

An aerial photograph of Tucson, Arizona, showing a dense urban area with various buildings, a highway with traffic, and a large saguaro cactus in the foreground. The background features a range of mountains under a clear blue sky.

The Arizona Superior Court in Pima County

Annual Report
Fiscal Year 2004



Arizona Superior Court
Pima County
110 West Congress, 9th Floor

K. Kent Batty
Court Administrator

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Hon. John S. Leonardo
Presiding Judge
Superior Court in Pima County
110 West Congress
Tucson, AZ 85701

Dear Judge Leonardo:

It is with pleasure that I transmit officially to you this report of the court's work during fiscal year 2003-3004. While no summary report such as this could capture all of the fine work done by the judges and employees of the Superior Court, this compilation provides an excellent overview of the court's achievements in that year. Those efforts continue to provide the best in court services to the residents of Pima County.

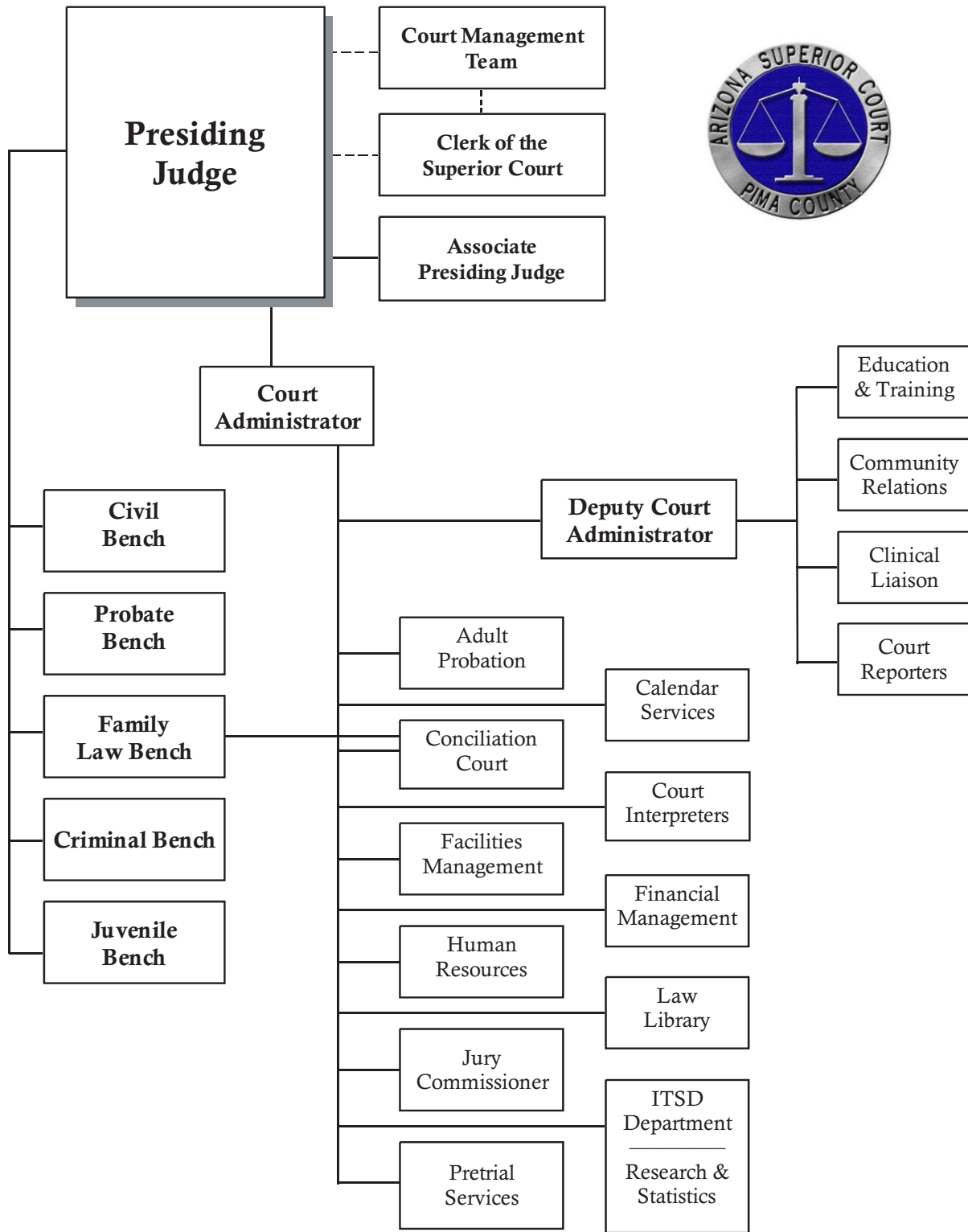
Respectfully yours,

K. Kent Batty

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Organizational Chart



The Court

The Bench

The Arizona Superior Court in Pima County is the second largest superior court in the state. The bench comprises 28 full-time judges who are nominated for office by the Pima County Commission on Trial Court Appointments and appointed by the governor. Each judge stands for retention in office during a general election and serves a four-year term if retained. The court also has three full-time judges pro tempore, 16 full-time commissioners and one part-time commissioner who are appointed by the presiding judge of the court through a local merit selection process.

Judges are assigned on a rotating basis to one of five benches

or departments: criminal, civil, probate, family law and juvenile. A presiding judge leads each bench. Generally, judges maintain their bench assignments for two to five years. In FY 2004, the Hon. Jan Kearney was appointed presiding judge for the family law bench joining the Hon. Michael Cruikshank, criminal bench presiding judge; the Hon. Charles Sabalos, civil bench presiding judge; the Hon. Clark Munger, probate bench presiding judge and the Hon. Hector Campoy, juvenile bench presiding judge. The Hon. Nanette Warner was appointed to preside over the newly created Mental Health Court and the Hon. Barbara Sattler was appointed to preside over the Drug Court.

The so-called “institutional memory” of the Superior Court bench retired at the end of January after 20 years of service. On Jan. 3, 1984, Judge Lina Rodriguez, then 34, became one of the youngest judges ever to take a seat on the superior court bench. During her 20 years on the bench, Judge Rodriguez presided over more than 400 trials. One of her specialties at the court was arbitration and mediation. Judge Rodriguez also managed a number of large litigations in her time at the court. Among the memorable cases Judge Rodriguez presided over during her tenure was the trichloroethylene (TCE) water contamination litigation.





Judge Chandler is sworn in

Arizona Governor Janet Napolitano named Juvenile Court Commissioner Terry Chandler as the next judge for Division 1, succeeding Judge Lina Rodriguez.

Judge Chandler, who was appointed to the juvenile court bench in January 2000, remained assigned to the juvenile bench after she took the oath of office. Juvenile Bench Presiding Judge Hector Campoy announced the appointment of Javier Chon-Lopez as a commissioner, taking the seat held by Judge Chandler, effective July 1.

In other news regarding honors to members of the bench, the Tucson Human Relations Commission presented Judge Hector Campoy a certificate of honor during its Unity in Tolerance program celebrating the life of Dr. Martin Luther King Jr.

Court Jurisdiction

The court's jurisdiction extends to almost any type of case, except small claims, minor offenses and violations of city codes and ordinances. The Superior Court has jurisdiction over:

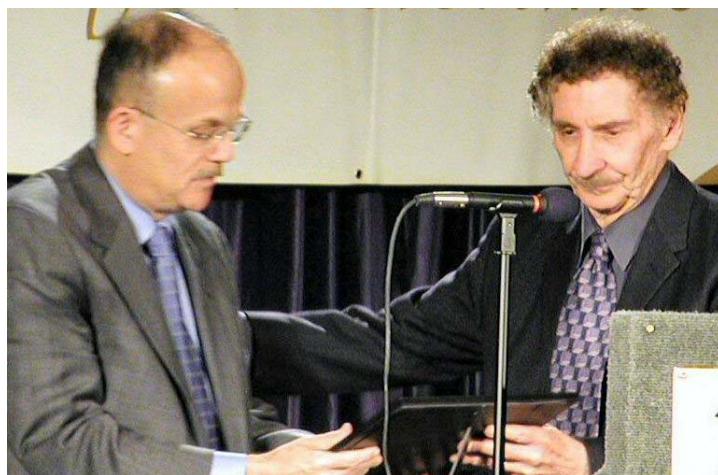
- ▶ Criminal felony and some misdemeanor cases;
- ▶ Civil cases involving sums of money in excess of \$10,000;
- ▶ Forcible entry and detainer cases;
- ▶ Dissolutions of marriage, adoptions and other family-related matters;
- ▶ Probate matters; and
- ▶ Appeals from limited jurisdiction courts throughout Pima County.

