

## Judiciary - Superior Court

	FY 2010 ACTUAL	FY 2011 ESTIMATE	FY 2012 APPROVED
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	231.5	136.5	136.5 <sup>1/</sup>
Judges Compensation	16,128,200	7,390,200	7,390,200
Adult Standard Probation	13,382,900	13,538,500	13,521,500
Adult Intensive Probation	10,579,400	10,749,100	10,737,700
Community Punishment	1,770,500	2,311,600	2,307,900
Interstate Compact	633,900	641,800	641,800
Drug Court	951,200	1,013,600	1,013,600
Probation Surcharge	3,227,900	5,029,400	5,028,900
Juvenile Standard Probation	4,780,600	4,604,400	4,598,700
Juvenile Intensive Probation	8,894,400	9,174,300	9,163,000
Juvenile Treatment Services	19,216,500	22,322,700	22,311,400 <sup>2/</sup>
Juvenile Family Counseling	638,000	660,400	660,400
Juvenile Diversion Consequences	8,886,300	9,024,900	9,024,900
Juvenile Crime Reduction	2,750,500	5,123,400	5,123,400
Special Water Master	58,200	20,000	20,000
<b>AGENCY TOTAL</b>	<b>91,898,500</b>	<b>91,604,300</b>	<b>91,543,400</b> <sup>3/4/5/6/</sup>
<b>FUND SOURCES</b>			
General Fund	84,149,600	79,139,900	79,083,200
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	4,025,100	6,935,000	6,931,300
Drug Treatment and Education Fund	495,900	500,000	500,000
Judicial Collection Enhancement Fund	3,227,900	5,029,400	5,028,900
SUBTOTAL - Other Appropriated Funds	7,748,900	12,464,400	12,460,200
<b>SUBTOTAL - Appropriated Funds</b>	<b>91,898,500</b>	<b>91,604,300</b>	<b>91,543,400</b>
Other Non-Appropriated Funds	5,130,000	5,570,600	5,570,600
Federal Funds	3,442,200	2,262,500	2,262,500
<b>TOTAL - ALL SOURCES</b>	<b>100,470,700</b>	<b>99,437,400</b>	<b>99,376,500</b>

<sup>1/</sup> Of the 136.5 FTE Positions, 81 FTE Positions represent Superior Court judges in counties with a population of less than 2,000,000 persons. 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. (General Appropriation Act footnote)

<sup>2/</sup> Up to 4.6% of the amounts appropriated for Juvenile Probation Services - Treatment Services and Juvenile Diversion 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 Juvenile Diversion Consequences programs shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)

<sup>3/</sup> 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)

<sup>4/</sup> By November 1, 2011, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2011 actual, FY 2012 estimated and FY 2013 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. (General Appropriation Act footnote)

<sup>5/</sup> General Appropriation Act funds are appropriated as Special Line Items by Agency.

<sup>6/</sup> In addition to these amounts, a total of \$358,300 GF and \$17,100 OF is appropriated in FY 2012 for costs associated with an additional pay period. (Please see the Agency Detail and Allocations section.)

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**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.

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**Judges Compensation**

The budget includes \$7,390,200 and 81 FTE Positions from the General Fund in FY 2012 for Judges Compensation. These amounts are unchanged from FY 2011.

This line item provides funding for the state’s 50% share of the salary and Employee Related Expenditures of Superior Court judges. A.R.S. § 12-128 requires the state General Fund to pay for one-half of Superior Court Judges’ salaries, except for Maricopa judges. Maricopa County is now responsible for 100% of the salary and Employee Related Expenditures of Maricopa County Superior Court Judges. The FTE count has been adjusted accordingly.

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**Probation Programs**

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The state and non-Maricopa counties share 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.

**Adult Standard Probation**

The budget includes \$13,521,500 and 9.6 FTE Positions from the General Fund in FY 2012 for Adult Standard Probation. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes a decrease of \$(17,000) from the General Fund in FY 2012 for statewide adjustments. (Please see the Agency Detail and Allocations section.)

*Background* – This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than 65 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.

**Adult Intensive Probation**

The budget includes \$10,737,700 and 7.8 FTE Positions from the General Fund in FY 2012 for Adult Intensive Probation. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes a decrease of \$(11,400) from the General Fund in FY 2012 for statewide adjustments.

