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# ARIZONA ADULT PROBATION

Fiscal Year 2005  
Annual Report



Arizona Supreme Court  
Adult Probation Services Division

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# **ARIZONA SUPREME COURT**

## **Administrative Office of the Courts**

This Report Published By

### **ADULT PROBATION SERVICES DIVISION**

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For additional information about the Arizona Adult Probation Population, or for clarification of any information contained in this report, please contact the Arizona Supreme Court, Administrative Office of the Courts, Adult Probation Services Division at (602) 542-9460.

This report and previous Fiscal Year reports are available on the APSD Internet website at: <http://www.supreme.state.az.us/apsd/azprobpop.htm>

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This is the third publication of the Adult Probation Annual Report. The information presented in this report characterizes the adult probation population statewide during fiscal year 2005 (July 1, 2004 to June 30, 2005). The data for this report are drawn from the county statistical reports that are submitted to the Adult Probation Services Division of the Administrative Office of the Courts (AOC).

## **INTENSIVE PROBATION SUPERVISION**

The Arizona Legislature, in seeking an effective diversion program for the burgeoning prison population driven by both a rapidly increasing general population and a new Criminal Code which included mandatory sentencing provisions and delayed parole eligibility, established the Adult Intensive Probation Supervision (IPS) Program during the 1984 First Special Session. The enabling legislation, Arizona Revised Statutes (A.R.S.) §12-291 et seq. (later changed to 13-913 et seq.) became effective July 1, 1985.

Pursuant to A.R.S. § 13-913, Intensive Probation Supervision is a sentencing alternative which provides surveillance, control and intervention, to probationers who would otherwise be incarcerated in the Department of Corrections at initial sentencing or as a result of a technical violation of standard probation. Supervision is designed to include surveillance, control and enforcement, and emphasizes the payment of restitution.

Intensive supervision is provided through the use of probation officer/surveillance officer teams. Pursuant to statute, supervision teams of one probation officer and one surveillance officer can supervise a maximum of 25 intensive probationers and a team consisting of one probation officer and two surveillance officers can supervise no more than 40 probationers. In small counties, one probation officer is authorized to supervise up to 15 intensive probationers.

Intensive probationers are required to:

- Maintain employment or full-time student status or perform community service at least six days per week
- Pay restitution and monthly probation fees
- Establish residency at a place approved by the probation team
- Remain at their place of residence except when attending approved activities
- Allow the administration of drug and alcohol tests
- Perform at least 40 hours (with good cause the court can reduce to 20 hours) of community service work each month except for full-time students, who may be exempted or required to perform fewer hours
- Meet any other conditions set by the court to meet the needs of the offender and limit the risk to the community.

As authorized by Arizona Code of Judicial Administration (ACJA) § 6-202, the Intensive Probation Supervision program embodies five levels of supervision, as outlined below. All contacts are to be varied and unscheduled, and include days, nights, weekends and holidays.

Supervision Level	Visual Contacts Required	Employer Contacts Required
I	Four Per Week	Weekly
II	Two Per Week	Once Every Two Weeks
III	One Per Week	Once Every Two Weeks
IV	Two Per Month	Once Per Month
V	One Per Month	Once Per Month*

\*Required contact is with the treatment provider

Levels I through III are general levels of supervision. Level IV is designed to provide a transition between intensive and standard probation and is reserved for probationers who have successfully completed one or more of the more stringent levels of intensive probation. Level V is reserved for probationers participating in long term residential treatment.

**PERSONNEL**

At the end of fiscal year 2005 there were 202.57 state funded full-time employees working in the IPS program statewide. Included in this total are 65 probation officers, 71 surveillance officers, 4 treatment and education staff, 47.1 support and administrative positions, 11 supervisors and 4.47 management positions. This is an increase of 13.10 IPS funded employees over fiscal year 2004.

Position Type	Fiscal Year 2004	Fiscal Year 2005
Probation Officer	57.0	65.00
Surveillance Officer	67.0	71.00
Treatment/Education	4.50	4.00
Support/Administrative	45.50	47.10
Supervisor	11.00	11.00
Management	4.47	4.47
Total	189.47	202.57

At the end of fiscal year 2005 Maricopa County’s IPS program employed 70 probation officers and 70 surveillance officers (1,750 supervision capacity). The number of other positions supporting IPS in Maricopa County is unable to be determined, as staff are now regionalized (since becoming predominantly county funded) and are not compartmentalized by supervision program.