The presiding judge of superior court designates the pre-

siding judge of juvenile court, and assigns its judges and commissioners. Its presiding judge, as established under state law, separately administers the juvenile court. The Juvenile Court has jurisdiction over delinquent and incorrigible youth in Pima County, as well as matters involving dependent children who are the victims of abuse, neglect or abandonment. The court is located at 2225 East Ajo Way and is staffed by over 500 employees.

Court Administration

Under the direction of the presiding judge, the court administrator is responsible for the non-judicial operations of the court. To that end, court administration's departments include: financial services, human resources, training and education, facilities management and information and technology services. Also reporting to the court administrator are adult probation, calendar services, court interpreters, the court reporters' pool, jury services, the county law library and pretrial services.



Judge Campoy receives a certificate of honor

Appropriations

The court's budget for FY 2004 totaled nearly \$35 million, supported with funds received from Pima County, the state of Arizona, and special revenue funds. The special revenue funds include fees for probation, conciliation court, law library, and drug court. The court also benefits from grants, which in FY 2004, amounted to less than 1 percent of total funding. The charts below illustrate the level of funding received from each of these primary funding sources in FY 2003 and FY 2004.

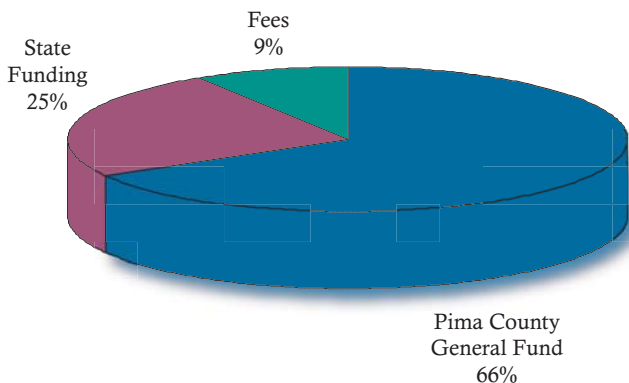
As can be seen, the county's share of overall court funding increased slightly between FY 2003 and FY 2004. These increases were primarily the result of annualizing salary increases approved by the board of super-

visors in FY 2003 and of funding significant cost increases in Arizona State Retirement System contributions. In FY 2004, Pima County did not approve any salary increases. State funding also increased slightly, a welcome change from the negative trend the court had been experiencing since FY 2001 as a result of the state's fiscal crisis. It was more welcome still since the court had been bracing for further reductions. However, late in the third quarter, the court received word from the state that additional funds had become available for its use. In the fourth quarter, still more funding restorations were made as the state's financial position improved. Despite these critical funding restorations, the court's collective annual state appropriation for FY

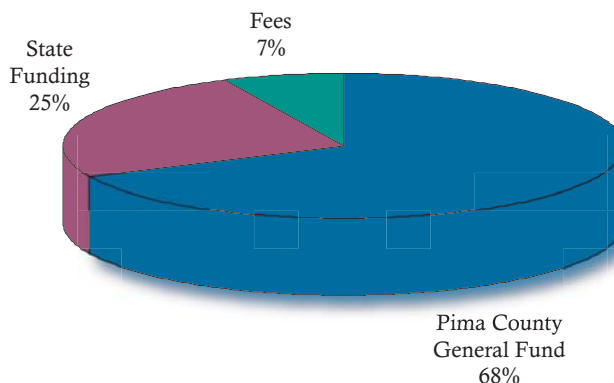
2004 was still approximately \$1.3 million below historic annual funding levels. As in past years, the primary recipient of these reductions was the adult probation department.

Managing the impact of continued state funding reductions required the court to continue a number of austerity measures initiated in prior years until January 2004. These measures included the continuation of a hiring freeze throughout the superior court and severe restrictions on capital purchases, travel, training, and other expenditures. In addition, the court did not restore probation services curtailed or eliminated in previous years such as dispatch, electronic monitoring and contract security services. Nor did it reintroduce probation services provided to

Sources of Funding ~ FY 2003



Sources of Funding ~ FY 2004



Changes in Funding by Source

Funding Source	FY 2003	FY 2004	Percent Change
Pima County	23,168,678	23,890,204	+3.11
State Funding	8,523,005	8,638,668	+1.36
Fees (Expenditures)	3,177,386	2,261,250	-28.83
Grants	93,436	146,889	+57.21
Total	\$34,962,505	\$34,937,011	-0.07

the justice and juvenile courts.

Due to the stabilization and partial restoration of state funding losses, the continuation of austerity measures and the county's decision to fund increased benefit costs, the court was able to preserve these funds as a contingency fund for any further future funding reductions or unanticipated expenditures; and, for the last half of the fiscal year, it lifted the hiring freeze.

The table above illustrates changes that occurred in each of the primary funding sources during FY 2004, as compared to FY 2003. In the case of county, state, and grant funding, the amounts represented are actual appropriations received from each source. In the case of fees, the amounts reflect actual expenditures rather than an appropriation as these funds are managed in an enterprise fashion. In other words, expenditure levels in special revenue funds are limited to total revenues that are collected for these purposes.

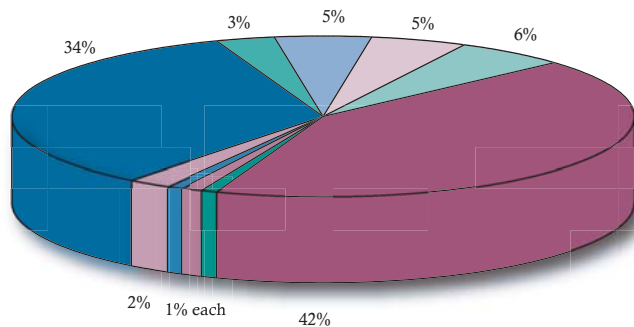
In FY 2004, appropriations from Pima County increased by \$721,526, amounting to a 3.11

percent increase over FY 2003. In FY 2004, court-wide state funding increased by \$115,663 or 1.36 percent. This increase was primarily attributed to an infusion of state Judicial Collection Enhancement Fund monies used to replace reductions in the State Aid Enhancement Fund. Grants received by the court increased by \$53,453, primarily due to ad-

ditional funding from the Arizona Department of Education for the provision of adult education services in probation. Due to these improvements in state and local funding, the need to expend fee funds was dramatically curtailed. As a result, total fee expenditures declined \$916,136 or 28.83 percent.



Program Expenditures ~ FY 2004



Function	Expenditure	Percent
Adult Probation	\$14,834,842	42
Judicial Services	\$11,833,254	34
Information Technology Services	\$1,966,470	6
Pretrial Services	\$1,904,934	5
Administrative Services	\$1,818,696	5
Conciliation Court	\$912,961	3
Calendar Services	\$671,279	2
Law Library	\$385,163	1
Interpreter Services	\$309,606	1
Jury Commissioner	\$299,806	1

Expenditure Areas

In FY 2004, superior court expenditures totaled \$34.9 million. Functionally, these expenditures can be broken out as reflected in the pie chart.

Revenues

Other than intergovernmental cost recovery activities, the clerk of the superior court collects all court revenues on behalf of the court. These revenues consist primarily of filing fees, fees for services, fines, penalties, surcharges, sanctions, and forfeitures. The table to the right illustrates some of the primary revenues collected on behalf of the superior court during FY 2004.