*Background* – This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. 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.

**Community Punishment**

The budget includes \$2,307,900 and a 0.9 FTE Positions in FY 2012 for Community Punishment. These amounts consist of:

	<b>FY 2012</b>
Criminal Justice Enhancement Fund (CJEF)	\$1,807,900
Drug Treatment and Education Fund (DTEF)	500,000

These amounts fund the following adjustment:

**Statewide Adjustments**

The budget includes a decrease of \$(3,700) from the Criminal Justice Enhancement Fund in FY 2012 for statewide adjustments.

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, excluding Maricopa County.

### ***Interstate Compact***

The budget includes \$641,800 and 4.8 FTE Positions from the General Fund in FY 2012 for Interstate Compact. These amounts are unchanged from FY 2011.

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.

### ***Drug Court***

The budget includes \$1,013,600 from the General Fund in FY 2012 for Drug Court programs. This amount is unchanged from FY 2011.

This line item provides funding for juvenile and adult drug courts within the Superior Court throughout the state. It provides funding for prosecuting, adjudicating and treating drug-dependent offenders. Superior Court divisions in 10 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.

### ***Probation Surcharge***

The budget includes \$5,028,900 and a 0.8 FTE Positions in FY 2012 from the Judicial Collection Enhancement Fund (JCEF) for the Probation Surcharge. These amounts fund the following adjustment:

#### **Statewide Adjustments**

The budget includes a decrease of \$(500) from the Judicial Collection Enhancement Fund in FY 2012 for statewide adjustments.

This line item consists of monies collected from a \$20 surcharge applied to various criminal offenses, civil traffic violations, and game and fish statute violations throughout the state. Monies collected from the surcharge (excluding those collected in courts located within Maricopa County) are deposited into the JCEF and redistributed by the Administrative Office of the Courts (AOC) to all counties to supplement funding for the salaries of probation and surveillance officers and for the support of programs and services of the Superior Court adult and juvenile probation departments.

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

The budget includes \$4,598,700 and 3.6 FTE Positions from the General Fund in FY 2012 for Juvenile Standard Probation. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(5,700) from the General Fund in FY 2012 for statewide adjustments.

*Background* – This line item provides funding for community supervision services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Supervision is intended to monitor 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. 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 budget includes \$9,163,000 and 5.4 FTE Positions from the General Fund in FY 2012 for Juvenile Intensive Probation. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(11,300) from the General Fund in FY 2012 for statewide adjustments.

*Background* – 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 budget includes \$22,311,400 and 15.6 FTE Positions from the General Fund in FY 2012 for Juvenile Treatment Services. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(11,300) from the General Fund in FY 2012 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 includes \$660,400 from the General Fund in FY 2012 for Juvenile Family Counseling. This amount is unchanged from FY 2011.

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.

### ***Juvenile Diversion Consequences***

The budget includes \$9,024,900 from the General Fund in FY 2012 for Juvenile Diversion Consequences. This amount is unchanged from FY 2011.

This program diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A juvenile diversion probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling, or other community service programs. In FY 2010, there were approximately 18,779 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

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

The budget includes \$5,123,400 and 7 FTE Positions from CJEF in FY 2012 for Juvenile Crime Reduction. These amounts are unchanged from FY 2011.

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.

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

The budget includes \$20,000 from the General Fund in FY 2012 for the Special Water Master line item. This amount is unchanged from FY 2011.

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 2010, about 31,300 individuals, communities, governments, and companies have filed about 95,800 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.

### ***Fund Transfers***

The budget includes transfers from this agency's funds to the General Fund. *(Please see the Fund Transfers section at the back of this report for more details.)*

### ***Additional Legislation***

#### ***County Non-Supplanting Provisions***

The Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2011, Chapter 33) continues the FY 2011 suspension of county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs and requires the counties to report on reductions in county funding as a result of the elimination of the non-supplanting provisions.

#### ***Probation Revocation Payment Elimination***

The Criminal Justice BRB repeals A.R.S. § 12-270, which required the Legislature to annually appropriate 40% of any cost savings related to a reduction in probation revocations. These funds were to be deposited into the Adult Probation Services Fund of each county if there was a reduction in the percentage of supervised probationers who are convicted of new felony offenses. In prior years, this provision had been suspended annually in session law.