
ARIZONA ADULT PROBATION

Fiscal Year 2006
Annual Report



Arizona Supreme Court
Adult Probation Services Division

ARIZONA SUPREME COURT

Administrative Office of the Courts

This Report Published By

ADULT PROBATION SERVICES DIVISION

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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 fourth publication of the Adult Probation Annual Report. The information presented in this report characterizes the adult probation population statewide during fiscal year 2006 (July 1, 2005 to June 30, 2006). 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 2006 there were 203.18 state funded full-time employees working in the IPS program statewide. Included in this total are 66 probation officers, 71 surveillance officers, 4 treatment and education staff, 46.88 support and administrative positions, 11.10 supervisors and 4.20 management positions. This is a minimal increase of .61% IPS funded employees over fiscal year 2005.

Position Type	Fiscal Year 2004	Fiscal Year 2005	Fiscal Year 2006
Probation Officer	57.00	65.00	66.00
Surveillance Officer	67.00	71.00	71.00
Treatment/Education	4.50	4.00	4.00
Support/Administrative	45.50	47.10	46.88
Supervisor	11.00	11.00	11.10
Management	4.47	4.47	4.20
Total	189.47	202.57	203.18

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 decreased 4.1% from 3,001 to 2,879.

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 1,622 probationers completed their intensive probation grant (discharged or graduate to standard); a 1.9% increase from fiscal year 2005. During fiscal year 2006, 1,809 intensive probationers were revoked and incarcerated in either a county jail or with the Arizona Department of Corrections; resulting in no change from fiscal year 2005, in which 1,809 intensive probationers were revoked and incarcerated.

Pursuant to A.R.S. § 13-914 all intensive probationers are required to perform not less than 40 hours of community restitution 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 restitution refers to unpaid labor or services provided to a not-for-profit private or governmental agency.

Intensive probationers completed 655,113.5 hours of community restitution, representing approximately \$6.5 million in unpaid labor; a 10.3% decrease from fiscal year 2005.

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 2006 SAE appropriation provided funding for 168.5 case-carrying probation officers who are able to supervise a maximum of 10,110 probationers. The additional funding from other sources supported another 113 case-carrying probation officers with a supervision capacity of 6,780 probationers. The total standard probation supervision capacity in the 14 counties was 16,890

At the end of fiscal year 2006 there were 232.51 SAE funded full-time employees statewide. Included in this total are 170.5 probation officers, 2.73 surveillance officers, 28.93 support and administrative positions, 21 supervisors and 9.85 management positions. There was a decrease of one-half of a SAE funded position from fiscal year 2005 to fiscal year 2006.

Position Type	Fiscal Year 2004	Fiscal Year 2005	Fiscal Year 2006
Probation Officer	180.5	180.50	170.5
Surveillance Officer	2.73	2.73	2.73
Treatment/Education	0	0	0

Support/Administrative	28.93	28.93	28.93
Supervisor	14.00	14.00	21
Management	6.85	6.85	9.35
Total	233.01	233.01	232.51

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 7.5% from 36,095 to 39,040 (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 13,876 probationers completed their probation grant (discharged or early termination); an 8.9% increase from fiscal year 2005. During fiscal year 2006, 5,655 standard probationers were revoked and incarcerated in either a county jail or with the Arizona Department of Corrections; a 17.5% increase from fiscal year 2005.

When granting probation, the court may require that the probationer complete community restitution. 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 restitution is defined as unpaid labor or services provided to a not-for-profit private or governmental agency.

Standard probationers completed 743,042 hours of community restitution, representing approximately \$7.4 million in unpaid labor; a 10.3% decrease from fiscal year 2005.

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 42nd 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 2006 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 2006.

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 2.7% from 1,959 in fiscal year 2005 to 2,013 in fiscal year 2006.

The number of probationers from other states being supervised by Arizona under the compact increased 10.1% from 1,265 in fiscal year 2005 to 1,407 in fiscal year 2006.

PROBATION POPULATION SUMMARY

In fiscal year 2006, the total population of offenders under the supervision of Arizona adult probation increased 5.9% from 68,336 in fiscal year 2005 to 72,661, 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).