**ACTIVE INTENSIVE PROBATION POPULATION**

Intensive probation supervision programs are operated in each of Arizona’s fifteen counties. The active intensive probation population refers to those offenders placed on intensive supervision by the court who are:

- Residing in the community
- Incarcerated in jail pending probation violation proceedings
- Incarcerated as a condition of IPS and participating in a work furlough or work release program
- Participating in short term residential treatment in another Arizona county
- Participating in long term residential treatment in the county of conviction.

The number of active probationers in an intensive supervision program increased 2.7% from 2,923 to 3,001.

A probationer can exit intensive probation supervision by means of one of the following:

- Discharged
- Graduated to standard probation supervision
- Revoked
- Reinstated to standard probation supervision
- Modified to unsupervised probation
- Death

A total of 1,591 probationers completed their intensive probation grant (discharged or graduate to standard); a 12.4% increase from fiscal year 2004. During fiscal year 2005, 1,809 intensive probationers were revoked and incarcerated in either a county jail or with the Arizona Department of Corrections; a 17.8% increase from fiscal year 2004.

Pursuant to A.R.S. § 13-914 all intensive probationers are required to perform not less than 40 hours of community service each month; full-time students may be exempted or required to perform fewer hours. However, for good cause, the court may reduce the number of community service hours performed to not less than 20 hours each month. Community service refers to unpaid labor or services provided to a not-for-profit private or governmental agency.

Intensive probationers completed 730,558 hours of community service, representing approximately \$7.3 million in unpaid labor; an 18.7% increase over fiscal year 2004.

### **STANDARD PROBATION SUPERVISION**

The purpose of standard probation supervision in Arizona is to provide the highest quality service to the court, community and offenders. This is accomplished by promoting public safety through effective community based supervision and enforcement of court orders, offering accurate and reliable information and affording offenders opportunities to be accountable and initiate positive changes.

The State Aid Enhancement (SAE) fund was established in 1978 to augment county funding in order to maintain the statutory (A.R.S. § 12-251) caseload average of 60 adult probationers per probation officer (60:1). The funding must be used primarily for the payment of probation officer salaries to attain the caseload average.

As authorized by Arizona Code of Judicial Administration (ACJA) § 6-201, the Standard Probation Supervision program established minimum supervision requirements for each of the four supervision levels, as outlined below. All contacts are to be varied and unscheduled. Additionally, each probation department may establish more rigorous supervision requirements for any supervision level.

Supervision Level	Visual Contacts Required	Employer Contacts Required
Maximum	Two Per Month	As necessary
Medium	One Per Month	As necessary
Minimum	One Every Three Months	As necessary
Report Only	Written Contact Once Per Month	None

### ***PERSONNEL***

The fiscal year 2005 SAE appropriation provided funding for 178.5 case-carrying probation officers who are able to supervise a maximum of 10,710 probationers. The additional funding from other sources supported another 44.25 case-carrying probation officers with a supervision capacity of 2,655 probationers. The total standard probation supervision capacity in the 14 counties was 13,365.

At the end of fiscal year 2005 there were 233.01 SAE funded full-time employees statewide. Included in this total are 180.5 probation officers, 2.73 surveillance officers, 28.93 support and administrative positions, 14 supervisors and 6.85 management positions. There was no change in SAE funded positions from fiscal year 2004 to fiscal year 2005.

Position Type	Fiscal Year 2004	Fiscal Year 2005
Probation Officer	180.5	180.50
Surveillance Officer	2.73	2.73
Treatment/Education	0	0
Support/Administrative	28.93	28.93
Supervisor	14.00	14.00
Management	6.85	6.85
Total	233.01	233.01

At the end of fiscal year 2005 Maricopa County’s standard probation program employed 351 probation officers (21,060 supervision capacity) and 11 surveillance officers. The number of other positions supporting standard probation supervision in Maricopa County is unable to be determined, as staff are now regionalized (since becoming predominantly county funded) and are not compartmentalized by supervision program.

***ACTIVE STANDARD PROBATION POPULATION***

Standard probation supervision is provided in each of Arizona’s 15 counties. The active standard probation population refers to those offenders placed on standard probation supervision by the court who are:

- Residing in the community
- Incarcerated in jail pending probation violation proceedings
- Incarcerated in jail as a condition of probation
- Participating in short term residential treatment in another Arizona county
- Participating in long term residential treatment in the county of conviction
- Residing temporarily (30 days or less) in another county or state
- Placed on probation in a limited jurisdiction court for aggravated domestic violence.

Only active probationers are considered when determining and assessing a department’s compliance with the statutorily prescribed caseload ratio of 60 standard probationers per probation officer. However, probation officers may have a variety of other cases assigned to them, such as offenders placed on supervised probation in a court of limited jurisdiction, absconders, and offenders placed on summary probation.

