

## Judiciary - Superior Court

JLBC: Kevin Bates

OSPB: Matt Gottheiner

DESCRIPTION	FY 2005 ACTUAL	FY 2006 ESTIMATE	FY 2007 JLBC
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	225.5	228.2	231.2
Judges Compensation	14,646,400	15,813,100	16,749,000
Adult Standard Probation	11,349,300	11,769,300	11,769,300
Adult Intensive Probation	10,368,700	10,427,000	10,427,000
Community Punishment	1,510,500	2,766,600	2,766,600
Interstate Compact	570,100	587,400	587,400
Drug Court	0	0	1,000,000
Juvenile Standard Probation	7,620,500	7,845,200	7,845,200
Juvenile Intensive Probation	12,950,300	13,496,800	13,496,800
Juvenile Treatment Services	22,101,400	22,184,800	22,184,800
Juvenile Family Counseling	651,000	660,400	660,400
Progressively Increasing Consequences	9,391,900	9,551,500	9,551,500
Juvenile Crime Reduction	3,149,800	5,165,300	5,165,300
Special Water Master	20,000	20,000	20,000
<b>AGENCY TOTAL</b>	<b>94,329,900</b>	<b>100,287,400</b>	<b>102,223,300</b>
<b>FUND SOURCES</b>			
General Fund	90,580,100	92,791,700	94,727,600
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,749,800	6,995,700	6,995,700
Drug Treatment and Education Fund	0	500,000	500,000
SUBTOTAL - Other Appropriated Funds	3,749,800	7,495,700	7,495,700
<b>SUBTOTAL - Appropriated Funds</b>	<b>94,329,900</b>	<b>100,287,400</b>	<b>102,223,300</b>
Other Non-Appropriated Funds	7,813,100	7,791,400	7,791,400
<b>TOTAL - ALL SOURCES</b>	<b>102,143,000</b>	<b>108,078,800</b>	<b>110,014,700</b>

### CHANGE IN FUNDING SUMMARY

	FY 2006 to FY 2007 JLBC	
	\$ Change	% Change
General Fund	1,935,900	2.1%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	1,935,900	1.9%
Non Appropriated Funds	0	0.0%
Total - All Sources	1,935,900	1.8%

**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.

<b>PERFORMANCE MEASURES</b>	FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2007 JLBC
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	7.6	7.3	7.0	7.2
<b><u>Juvenile Standard Probation:</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	75	79	74	75
<b><u>Juvenile Intensive Probation (JIPS):</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	70	73	69	69
<b><u>Adult Standard Probation:</u></b>				
• % of probationers exiting probation and not committed to county jail or prison	86	70	80	83
Comments: Adult Standard Probation measure revised to more accurately reflect data tracked by AOC. Data for above measure effective beginning with FY 2005 Actual column. Previous figures represent the % of probationers successfully completing probation without a new conviction.				
<b><u>Adult Intensive Probation (AIPS):</u></b>				
• % of probationers exiting intensive probation and not committed to county jail or prison	69	65	48	52
Comments: Adult Intensive Probation measure revised to more accurately reflect data tracked by AOC. Data for above measure effective beginning with FY 2005 Actual column. Previous figures represent the % of probationers successfully completing probation without a new conviction.				

## RECOMMENDED CHANGES FROM FY 2006

### *Special Line Items*

#### **Judges Compensation**

The JLBC recommends \$16,749,000 and 166 FTE Positions from the General Fund for Judges Compensation in FY 2007. This amount would fund the following adjustments:

<b>Standard Changes</b>	<b>GF</b>	<b>FY 2007</b> <b>\$(32,700)</b>
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The JLBC recommends a decrease of \$(32,700) from the General Fund in FY 2007 for standard changes relating to a redistribution of monies appropriated in FY 2006 for the Elected Officials Retirement increase.

<b>New Judgeships</b>	<b>GF</b>	<b>266,100</b>
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The JLBC recommends an increase of \$266,100 from the General Fund in FY 2007 for 3 new judgeships, 2 in Maricopa County and 1 in Pima County. The 3 additional judgeships have been operating since October 2005.

<b>Judicial Salary Increase</b>	<b>GF</b>	<b>702,500</b>
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The JLBC recommends an increase of \$702,500 from the General Fund in FY 2007 for half-year funding for a 12.5% judicial salary increase authorized in Laws 2005, Chapter 286 (General Appropriation Act). Chapter 286 appropriated the funding to increase a Superior Court

Judge's salary from \$120,750 to \$135,844 beginning January 1, 2007. As a result of this appropriation, this funding will not appear in the FY 2007 General Appropriation Act.

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. The Legislature disagreed with the Executive recommendation but approved the 12.5% pay raise, which will take effect January 1, 2007. The FY 2007 recommendation would fund half-year costs. Annual costs of \$1,490,000 would not be realized until FY 2008.

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.

