

Judiciary - Superior Court

JLBC: Kevin Bates

OSPB: John Stahmer

DESCRIPTION	FY 2006 ACTUAL	FY 2007 ESTIMATE	FY 2008 JLBC
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	227.8	227.4	232.5
Judges Compensation	15,707,700	17,206,800	17,732,500
Adult Standard Probation	12,226,200	13,334,900	13,572,800
Adult Intensive Probation	11,083,200	11,393,400	11,274,400
Community Punishment	1,579,900	2,854,800	2,854,800
Interstate Compact	622,400	640,500	640,400
Sex Offenders GPS Monitoring	0	0	750,000
Drug Court	0	1,000,000	1,000,000
Probation Surcharge	0	2,723,800	2,723,800
Juvenile Standard Probation	7,983,400	4,949,200	4,949,200
Juvenile Intensive Probation	13,587,200	10,200,000	10,081,000
Juvenile Treatment Services	22,250,000	22,454,200	22,454,000
Juvenile Family Counseling	647,200	660,400	660,400
Progressively Increasing Consequences	9,700,400	10,168,500	10,168,500
Juvenile Crime Reduction	3,243,400	5,198,200	5,202,600
Special Water Master	20,000	20,000	20,000
AGENCY TOTAL	98,651,000	102,804,700	104,084,400

FUND SOURCES

General Fund	94,307,600	92,552,300	93,827,600
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,843,400	7,028,600	7,033,000
Drug Treatment and Education Fund	500,000	500,000	500,000
Judicial Collection Enhancement Fund	0	2,723,800	2,723,800
SUBTOTAL - Other Appropriated Funds	4,343,400	10,252,400	10,256,800
SUBTOTAL - Appropriated Funds	98,651,000	102,804,700	104,084,400
Other Non-Appropriated Funds	7,787,700	7,662,000	7,662,000
TOTAL - ALL SOURCES	106,438,700	110,466,700	111,746,400

CHANGE IN FUNDING SUMMARY

	FY 2007 to FY 2008 JLBC	
	\$ Change	% Change
General Fund	1,275,300	1.4%
Other Appropriated Funds	4,400	0.0%
Total Appropriated Funds	1,279,700	1.2%
Non Appropriated Funds	0	0.0%
Total - All Sources	1,279,700	1.2%

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.

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2008 JLBC
PERFORMANCE MEASURES				
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	7.3	7.0	6.7	7.0
<u>Juvenile Standard Probation:</u>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	79	74	85	88
<u>Juvenile Intensive Probation (JIPS):</u>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	73	69	66	68
<u>Adult Standard Probation:</u>				
• % of probationers exiting probation and not committed to county jail or prison	70	80	80	83
Comments: Adult Standard Probation measure revised to more accurately reflect data tracked by the Administrative Office of the Courts (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.				
<u>Adult Intensive Probation (AIPS):</u>				
• % of probationers exiting intensive probation and not committed to county jail or prison	65	48	50	51
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.				

CHANGES FROM FY 2007

Special Line Items

Judges Compensation

The JLBC includes \$17,732,500 and 171 FTE Positions from the General Fund for Judges Compensation in FY 2008. This amount would fund the following adjustments:

Standard Changes	GF	<u>FY 2008</u>
		\$(3,400)

The JLBC includes a decrease of \$(3,400) from the General Fund in FY 2008 for standard changes.

Rebase Retirement Rates	GF	(632,400)
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The JLBC includes a decrease of \$(632,400) from the General Fund in FY 2008 for rebasing Elected Officials Retirement Plan retirement rates at actual FY 2007 levels. The actual rates that will be charged to the agency in FY 2007 are lower than were assumed in the FY 2007 budget; this reduction leaves sufficient funds to pay the actual rates. Increases for FY 2008 changes to rates are funded separately as a statewide item and would be distributed to agencies at a later time.

New Judgeships	GF	416,500
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The JLBC includes an increase of \$416,500 and 5 FTE Positions from the General Fund in FY 2008 for previously-filled judgeships in Cochise, Maricopa, Navajo,

Pima and Pinal Counties. The judgeships in Pima and Pinal counties began operating during FY 2006, and the Cochise, Maricopa and Navajo County judgeships were filled in FY 2007.

Judicial Salary Increase	GF	745,000
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The JLBC includes an increase of \$745,000 from the General Fund in FY 2008 for the annualization of a 12.5% salary increase for Superior Court judges. Laws 2005, Chapter 286 raised a Superior Court judge's annual salary from \$120,750 to \$135,844 beginning January 1, 2007.

