

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

JLBC Analyst: Brad Regens

Dave Byers, Director  
**General Fund and Other  
Appropriated Funds****FY 1998  
Actual****FY 1999  
Estimate****FY 2000  
Approved****FY 2001  
Approved**

FTE Positions	189.0	223.1	227.1 <sup>1/2/</sup>	227.1 <sup>1/2/</sup>
Personal Services	6,874,500	7,509,600	7,965,900	8,053,400
Employee Related Expenditures	487,400	533,900	736,900	778,200
Other Operating Expenditures	<u>1,295,300</u>	<u>1,296,200</u>	<u>1,324,900</u>	<u>1,324,900</u>
<b>Operating Subtotal</b>	<b>8,657,200</b>	<b>9,339,700</b>	<b>10,027,700</b>	<b>10,156,500</b>
<b>Juvenile</b>				
Family Counseling	583,300	610,700	622,400	635,000
Juvenile Standard Probation	5,764,300	8,094,500	7,768,200	8,098,200
Juvenile Intensive Probation	12,237,300	13,345,700	13,705,600	14,736,700
Juvenile Treatment Services	22,845,000	23,714,100	23,954,600 <sup>3/</sup>	24,563,500 <sup>3/</sup>
Progressively Increasing Consequences (PIC-Act)	9,409,400	9,513,300	9,575,400 <sup>3/</sup>	9,663,900 <sup>3/</sup>
Juvenile Crime Reduction	3,400,800	3,908,600	4,600,900	4,604,500
<b>Adult</b>				
Adult Standard Probation	20,548,400	24,329,100	26,181,100	28,127,900
Adult Intensive Probation	19,962,900	20,478,900	20,627,500	21,586,800
Community Punishment	4,217,400	4,285,800	4,623,000	4,665,200
Interstate Compact - Adult Probation	1,134,400	1,389,700	1,408,000	1,428,600
<b>Other</b>				
Child Support Enforcement	974,600	994,700	1,004,400	1,013,100
Case Processing Assistance	2,184,700	2,303,400	2,501,600	2,557,700
Defensive Driving	<u>0</u>	<u>3,301,900</u>	<u>4,207,600</u>	<u>4,337,900</u>
<b>Total Appropriations</b>	<b>111,919,700</b>	<b>125,610,100</b>	<b>130,808,000<sup>4/5/</sup></b>	<b>136,175,500<sup>4/5/</sup></b>
<b>Fund Summary</b>				
General Fund	105,797,800	115,559,800	118,661,500	123,839,000
Criminal Justice Enhancement Fund	6,121,900	6,748,400	7,938,900	7,998,600
Defensive Driving Fund	<u>0</u>	<u>3,301,900</u>	<u>4,207,600</u>	<u>4,337,900</u>
<b>Total Appropriations</b>	<b>111,919,700</b>	<b>125,610,100</b>	<b>130,808,000</b>	<b>136,175,500</b>

**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.*

<sup>1/</sup> Includes 87.1 FTE Positions funded from Special Line Items in FY 2000 and 2001.

<sup>2/</sup> Of the 227.1 FTE Positions, 140 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)

<sup>3/</sup> Up to 4.6% of the amounts appropriated for Juvenile Treatment Services and Progressively Increasing Consequences may be retained and expended by the Supreme Court to administer the programs established by A.R.S. § 8-230.01, and to conduct evaluations as needed. The remaining portion of the Juvenile Treatment Services and Progressively Increasing Consequences line items shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-230.01. (General Appropriation Act footnote)

<sup>4/</sup> Receipt of state probation monies by the counties is contingent on the county maintenance of FY 1995 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)

<sup>5/</sup> General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.

## JUDICIARY - SUPERIOR COURT (Cont'd)

**Judicial Salary Increase** — The approved FY 2000 amount includes half-year funding of \$91,100 to increase the salary of Superior Court Judges from \$113,000 to \$115,500. With the exception of legislators, elected official salaries are determined by the recommendation of the Governor and the Commission on Salaries for State Elected Officials. They recommended the \$115,500 salary for Superior Court Judges beginning January 1, 2000. The approved FY 2000 amount also includes \$148,700 to annualize the judicial salary adjustment effective January 1, 1999. The approved FY 2001 amount includes an increase of \$91,300 in General Fund monies to annualize the January 1, 2000 judicial salary adjustment.