Primary Revenues ~ FY 2004	
Restitution	\$1,529,854
Civil Filing Fees	\$764,145
Law Library Fund	\$206,151
Domestic Relations Fund	\$511,682
Probation Fees	\$1,315,810
Criminal Fines	\$214,570
Drug Court	\$99,034
Judicial Collection Enhancement Fund	\$651,156
Superior Court Automation Fund	\$410,525

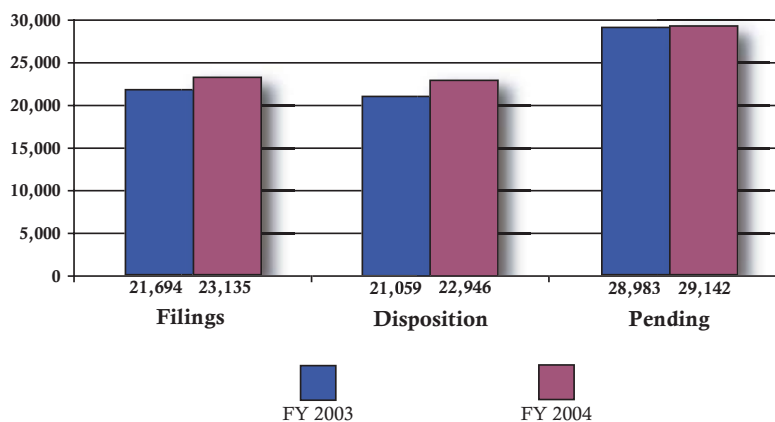
Court-Wide Activity

New case filings increased 7 percent from last year. Case dispositions increased 9 percent while cases pending increased by 1 percent. Family law cases made up 37 percent of the filings, 36 percent of the dispositions and 15 percent of the pending cases. Civil cases made up 30 percent of the filings, 32 percent of the dispositions and 13 percent of the pending cases. Criminal cases made up 24 percent of the filings, 23 percent of the dispositions and 13 percent of the pending cases. Probate cases made up 9 percent of the filings, 9 percent of the dispositions and 59 percent of the pending cases, due primarily to their unique nature.

Criminal Caseload Activity

Criminal defendant filings increased 11 percent over FY

**Comparison of Court Filings, Dispositions and Pending Cases
FY 2003 & 2004**



2003. Drug cases continue to outrank all other charges filed with burglary, robbery and theft holding second place. While criminal case dispositions increased slightly over last year, the number of pending criminal cases increased 7 percent. Felony cases broken down by final disposition type show that 77

percent were closed by plea, 9 percent were closed by trial and the remaining 14 percent were dismissed. Four-year trends indicate there will be a 4 percent increase in case filings, a 7 percent increase in case dispositions and pending cases are expected to remain the same.

Overview of FY 2004 Criminal Caseload

FY 2004	Felonies	Misdemeanors & Unclassified	Appeals JP/City	Total
Pending 7/1/03	3,284	82	78	3,444
New Cases Filed	4,962	424	127	5,513
Total Caseload	8,246	505	205	8,957
Dispositions:				
Jury Trials Commenced	356			356
Court Trials Commenced	57			57
Pleas of Guilty	3,595			3,595
Dismissals/Removed	677	441	23	1,141
Affirmed/Reversed			126	126
Total Dispositions	4,685	441	149	5,275
Pending 6/30/04	3,561	65	56	3,682

Civil Caseload Activity

Civil case filings increased 1 percent over last year. Case dispositions increased 8 percent

while cases pending at end of year decreased 11 percent. Four-year trends indicate there will be a 2 percent decrease in case fil-

ings, a 7 percent decrease in dispositions and 7 percent decrease in pending cases.

Overview of FY 2004 Civil Caseload

FY 2004	Tort-Motor Vehicle	Tort-Non-Motor Vehicle	Medical Malpractice	Contracts	Eminent Domain	Lower Court Appeals	Non-Classified	Totals
Pending 7/1/03	1,163	497	128	926	31	26	1,489	4,260
New Cases Filed	1,526	614	80	1,775	262	81	2,625	6,963
Total Caseload	2,689	1,111	208	2,701	293	107	4,114	11,223
Dispositions:								
Transferred Out	17	44	3	35	0	19	132	250
Judgment Entered	1,224	465	75	1,124	233	49	1,900	5,070
Other Dispositions	460	168	29	661	12	9	771	2,110
Total Number of Dispositions	1,701	677	107	1,820	245	77	2,803	7,430
Pending 6/30/04	988	434	101	881	48	30	1,311	3,793

Family Law Caseload Activity

Family Law case filings increased 13 percent over FY 2003. Case dispositions increased by 18

percent while pending cases increased 3 percent. Four-year trends indicate there will be a 6 percent decrease in case filings,

a 4 percent decrease in dispositions and a 4 percent increase in pending cases.

Overview of FY 2004 Family Law Caseload

FY 2003	Dissolution	Separation	Annulment	Paternity	Other Domestic	Total
Pending 7/1/02	2,131	33	21	843	736	3,764
New Cases Filed	4,637	83	65	1,082	1,670	7,537
Total Caseload	6,768	116	86	1,925	2,406	11,301
Dispositions:						
Transferred Out	10	0	0	2	15	27
Decrees Granted	3,042	48	25			3,115
Other Dispositions	1,376	25	37	1,390	1,082	3,910
Total Number of Dispositions	4,428	73	62	1,392	1,097	7,052
Pending 6/30/03	2,340	43	24	533	1,309	4,249

Probate Caseload Activity

Probate case filings decreased by 3 percent over last year. Case dispositions have increased by 3 percent while pend-

ing cases have increased 2 percent. Four-year trends indicate there will be a 14 percent decrease in case filings a 21 percent

decrease in dispositions and a 9 percent increase in pending cases.

Overview of FY 2004 Probate Caseload

FY 2003	Estate & Trust Administration	Guardianships & Conservatorships	Adult Adoptions	Total
Pending 7/1/02	6,289	10,225	90	16,604
Initial Petitions Filed	1,138	1,089	10	2,237
Total Caseload	7,427	11,314	100	18,841
Dispositions:				
Total Dispositions	928	913	0	1,841
Pending 6/30/03	6,499	10,401	100	17,000



Mission Statement

The Adult Probation Department's mission is to serve the court, to actively promote community safety, to facilitate positive behavioral change in probationers and to respect victim rights. In performing our mission, we recognize that employees are our most valuable resource and we hold these essential core values: Integrity, Respect, Accountability, Fairness, Compassion, Creativity and Excellence. The Adult Probation Department in Pima County strives to achieve the highest standards in the administration of criminal justice and community corrections.

Guiding Principles

- ▶ To seek victims' input and facilitate their involvement in the restoration process;
- ▶ To develop collaborative relationships and partnerships with the community and its agencies;
- ▶ To provide the court with the highest quality information available to assist judicial decisions;
- ▶ To assess probationer risks and needs and implement outcome-based supervision plans designed to develop competency and bring about lasting behavioral change;

- ▶ To monitor and assist probationer compliance with court orders and laws, reward progress and respond appropriately to violations;
- ▶ To research, develop and implement effective, efficient probation strategies and measure performance outcomes.

FY 04 Highlights at a Glance

- ▶ Preparation of 3,662 presentence reports;
- ▶ Supervision of 7,419 probationers;
- ▶ Assessments of 1,031 probationers for substance abuse;
- ▶ Apprehension of 604 absconders;
- ▶ Completion of 3,166 DNA tests on felony probationers;
- ▶ Education services delivered to 662 adult and juvenile students;
- ▶ Collection of \$3,879,927 in court-ordered restitution, fees and fines;
- ▶ Completion of 193,434 hours of community services by probationers;
- ▶ Probationers successfully completed probation 75 percent of the time, with a 25 percent revocation rate; and
- ▶ Violations of probation conditions resulted in intermediate sanctions (rather than revocations) 64 percent of the time.

Personnel and Budget

At the close of FY 2004, Adult Probation employed 254 people, a decrease of 32 positions over FY 2003. This decline was primarily the effect of budget cuts at the state level. Funding decreased 2.2 percent from \$15,337,719 to \$15,006,367. During this time period, the number of probationers requiring supervision increased by 84 for a total of 7,419 probationers.

The funding outlook for FY 2005 appears to be brighter as appropriations have increased 6.3 percent to \$15,954,639.