The overall number of active probationers on standard supervision increased 1.1% from 35,709 to 36,095 (includes Interstate and Domestic Violence cases).

A probationer can exit standard probation supervision by means of one of the following:

- Discharged
- Early Termination
- Revoked
- Closed Interest
- Modified to intensive probation supervision
- Modified to unsupervised probation
- Death

A total of 12,637 probationers completed their probation grant (discharged or early termination); an 11.4% increase from fiscal year 2004. During fiscal year 2005, 4,663 standard probationers were revoked and

incarcerated in either a county jail or with the Arizona Department of Corrections; a 2.7% decrease from fiscal year 2004.

When granting probation, the court may require that the probationer complete community service. While some offenses mandate the completion of a specified amount of community service (e.g., many drug offenses), the court will often impose a community service requirement as a means of holding offenders accountable and restoring the community. Community service is defined as unpaid labor or services provided to a not-for-profit private or governmental agency.

Standard probationers completed 828,188 hours of community service, representing approximately \$8.3 million in unpaid labor; a 1.8% increase over fiscal year 2004.

## **INTERSTATE COMPACT PROBATION POPULATION**

Congress enacted 4 U.S.C. § 122 authorizing the states to enter compacts for cooperation in the enforcement of criminal laws. Accordingly, all fifty states adopted the Interstate Compact for the Supervision of Parolees and Probationers. As provided in the Compact, the Governor of Arizona appointed the Director of the Department of Corrections (DOC) to perform the duties of Compact Administrator. The 42<sup>nd</sup> Legislature authorized the transfer of funds appropriated to DOC and responsibility for probation administration and supervision under the Compact to the Administrative Office of the Courts effective October 25, 1995.

The Interstate Compact for Adult Offender Supervision, as established by A.R.S. § 31-467 monitors probationers transferred to other states from Arizona and provides supervision to probationers transferring to Arizona. In these instances, local probation departments investigate requests of probationers sentenced in other states who request to transfer their probation supervision to Arizona. After investigation, these requests are either denied or accepted based on acceptance criteria. If accepted, local probation departments provide supervision for these transferred probationers. Probation officers must also collect a statutorily prescribed assessment to the Victim Compensation and Assistance Fund.

### ***PERSONNEL***

The fiscal year 2005 appropriation for the supervision of ISC probationers provided for a program capacity of 300 and supported five probation officers in two counties.

As the AOC is prohibited from allocating any state probation funds to Maricopa County, the county is responsible for funding the 11 probation officers dedicated to the supervision of ISC probationers at the close of fiscal year 2005.

The number of probation officers dedicated statewide to the supervision of ISC probationers has virtually remained unchanged for several years, as the ISC population is relatively stable.

### ***ACTIVE INTERSTATE POPULATION***

The Interstate Compact Unit (ISC) within the Adult Probation Services Division is responsible for the oversight of interstate compact probationers (those transferring supervision into or out of Arizona). According to the database maintained by ISC, the number of Arizona probationers supervised in other states under the Interstate Compact for Adult Offender Supervision (Compact) increased 7.0% from 1,830 in fiscal year 2004 to 1,959 in fiscal year 2005.

The number of probationers from other states being supervised by Arizona under the compact increased 5.6% from 1,198 in fiscal year 2004 to 1,265 in fiscal year 2005.

## **PROBATION POPULATION SUMMARY**

In fiscal year 2005, the total population of offenders under the supervision of Arizona adult probation increased 2.5% from 66,642 in fiscal year 2004 to 68,336, which includes probationers supervised by the state of Arizona but legally the responsibility of another jurisdiction and Domestic Violence, A.R.S. §13-3601.01 cases (see Figure 1, pg.9).

A total 14,228 probationers completed their probation grant (full term discharge or early discharge). This is a substantial increase (11.5%) from the 12,760 who successfully completed their probation grant in fiscal year 2004. As of the end of fiscal year 2005, there were a total of 13,228 absconders (870 intensive and 12,363 standard), up 6.6% from fiscal year 2004 (12,404). In addition, 6,472 probationers were revoked and incarcerated in either a county jail or with the Arizona Department of Corrections; a 2% increase from fiscal year 2004.