#### **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.

Since FY 2004, Maricopa County has assumed the state's share of its adult probation costs. The JLBC recommends continuing this shift of adult probation costs to Maricopa County in FY 2007, including suspending the statutory adult probation officer caseload ratios for Maricopa County in FY 2007 and requiring the county to continue to submit monthly performance measures to the Joint Legislative Budget Committee for each of the probation programs, as well as allowing Maricopa County to retain monies collected from a \$5 surcharge assessed on civil and criminal traffic violations. (See "JLBC Recommended Statutory Changes" for more information.)

The JLBC also recommends continuing to require Pima County to pay \$1,381,900 of its probation costs in FY 2007. These provisions require statutory changes. (See "JLBC Recommended Statutory Changes" for more information.)

#### **Adult Standard Probation**

The JLBC recommends \$11,769,300 and 13.3 FTE Positions from the General Fund for Adult Standard Probation in FY 2007. This amount is unchanged from FY 2006.

The JLBC predicts that the Adult Standard Probation population will experience 2.8% growth, or an increase of about 354 probationers, in non-Maricopa counties to reach an average caseload of 12,996 offenders in FY 2007. This caseload is based on the average monthly growth during the last 2 fiscal years.

The FY 2007 budget would fund a caseload of 13,320 probationers, the same level as in FY 2006. Since the average predicted caseload is 12,996, 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. In funding caseload growth, this ratio is adjusted downward by 2% because of the distances officers in rural counties must travel to supervise probationers.

In addition to the average Adult Standard Probation caseload of 12,996 in non-Maricopa counties, there was predicted to be an average of 24,465 probationers in Maricopa County, for a statewide total of 37,461 Adult Standard probationers in FY 2007.

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

The JLBC recommends \$10,427,000 and 10.8 FTE Positions from the General Fund for Adult Intensive

Probation in FY 2007. This amount is unchanged from FY 2006.

The JLBC predicts that the Adult Intensive Probation population will experience 3.3% growth, or an increase of about 53 probationers, in non-Maricopa counties to reach an average caseload of 1,650 offenders in FY 2007. This caseload is based on the average monthly growth during the last 2 fiscal years.

The FY 2007 budget would fund a caseload of 1,675 probationers, the same level as in FY 2006. Since the average predicted caseload is only 1,650, there may be surplus monies in this line item.

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 shall not supervise more than 25 intensive probationers at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural counties must travel to supervise probationers.

In addition to the average Adult Intensive Probation caseload of 1,650 in non-Maricopa counties, there was predicted to be an average of 1,518 probationers in Maricopa County, for a statewide total of 3,168 Adult Intensive probationers in FY 2007.

#### **Community Punishment**

The JLBC recommends \$2,766,600 and 1 FTE Position for Community Punishment in FY 2007. This amount consists of:

General Fund	436,200
Drug Treatment and Education Fund	500,000
Criminal Justice Enhancement Fund	1,830,400

These amounts are unchanged from FY 2006.

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. Since FY 2004, Maricopa County has been required to assume the costs of its Community Punishment program. The JLBC recommends continuing this shift in FY 2007.

#### **Interstate Compact**

The JLBC recommends \$587,400 and 3.9 FTE Positions from the General Fund for Interstate Compact in FY 2007. The amount is unchanged from FY 2006.

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. Since FY 2004, Maricopa



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 \$9,551,500 from the General Fund for Progressively Increasing Consequences in FY 2007. This amount is unchanged from FY 2006.

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 2005, there were approximately 20,300 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

***Juvenile Crime Reduction***

The JLBC recommends \$5,165,300 and 7.4 FTE Positions from the Criminal Justice Enhancement Fund for Juvenile Crime Reduction in FY 2007. This amount is unchanged from FY 2006.

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 (AOC) distributes monies in this line item to approximately 20 public and private entities.

**Other**

***Special Water Master***

The JLBC recommends \$20,000 from the General Fund for the Special Water Master in FY 2007. This amount is unchanged from FY 2006.

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. Through FY 2005, about 3,100 individuals, communities, governments, and companies have filed about 13,300 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 231.2 FTE Positions, 166 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 judges pursuant to A.R.S. § 12-121.

All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,766,600 in FY 2007 are appropriated to the Community Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,766,600 in FY 2007, 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 \$5,165,300 in FY 2007 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 2007, 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.

*New Footnotes*

Before the expenditure of any federal reimbursement monies, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (A recent Auditor General report determined that the Judiciary had not reported the accumulation of federal reimbursement

monies related to foster care review. The footnote would ensure the reporting of any federal reimbursement monies that are not deposited into the General Fund.)

performance measures; 4) increasing Maricopa County's expenditure limit to reflect additional probation costs; and 5) allowing Maricopa County to retain monies collected from a \$5 surcharge assessment on civil and criminal traffic violations.

**JLBC RECOMMENDED STATUTORY CHANGES**

The JLBC recommends continuing: 1) requiring Maricopa County to fund Adult Probation in FY 2007 without state assistance; 2) suspending adult probation officer caseload ratios in Maricopa County in FY 2007; 3) requiring Maricopa County to report on Adult Probation

The JLBC also recommends continuing the provision originally enacted in FY 2003 that requires Pima County to reimburse \$1,381,900 to the state for the county share of Adult and Juvenile Probation costs in FY 2007.

