

Judiciary - Superior Court

| | FY 2013 ACTUAL | FY 2014 ESTIMATE | FY 2015 APPROVED |
|--|-------------------|---------------------|-------------------------------------|
| SPECIAL LINE ITEMS | | | |
| <i>Full Time Equivalent Positions</i> | 136.5 | 137.5 | 137.5 ^{1/} |
| Judges Compensation | 7,721,100 | 7,682,500 | 7,614,000 |
| Adult Standard Probation | 13,527,200 | 13,543,200 | 17,659,000 |
| Adult Intensive Probation | 10,765,600 | 10,754,500 | 12,417,600 |
| Community Punishment | 1,504,500 | 2,310,100 | 2,310,300 |
| Interstate Compact | 645,400 | 648,000 | 748,600 |
| Drug Court | 1,013,600 | 1,013,600 | 1,013,600 |
| Court Ordered Counseling | 0 | 0 | 250,000 ^{2/3/} |
| Drug Treatment Alternative to Prison | 0 | 0 | 250,000 ^{2/4/} |
| Probation Surcharge | 4,887,000 | 6,029,200 | 0 |
| Juvenile Standard Probation | 4,586,800 | 4,606,200 | 4,756,300 |
| Juvenile Intensive Probation | 8,674,400 | 9,175,600 | 9,175,700 |
| Juvenile Treatment Services | 22,252,200 | 22,341,400 | 22,341,600 ^{5/} |
| Juvenile Family Counseling | 659,800 | 660,400 | 660,400 |
| Juvenile Diversion Consequences | 9,028,100 | 9,024,900 | 9,024,900 ^{5/} |
| Juvenile Crime Reduction | 3,814,700 | 5,192,100 | 5,192,100 |
| Mental Health Court Report | 0 | 90,000 | 0 |
| Special Water Master | 20,000 | 94,000 | 220,000 |
| AGENCY TOTAL | 89,100,400 | 93,165,700 | 93,634,100 ^{6/7/8/} |
| FUND SOURCES | | | |
| General Fund | 78,894,200 | 79,634,300 | 80,102,500 |
| <u>Other Appropriated Funds</u> | | | |
| Criminal Justice Enhancement Fund | 4,819,200 | 7,002,200 | 7,002,200 |
| Drug Treatment and Education Fund | 500,000 | 500,000 | 500,200 |
| Judicial Collection Enhancement Fund | 4,887,000 | 6,029,200 | 6,029,200 |
| SUBTOTAL - Other Appropriated Funds | 10,206,200 | 13,531,400 | 13,531,600 |
| SUBTOTAL - Appropriated Funds | 89,100,400 | 93,165,700 | 93,634,100 |
| Other Non-Appropriated Funds | 5,335,900 | 5,331,200 | 5,331,200 |
| Federal Funds | 1,606,700 | 1,364,400 | 1,364,400 |
| TOTAL - ALL SOURCES | 96,043,000 | 99,861,300 | 100,329,700 |

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 137.5 FTE Positions, 82 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)

^{2/} This appropriation is a continuing appropriation and is exempt from the provisions of A.R.S. § 35-190, relating to non-lapsing of appropriations, through June 30, 2016.

^{3/} The sum of \$250,000 is appropriated from the state General Fund in FY 2015 to the Administrative Office of the Courts for distribution to a county with a population of more than 3,000,000 persons according to the 2010 United States decennial census. The county shall use the funding to contract with a provider offering integrated delivery of services from testing to treatment, as needed, using evidence-based treatment standards, and providing the option of an online case management system to report client progress to the court. (General Appropriation Act footnote)

^{4/} The sum of \$250,000 is appropriated from the state General Fund in FY 2015 to the Administrative Office of the Courts for distribution to a county with a population of more than 500,000 persons and less than 1,000,000 persons according to the 2010 United States decennial census. The county shall use the funding in a drug treatment alternative to prison program. (General Appropriation Act footnote)

^{5/} Up to 4.6% of the amounts appropriated for Juvenile 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 Juvenile Treatment Services and Juvenile Diversion Consequences appropriations must be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)

^{6/} General Appropriation Act funds are appropriated as Special Line Items by Agency.