Presentence Reports

Officers prepared 3,662 presentence reports this year (including reports for those who did not receive probation), an increase of 7 percent from last year. This reflects a savings to taxpayers of \$250,635 (compared to \$234,816 in FY 2003 as seen in Table 1, Presentence Reports FY1998-2004). This savings was achieved by officers who produced reports on an accelerated timeline, thereby reducing the time defendants spent in custody. In addition, officers contacted over 4,000 victims to determine the impact of the crime and the need for restitution.

Standard Field Caseloads

Officers provided supervision to 6,088 probationers. Of these, 1,614 successfully completed their probation requirements, with 393 having their probation revoked. A total of \$3,327,032 in court-ordered assessments was collected.

Intensive Probation Services (IPS)

Intensive probation supervision was provided to 1,331 high risk/needs probationers (an average of 501 per month), who might otherwise be sentenced to prison. The IPS unit comprises 22 teams, each having a senior probation officer and a surveillance officer. A total of 294 probationers successfully completed the program, while 228 had their probation revoked. A total of \$552,895 in court-order assessments was collected, as probationers generated over \$3,068,000 in taxable income. Officers maintained close supervision of this population, having made 88,897 personal contacts (home, employment, school, etc.), and performed over 29,776 urinalysis and Breathalyzer tests.

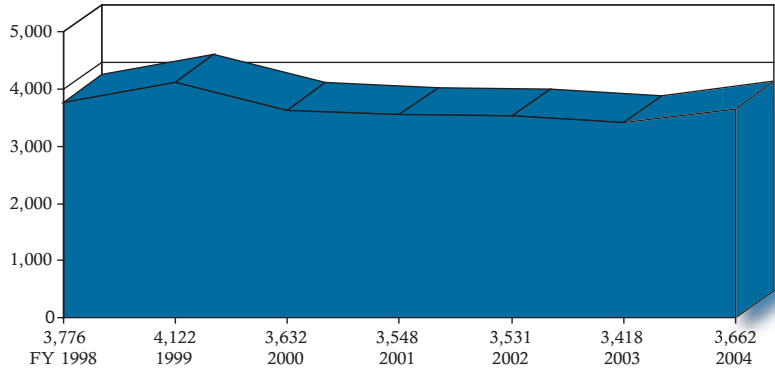
Fines, Fees & Restitution

Probationers are required to pay court-ordered restitution, fines and fees as a part of the conditions imposed by the court. Funds are used to compensate victims and to maintain/enhance probation services. Officers collected an impressive \$500,000



The absconder team

Table 1: Presentence Reports FY 1998 ~ 2004



more than last year, despite a reduction of 32 positions and only a small increase in the number of probationers supervised. The table on page 19 provide details.

Absconder Warrants

During FY 2004, warrant officers arrested 604 absconders, owing \$1,806,185 in court-ordered assessments. These arrests help ensure that there is accountability for all probationers.

Education Services

Providing a broad spectrum of in-house education services for adult probationers, their families and other at-risk adults in the community, the department’s LEARN (Literacy, Education and Resource Network) program provided services to 662 students in three probation satellite offices. Of these, 78 students passed their GED exams, 10 were inducted into the National Adult Education Honor Society and 11 received scholarships to Pima Community College. A variety of life skills classes were attended, and 71 probationers graduated from the department’s cognitive skills program. Interns

donated 338 hours of service to the program.

Random Drug Testing

The Adult Probation Department adopted a random drug testing policy for employees in “safety sensitive positions” and those who perform “safety sensitive duties.” The action was in response to the recommendation of the Arizona Judicial Council and by order of the chief justice, that each county probation department in Arizona implement such a policy by January 2004. For the most part, this involves testing surveillance officers, probation officers and their chain of command.

It was not coincidental that this policy was issued contemporaneously with a statewide policy that authorizes officers to carry firearms. The department has had a firearms policy in conjunction with a “reasonable suspicion” policy for drug testing. These new personnel policies that address both issues and will put all Arizona counties on the same page.

Although Chief David Sanders expected general staff acceptance of the new policy, he did not expect overwhelming acceptance. As one officer put it, "It comes with the territory."

Officers Praises

A pair of officers with the Adult Probation Department was singled out for their efforts in the apprehension of alleged serial bank robbery suspect Craig Ellis Broughton. The multi-agency Fugitive Investigative Strike Team took Broughton into custody on June 10, 2004.

Chief George Heaney, head of the Operations Bureau for the Pima County Sheriff's Department, recognized Senior Probation Officer Ruben Rosales and Senior Surveillance Officer Bill Bartlett for their efforts in a letter to Chief Probation Officer David Sanders.

Broughton was suspected of robbing a half-dozen Tucson area banks and a carjacking. He was taken into custody at a local motel after a tip to 88-CRIME and leads developed by the Fugitive Investigative Strike Team pinpointed his location.

Chief Heaney also pointed out that the pursuit and capture of the suspect required many of-

ficers to work continuously for more than 20 hours following leads and conducting surveillance.

Annual Awards

On March 10, 2004, Chief Probation Officer David Sanders hosted the department's supervisor, officer, and employee of the year awards.

Employee of the Year

Field Services South Division Director Ruben Castro presented the award for Employee of the Year to Senior Surveillance Officer Melanie Heavilon. Melanie came to the department in 1990 as a probation support specialist and worked the seriously mentally ill caseload. Before moving to her current probation assignment on the residential drug treatment caseload, Melanie worked on the interstate and intrastate caseloads and in the DIRECT program. She commented that she believes "probation is a family" and probationers are a difficult population to work with, but she enjoys the challenge to make a difference in someone's life.

Officer of the Year

Field Services West Division Director Ed Espinoza presented Senior Probation Officer Peggy McCarthy the Officer of the Year award. Before becoming a probation officer, Peggy worked as a fitness consultant and, later, as a correctional officer at the jail. When she first joined the department, Peggy supervised a standard field probation caseload, but she took on the additional task of supervising probationers in Ajo, a dangerous and challenging assignment. While supervising this caseload, she and another officer were instrumental in the capture of a major drug dealer in the area. Peggy worked on the DIRECT caseload, but, about four years ago, she transferred to intensive probation supervision (IPS). One year ago, she took on one of the juvenile remand IPS caseloads, a true display of Peggy's dedication to the work of probation.

Supervisor of the Year

Chief Sanders awarded Kenneth McCulloch with Supervisor of the Year. After a 10-year period in the construction industry, Ken returned to school and earned his masters in education. He got a job as a probation of-



Melanie Heavilon



Peggy McCarthy



Ken McCulloch

ficer in 1988 and supervised a standard field caseload for one-and-a-half years before moving to IPS for six years. For a short time, Ken supervised interstate cases, but transferred to sex offender supervision, and has worked with this difficult population ever since. After his promotion to supervisor three years ago, Ken relocated to the assessment center, where he supervises officers who specialize in sex offender pre-sentence reports. He has a wealth of knowledge in this area, enjoys the intellectual aspects of his new position, and has been instrumental in the recent restructuring of assessment center leadership. Ken's subordinates describe him as consistent, unassuming, supportive, level-headed and balanced. He is able to see the "big picture" and uses sound judgment in his day-to-day decision-making.

2004 AZ Games

Several officers from the department participated in the Arizona Police Athletic Federation's 2004 Arizona Police and Fire Games in Tucson April 7-11, 2004.

In the shooting event, Unit Supervisor Gene Riddle, the only adult probation officer competing in that event, took the silver medal in the three-gun limited category. This competition included use of non-standard equipment on four courses of fire that were scored for time and accuracy. The competition required Gene to start with a rifle, transition to a shotgun, and finish the course with a pistol. He also competed

in five courses of combat pistol and he took a gold medal in the "A" class of this event. Making his wins even more impressive, Gene competed, in both events, against officers who work in SWAT. He has participated in the three-gun competition for three years, and he has been a firearms instructor for the department for more than 10 years.

Senior Probation Officer Peggy McCarthy participated in the women's 10k run taking the gold medal. She ran the easy 10K on the Davis-Monthan Air Force Base.

