



**ARIZONA STATE SENATE**  
*Forty-ninth Legislature, First Regular Session*

**PROGRAM PRESENTATION**  
Adult Standard Probation Supervision including Probation Officer Ratios

Background

***Adult Probation Supervision***

Generally, probation is an alternative to imprisonment allowing a person found guilty of an offense to stay in the community, under certain conditions and usually under the supervision of the courts through a probation officer (officer). Officers and support staff provide presentence investigations and supervision services to the court. The officer has various responsibilities for each probationer, including making and filing a complete record for each person placed under suspended sentence, exercising general supervision and observation, investigating cases for a presentence report and monitoring the payment of restitution. The officer utilizes the results of the standardized assessment to establish a level of supervision and develop a case plan within one month of a probationer's placement on probation or initial release from custody. All levels of supervision include visual contact, investigation of arrest notification, community restitution monitoring and, as necessary, employment verification, alcohol and drug testing and treatment and counseling.

Probation periods vary, generally from one to seven years, depending on the offense. Probation may be extended based on the probationer's completion of restitution and it may be adjusted for earned time credit if certain conditions are met. Earned time credits do not apply to certain probationers, including a probationer who is on lifetime probation or is on probation for any class 2 or 3 felony.

***Adult Standard Probation Officer Ratios***

An officer supervises no more than an average of 60 adults. Only those probationers on the officer's active caseload are included in determining the average caseload of 60 adults. Maricopa County is exempt from statutory probation ratios but must maintain appropriate ratios of officers to probationers consistent with evidence based practices in differentiated case management. Maricopa County annually reports on its probation performance to the Chief Justice of the Arizona Supreme Court and the Legislature.

***Adult Intensive Probation***

Intensive probation is a statutory sentencing alternative that provides surveillance, control and intervention to probationers who would otherwise have been incarcerated in the Arizona Department of Corrections (ADC) at initial sentencing or as a result of a technical violation of standard probation. Intensive probation is a program of highly structured and closely supervised probation that emphasizes the payment of restitution.

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Statute allows the court to revoke intensive probation at any time before the expiration or termination of the intensive probation period if the person commits an additional offense or violates a condition of probation. The court is required to revoke the period of intensive probation and impose a term of imprisonment if a petition to revoke the probation period is filed and the court finds that the person has committed an additional felony offense or has violated a condition of probation that poses a serious threat or danger to the community.

#### *Intensive Probation Officer Ratios*

A 2-person intensive probation team (team) shall supervise no more than 25 persons at one time and a 3-person team shall supervise no more than 40 persons at one time. The team consists of one probation officer and one or two surveillance officers. Supervision and observation includes visual contact with each probationer at least four times per week and weekly contact with the probationer's employer.

In counties with a population of fewer than 300,000 persons, the ratio requirements may be waived if the case load of every officer is not more than 15 persons and the program requires visual contact with each probationer at least one time per week. The administrative director of AOC may waive supervision, contact and caseload limit requirements upon a filing of a waiver request of the presiding judge of the participating court.

Minimum supervision requirements are established as thresholds for intensive probationers supervised in the community but each probation department may establish more rigorous supervision requirements. There are five supervision levels, which include various intensities of visual contacts, employment verification (unless in residential treatment), enforcement of community restitution and referrals for treatment and counseling.

#### Fiscal Information

The Adult Probation Services Fund (Fund) is administered by the chief fiscal officer designated by the county's board of supervisors. The Fund consists of county general fund appropriations, state appropriations, probation fees, federal monies and any other source.

<b>Annual Report on Adult Probation Services Fund (FY 2006-2007)</b>	
<b>Total Expenditures = 127.6 million</b>	
County Funds	58.2 percent
State Funds	24.2 percent
Federal Funds	0.8 percent
Other Revenue (including probation fees and local fees)	16.8 percent

#### *County Funds*

The probation fees account within the Fund is used to pay the probation employee salaries and employee related benefits and to otherwise improve, maintain or expand adult probation services within the county. The officers' salaries are fixed by each county's board of supervisors on recommendation from the presiding judge of the superior court and at least 60 percent of the expenditures from the probation fees account during the fiscal year must be used

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to pay probation employee salaries and employee related benefits, unless a written request to waive the expenditure guidelines is granted by the AOC's administrative director

The probation fees account cannot be used for any indirect costs such as accounting, payroll or other administration costs. Each quarter AOC charges the local probation fees account 100 percent of the cost of the global position system monitoring devices to cover a proportional share of the cost of monitoring devices required for certain offenders. The chief fiscal officer reports each year to the Arizona Supreme Court showing the total amount of receipts and expenditures in each account of the Fund.

Laws 2008, Chapter 298, requires the Legislature, beginning in FY 2010-2011, to annually appropriate 40 percent of any cost savings related to a reduction in probation revocations for distribution and deposit in the Fund of each county. Monies received as a result of a reduction in the percentage of supervised probationers who are convicted of a new felony offense must be used: 1) to increase the availability of substance abuse treatment programs and 2) to increase the availability of risk reduction programs and interventions for probationers and 3) for grants to nonprofit victim service organizations to assist victims and increase the amount of restitution collected from probationers.

#### *State Appropriations*

State monies expended from the Fund can only supplement, not supplant, county appropriations for the superior court adult probation department. State appropriations for adult probation include monies for officers, state aid for adult probation services, adult community punishment programs and adult intensive probation.

State aid must be used to improve, maintain or expend existing juvenile probation programs or to achieve or maintain the average adult probation case supervision requirement and are prohibited for use to increase any salaries under current county probation programs. Monies in the Fund also pay the annual assessment on member states of the Interstate Compact for the Supervision of Adult Offenders. Any county operating a program for probation services receives a base amount of \$20,000 from state aid. The remainder of appropriated funds, excluding administrative funds, are distributed to each participating county based upon the need and probable effectiveness of each plan. The funds are allocated between the adult and juvenile probation departments in proportion to the adult and juvenile populations of that county.

Laws 2006, Chapter 261, transferred the responsibility of adult and juvenile probationary costs to Maricopa County, as a county with a population of two million or more persons. Maricopa County determines the probation surcharge it levies and does not receive state aid.

#### *Fees*

A monthly fee of \$50 is assessed to a probationer as a condition of probation unless the court assesses a lesser fee based on the probationer's inability to pay. Any amount over \$40 shall only be used to supplement monies currently used for salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments. The FY 2008-2009 budget reconciliation bill passed on January 31,

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2009, increases the probation fee to \$65 and allows any amount of the assessed fee to be used for salaries and probation support services. Additionally, AOC is required to charge annually the local probation fees account of each county a specific amount to reflect each county's portion of the superior court risk management premium.

For an offender under intensive probation, the minimum fee remains \$50 unless the court determines the inability of the probationer to pay the fee and assesses a lesser fee. The probationer's wages are paid directly to an account from which the chief adult probation officer makes payments for restitution, probation fees, fines and other payments. The balance of the monies are placed in an account to be used for or paid to the probationer or the probationer's immediate family in a manner and in such amounts as determined by the chief adult probation officer or the court. Any monies remaining in the account at the time the person successfully completes probation are paid to the probationer.

Prepared by Senate Research  
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CEW/jas