**New Judgeships** — Pursuant to A.R.S. § 12-128, the approved FY 2000 amount includes an increase of \$247,200 from the General Fund for the state's 50% share for 4 newly established judgeships (2 in Maricopa and 2 in Pima). This amount is continued in FY 2001.

### Summary of Probation Programs

The state General Fund appropriation provides funding for regular and intensive probation programs and related treatment services for both the juvenile and adult population. The juvenile programs are Juvenile Standard Probation, Juvenile Intensive Probation, Juvenile Treatment Services, and PIC-Act. The adult programs are Adult Standard Probation, Adult Intensive Probation, Interstate Compact - Adult, and Community Punishment. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the regular programs and treatment services, the state and counties share the costs. For example, the state and counties both fund probation officer salaries, although in recent years the state has predominantly covered the full cost of additional probation officers (the majority of the state funding for the regular probation programs is required by statute to be expended on salaries for staff). Counties contribute through Probation Service Fee collections, outside grants, and office space.

A General Appropriation Act footnote first approved for FY 1997 and modified by the FY 1999 General Appropriation Act requires that counties maintain their FY 1995 expenditure levels for each probation program. (See the following table for a comparison of the state and counties shares of probation funding.)

State and County Shares of Probation Funding			
Juvenile Programs	Actual FY 1995	Estimated FY 2000	Estimated FY 2001
State <sup>1/</sup>	\$34,376,200	\$55,535,300	\$57,237,800
County <sup>2/</sup>	<u>36,438,300</u>	<u>39,800,000</u>	<u>39,800,000</u>
Total	\$70,814,500	\$95,335,300	\$97,037,800
State %	48.5%	58.3%	59.0%
Counties %	51.5%	41.7%	41.0%
Adult Programs			
State <sup>3/</sup>	\$34,962,900	\$52,656,900	\$54,883,100
County <sup>2/</sup>	<u>16,645,600</u>	<u>17,600,000</u>	<u>17,600,000</u>
Total	\$51,608,500	\$70,256,900	\$72,483,100
State %	67.7%	74.9%	75.7%
Counties %	32.3%	25.1%	24.3%
Total State \$	\$69,339,100	\$108,192,200	\$112,120,900
State %	57%	65%	66%
Total County \$	\$53,083,900	\$57,400,000	\$57,400,000
County %	43%	35%	34%

<sup>1/</sup> State Juvenile probation programs include Family Counseling, Juvenile Standard Probation, Juvenile Intensive Probation, Juvenile Treatment Services, and PIC-Act.

<sup>2/</sup> County funding for FY 1995 are county appropriated funds, as reported by the Administrative Office of the Courts (AOC). The FY 2000 and FY 2001 amounts are the AOC's FY 1998 estimate of county contributions rounded to the nearest 100,000 and thus assumes essentially constant funding from FY 1998. The level of county funding is expected to increase due to a new court rule which requires 1 new fee-funded juvenile standard probation officer for every 8 state-funded officers, and 1 adult new fee-funded standard officer for every 4 state-funded officers.

<sup>3/</sup> State adult probation programs include Adult Standard Probation, Adult Intensive Probation, Community Punishment and Interstate Compact.

The Judiciary has historically deployed new probation officers when a county's probation population reaches 85% of its caseload capacity. Statutorily, 1 adult standard probation officer can supervise 60 offenders, but the Judiciary has deployed an additional officer when each officer's caseload reached 51 offenders. In recognition that 100% capacity may never be achieved, especially in rural counties where small populations spread over great distances may require lower ratios, the approved FY 2000 and FY 2001 amounts for the juvenile and adult probation programs are based on a minimum caseload capacity of 95%. It is legislative intent that additional state-funded probation officers not be deployed until a county's actual supervised caseload reaches at least 95% of funded capacity.