Justice for a Better Arizona: A Strategic Agenda for Arizona's Courts 2002-05

The department continued to respond to Arizona Supreme Court Chief Justice Charles Jones' Strategic 2002-2005 Agenda for Arizona Courts, which includes specific initiatives to hold probationers accountable in conjunction with offering rehabilitative services. Three initiatives pertaining to

probation services were identified in the agenda:

- 1) **Provide a balanced approach to probation that focuses on holding probationers accountable, keeping communities safe, and providing treatment and rehabilitation services to offenders.**

Enhance efforts to collect restitution and fees from probationers. Probationers are required to pay court-ordered restitution, fines and fees, as a condition of probation. Funds are used to compensate victims and to maintain/enhance probation services.

Require that probationers complete all conditions of probation, including community service hours. The Community Service Program acquired additional part-time staff, which allows for expanded services. Over 193,434 hours of community service to over 200 community organizations was provided, resulting in \$996,185 in free



Unit Supervisor Gene Riddle on his gold medal quest

labor to the community (calculated at minimum wage). Community service work also contributed to the rehabilitation aspect of probation, as probationers learn new skills and improve self-esteem.

Ensure the provision of treatment services for mentally ill offenders. A specialized caseload for seriously mentally ill probationers (with an average IQ of 63.4) has been in operation since 1990. This year, 106 probationers were supervised, and each underwent psychological testing and evaluation to receive mental health treatment and appropriate medication. A total of \$21,543 was submitted in collections from this caseload, an increase of 35 percent from the previous year.

2) Develop innovative, effective methods to assist substance abusing offenders, including the continued expansion of drug courts, to prevent additional contact with the justice system and ensure community safety.

Ensuring offenders are appropriately screened for needs and risk to the community and appropriate services are provided. The department promotes the belief that “treatment works” in collaboration with community supervision, accurate assessment, appropriate placement and intervention. The Drug Treatment Education Fund provided funds for officers

to assist drug offenders through comprehensive assessment and referrals to appropriate treatment by trained and certified therapists.

Provide judicial education on the management and supervision of substance-abusing offenders. Approximately 60 hours of training was provided to Drug Court officers this year.

Make greater use of drug courts and treatment in reducing substance abuse and recidivism in the justice system. Since drug offenses account for approximately 30 percent of all felony charges filed in Superior Court, in April of 2004, the Post-Conviction Drug Court Program was established. The program allows a probationer to complete probation in 18 months by participating in treatment programs, supervision, and frequent judicial reviews. Upon successful completion of the program, felony charges are designated as misdemeanors. The deferred judgment Drug Court Program, implemented in 1998, continued this year as well. A recent recidivism study indicated the Drug Court graduates had a 24 percent arrest/conviction rate versus 66 percent for defendants who were not in the Drug Court program.

The department has 16 contracts with licensed agencies (totaling \$215,085) providing a full continuum of outpatient substance abuse treatment services, in addition, \$129,837 was spent to provide residential treatment for 258 probationers. Services included education, lapse/relapse prevention,

motivational therapy, and cognitive behavioral intervention classes.

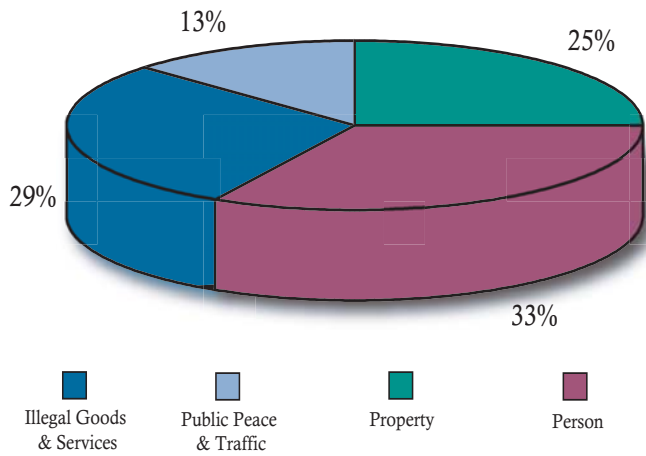
3) Develop and implement a comprehensive officer safety program in order to ensure the safety of officers and staff, thereby enhancing the effectiveness of probation in protecting the community.

Establish, implement, and monitor statewide policies concerning officer safety, utilizing the continuum of force model, up to and including the provision of firearms to officers. Officers continued to receive state-of-the-art training in safety techniques from the Arizona Supreme Court. Topics included verbal tactics and the defensive use of capsaicin spray and the expandable baton.

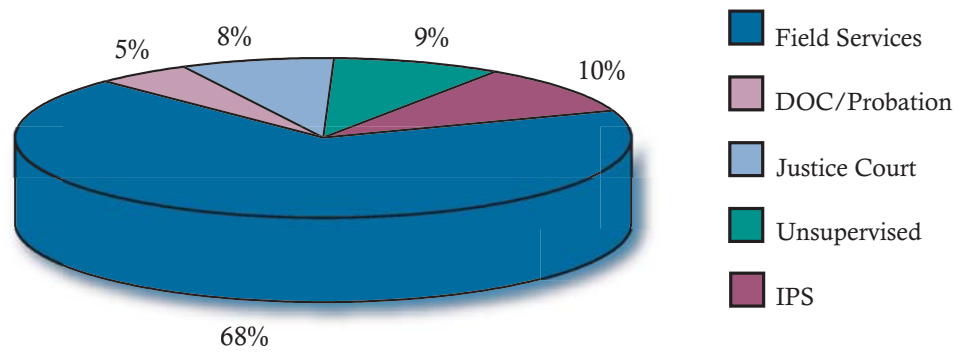
During FY 2004, the department met, and in fact, exceeded guidelines by the committee on Judicial Education and Training. In addition to the mandated 16 hours of training and education, employees earned more than 9,347 hours addressed to officer safety issues.



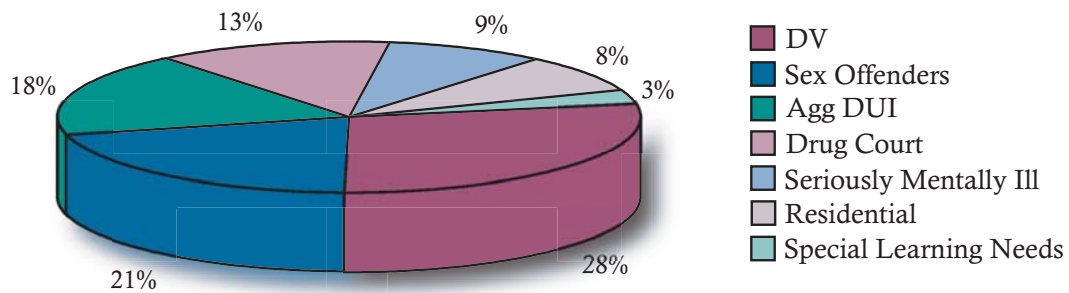
Sentencing Crime Type



Caseload Distribution



Specialized Caseloads



Cost of Supervision

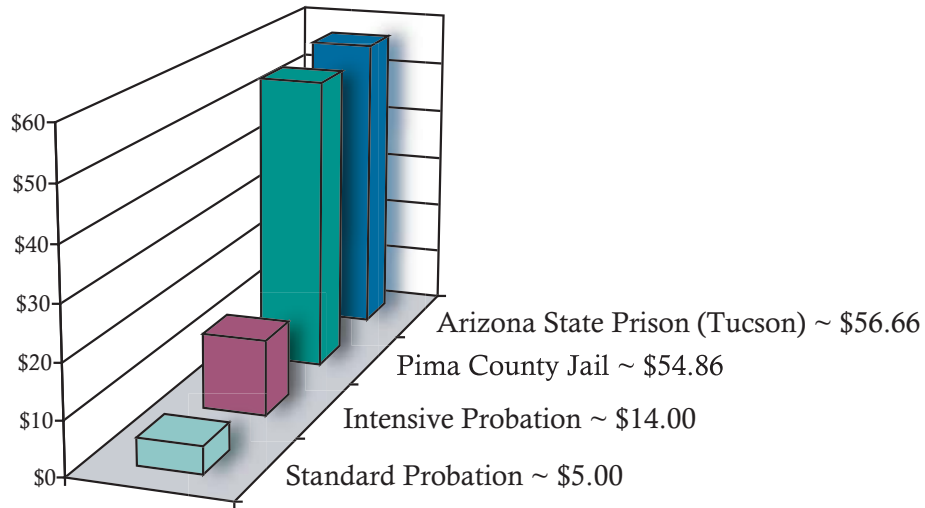


Table 3: Fines, Fees & Restitution Collected

Fiscal Year	Total Collected	Number of Probationers
1995	\$3,020,934	6,976
1996	\$2,742,245	6,843
1997	\$2,664,135	6,925
1998	\$2,932,679	7,654
1999	\$3,542,606	8,570
2000	\$3,819,830	7,472
2001	\$3,743,645	7,218
2002	\$3,743,645	7,525
2003	\$3,380,005	7,335
2004	\$3,879,927	7,419



Human Resources

The Human Resources Unit was exceptionally active this fiscal year. In addition to processing approximately 1,225 personnel action forms and 26 payrolls, the court was able to restore some of the positions that were lost during the financial crisis of the previous year.