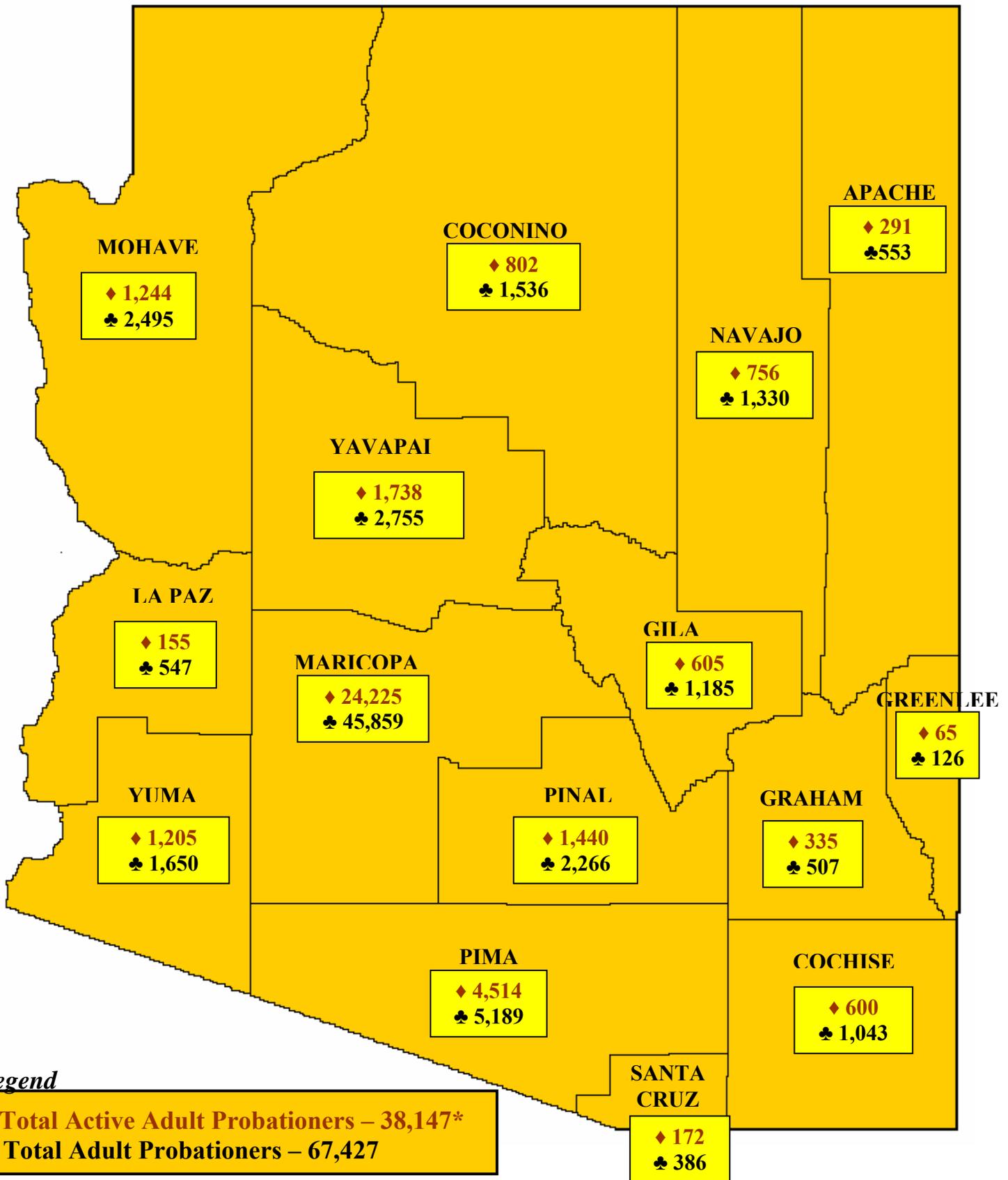
During fiscal year 2005, 9,612 Petitions to Revoke Probation were filed with the Court; a 4.8% increase over the 9,168 Petitions to Revoke Probation filed in fiscal year 2004. Of the 9,612, 7,775 were petitions filed in standard probation cases and 1,837 were petitions filed in intensive probation cases.

The total number of absconders increased 6.6% from 12,404 in fiscal year 2004 to 13,228 in fiscal year 2005. Approximately 48% of all probation absconders were apprehended during fiscal year 2005.

Standard and Intensive probationers completed 1,558,747 hours of community service, which represents approximately \$15.6 million in unpaid labor to the community. This number is an increase of 9.1% over the 1,429,005 hours of community service completed in fiscal year 2004. Additionally, standard and intensive probationers paid \$39,222,576 in restitution, reimbursement, fines, surcharges, and fees which are an increase from the \$36,769,212 paid in fiscal year 2004.