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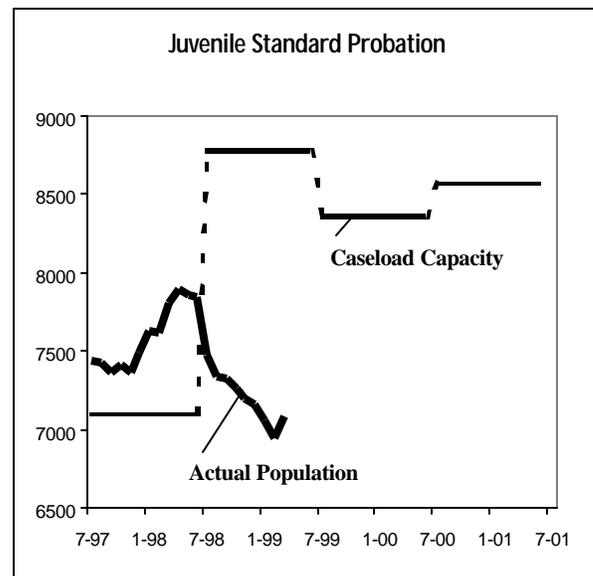
**Family Counseling** — Family Counseling monies provide funding to the Juvenile Division of the Superior Courts for prevention of delinquency and incorrigibility among juvenile offenders by strengthening their family relationships. These monies are predominately for non-adjudicated juveniles and their families, and require a 25% county match. The approved FY 2000 amount includes an increase of \$11,700 in General Fund monies to allow 90 additional families to receive counseling. The approved FY 2001 amount includes a further increase of \$12,600 to provide services for 97 additional families.

**Juvenile Standard Probation** — Juvenile Standard Probation monies provide 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. A.R.S. § 8-203B, requires an officer to juvenile standard probationer ratio of no greater than 1:35. The approved FY 2000 amount includes a reduction of \$(745,200) in General Fund monies and (420) probation slots due to an excess caseload capacity.

An excess number of probation slots exist because the juvenile standard probation population had dropped from a program high of 7,894 at the end of April 1998 to 7,081 at the end of March 1999. The reduction of (420) slots leaves the Juvenile Standard Probation program with a FY2000 total caseload capacity of 8,361 (5,255 state-funded slots and 3,106 county-funded slots). The approved FY 2000 amount is based on caseload projections that utilize October 1998 data (7,270 juvenile standard probationers at the end of the month) and has not been adjusted for the continued decline in the caseload population. The approved FY 2000 amount also includes an increase of \$337,300 in General Fund monies to annualize the 6-month funding of 13 officers, 1 supervisor and 2 support staff positions approved for FY 1999. The average annual state cost per juvenile standard probation slot is \$929 in FY 2000.

The approved FY 2001 amount includes a further increase of \$228,100 to add 6 state-funded probation officers, 1 supervisors and 1 support staff position at 6-month funding based on an estimated 3% growth in the number of juveniles on standard probation. The additional 6 officers will increase the total caseload capacity to 8,571 by the end of FY 2001. The average annual state cost per juvenile standard probation slot is \$945 in FY 2001.

The growth in juvenile standard probationers and the program's FY 2000 and FY 2001 caseload capacity is shown by the following graph.

