Adult Standard Probation program in FY 2005. Due to a lack of growth in this program in FY 2003, as well as the other adult and juvenile probation programs, the JLBC believes that the agency's existing resources can absorb a potential 2.5% probation caseload increase in FY 2005.

#### **Adult Intensive Probation (AIPS)**

The JLBC recommends \$10,170,800 from the General Fund for Adult Intensive Probation in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Pursuant to A.R.S. § 13-916, 1 team (2 probation

officers) shall not supervise more than 25 intensive probationers at one time. A provision in the Public Finances ORB (Laws 2003, Chapter 263) suspends Adult Intensive Probation caseload ratios in Maricopa County for FY 2004. The JLBC recommends suspending Adult Probation officer caseload ratios in Maricopa County again in FY 2005. (*See JLBC Recommended Statutory Changes for more information.*) In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Adult Intensive Probation program (*See Adult Probation Programs for more information.*) The line item includes 8 FTE Positions.

#### **Community Punishment**

The JLBC recommends \$2,721,900 for Community Punishment in FY 2005. This amount includes \$891,500 from the General Fund and \$1,830,400 from the Criminal Justice Enhancement Fund (CJEF). These amounts are unchanged from FY 2004.

This line item provides behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Community Punishment program (*See Adult Probation Programs for more information.*) The line item includes 3 FTE Positions funded from the General Fund.

#### **Interstate Compact**

The JLBC recommends \$558,600 from the General Fund for Interstate Compact in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Interstate Compact program (*See Adult Probation Programs for more information.*) The line item includes 3 FTE Positions.

#### **Juvenile Probation Programs**

##### **Juvenile Standard Probation**

The JLBC recommends \$8,341,600 from the General Fund for Juvenile Standard Probation in FY 2005. This amount is unchanged from FY 2004.

This line item provides community services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Probation supervision is intended to monitor the juvenile's compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35 juveniles on standard

probation at one time. The line item includes 3.9 FTE Positions.

##### **Juvenile Intensive Probation (JIPS)**

The JLBC recommends \$13,236,400 from the General Fund for Juvenile Intensive Probation in FY 2005. This amount is unchanged from FY 2004.

This line item was created to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. The line item includes 7 FTE Positions.

##### **Juvenile Treatment Services**

The JLBC recommends \$22,066,700 from the General Fund for Juvenile Treatment Services in FY 2005. This amount is unchanged from the adjusted FY 2004 base.

The program has surplus resources. In FY 2003, \$23,307,800 was appropriated for these services, but actual expenditures were \$21,398,500. At the same time, the Judges Compensation line item was appropriated \$13,374,500 in FY 2004, but expenditures are expected to be \$14,623,400 due to increased health and retirement costs. As a result, the JLBC recommends that \$1,248,900 be transferred from Juvenile Treatment Services to Judges Compensation. Even with the transfer, the FY 2005 Juvenile Treatment Services funding of \$22,066,700 will be \$668,200 higher than FY 2003 expenditures.

This line item provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-230.01 and A.R.S. § 8-230.02, relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care, and other programs. The line item includes 7.1 FTE Positions.

##### **Juvenile Family Counseling**

The JLBC recommends \$660,400 from the General Fund for Juvenile Family Counseling in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening their family relationships. These monies are predominately for non-adjudicated juveniles and their families, and require a 25% county match.

##### **Progressively Increasing Consequences (PIC-Act)**

The JLBC recommends \$9,268,100 from the General Fund for Progressively Increasing Consequences in FY 2005. This amount is unchanged from FY 2004.

This program diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A PIC-Act probation officer assigns consequences for the

juvenile to complete, such as substance abuse education, graffiti abatement, counseling or other community service programs.

#### ***Juvenile Crime Reduction***

The JLBC recommends \$5,136,100 from CJEF for Juvenile Crime Reduction in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding for the design and implementation of community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. The line item includes 5 FTE Positions.

#### **Other**

##### ***Special Water Master***

The JLBC recommends \$20,000 from the General Fund for the Special Water Master in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River water rights adjudication. The adjudication of water rights for the Little Colorado River was petitioned in 1978. Since that time, about 3,100 individuals, communities, and companies have filed about 11,000 water rights claims. The Special Water Master conducts hearings for each claimant and makes recommendations to the Superior Court Judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a special line item within the Superior Court budget.

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**JLBC RECOMMENDED FORMAT** — Special Line Items by Agency

#### **JLBC RECOMMENDED FOOTNOTES**

##### *Standard Footnotes*

Of the 199.3 FTE Positions, 158 FTE Positions represent Superior Court judges. One-half of their salaries are provided by state General Fund appropriations pursuant to A.R.S. § 12-128. This is not meant to limit the counties' ability to add additional judges pursuant to A.R.S. § 12-121.

All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,721,900 in FY 2005 are appropriated to the Community Punishment ~~Subprogram~~ LINE ITEM. Before the expenditure of any Community Punishment receipts in excess of \$2,721,900 in FY 2005, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

Up to 4.6% of the amounts appropriated for Juvenile Probation Services – Treatment Services and Progressively Increasing Consequences may be retained and expended by the Supreme Court to administer the programs established by A.R.S. § 8-322, and to conduct evaluations as needed. The remaining portion of the Treatment Services and Progressively Increasing Consequences programs shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322.

All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,136,100 in FY 2005 are appropriated to the Juvenile Crime Reduction ~~Subprogram~~ LINE ITEM. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,136,100 in FY 2005, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

Receipt of state probation monies by the counties is contingent on the county maintenance of FY 2004 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs.

The Administrative Office of the Courts shall not allocate any monies appropriated for adult probation services to Maricopa County. It is the intent of the Legislature that Maricopa County will pay for adult probation programs in that county.

#### **JLBC RECOMMENDED STATUTORY CHANGES**

The JLBC recommends suspending adult probation officer caseload ratios for Maricopa County in FY 2005. Laws 2003, Chapter 263 suspended adult probation ratios for Maricopa County in FY 2004. (*See Adult Probation Programs for more information.*)

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### **SUMMARY OF FUNDS – SEE SUPREME COURT**

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