

Judiciary - Superior Court

**Arizona Constitution Article VI
A.R.S. § 12-121**

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	FY 2004 Actual	FY 2005 Estimate	FY 2006 Approved
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	199.3	199.3	202.3 ^{1/}
Judges Compensation	13,737,700	14,711,000	15,813,100
Adult Standard Probation	11,076,300	11,351,800	11,769,300
Adult Intensive Probation	10,087,200	10,370,100	10,427,000
Community Punishment	1,483,500	2,743,400	2,766,600 ^{2/}
Interstate Compact	555,300	570,200	587,400
Juvenile Standard Probation	7,903,100	7,639,000	7,845,200
Juvenile Intensive Probation	13,206,400	13,241,200	13,496,800
Juvenile Treatment Services	22,067,600	22,101,400	22,184,800 ^{3/}
Juvenile Family Counseling	657,500	660,400	660,400
Progressively Increasing Consequences	9,271,100	9,391,900	9,551,500 ^{3/}
Juvenile Crime Reduction	2,962,800	5,144,000	5,165,300 ^{4/}
Special Water Master	20,000	20,000	20,000
AGENCY TOTAL	93,028,500	97,944,400	100,287,400^{3/6/7/}
FUND SOURCES			
General Fund	89,465,700	90,970,000	92,791,700
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,562,800	6,974,400	6,995,700
Drug Treatment and Education Fund			500,000
SUBTOTAL - Other Appropriated Funds	3,562,800	6,974,400	7,495,700
SUBTOTAL - Appropriated Funds	93,028,500	97,944,400	100,287,400
Other Non-Appropriated Funds	889,900	1,007,600	1,007,600
TOTAL - ALL SOURCES	93,918,400	98,952,000	101,295,000

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.

- ^{1/} Of the 202.3 FTE Positions, 161 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. (General Appropriation Act footnote)
- ^{2/} All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,766,600 in FY 2006 are appropriated to the Community Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,766,600 in FY 2006, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- ^{3/} 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. (General Appropriation Act footnote)
- ^{4/} All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,165,300 in FY 2006 are appropriated to the Juvenile Crime Reduction line item. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,165,300 in FY 2006, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- ^{5/} 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. (General Appropriation Act footnote)
- ^{6/} General Appropriation Act funds are appropriated as Special Line Items by Agency.
- ^{7/} 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. (General Appropriation Act footnote)

PERFORMANCE MEASURES	FY 2003 Actual	FY 2004 Actual	FY 2006 Approved
<ul style="list-style-type: none"> Customer satisfaction rating by states participating in the interstate compact (Scale 1-8) 	7.6	7.3	7.4
<u>Juvenile Standard Probation:</u>			
<ul style="list-style-type: none"> % of probationers successfully completing probation without a referral (a notice of misbehavior) 	75	79	80
<u>Juvenile Intensive Probation (JIPS):</u>			
<ul style="list-style-type: none"> % of probationers successfully completing probation without a referral (a notice of misbehavior) 	70	73	75
<u>Adult Standard Probation:</u>			
<ul style="list-style-type: none"> % of probationers successfully completing probation without a new conviction 	86	70	75
<u>Adult Intensive Probation (AIPS):</u>			
<ul style="list-style-type: none"> % of probationers successfully completing probation without a new conviction 	69	65	70

Special Line Items

Judges Compensation

The budget provides \$15,813,100 and 161 FTE Positions from the General Fund for Judges Compensation in FY 2006. The approved amount includes an increase of \$777,200 from the General Fund in FY 2006 for statewide adjustments. *(Please see the Statewide Adjustments section at the end of this Appropriations Report for details.)*

Shift Surplus Monies

The budget adds \$100,500 of General Fund monies to Judges Compensation in FY 2006 for standard changes. This amount consists of an Employee Related Expenditures (ERE) increase of \$297,600 and a Risk Management decrease of \$(197,100). *(See Adult Intensive Probation for more information.)*

New Judgeships

The budget provides \$224,400 from the General Fund in FY 2006 for 3 new judgeships, 1 each in Mohave, Pinal, and Yuma counties.

This line item provides funding for the state's 50% share of the salary and ERE 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.

Judicial Salary Increase

The budget also provides an advance appropriation of \$702,500 from the General Fund for FY 2007 to fund a 12.5% judicial salary increase for Superior Court Judges beginning January 1, 2007. *(See Judicial Salary Increase for more information.)*

Adult Probation Programs

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.