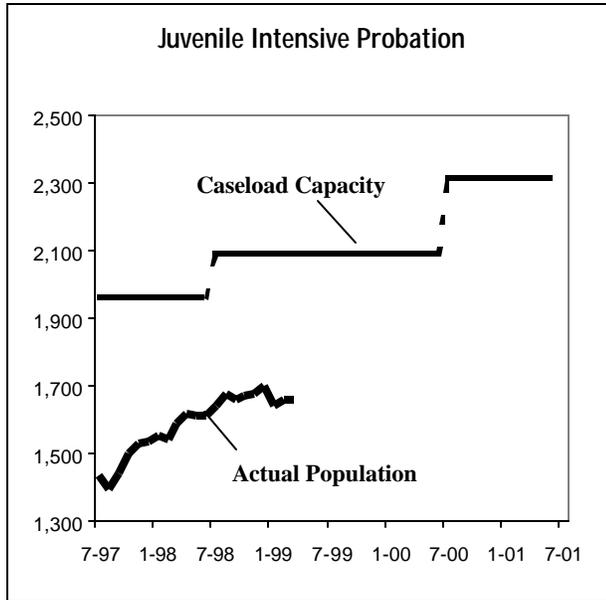


**Juvenile Intensive Probation (JIPS)** — JIPS was created to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Laws 1997, Chapter 220 (Juvenile Justice Reform) modified the eligibility criteria for JIPS by requiring juveniles 14 years old or older who are adjudicated as repeat felony offenders to be placed on JIPS or sent to the Arizona Department of Juvenile Corrections. The approved FY 2000 amount includes an increase of \$236,400 in General Fund monies to annualize the 6-month funding of 5 teams (1 probation officer and 1 surveillance officer per team), 1 supervisor and 2 support staff positions approved for FY 1999 for this 100% state-funded probation program. No additional officers were added in FY 2000 due to the fact that the current caseload capacity of 2,087 slots should provide sufficient resources through the end of FY 2000 based on an anticipated 11% growth in the number of juveniles on JIPS. The average annual state cost per juvenile standard probation slot is \$6,567 in FY 2000.

The approved FY 2001 amount includes a further increase of \$885,300 to add 9 JIPS teams, 2 supervisors and 3 support staff positions at 6-month funding. The addition of 9 teams will increase the number of juvenile intensive probation slots by 225, for a total of 2,312 slots by the end of FY 2001. Also included in the approved FY 2001 amount is \$215,100 in one-time funding to purchase 9 new alternatively-fueled vehicles. The average annual state cost per juvenile intensive probation slot is \$6,374 in FY 2001.

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The growth in JIPS probationers and the program's FY 2000 and FY 2001 caseload capacity is shown by the following graph.



**Juvenile Treatment Services** — Juvenile Treatment Services monies allow 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. The approved FY 2000 amount includes a General Fund increase of \$212,300 based on an anticipated 2.1% increase in the number of juveniles placed on probation in FY 2000. The approved FY 2001 amount includes a further increase of \$576,500 based on an anticipated 4.4% increase in the number of juveniles placed on probation in FY 2001.

**Progressively Increasing Consequences (PIC-Act)** — The PIC-Act program was created in 1984 to divert youth from formal court proceedings in order to reduce court costs and prevent re-offending. Juveniles who admit wrongdoing are eligible for this program. 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. The approved FY 2000 amount includes \$9,575,400 in General Fund monies. This amount, with technical changes, is continued in FY 2001.