-
- 1/ Of the 137.5 FTE Positions, 82 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)
- 2/ This appropriation is a continuing appropriation and is exempt from the provisions of A.R.S. § 35-190, relating to non-lapsing of appropriations, through June 30, 2016.
- 3/ The sum of \$250,000 is appropriated from the state General Fund in FY 2015 to the Administrative Office of the Courts for distribution to a county with a population of more than 3,000,000 persons according to the 2010 United States decennial census. The county shall use the funding to contract with a provider offering integrated delivery of services from testing to treatment, as needed, using evidence-based treatment standards, and providing the option of an online case management system to report client progress to the court. (General Appropriation Act footnote)
- 4/ The sum of \$250,000 is appropriated from the state General Fund in FY 2015 to the Administrative Office of the Courts for distribution to a county with a population of more than 500,000 persons and less than 1,000,000 persons according to the 2010 United States decennial census. The county shall use the funding in a drug treatment alternative to prison program. (General Appropriation Act footnote)
- 5/ Up to 4.6% of the amounts appropriated for Juvenile 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 Juvenile Treatment Services and Juvenile Diversion Consequences appropriations must be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)
- 6/ General Appropriation Act funds are appropriated as Special Line Items by Agency.

Judges Compensation

The budget includes \$7,614,000 and 82 FTE Positions from the General Fund in FY 2015 for Judges Compensation. These amounts fund the following adjustments:

Statewide Adjustments

The budget includes a decrease of \$(68,500) from the General Fund in FY 2015 for statewide adjustments. This reduction is primarily due to a decrease in the employer contribution rate for the Elected Officials Retirement Plan in FY 2015. (Please see the Agency Detail and Allocations section.)

Background – This line item provides funding for the state’s 50% share of the salary and benefits 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 County judges. Maricopa County is responsible for 100% of the salary and benefits of its Superior Court Judges. Pursuant to A.R.S. § 12-121, each county receives one judge for the first 30,000 in population. Additional judges may be created for every additional 30,000 person increment upon approval by the Governor.

Probation Programs

The state and non-Maricopa Counties share the costs of 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 probation costs. (Please see the Other Issues section for more information on probation funding.)

Adult Standard Probation

The budget includes \$17,659,000 and 10.4 FTE Positions in FY 2015 for Adult Standard Probation. These amounts consist of:

- 7/ 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)
- 8/ On or before November 1, 2014, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2014 actual, FY 2015 estimated and FY 2016 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 must 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 Probation 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 Probation 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)

FY 2015

General Fund \$13,543,300
Judicial Collection Enhancement Fund (JCEF) 4,115,700

These amounts fund the following adjustments:

Surcharge Shift

The budget includes an increase of \$4,115,700 and 0.8 FTE Positions from JCEF in FY 2015 for the shifting of Probation Surcharge SLI monies to the relevant probation category. (Please see the Probation Surcharge SLI for more information.)

Statewide Adjustments

The budget includes an increase of \$100 from the General Fund in FY 2015 for statewide adjustments.

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.

Adult Intensive Probation

The budget includes \$12,417,600 and 7.8 FTE Positions in FY 2015 for Adult Intensive Probation. These amounts consist of:

General Fund \$10,754,600
JCEF 1,663,000

These amounts fund the following adjustments:

Surcharge Shift

The budget includes an increase of \$1,663,000 from JCEF in FY 2015 for the shifting of Probation Surcharge SLI monies to the relevant probation category. (Please see the Probation Surcharge SLI for more information.)

Statewide Adjustments

The budget includes an increase of \$100 from the General Fund in FY 2015 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.

Community Punishment

The budget includes \$2,310,300 and 0.9 FTE Positions in FY 2015 for Community Punishment. These amounts consist of:

| | |
|--|-------------|
| Criminal Justice Enhancement Fund (CJEF) | \$1,810,100 |
| Drug Treatment and Education Fund (DTEF) | 500,200 |

These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$200 from the Drug Treatment and Education Fund in FY 2015 for statewide adjustments.

Background – 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 \$748,600 and 4.8 FTE Positions in FY 2015 for Interstate Compact. These amounts consist of:

| | |
|--------------|-----------|
| General Fund | \$648,100 |
| JCEF | 100,500 |

These amounts fund the following adjustments:

Surcharge Shift

The budget includes an increase of \$100,500 from JCEF in FY 2015 for the shifting of Probation Surcharge SLI monies to the relevant probation category. (*Please see the Probation Surcharge SLI for more information.*)

Statewide Adjustments

The budget includes an increase of \$100 from the General Fund in FY 2015 for statewide adjustments.

Background – 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 2015 for Drug Court programs. This amount is unchanged from FY 2014.

Background – 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 12 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.