As a result, the court was able to lift the hiring freeze and subsequently conducted 32 recruitments, requiring the processing of approximately 1,800 applications and resumes. Approximately 55 new employees were hired from these recruitments. Additionally, HR assisted in filling 40 requests from various divisions for temporary coverage.

In reviewing the recruitment and selection processes for the court, HR identified and secured new applicant testing software, which will assist the court in identifying the best-qualified applicant when filling vacant positions. In addition, HR worked with Information Technology Services Division (ITSD) to automate various HR processes to enhance the delivery of services to court employees. One of the enhancements was to provide various HR forms on the

court's intranet thereby giving greater access to employees.

Within the next five years, a number of long-term court employees are expected to retire from court service. During FY 2004, the court experienced the first surge of notifications from employees who are, or will be retiring. To assist them, HR has developed a tool on the intranet to help them consider their retirement options.

HR identified and hosted 10 employee workshops covering various topics of employee wellness. Approximately 135 employees attended these workshops. Also, HR placed various articles in the court's newsletter, *Minute Entry*, and through e-mail on topics of various interests to employees.

HR began working with division directors and managers in early April to update job descriptions and to ensure that the court was compliant with the new anticipated revisions to the Fair Labor Standards Act, which were slated to be effective Aug. 23, 2004.

Information Technology Services Division

AGAVE

For a number of years, the court has been working toward the replacement of its calendaring and case management system (CACTIS) with an up-to-date technology solution. During 2004 the Administrative Office of the Courts (AOC), determined that the state's AZTEC case management system had reached the end of its lifecycle and was also ready for a replacement system. Our court had examined the iCIS case management system developed and used by the Maricopa County Superior Court, and had determined that iCIS could be adapted for use here in Pima County. Working with the AOC and with the approval of the Supreme Court Commission on Technology, the court began a project to reengineer iCIS to meet the needs of the court. This project, which will result in major technology and business related efficiencies for our court, is called AGAVE.

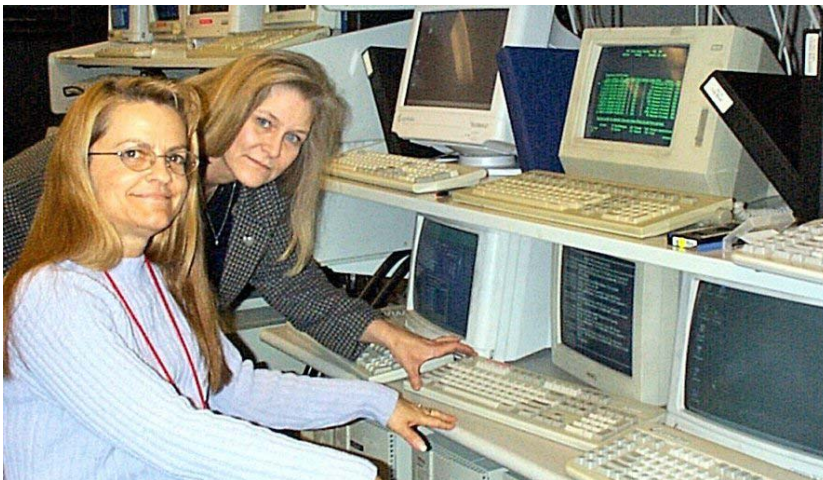


APETS – Adult Probation Enterprise Tracking System

Work continued at a rapid pace on this project that began in 2000. In early FY 2004, the Drug Treatment and Education Fund (DTEF) portion of APETS was implemented by the Adult Probation Department. Throughout FY 2004, court staff has been participating in a joint testing of each new build of the APETS program with Maricopa and Yuma counties, as well as AOC staff. The court's ITSD staff has developed a data conversion program, which will be used to transition and move the data stored in our ROLODEX program into APETS when it is fully implemented early in 2005.

Digital Recording

The court has deployed 12 digital recording systems in hearing rooms and some courtrooms for use by the family law and probate benches in cases where a court reporter is not required.



Internet Access for Jurors

Working with the jury commissioner, ITSD staff configured and installed nine public access Internet computers in the Jury Assembly Room for use by jurors.

Superior Court Intranet Redesign

A new Intranet site called the 'Compendium' was created by ITSD for use by superior court staff. This site includes information on court announcements, policies, human resources and training forms, COJET compliance, upcoming classes and the electronic bulletin board. The Compendium also provides easy access to on-line case calendar reports, phone directories, employment information and other resources.

Electronic Calendar Reports

During FY 2004 an additional 12 paper versions of court calendars were converted to electronic distribution. This simple action has eliminated over 2,000 printed calendar pages per day.



Help Desk

During FY 2004 the Information Technology Services Division responded to 5,186 calls to the Help Desk. Of this number 4,611 (88.9 percent) were resolved within 24 hours; 3,298 (63.6 percent) were resolved the same day; and 1,423 (27.4 percent) were resolved during the initial phone call.

Jury Commissioner

During FY 2004, a total of 114,970 jury summons/questionnaires were mailed to prospective jurors for service in the Arizona Superior Court in Pima County, Pima County Consolidated Justice Courts, Tucson City Court and for state and county grand juries. Of that number, 82,200 of the summonses were for the superior and justice courts, 30,120 were for Tucson City Court and 2,650 were for grand jury service.

Approximately 22 percent, or 24,898, of those summoned had their jury service postponed. Most of the postponements were because the jurors were out of town (5,389), had a work hardship (4,655), or because they forgot to report (3,686).



In January 2004, a new statute went into effect specifying the reasons a person could be excused from jury service in Arizona. Prior to the new statute, jurors could be excused if they demonstrated that their service as a juror would impose an undue hardship. During FY 2004, approximately 12 percent, or 13,969, of the prospective jurors were excused from reporting to court. Illness was the most common reason for being excused from jury service (5,939), followed by being a caregiver (2,273). Another new statute, which went into effect in September 2003, allows certified peace officers, employed by the state of Arizona, to request an exemption from jury service. As a result, 69 peace officers were excused from jury service.

In addition to those who were excused for hardship, 10,076 or approximately 9 percent of persons summoned did not meet the statutory qualifications for serving as a juror. Most of the prospective jurors who were not qualified were either not United States citizens (4,365) or were not Pima County residents (4,095). An additional 12 percent of the

summonses mailed (14,154) were returned as undeliverable.

Approximately 9.8 percent of the jurors summoned (11,274) failed to appear as directed for jury service. A total of 28,505 prospective jurors reported for jury service in the superior and justice courts during FY 2004. That is approximately 35 percent of the 82,200 summoned for these courts.

Of those who reported for service in the superior and justice courts, 27,906, or 98 percent, were drawn for jury panels. Of those, 5,227 were selected and sworn as petit jurors for a trial. Therefore, approximately 6 percent of those summoned or 18 percent of those who reported became sworn petit jurors. A total of 11,450, or approximately 41 percent, of the potential petit jurors who were drawn on jury panels were not used during the jury selection process. These jurors were drawn for jury panels but were not questioned during voir dire either because the trial did not proceed or because the jury panel was

selected before their name was called to enter the jury box in the courtroom.

During FY 2004, jurors received \$595,712 in jury pay. Also, \$295,054 was paid for mileage and \$300,658 for per diem expenses. Each juror who reports for service is eligible to receive a roundtrip mileage reimbursement at the current mileage rate of 34.5 cents per mile. The per diem amount is \$12 per day and is paid only to sworn petit jurors who are impaneled.