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.

probation at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural communities must travel to supervise probationers.

Juvenile Intensive Probation

The JLBC includes \$10,081,000 and 6 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2008. This amount would fund the following adjustment:

Probation Capacity Shift GF (119,000)

The JLBC includes a decrease of \$(119,000) from the General Fund in FY 2008 to shift surplus funding to the Adult Standard Probation line item for increased caseload. This increase will have a zero net effect on the overall budget because of an increase in Adult Standard Probation.

The funded caseload in FY 2007 is 1,117 probationers. A revised analysis indicates that the average FY 2007 caseload will only be 817 probationers. The JLBC forecasts that Juvenile Intensive Probation will remain at that level in FY 2008. Based on the average actual monthly growth during the last 3 fiscal years, caseload would be predicted to decline by (5.4)%. Given the uncertainty of continued declines, the JLBC has held caseload flat. (*See Adult Intensive Probation, Juvenile Standard Probation, and Juvenile Intensive Probation for more information.*)

With a FY 2007 funded level of 1,117 probationers and a projected FY 2008 caseload of 817, there are surplus funds in this program. By shifting \$119,000 to Adult Standard Probation, the FY 2008 funding level will support a caseload of 1,075 and leave a surplus of \$753,700, or 258 probationers above the forecasted caseload of 817. AOC could use this excess capacity to fund unanticipated increases in any probation line during FY 2008.

This line item provides funding for a sentencing alternative to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. 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. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural communities must travel to supervise probationers.

Juvenile Treatment Services

The JLBC includes \$22,454,000 and 19.7 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2008. This amount would fund the following adjustment:

Standard Changes GF (200)

The JLBC includes a decrease of \$(200) from the General Fund in FY 2008 for standard changes.

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 JLBC includes \$660,400 from the General Fund for Juvenile Family Counseling in FY 2008. This amount is unchanged from FY 2007.

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

Progressively Increasing Consequences (PIC-Act)

The JLBC includes \$10,168,500 from the General Fund for Progressively Increasing Consequences in FY 2008. This amount is unchanged from FY 2007.

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 includes \$5,202,600 and 7.6 FTE Positions from the Criminal Justice Enhancement Fund (CJEF) for Juvenile Crime Reduction in FY 2008. This amount would fund the following adjustment:

Standard Changes OF 4,400

The JLBC includes an increase of \$4,400 from CJEF in FY 2008 for standard changes.

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

Other

Special Water Master

The JLBC includes \$20,000 from the General Fund for the Special Water Master line item in FY 2008. This amount is unchanged from FY 2007.

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 a 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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FORMAT — Special Line Items by Agency

FOOTNOTES

Standard Footnotes

Of the 231.5 FTE Positions, 170 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 \$2,854,800 in FY 2008 are appropriated to the Community Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,854,800 in FY 2008, 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 \$5,202,600 in FY 2008 are appropriated to the Juvenile Crime Reduction line item. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of

\$5,202,600 in FY 2008, 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.

BY NOVEMBER 1, 2007, the Administrative Office of the Courts shall REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ~~include with their FY 2008 budget request a report indicating~~ THE FY 2007 actual, FY 2008 estimated and FY 2009 requested amounts for the following:

1. On a county-by-county basis, the number of authorized and filled case carrying probation positions and non-case carrying positions, distinguishing between adult standard, adult intensive, juvenile standard, and juvenile intensive. The report shall indicate the level of state probation funding, other state funding, county funding, and probation surcharge funding for those positions.
2. Total receipts and expenditures by county and fund source for the adult standard, adult intensive, juvenile standard, and juvenile intensive line items, including the amount of Personal Services expended from each revenue source of each account.
3. The amount of monies from the Adult Standard, Adult Intensive, Juvenile Standard, and Juvenile Intensive line items that the office does not distribute as direct aid to counties. The report shall delineate how the office expends these monies that are not distributed as direct aid to counties.

All Judicial Collection Enhancement Fund receipts received by the Administrative Office of the Courts resulting from the probation surcharge in excess of \$2,723,800 in FY 2008 are appropriated to the Superior Court. Before the expenditure of Judicial Collection Enhancement Fund receipts in excess of \$2,723,800 in FY 2008, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

The Administrative Office of the Courts shall submit the intended use of any reimbursement monies received for review to the Joint Legislative Budget Committee prior to their expenditure.

