

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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| In the Matter of: |) | |
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| ADULT PROBATION |) | Administrative Order |
| SUPERVISION CRISIS |) | No. 2022 - <u>110</u> |
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Current economic conditions have created a tight labor market, making it difficult to maintain full staffing of adult probation officer positions in the Superior Court of Arizona. The job market for probation officers is particularly competitive, as it draws from the same pool of applicants as that of federal probation services, state and local law enforcement, county sheriffs, Arizona Department of Corrections officers, and other government employers. Matters are further complicated by disparities in starting salary levels for probation officers between counties, which may prompt officers to move from one county to another county. Several departments report they cannot attract nor retain officers due to the low starting salary combined with soaring housing costs in some areas of the state.

Due to present staffing shortages, probation departments in eight counties are not in compliance with the maximum caseload size requirements set forth by A.R.S. § 12-251(A) and the Arizona Code of Judicial Administration § 6-201.01. A.R.S. § 12-251(A) states, in part, that an adult probation officer “shall supervise no more than an average of sixty-five adults....” This has resulted in some departments currently having a vacancy rate of 20% or more, and the caseload in one county, until recently, exceeding 100 probationers to 1 officer, creating officer and community safety issues. Conversely, Maricopa County, which has competitive market-based probation officer salaries, is in compliance with the statutory requirement.

In the past when similar circumstances developed, sentencing judges lost confidence in probation’s ability to provide quality supervision due to high caseloads. As a result, judges began to sentence significantly more people to prison, not wanting to endanger local communities. Without immediate action, staffing shortages are likely to continue and may spread to probation departments in other counties.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that an Adult Probation Supervision Caseload Crisis is declared in the Judicial Branch of Arizona, and that when caseloads exceed the required maximum for 90 days or longer, that the superior court presiding judge, along with the chief or director of probation, shall take actions to bring their department into compliance.

IT IS FURTHER ORDERED that presiding judges of the superior court shall institute any combination of the following actions that brings the department into compliance.

1. Where capacity exists, deputize juvenile probation officers as adult probation officers, to provide supervision of young adult probationers, ages 18 and 19.
2. Implement a plan to review probation cases to determine if any offenders on probation can safely be placed on a lower level of supervision, placed on unsupervised probation, or receive early termination from probation.
3. Ensure the expeditious processing of petitions to revoke probation to identify those who are no longer appropriate for continued probation services.
4. As necessary, convert non-case carrying probation officer positions to probation officer positions.
5. To the extent possible, require probation supervisors to supervise probation cases to help expand supervision capacity.
6. Utilize any excess Intensive Probation Officer capacity to supervise standard probationers.
7. Work with County Boards of Supervisors to establish competitive market ranges for probation officer salaries.
8. Any other action determined to assist in bringing the department into compliance.

IT IS FURTHER ORDERED that the Administrative Office of the Courts (AOC) shall:

- a. Request sufficient funds in the FY 24 budget request to raise officer salaries to a competitive level.
- b. Conduct a market salary study to determine the level salaries need to be at to attract and retain officers.
- c. Review each department's current allocation of staff, and as feasible, convert non case carrying positions to probation officer positions.

Dated this 16th day of September, 2022.

ROBERT BRUTINEL
Chief Justice