	Standard Probation	Intensive Probation	Total
Restitution for Victims	\$ 12,356,613	\$ 880,938	\$ 13,237,551
Fines and Surcharges	\$ 10,668,671	\$ 501,858	\$ 11,170,529
Reimbursement for Legal Services	\$ 1,284,607	\$ 178,761	\$ 1,463,368
Probation Service Fees	\$ 12,149,421	\$ 1,204,707	\$ 13,354,128
<b>Total</b>	\$ 36,459,312	\$ 2,766,264	\$39,225,576

## ADULT PROBATIONERS STATEWIDE JUNE 30, 2005



**Legend**

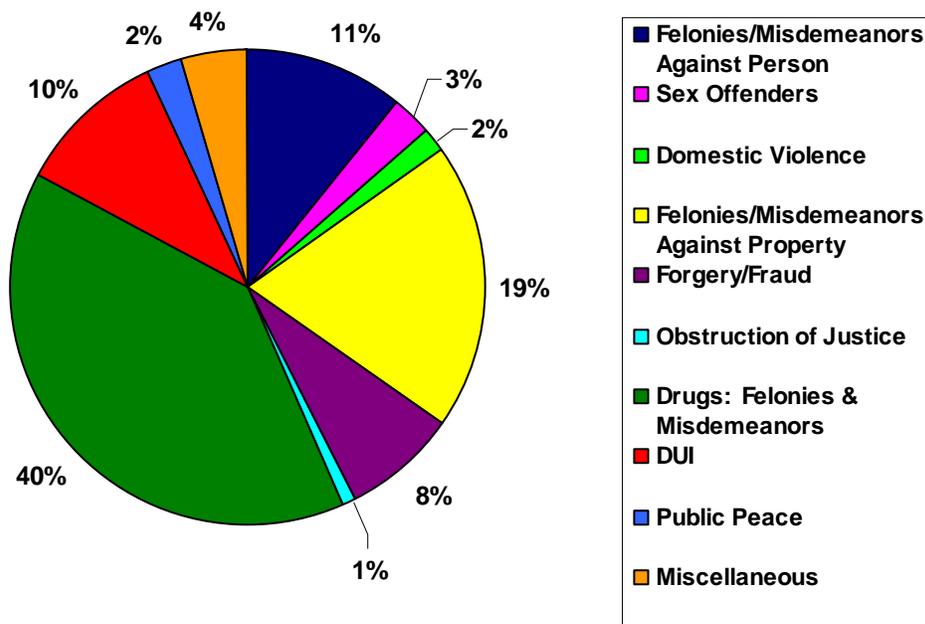
♦ Total Active Adult Probationers – 38,147\*

♣ Total Adult Probationers – 67,427

\* Includes Active Standard, Active IPS, Active DV (ARS 13-3601.01), and Active ISC Non-Discreet Cases

## BREAKOUT OF MOST SERIOUS OFFENSES ADULT OFFENDERS ON PROBATION STATEWIDE

Most Serious Convicted Offense (Total Workload) as of June 30, 2005		
Category of Offense	# of Adults	Percent
Felonies/Misdemeanors Against Person	7,381	10.9%
Sex Offenders	1,793	2.7%
Domestic Violence	1,206	1.8%
Felonies/Misdemeanors Against Property	13,097	19.4%
Forgery/Fraud	5,253	7.8%
Obstruction of Justice	513	0.8%
Drugs: Felonies & Misdemeanors	26,653	39.5%
DUI	6,903	10.2%
Public Peace	1,613	2.4%
Miscellaneous	3,015	4.5%
<b>TOTAL</b>	<b>67,427</b>	<b>100%</b>



Note: Percentages represent estimates of the Adult Probation population, which were obtained from the Adult Probation Enterprise Tracking System (APETS) and the Probation Information Management System (PIMS). Estimated percentages were then applied to total workload numbers as reported, to the Adult Probation Services Division of the AOC, in the June 2005 monthly reports.

## **EXPECTED DATA REPORTING CAPABILITY**

The Adult Probation Services Division of the Administrative Office of the Courts is currently in the process of implementing a statewide adult probation tracking system with the focus on increasing data collection and improving probation information transfer between counties. The Adult Probation Enterprise Tracking System (APETS) is presently utilized in Maricopa, Yuma, La Paz, Pima, Yavapai, Coconino, Pinal, and Graham counties, which accounts for 90% of the probation population. APETS is estimated to be statewide by the end of calendar year 2006. The implementation of a statewide data tracking system will increase the ability to capture county specific data necessary for the accurate reporting of statewide statistics and population characteristics.