Conciliation Court

During FY 2004, the Family Center of the Conciliation Court (FCCC) continued its traditional family court services, conciliation counseling, mediation and custody/access assessment. The loss of a senior clinician through retirement and the inability to replace her due to budget constraints meant that existing staff had to take on additional caseloads. To assist with the load, FCCC streamlined its intake process and improved its website which now includes downloadable



Jury Commissioner Kathy Brauer explains the work flow to commissioners

forms for conciliation and mediation.

Despite the “crunch” the conciliation court added a new and exciting service to its roster, special master cases. Starting in October 2004, judges were able to appoint special masters from the local legal and mental health communities that will be asked to deal with day-to-day issues that arise and cannot be heard quickly in court.

The special masters program is designed to provide additional options to those involved in divorce. There are constant conflicts regarding school, parenting time and exchange of children, clothing or health care. The special masters program is designed to relieve pressures on both the court and families.

Once a special master has made a decision regarding an issue, a report regarding the master’s findings and recommendation must be submitted to the court in writing for the court to enter an order or take other appropriate action. Once the order is filed the court can sign off.

With the approval of the past and current family law presiding judges, conciliation court staff underwent training to become special masters for indigent and low-income litigants. At the end of FY 2004, FCCC had two active cases. The goal for the

coming fiscal year is to be able to handle 10 cases. In addition to taking on some cases for the family law bench, FCCC has convened a quarterly meeting of all masters, both public and private, at our offices. The purpose of these meetings will be to offer support and share information on this dynamic program.

Other highlights in the last fiscal year included negotiating a new contract for the Judicial Supervision Program, negotiating a contract extension for the Parent Information Program, and continuing to oversee the budget for the Expedited Child Support and Parenting Time fund.

FCCC also continued its relationship with the University of Arizona departments of Psychology and Family Studies and Human Development. The fruits of this collaboration included an invitation to present data on our three-year study of domestic violence in family law cases at the 2004 Governor’s Conference on “Ending Domestic Violence in

Arizona.” Research work in this area is ongoing and is supported by grants received by key UA faculty. In the coming fiscal year, we expect, with assistance from the UA, to be able to add an evaluation component to the special master program.

Pretrial Services

The primary responsibility of Pretrial Services (PTS) is to provide comprehensive background information and release options to the court to assist in the release decisions for pretrial defendants. During the past fiscal year there was a 7 percent increase in cases presented for in-custody felony initial appearances. The court set conditions of release on approximately 8,800 felony cases, and PTS provided information and recommendations on 99.5 percent of these cases.

Pretrial Services continues to screen county misdemeanor arrests for eligibility for release prior to initial appearances. There were roughly 11,800



A defendant is screened by Pretrial Services

county misdemeanor arrests and 4,250 were eligible for prerelease consideration, and of this group, 2,659 were identified as suitable for release and were released by PTS staff.

There were 5,400 felony cases where a bond was set at the initial appearance hearing, and 3,227 of those cases were reassigned to staff for further review. New reports were prepared and presented to the court that addressed modifying conditions of release in 1,624 cases. This was an 18 percent increase in reports prepared over last year.

While there was an overall increase in felony cases during FY 2004, the defendants released into the custody of PTS remained consistent with FY 2003. Staff supervised 2,582 defendants and closed out 2,082 of those cases. Eighty-one percent of those closures were considered successful (no failures to appear, no felony rearrest, and no revocations for failure to abide by court ordered conditions of release).

Staff efforts continue to show success in reducing the number of warrants issued out of the arraignment court. In many cases, defendants do not receive notice of this hearing and



Calendar Services' front desk



A Calendar Services work station

when the defendant does not appear, a warrant is issued. Staff's outreach efforts have reduced the number of warrants issued out of arraignment court by 50 percent.

In late spring a new pilot project was initiated to conduct outreach efforts on cases where the defendant failed to appear in superior court and a warrant was issued. Replicating the outreach process adopted for the arraignment court (letters, phone calls, and field visits), our goal was to arrange the self-surrender of those defendants for whom a warrant issued and whose original release conditions had been either on their own recognizance (ROR) or to the custody of PTS. Since the inception of this project, 29 percent of the warrants issued have been resolved without arrest.

Toward the end of the fiscal year this division was impacted by two major changes: the intake staff moved from an office outside the jail complex into a new jail intake facility which brought our pre-initial appearance screening directly into the jail environment. The courts, in re-

sponse to the new challenges presented by this new intake facility, implemented a twice a day initial appearance court. Both of the changes have presented unique challenges but ultimately have proven to be beneficial to the pretrial screening process as well as to the newly arrested defendant population.

Calendar Services

Calendar Services began work on a policy change for the court in the fall of 2003 by surveying all the judicial administrative assistants working at the downtown building.

Meetings were held to determine whether or not the divisions wanted responsibility for their calendars and if so, what the role would be for the calendar services staff. After several months of discussions, each bench adopted policies designed to clearly define the role played by each department.

While the judicial administrative assistants accepted the challenge of doing their own data entry (many had been taking that responsibility for years), calendar services

assumed increased compliance tasks for each bench. For example, the civil bench authorized the dismissal of cases for inactivity or lack of service without having a judge's signature. In addition, the family law bench allowed Calendar Services to take responsibility for the 8:30 a.m. judgment debtor exam, forcible entry, and garnishment calendar, which helped free up time for the commissioners' judicial administrative assistants.

Calendar Services expects additional changes with the implementation of a new case management system. The goal is to devise new, more efficient ways to not only improve the court's case management abilities but also enhance customer service.

To that end, the calendar services office was remodeled in FY 2004 adding a reception area and increasing the work area of each employee. These larger work areas give calendar services staff more room to use a dual monitor system so that data entry can be accomplished while viewing the documents in the



Training Coordinator Rafaela de Loera

imaging system managed by the Clerk of the Superior Court. As a result, staff is able to obtain necessary information without requesting the court file and eliminate time spent sorting and filing paperwork.

Training & Education

After much planning and discussion, the training units for superior court and adult probation consolidated on Aug. 1, 2003. This was one of several recommendations by Harvey Rose Accountancy Corp. in their audit report to the Pima County Board of Supervisors in April 2001.

The consolidation resulted in a training partnership that yielded both opportunity and innovation. Opportunity came in the form of three Administrative Office of the Courts regional conferences that provided a forum for Pima County Superior Court trainers, as Rafaela de Loera and Pat Skinner taught customer service and ethics classes.

Innovation came in the form of new classes that were developed to share statewide and at home. One of the best received of these new offerings was "Who Killed the Mockingbird," a three-hour ethics class built around the classic film "To Kill A Mockingbird," starring Gregory Peck and focusing on a sensational trial in a small-town courtroom.

Less than a month into 2004, a dispatcher with the Pima County Adult Probation Department became the first COJET compliant employee. Pima County Superior Court



Training Coordinator Pat Skinner

training announced on Jan. 30, 2004, that Nancy Custer, a dispatcher at the south office of adult probation, had completed Council on Judicial Education and Training courses with credits that totaled 16, the number required during 2004. Not only did Nancy have 16 credit hours, but also the courses she took included the required ethics and customer service courses.

Interpreter's Office

The Office of the Court Interpreter participated in 5,106 hearings during FY 2004. There were also 69 events in limited jurisdiction courts in which interpreters participated.

Interpreters also were responsible for translating 705 pages of materials submitted to the court for use in pending cases.

Interpreters proficient in American Sign Language assisted 27 hearing-impaired jurors during FY 2004.

A total of 14 lesser-used languages were interpreted during court hearings in FY 2004. Those languages included: American Sign Language, Arabic, Bosnian, Dinka, Farsi, Korean, Mandarin, Navajo, Polish, Russian, Somali, Thai and Vietnamese.

Drug Court

The Pima County Drug Court program, operational since January 1998, has continued to evolve into an effective program for the court.