As part of the FY 2004 budget, Maricopa County agreed to assume the state's share of its adult probation costs. The FY 2006 budget continues to require Maricopa County to fund 100% of its adult probation costs. The Criminal Justice Budget Reconciliation Bill (Laws 2005, Chapter 300) suspends the statutory adult probation officer caseload ratios for Maricopa County in FY 2006 and requires the county to submit monthly performance measures to the Joint Legislative Budget Committee for each of the probation programs. Chapter 300 allows Maricopa County to retain monies collected from a \$5 surcharge assessed on civil and criminal traffic violations. Chapter 300 also continues to require Pima County to pay \$1,400,000 of its probation costs in FY 2006.

Adult Standard Probation

The budget provides \$11,769,300 and 6 FTE Positions from the General Fund for Adult Standard Probation in FY 2006. The approved amount includes an increase of \$316,100 from the General Fund in FY 2006 for statewide adjustments.

Shift Surplus Monies

The budget adds \$101,400 from Adult Intensive Probation to Adult Standard Probation in FY 2006 to fund 1% growth in the program, or an increase of 120 probationers in the Adult Standard Probation Program in non-Maricopa

counties. (See *Adult Intensive Probation for more information.*)

The Adult Standard Probation population experienced 2% growth statewide from FY 2003 to FY 2004. At the end of FY 2004, there were 35,727 probationers statewide. Of this amount, there were 23,211 probationers in Maricopa County and 12,516 in all other counties.

Maricopa County assumed the costs of its Adult Standard Probation program beginning in FY 2004. As of April 2005, there were 11,678 non-Maricopa probationers, or 88% of the FY 2005 funded capacity of 13,200 in non-Maricopa counties. In general, probation caseload ratios are not expected to reach 100% because of the distances probation officers in rural counties must travel to serve probationers in sparsely populated areas.

Historically, probation caseload targets have been 98% of the funded capacity for adult standard probation. Because the approved budget funds a total caseload capacity of 13,320, a 98% level translates into the supervision of 13,053 offenders. Given that the current caseload is 11,678, there may be surplus monies in this line item.

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 60 adults on standard probation at one time.

Adult Intensive Probation (AIPS)

The budget provides \$10,427,000 and 8 FTE Positions from the General Fund for Adult Intensive Probation in FY 2006. The approved amount includes an increase of \$258,800 from the General Fund in FY 2006 for statewide adjustments.

Shift Surplus Monies

The budget reduces \$201,900 of General Fund monies from Adult Intensive Probation for lower-than-expected caseloads.

The Adult Intensive Probation population decreased by 22% from FY 2002 to FY 2003 and further decreased by 1% from FY 2003 to FY 2004. At the end of FY 2004, there were 2,923 probationers statewide. Of this amount, there were 1,398 probationers in Maricopa County and 1,525 in all other counties.

Maricopa County assumed the costs of its Adult Intensive Probation program beginning in FY 2004. As of April 2005, there were 1,598 probationers, or 95% of the funded capacity of 1,675 in non-Maricopa counties. In general, probation caseload ratios are not expected to reach 100% because of the distances probation officers in rural counties must travel to serve probationers in sparsely populated areas.

Historically, probation caseload targets have been 95% of the funded capacity for adult intensive probation. The current caseload is at this level. Because the budget assumes no growth in this program in FY 2006, the approved amount funds a total caseload capacity of 1,675. (See *Adult Standard Probation for more information.*)

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.

Community Punishment

The budget provides \$2,766,600 and 1.3 FTE Positions for Community Punishment in FY 2006. The approved amount consists of \$436,200 from the General Fund, \$500,000 from the Drug Treatment and Education Fund, and \$1,830,400 from the Criminal Justice Enhancement Fund (CJEF). The approved amount includes an increase of \$23,200 from the General Fund in FY 2006 for statewide adjustments.

Fund Shift

The approved amount includes a decrease of \$(500,000) from the General Fund and an increase of \$500,000 from the Drug Treatment and Education Fund (DTEF) due to a projected \$2.3 million balance in DTEF at the end of FY 2005. DTEF receives monies from a portion of state liquor tax collections and provides monies to the Superior Court to place offenders in drug education and treatment programs.

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. The budget continues to require Maricopa County to assume the costs of its Community Punishment program. (See *Adult Probation Programs for more information.*)

Interstate Compact

The budget provides \$587,400 and 3 FTE Positions from the General Fund for Interstate Compact in FY 2006. The approved amount includes an increase of \$17,200 from the General Fund in FY 2006 for statewide adjustments.

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. The budget continues to require Maricopa County to assume the costs of its Interstate Compact program. (See *Adult Probation Programs for more information.*)

Juvenile Probation Programs

Juvenile Standard Probation

The budget provides \$7,845,200 and 3.8 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2006. The approved amount includes an increase of \$206,200 from the General Fund in FY 2006 for statewide adjustments.