Deletion of Prior Year Footnotes

The JLBC deletes the footnote preventing the allocation of any monies appropriated for adult probation services to Maricopa County. Laws 2006, Chapter 261 made the provisions of this footnote permanent.

OTHER ISSUES FOR LEGISLATIVE CONSIDERATION

Auditor General Recommendation

The Auditor General completed an audit on aspects of AOC’s information technology efforts in August 2006. The Auditor General focused on management and oversight of technology systems and projects and the Fines, Fees and Restitution Enforcement (FARE) program. The Auditor General report indicated that AOC’s framework for managing IT projects was fundamentally sound but could benefit from certain improvements. Recommendations included developing a risk management framework to identify unanticipated risks that could delay projects; providing a mechanism to allow communication between project stakeholders; allowing outside review of projects to evaluate progress and identify potential problems; and improving management and oversight of the FARE program.

The FARE program consists of automated collection services performed by a private vendor. AOC offers FARE as a voluntary program to courts throughout the state, and as of the end of FY 2006, 56 courts had used FARE on at least an interim basis. The Auditor General recommendations included the need to apply performance measure data to determine whether the vendor is meeting its goals; to clarify the frequency and extent of AOC performance monitoring; to include in the contract a requirement for an annual general assurance audit; and to include penalties, if necessary, in the vendor’s contract for failure to meet goals.

AOC indicated that it would implement each of the recommendations.

SUMMARY OF FUNDS	FY 2006 Actual	FY 2007 Estimate
Community Punishment Program Fines Fund (SPA2119/A.R.S. § 13-821)		Non-Appropriated
Source of Revenue: Discretionary fines imposed by the courts on drug offenders.		
Purpose of Fund: To provide drug treatment services to adult probationers through the Community Punishment Program.		
Funds Expended	0	80,000
Year-End Fund Balance	214,700	199,300
Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)		Partially-Appropriated
Source of Revenue: 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.		
Purpose of Fund: 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.		
Appropriated Funds Expended	3,843,400	7,028,600
Non-Appropriated Funds Expended	2,244,600	1,838,100
Year-End Fund Balance	9,986,000	7,654,800
Drug Enforcement Account (SPA2075/A.R.S. § 41-2402)		Non-Appropriated
Source of Revenue: Grant from the Arizona Criminal Justice Commission’s Drug and Gang Enforcement Account.		
Purpose of Fund: To fund programs that enhance the ability of the courts to process drug offenses and related cases.		
Funds Expended	0	0
Year-End Fund Balance	0	0
Drug Treatment and Education Fund (SPA2277/A.R.S. § 13-901.02)		Partially-Appropriated
Source of Revenue: 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.		
Purpose of Fund: 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.		
Appropriated Funds Expended	500,000	500,000
Non-Appropriated Funds Expended	3,866,100	4,315,000
Year-End Fund Balance	3,145,700	3,023,000

SUMMARY OF FUNDS	FY 2006 Actual	FY 2007 Estimate
Grants and Special Revenue (SPA2084/A.R.S. § 35-142)		Non-Appropriated
Source of Revenue: Monies provided from various sources, private and public, for specific programs and projects.		
Purpose of Fund: To expend grants as required by the contribution.		
Funds Expended	1,566,800	1,353,900
Year-End Fund Balance	4,657,100	4,688,900
Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)		Appropriated
Source of Revenue: Electronic case filing and access fees; 27.78% of Supreme Court fees, 17.07% of Superior Court fees, 19.42% of Court of Appeals fees, 19.18% of Municipal Court fees, and 18.39% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$10 probation surcharge on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. <i>(See Supreme Court for information regarding non-Maricopa counties.)</i>		
Purpose of Fund: To train court personnel, improve and enhance the court's ability to collect and manage monies assessed or received by the court, to fund court automation projects likely to improve case processing or the administration of justice, and for probation services. Funds represented here reflect the amount shifted from the Supreme Court budget to the Superior Court budget for probation officer salaries and programs.		
Funds Expended	0	2,723,800
Year-End Fund Balance	1,798,600	1,447,500
Juvenile Delinquent Reduction Fund (SPA2193/A.R.S. § 8-322)		Non-Appropriated
Source of Revenue: 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.		
Purpose of Fund: 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.		
Funds Expended	0	0
Year-End Fund Balance	5,933,900	3,853,500
State Aid to Detention Fund (SPA2141/A.R.S. § 41-2417)		Non-Appropriated
Source of Revenue: Monies appropriated by the Legislature.		
Purpose of Fund: 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.		
Funds Expended	110,200	75,000
Year-End Fund Balance	166,900	97,900