In July 2002, Judge Patricia Escher took the reins as the presiding drug court judge. She continued the development of the drug court program and was instrumental in its expansion. Some of Judge Escher's accomplishments included:

- ▶ The implementation of a study that determined the program to be cost effective, as well as revealing that graduates from the program had a lower percent of recidivism than non-graduates, 24 percent and 66 percent respectively;
- ▶ Development of operational manuals for the court and drug court team members;
- ▶ The consolidation of Proposition 200 cases under the jurisdiction of one court division;

- ▶ Development and implementation of a post-conviction drug court program.

The post-conviction program, which began accepting participants in April 2004, is designed to supervise defendants who do not qualify for the original, deferred-judgment program. The components of both programs are similar. Judge Escher and the Prop. 200 probation officers, working with the county attorney, public defender, and legal defender offices developed the program after seeing the success of the deferred-judgment program. Both programs will fall under the jurisdiction of one judge.

Both programs attempt to address community safety and probation supervision needs. Dedication to this goal has resulted in a program that is:

- ▶ consistent with the intent and spirit of mandated treatment for substance abusers;

- ▶ more responsive to the needs of the probation officers assigned to the program; and
- ▶ more responsive to community safety.

Judge Escher's tenure as drug court judge ended in June 2004 when Judge Pro-Tem Barbara Sattler assumed the presiding drug court duties.

Twice-a-day Initial Appearance Court

Starting in May 2004, persons who are arrested in most unincorporated areas of Pima County and in the city of Tucson had their first appearance before a judicial officer within 14 hours of their arrest instead of the mandatory 24 hours. Initial appearances are held at 9 a.m. and 9 p.m.

The Twice-a-Day-Initial Appearances (2xIA) concept had been in development for three years. The justice court had conducted initial appearances for all county felonies and county misdemeanors at 2 p.m. The city court did their own initial appearances for their misdemeanors at 9 a.m. There was also an agreement that, if the city missed an arrestee at 9 a.m., the county would pick them up at 2 p.m. and, if the county missed somebody at 2 p.m., they would have their initial appearance the next morning at 9 a.m. in city court. A number of years ago, Tucson City Court and Pima County Consolidated Justice Courts entered into an intergovernmental agreement providing for weekend initial



A drug court graduate is congratulated on his success

appearances to be conducted at city court's facilities utilizing a video link with the jail.

Under the new 2xIA plan, the 9 a.m. initial appearances are conducted via the video link from the jail to city court and the 9 p.m. initial appearances are conducted at the jail. Arraignments for persons charged with felonies are not a part of 2xIA.

The new process for initial appearances is more efficient for the jail. The design of the new jail facility revolves around a holding area called the lower level where arrestees, both male and female, are held in their street clothes after they are booked. The goal is to have them seen in court within 14 hours. There are other detention facilities in the United States that have implemented this concept and experienced a decrease in assaults by inmates on inmates and assaults by inmates on staff.

The relocation of the Pretrial Service Jail Unit to an area within the new jail facility allows staff members better access to persons who have been arrested. The 2xIA program provides staff more time to prepare recommendations for judicial officers.

Facilities

Numerous construction and renovation projects have reached a successful conclusion, but there are additional projects planned for floors seven, eight and nine that have yet to be scheduled due to funding issues.

The latest major project was the construction of three new courtrooms and judicial offices



2xIA courtroom

on the west side of the third floor. The new third floor, west side courtrooms feature modifications from the designs used for the three east side courtrooms on the third floor. Those modifications include a change to the walking ramps up to the witness stand and placement of the chairs in the jury boxes. Those changes are planned for the east side courtrooms at a later date.

E-Filing

The Court and the Clerk of the Superior Court launched a pilot project in May 2004 designed to reduce the amount of paperwork filed in probate cases.

The clerk's office began accepting the e-filing of court documents from a pair of volunteer, private law firms that practice primarily in the area of probate law.

When it is fully implemented, the e-filing system is expected to result in much of the

probate caseload at the court becoming digital.

The probate caseload was the logical place to start e-filing practices because it is a specialized, contained, area of the law.

E-Filing Appeals

The use of computers within the operations of the courts is becoming more commonplace with each passing day. This is particularly evident with the e-filing of court transcripts to Division II of the Arizona Court of Appeals by court reporters at Pima County Superior Court. Division II is the only court in Arizona using this particular e-filing system, which was developed by the chief information officer for the court of appeals.

The benefits of e-filing are obvious with cost savings realized by a reduction in the amount of paper used, a reduction in the amount of storage facilities necessary for

case files and more immediate distribution of case files and transcripts with parties to a case and the court.

At the end of FY 2004, the Superior Court was the only court providing Division II with electronic versions of case filings. That soon will change with the addition of other courts within the jurisdiction of Division II.

Legislative Reforms

In late 2003, the Arizona Legislature approved additional funding and reforms of Child Protective Services (CPS). The immediate impact was an increase of CPS cases on juvenile court calendars. In 1997, there were just over 500 such cases filed and during FY 2004 that caseload exceeded 850.

The expected increase in the number of cases being filed with juvenile court will result in a need for additional judges and courtrooms. A design study performed by Pima County facilities management officials indicated that the cost to build four new courtrooms would be close to \$2 million. In May 2004, the voters approved that \$2 million as part of a bond election.



Court Reporters E-Filing

One of the more interesting results of the recent special session of the Arizona Legislature was the creation of the right to a jury trial for parents facing termination of their parental rights. Until then, the judge who hears a dependency case would make the decision regarding whether or not a petition for termination should be filed and then hear the trial on the motion for termination of parental rights. The legislature has now given parents the option of having a jury of eight make that decision.

A severance trial must comply with the rules of civil procedure. Therefore, the verdict of the eight-person jury need not be unanimous. Because juvenile court is not equipped to summon prospective jurors and to hold jury trials at their facility on Ajo Way, trials are conducted at superior court downtown by a juvenile court judge.

Operation Child Support

Local law enforcement and superior court officials were not fooling when they launched Operation Child Support on April 1 in Pima County. Officers began serving arrest warrants at 6 a.m. on parents who owed \$3.7 million in court-ordered child support. Defendants were brought directly to superior court for initial appearances where their case files were waiting. By the end of the day, 40 men and women appeared before Comm. Kyle Bryson for an initial appearance to set conditions of release. They owed a combined total of \$764,000.

One man owed over \$100,000 on three different cases. Perhaps the most interesting case of the day was a Marana man who directed officers to a brick in his yard under which was buried approximately \$5,200 in a bag marked child support.

Color of Justice

Stepping down from their judicial benches and leaving their black robes and gavels behind, a group of Arizona judges and legal scholars gathered for a forum in January with a number of local high school students, their school administrators and career counselors to discuss careers in law and the judiciary.

In conjunction with the National Association of Women Judges, Arizona judges from municipal courts, the superior court and the Arizona Supreme Court, met Jan. 30, 2004, with students from Tucson High School, Cholla High School, Pueblo High School, Sunnyside High School and Desert View High School.

Known as the Color of Justice program, and popularized by judges in states and communities across the nation, this Tucson-based effort was a critical opportunity for participating students to interact with actual jurists from the bench. The goal was to solicit the potential interest of young people from diverse backgrounds, to consider a future career working with the law.



The Color of Justice

Blood Drives

Superior court has participated in the county's blood drives at the Public Works Building for several years, but the location outside the courthouse meant many employees could not participate. The American Red Cross was contacted and officials there agreed to hold regular blood donation events at superior court, with the first in-house blood drive being held on Nov. 4, 2003. Subsequent blood drives were scheduled approximately every eight weeks.

In addition to donors, several staff members volunteered to help with arranging the tables and chairs both before and after the drive, transporting equipment, greeting donors at the registration table and working in the canteen making sure the donors received

refreshments after their donation.

Medical facilities around the state of Arizona need about 300 pints of blood on a daily basis and there are many days they run short.

Service Pins

The court began the practice of awarding court service pins as distinctive tokens of appreciation for the longevity of its

employees. The pins are awarded in five-year increments through 30 years of service.

The pins honor the people who have given the court so much. Their longevity is a great asset, providing the court with the high level of skill that experience brings and supplying an institutional memory that has guided the court through untroubled waters.



This report represents the achievements of employees working for Arizona Superior Court in Pima County. We extend special thanks to the following individuals for contributing to this annual report:

Co-Editor ~ David Ricker
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K. Kent Batty
Court Administrator