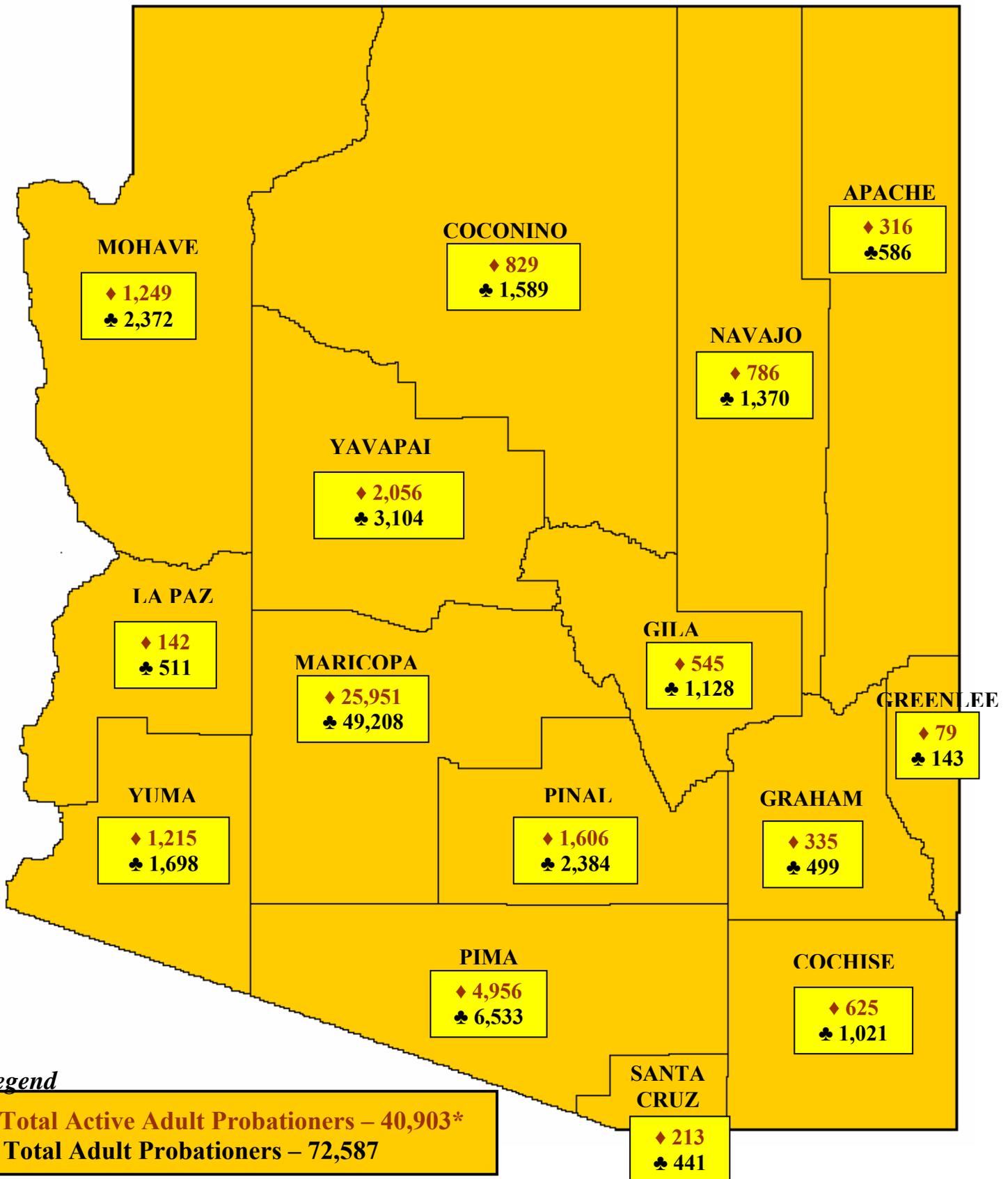
A total 15,498 probationers completed their probation grant (full term discharge or early discharge). This is a substantial increase (8.2%) from the 14,228 who successfully completed their probation grant in fiscal year 2005. As of the end of fiscal year 2006, there were a total of 13,941 absconders (1,068 intensive and 12,873 standard), up 5.1% from fiscal year 2005 (13,228). Approximately 50% of all probation absconders were apprehended during fiscal year 2006. In addition, 7,460 probationers were revoked and incarcerated in either a county jail or with the Arizona Department of Corrections; a 13% increase from fiscal year 2005 (6,472).

During fiscal year 2006, 10,400 Petitions to Revoke Probation were filed with the Court; a 7.6% increase over the 9,612 Petitions to Revoke Probation filed in fiscal year 2005. Of the 10,400, 8,451 were petitions filed in standard probation cases and 1,949 were petitions filed in intensive probation cases.

Standard and Intensive probationers completed 1,398,155.5 hours of community restitution, which represents approximately \$14 million in unpaid labor to the community. This number is a decrease of 10.3% from the 1,558,747 hours of community restitution completed in fiscal year 2005. Additionally, standard and intensive probationers paid \$44,282,754 in restitution, reimbursement, fines, surcharges, and fees which is an 11.4% increase from the \$39,222,576 paid in fiscal year 2005.