SUMMARY OF FUNDS	FY 2005 Actual	FY 2006 Estimate
<b>Community Punishment Program Fines Fund (SPA2119/A.R.S. § 13-821)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Discretionary fines imposed by the courts on drug offenders.		
<b>Purpose of Fund:</b> To provide drug treatment services to adult probationers through the Community Punishment Program.		
<b>Funds Expended</b>	0	85,000
<b>Year-End Fund Balance</b>	150,100	146,700
<b>Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Includes allocations of the Criminal Justice Enhancement Fund (CJEF). CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.		
<b>Purpose of Fund:</b> 9.35% of CJEF monies allocated to the courts are used to reduce juvenile crime, 6.02% of CJEF monies are used to enhance the court's ability to process criminal and delinquency cases and salaries of Superior Court judges, and 2.13% of CJEF monies are used to provide drug treatment services to adult probationers. The portions of the fund dedicated to juvenile crime reduction and drug treatment are included in the Superior Court's budget, while the case processing portion is part of the Supreme Court's budget.		
<b>Funds Expended</b>	3,749,800	6,995,700
<b>Year-End Fund Balance</b>	7,748,400	4,420,000
<b>Drug Enforcement Account (SPA2075/A.R.S. § 41-2402)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Grant from the Arizona Criminal Justice Commission's Drug and Gang Enforcement Account.		
<b>Purpose of Fund:</b> To fund programs that enhance the ability of the courts to process drug offenses and related cases.		
<b>Funds Expended</b>	2,726,500	2,318,300
<b>Year-End Fund Balance</b>	0	0
<b>Drug Treatment and Education Fund (SPA2277/A.R.S. § 13-901.02)</b>		<b>Partially-Appropriated</b>
<b>Source of Revenue:</b> The fund receives 7% of tax revenue collected on spirituous liquors and 18% of tax revenue collected on vinous and malt liquor. Of this amount, 50% is allocated to this fund and 50% is allocated to the Arizona Parents Commission on Drug Education and Prevention.		
<b>Purpose of Fund:</b> To place persons in drug education and treatment programs. Such monies are allocated to Superior Court probation departments according to a formula based on probation caseloads.		
<b>Appropriated Funds Expended</b>	0	500,000
<b>Non-Appropriated Funds Expended</b>	3,584,700	4,110,000
<b>Year-End Fund Balance</b>	2,819,500	2,264,200
<b>Grants and Special Revenue (SPA2084/A.R.S. § 35-142)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies provided from various sources, private and public, for specific programs and projects.		
<b>Purpose of Fund:</b> To expend grants as required by the contribution.		
<b>Funds Expended</b>	1,311,900	1,135,400
<b>Year-End Fund Balance</b>	3,642,600	2,678,000

SUMMARY OF FUNDS	FY 2005 Actual	FY 2006 Estimate
<b>Juvenile Delinquent Reduction Fund (SPA2193/A.R.S. § 8-322)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies appropriated to Juvenile Probation Services - Treatment Services and Progressively Increasing Consequences and allocated by the Administrative Office of the Courts. These expenditures appear as General Fund expenditures in the appropriated budget.		
<b>Purpose of Fund:</b> To fund programs for juvenile probationers required as conditions of diversion. These programs are intended to reduce the number of repetitive juvenile offenders and provide services, including treatment, testing, independent living programs, residential foster and shelter care, and for juveniles referred to the juvenile court for incorrigibility or delinquency offenses.		
<b>Funds Expended</b>	0	0
<b>Year-End Fund Balance</b>	3,124,700	1,573,400
<b>State Aid to the Courts Fund (SPA2446/A.R.S. § 12-102.02)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Legislative appropriations; a portion of court filing fees; and a portion of fees, fines, penalties, and forfeitures collected on criminal offenses and civil motor vehicle violations.		
<b>Purpose of Fund:</b> To provide state aid to the Superior Court, including the clerk of the Superior Court, and Justice Courts for the processing of criminal cases. Monies are distributed to each county based on a formula using Superior Court felony filings and county population. Pursuant to a General Appropriation Act footnote, General Fund monies are distributed only to rural counties, defined as any county with a population of less than 500,000 persons.		
<b>Funds Expended</b>	0	0
<b>Year-End Fund Balance</b>	1,403,200	1,302,600
<b>State Aid to Detention Fund (SPA2141/A.R.S. § 41-2417)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies appropriated by the Legislature.		
<b>Purpose of Fund:</b> To provide state assistance to counties in maintaining, expanding, and operating juvenile detention centers. On behalf of the juvenile court, the Administrative Office of the Courts may use monies in the fund to enter into agreements with public agencies or private entities to acquire land for, build, purchase, lease-purchase, lease, maintain, expand, or operate juvenile detention centers.		
<b>Funds Expended</b>	190,000	142,700
<b>Year-End Fund Balance</b>	269,100	134,700