Court Ordered Counseling

The budget includes \$250,000 from the General Fund in FY 2015 for Court Ordered Counseling. This amount funds the following adjustments:

One-Time Funding

The budget includes an increase of \$250,000 from the General Fund in FY 2015 for a one-time appropriation to allow the Maricopa County Family Drug Court to contract with a provider offering integrated delivery of services from testing to treatment, as needed, using evidence-based treatment standards, and providing the option of an online case management system to report client progress to the court. This appropriation is non-lapsing through June 30, 2016.

Drug Treatment Alternative to Prison

The budget includes \$250,000 from the General Fund in FY 2015 for the Pima County Drug Treatment Alternative to Prison Program. This amount funds the following adjustments:

One-Time Funding

The budget includes an increase of \$250,000 from the General Fund in FY 2015 for a one-time appropriation to provide additional funding to the Pima County Drug Treatment Alternative to Prison Program. The program allows drug addicted criminals that plead guilty to receive residential therapeutic treatment as an alternative to prison. This appropriation is non-lapsing through June 30, 2016.

Probation Surcharge

The budget includes no funding in FY 2015 for the Probation Surcharge. This amount funds the following adjustments:

Surcharge Shift

The budget includes a decrease of \$(6,029,200) and (0.8) FTE Positions from JCEF in FY 2015 for the shifting of Probation Surcharge SLI monies to the relevant probation category. The probation surcharge is a fund source and not a program; as a result, the monies are being transferred to the 4 line items that represent their actual spending. There is no net change in agency resources associated with this shift.

Background – 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 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 \$4,756,300 and 3.6 FTE Positions in FY 2015 for Juvenile Standard Probation. These amounts consist of:

| | |
|--------------|-------------|
| General Fund | \$4,606,300 |
| JCEF | 150,000 |

These amounts fund the following adjustments:

Surcharge Shift

The budget includes an increase of \$150,000 from JCEF in FY 2015 for the shifting of Probation Surcharge SLI monies to the relevant probation category. (*Please see the Probation Surcharge SLI for more information.*)

Statewide Adjustments

The budget includes an increase of \$100 from the General Fund in FY 2015 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.

Juvenile Intensive Probation

The budget includes \$9,175,700 and 5.4 FTE Positions from the General Fund in FY 2015 for Juvenile Intensive Probation. These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$100 from the General Fund in FY 2015 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.

Juvenile Treatment Services

The budget includes \$22,341,600 and 15.6 FTE Positions from the General Fund in FY 2015 for Juvenile Treatment Services. These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$200 from the General Fund in FY 2015 for statewide adjustments.

Background – 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 2015 for Juvenile Family Counseling. This amount is unchanged from FY 2014.

Background – 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 2015 for Juvenile Diversion Consequences. This amount is unchanged from FY 2014.

Background – 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 2013, there were approximately 26,268 juveniles

diverted from formal court proceedings. Monies in this line item are distributed to all counties.

Juvenile Crime Reduction

The budget includes \$5,192,100 and 7 FTE Positions from CJEF in FY 2015 for Juvenile Crime Reduction. These amounts are unchanged from FY 2014.

Background – 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 31 public and private entities.

Mental Health Court Report

The budget includes no funding in FY 2015 for a Mental Health Court Report. This amount funds the following adjustments:

Elimination of One-Time Funding

The budget includes a decrease of \$(90,000) from the General Fund in FY 2015 for the elimination of one-time funding. The provision of funds was for a one-time report on Mental Health Courts mandated by Laws 2013, Chapter 140.

Background – Laws 2013, Chapter 140 requires the Administrative Office of the Courts (AOC) to evaluate the effectiveness, efficiency and accountability of the mental health courts and to establish operational standards on or before December 31, 2014. The funding provided in this special line item allows AOC to implement the provisions of this law.

Special Water Master

The budget includes \$220,000 from the General Fund in FY 2015 for the Special Water Master line item. This amount funds the following adjustments:

Gila River Water Master

The budget includes an increase of \$126,000 from the General Fund in FY 2015 for additional funding for the Gila River Water Master.

Background – This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River and Gila River water rights adjudications. The adjudication of water rights for the Little Colorado River and Gila River were petitioned in 1978 and 1980, respectively. In FY 2013, 519 water rights

claims were filed by individuals, communities, governments, and companies. 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. (*see the Other Issues section for more information.*)

total funding and probation officer expenditures from both county and state sources in FY 2013.

Additional Legislation

County Non-Supplanting Provisions

The FY 2015 Criminal Justice Budget Reconciliation Bill (Laws 2014, Chapter 12) continues to suspend 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.