	Standard Probation	Intensive Probation	Total
Restitution for Victims	\$ 15,120,671	\$ 676,758	\$ 15,797,429
Fines and Surcharges	\$ 12,306,240	\$ 506,490	\$ 12,812,730
Reimbursement for Legal Services	\$ 1,169,303	\$ 177,010	\$ 1,346,313
Probation Service Fees	\$ 13,224,969	\$ 1,101,314	\$ 14,326,283
Total	\$ 41,821,183	\$ 2,461,572	\$ 44,282,755

ADULT PROBATIONERS STATEWIDE JUNE 30, 2006



Legend

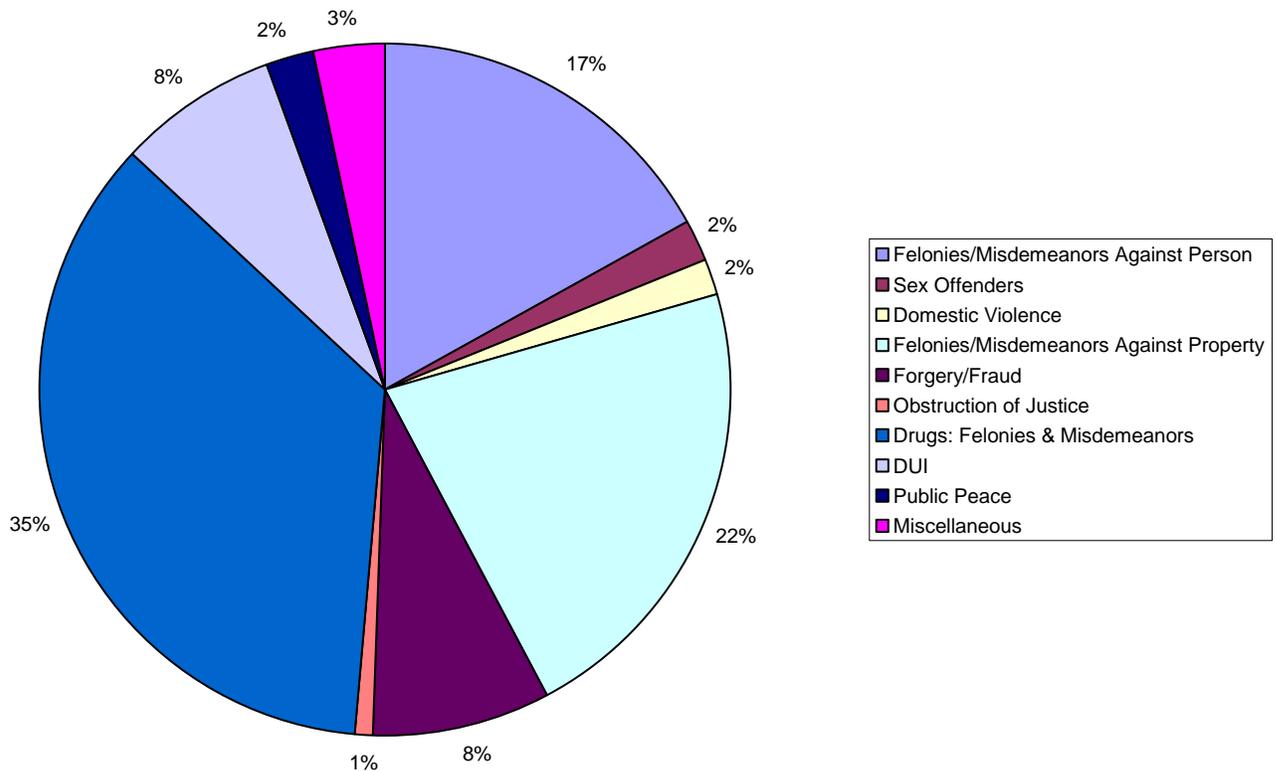
♦ Total Active Adult Probationers – 40,903*

♣ Total Adult Probationers – 72,587

* 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, 2006		
Category of Offense	# of Adults	Percent
Felonies/Misdemeanors Against Person	9,326	16.9%
Sex Offenders	1,124	2.0%
Domestic Violence	950	1.7%
Felonies/Misdemeanors Against Property	11,958	21.7%
Forgery/Fraud	4,607	8.3%
Obstruction of Justice	369	0.7%
Drugs: Felonies & Misdemeanors	19,680	35.7%
DUI	4,127	7.5%
Public Peace	1,187	2.2%
Miscellaneous	1,798	3.3%
TOTAL	55,126	100%



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 2006 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, Graham, Gila, and Greenlee, which accounts for 92% 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.