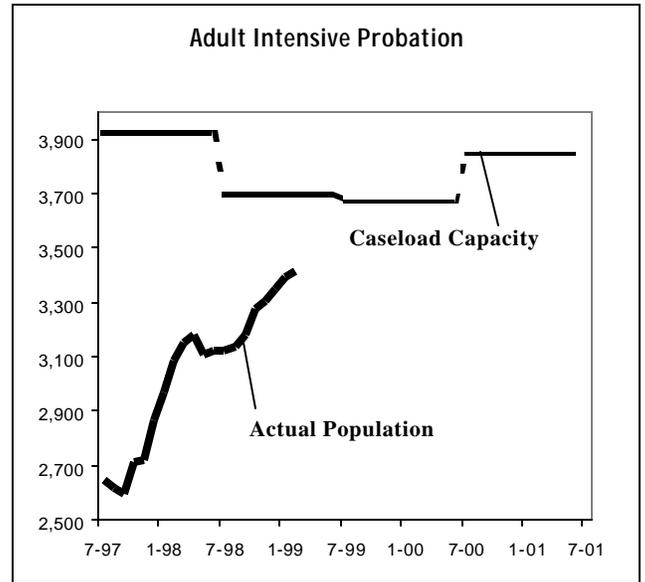
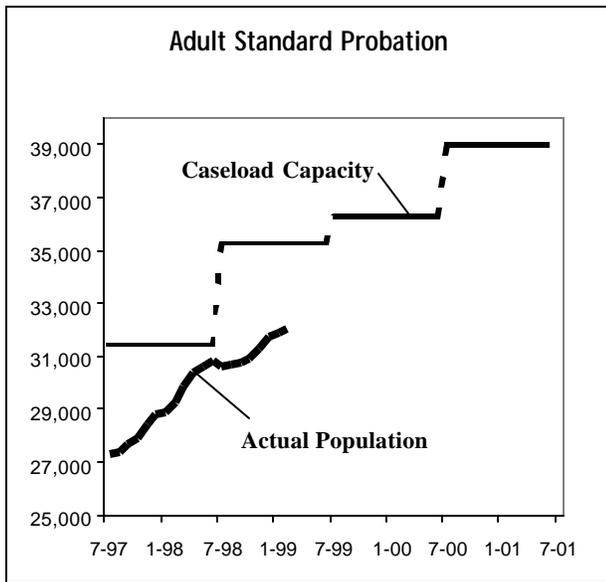
**Juvenile Crime Reduction** — The Juvenile Crime Reduction Fund monies are used to design and implement community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. Monies consist

of an allocation from the Criminal Justice Enhancement Fund. The approved FY 2000 amount includes an increase of \$688,200, which represents the estimated fund balance above the FY 1999 appropriation. *See Excess Balance Transfers section for an additional discussion on the Juvenile Crime Reduction Fund's carry-forward.* This amount, with technical changes, is continued in FY 2001.

**Adult Standard Probation** — Adult Standard Probation monies provide community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. A.R.S. § 12-251A, states that an adult probation officer shall not supervise more than an average of 60 adults on probation at one time. To meet this requirement, the approved FY 2000 amount includes an increase of \$335,100 in General Fund monies to add 9 state-funded probation officers, 1 supervisor and 2 support staff positions at half-year funding. Based on the availability of probation fees, it is anticipated that 8 additional fee-funded officers will be added in FY 2000 from non-appropriated county funds. The addition of 17 officers will increase the program's caseload capacity to 36,288 at the end of FY 2000. The approved FY 2000 amount also includes a General Fund increase of \$1,193,100 to annualize the 6-month funding of 42 officers, 5 supervisors and 10 support staff positions approved for FY 1999. The average annual state cost per adult standard probation slot is \$884 in FY 2000.

The approved FY 2001 amount includes a further increase of \$1,286,000 to add 36 state-funded officers, 3 supervisors and 7 support staff positions at 6-month funding based on an anticipated 7.5% growth in the number of adult standard probationers. The 36 additional state-funded officers combined with 9 additional fee-funded officers will increase the program's caseload capacity to 38,988 at the end of FY 2001. Additionally, the approved FY 2001 amount includes an increase of \$272,900 to annualize the 6-month funding of 9 state-funded officers, 5 supervisors and 10 support staff positions approved for FY 2000. The average annual state cost per adult standard probation slot is \$885 in FY 2001.

The growth in adult standard probationers and the program's FY 2000 and FY 2001 caseload capacity is shown by the following graph.



**Adult Intensive Probation** — Adult Intensive Probation (AIPS) is a sentencing alternative intended to divert serious, non-violent offenders from prison. The approved FY 2000 amount includes a General Fund reduction of \$(125,700) and (25) slots due to an excess caseload capacity. The reduction of (25) slots leaves the AIPS program with a FY 2000 total caseload capacity of 3,670. The average annual state cost per adult intensive probation slot is \$5,621 in FY 2000.

The approved FY 2001 amount includes an increase of \$500,000 to add 7 AIPS teams (1 probation officer and 1 surveillance officer per team), 1 supervisor and 3 support staff positions at 6-month funding. The addition of 7 teams will increase the number of AIPS slots by 175 for a total caseload capacity of 3,845 by the end of FY 2001. Also included in the approved FY 2001 amount is \$167,300 in one-time funding to purchase 7 new alternatively fueled vehicles. The average annual state cost per adult intensive probation slot is \$5,614 in FY 2001.