Other Issues

Special Water Master

In FY 2013, revenue and interest to the Gila River water rights adjudication totaled \$3,042 and expenditures were \$156,243 leaving an ending balance of \$97,342. The revenue consists of filing fees paid by claimants initiating water rights claims, interest, and monies appropriated by the Legislature. Despite a lack of revenue, the Special Water Master was able to fund this level of expenditure due to its beginning balance.

In the FY 2014 budget, \$74,000 was appropriated from the General Fund for the Gila River litigation. The FY 2015 budget includes an additional \$126,000 to ensure that the fund remains balanced.

The FY 2013 revenue, interest and appropriations to the Little Colorado River water rights adjudication totaled \$2,004 and expenditures were \$27,572. The FY 2013 ending balance was \$94,185. This balance and an annual appropriation of \$20,000 in General Fund monies will allow sufficient funding for the Little Colorado Water Master through at least FY 2015. *Table 1* displays a short history of the revenues and expenditures to the Gila River and Little Colorado River Water Masters from FY 2012 through FY 2015.

Probation Caseloads

The state appropriates \$38,079,500 in General Fund monies annually to support non-Maricopa County adult and juvenile probation services. *Table 2* below displays

| Table 1 | | | | |
|-------------------------------------|----------------------|----------------------|---------------------------------------|---------------------------------------|
| Special Water Master Funding | | | | |
| | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| | <u>Actual</u> | <u>Actual</u> | <u>Estimated</u> ^{1/} | <u>Estimated</u> ^{1/} |
| <u>Gila River</u> | | | | |
| Beginning Balance | \$392,903 | \$250,543 | \$97,342 | \$0 |
| Revenues ^{2/} | 17,687 | 3,042 | 78,600 | 200,000 |
| Expenditures | <u>160,047</u> | <u>156,243</u> | <u>175,942</u> | <u>200,000</u> |
| Ending Balance | \$250,543 | \$97,342 | \$0 | \$0 |
| <u>Little Colorado River</u> | | | | |
| Beginning Balance | \$104,261 | \$99,753 | \$94,185 | \$81,285 |
| Revenues ^{2/} | 23,894 | 22,004 | 20,850 | 20,650 |
| Expenditures | <u>28,402</u> | <u>27,572</u> | <u>33,750</u> | <u>36,000</u> |
| Ending Balance | \$99,753 | \$94,185 | \$81,285 | \$65,935 |

1/ Estimated amounts were provided by the Administrative Office of the Courts.
2/ Includes an annual appropriation of \$74,000 for the Gila River Water Master in FY 2014 and \$200,000 in FY 2015. The Little Colorado River Water Master revenues include an annual appropriation of \$20,000 for all years displayed.

| Table 2 | | | | | |
|--|------------------------|-------------------------|------------------------|-------------------------|---------------------|
| FY 2013 Non-Maricopa County Probation Funding | | | | | |
| | <u>Adult</u> | <u>Adult</u> | <u>Juvenile</u> | <u>Juvenile</u> | <u>Total</u> |
| | <u>Standard</u> | <u>Intensive</u> | <u>Standard</u> | <u>Intensive</u> | |
| <u>Probation Officers</u> | | | | | |
| Case Carrying Positions | 207.0 | 108.0 | 75.2 | 51.5 | 441.7 |
| Non-Case Carrying Positions | <u>331.6</u> | <u>54.1</u> | <u>353.9</u> | <u>31.8</u> | <u>771.4</u> |
| Total Filled Positions | 538.6 | 162.1 | 429.1 | 83.3 | 1,213.1 |
| <u>Probation SLI Expenditures</u> | | | | | |
| Amount Distributed to Counties | \$11,565,800 | \$8,681,500 | \$4,062,300 | \$5,771,200 | \$30,080,800 |
| Amount Retained by AOC | <u>1,961,400</u> | <u>2,084,100</u> | <u>524,500</u> | <u>2,903,100</u> | <u>7,473,100</u> |
| Total SLI Expenditures | \$13,527,200 | \$10,765,600 | \$4,586,800 | \$8,674,300 | \$37,553,900 |
| <u>County Probation Expenditures</u> | | | | | |
| State General Fund | \$11,558,800 | \$8,645,300 | \$3,889,400 | \$5,236,200 | \$29,329,700 |
| Other State Funds | 4,488,100 | 732,100 | 2,887,100 | 0 | 8,107,300 |
| County Funding | <u>17,598,200</u> | <u>0</u> | <u>12,736,000</u> | <u>0</u> | <u>30,334,200</u> |
| Total Expenditures | \$33,645,100 | \$9,377,400 | \$19,512,500 | \$5,236,200 | \$67,771,200 |