The Juvenile Standard Probation population increased by 2% from FY 2003 to FY 2004, for a statewide total of 7,606 juvenile offenders in the program at the end of FY 2004.

As of April 2005, there were 7,253 juvenile offenders on standard probation, or 82% of the FY 2005 funded capacity of 8,886. In general, probation caseload ratios are not expected to reach 100% because of the distances probation officers in rural counties must travel to serve probationers in sparsely populated areas.

Historically, probation caseload targets have been 95% of the funded capacity for juvenile standard probation. Because the approved budget funds a total caseload capacity of 8,886, a 95% level translates into the supervision of 8,441 juvenile offenders. Given that the current caseload is 7,253, there may be surplus monies in this line item.

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.

Juvenile Intensive Probation (JIPS)

The budget provides \$13,496,800 and 5.5 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2006. The approved amount includes an increase of \$255,600 from the General Fund in FY 2006 for statewide adjustments.

The Juvenile Intensive Probation population increased by 1% from FY 2003 to FY 2004, for a statewide total of 1,541 juvenile offenders in the program at the end of FY 2004.

As of April 2005, there were 1,502 juvenile offenders on intensive probation, or 81% of the FY 2005 funded capacity of 1,862. In general, probation caseload ratios are not expected to reach 100% because of the distances probation officers in rural counties must travel to serve probationers in sparsely populated areas.

Historically, probation caseload targets have been 95% of the funded capacity for juvenile intensive probation.

Because the approved budget funds a total caseload capacity of 1,862, a 95% level translates into the supervision of 1,768 juvenile offenders. Given that the current caseload is 1,502, there may be surplus monies in this line item.

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.

Juvenile Treatment Services

The budget provides \$22,184,800 and 8.7 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2006. The approved amount includes an increase of \$83,400 from the General Fund in FY 2006 for statewide adjustments.

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.

Juvenile Family Counseling

The budget provides \$660,400 from the General Fund for Juvenile Family Counseling in FY 2006. This amount is unchanged from FY 2005.

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 budget provides \$9,551,500 from the General Fund for Progressively Increasing Consequences in FY 2006. The approved amount includes an increase of \$159,600 from the General Fund in FY 2006 for statewide adjustments.

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. In FY 2004, there were approximately 21,000 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

Juvenile Crime Reduction

The budget provides \$5,165,300 and 5 FTE Positions from the Criminal Justice Enhancement Fund for Juvenile Crime Reduction in FY 2006. The approved amount includes an

increase of \$21,300 from the CJEF in FY 2006 for statewide adjustments.

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. Through a grant process, the Administrative Office of the Courts distributes monies in this line item to approximately 20 public and private entities.

Other

Special Water Master

The budget provides \$20,000 from the General Fund for the Special Water Master line item in FY 2006. This amount is unchanged from FY 2005.

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.

Additional Appropriation

Drug Court Programs

Laws 2005, Chapter 296 appropriates \$1,000,000 from the General Fund in FY 2007 to the Administrative Office of the Courts for funding juvenile and adult drug courts throughout the state.

This line item provides funding for prosecuting, adjudicating, and treating drug-dependent offenders. Superior Court divisions in 9 counties have implemented or are planning the implementation of drug courts. These programs utilize drug education, intensive therapy, parent support, case management, socialization alternatives, aftercare, and compliance monitoring for drug abstinence.

Judicial Salary Increase

Laws 2005, Chapter 286 (General Appropriation Act) appropriates \$702,500 from the General Fund in FY 2007 for half-year salary increases for Superior Court Judges.

The Commission on Salaries for Elected State Officers conducts biennial salary reviews and provides recommendations to the Governor based on the results of their findings. As a result, the Executive proposed a salary

of \$145,000 for Superior Court Judges, an increase of \$24,250 (20.1%). The Executive proposal goes into effect unless either the House of Representatives or the Senate pass a resolution in opposition to the proposal. On April 12, 2005, the House of Representatives approved such a resolution (HR 2001).

While the Legislature was not in agreement with the Executive proposal, the Legislature subsequently approved Section 106 of Chapter 286, which provides a 12.5% pay raise to Superior Court Judges. The approved raise provides an increase to all Superior Court Judges salaries from their current level of \$120,750 to \$135,844, an increase of \$15,094.

Section 106 of Chapter 286 stipulates that judicial salaries for Supreme Court Justices, Court of Appeals Judges and Superior Court Judges will be increased by 12.5% effective January 1, 2007. As a result, the budget funds half year costs of \$702,500 in FY 2007. Annual costs of \$1,405,000 will not be realized until FY 2008. (*Please see the Supreme Court section for additional judicial salary information and associated costs.*)