The growth in AIPS probationers and the programs FY 2000 and FY 2001 caseload capacity is shown by the following graph.

**Community Punishment** — The Community Punishment Program receives both General Fund and Criminal Justice Enhancement Fund (CJEF) monies to provide 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 approved FY 2000 amount includes an increase of \$300,000 from CJEF to provide additional treatment services for sex offenders.

The approved FY 2000 amount includes \$3,786,600 in General Fund monies and \$836,400 from CJEF. The total approved FY 2001 amount includes \$3,828,800 in General Fund monies and \$836,400 from CJEF.

A.R.S. § 41-2401D.15, requires CJEF monies allocated to the courts for community punishment programs be used to provide drug treatment services to adult probationers. As session law, Community Punishment monies may be used for all treatment options and not solely drug treatment in FY 2000 and FY 2001.

**Interstate Compact - Adult Probation** — The approved FY 2000 amount includes \$1,408,000 in General Fund monies for the administration and supervision of adult probationers transferred from other state to adult probation in Arizona. This amount, with technical changes, is continued in FY 2001.

**Child Support Enforcement** — The approved FY 2000 amount includes \$1,004,400 in General Fund monies for the administrative support of the Child Support Enforcement and Domestic Relations Committee, training judicial staff on child support and domestic relations matters, operating the one-stop shop pilot, and preparing annual statements on non-custodial parents' child support payments and outstanding balances. This amount, with technical changes, is continued in FY 2001.

## JUDICIARY - SUPERIOR COURT (Cont'd)

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**Case Processing Assistance** — The Case Processing Assistance Fund monies are used for salaries for pro tempore judges, as well as for other costs of expediting court case processing and reducing case backlogs. Monies consist of an allocation from the Criminal Justice Enhancement Fund. The approved FY 2000 amount includes an increase of \$198,200, which represents the estimated fund balance above the FY 1999 appropriation. The approved FY 2001 amount includes a further increase of \$56,100.

**Defensive Driving** — The Defensive Driving Fund monies are used to monitor defensive driving schools for compliance with claims and court policy, to supervise their use by the courts in Arizona, and to expedite the processing of traffic offenses prescribed in A.R.S. Title 28, Chapter 6, Articles 2 through 15. Defensive Driving Fund monies are also used to automate Municipal and Justice of the Peace Courts, the caseloads of which are largely traffic-related. The approved FY 2000 amount includes an increase of \$905,700, which represents the estimated available fund balance above the FY 1999 appropriation. The approved FY 2001 amount includes a further increase of \$130,300.

**Capital Outlay Appropriations: Juvenile Detention Centers (Chapter 351)** — Appropriates \$1,500,000 in FY 2000 and \$2,500,000 in FY 2001 from the General Fund to the State Aid to Detention Fund, which is administered by the Supreme Court. Monies in the fund shall be used to provide grants to counties for maintaining, expanding, or operating juvenile detention centers. Monies appropriated to the fund shall be allocated only to counties that submit a plan to the Supreme Court for review by the Joint Committee on Capital Review. The plan shall detail a procurement process to be used for expenditure of the monies that allows private and public bidding for contracts.

The bill as originally passed also included a General Fund appropriation of \$2,500,000 to the State Aid to Detention Fund in FY 2002 and FY 2003. The FY 2002 and FY 2003 appropriations, however, were line item vetoed by the Governor.

**Excess Balance Transfers: Juvenile Crime Reduction Fund** — Laws 1999, Chapter 6, 1<sup>st</sup> Special Session transfers \$500,000 from the Juvenile Crime Reduction Fund (JCRF) to the General Fund in FY 1999. JCRF receives 9.35% of Criminal Justice Enhancement Fund monies. JCRF monies are used to design and implement community-based strategies for reducing juvenile crime. The FY 1998 ending fund balance was \$1,960,900.