



# Supreme Court

STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

Rebecca White Berch  
Chief Justice

October 2, 2009

David K. Byers  
Administrative Director  
of the Courts

The Honorable Jan Brewer  
Governor of Arizona  
State Capital  
1700 West Washington Street  
Phoenix, AZ 85007

The Honorable Robert Burns  
President of the State Senate  
1700 West Washington Street  
Phoenix, AZ 85007

The Honorable Kirk Adams  
Speaker of the House of Representatives  
1700 West Washington Street  
Phoenix, AZ 85007

Dear Governor Brewer, Senator Burns, and Representative Adams:

As required by A.R.S. § 12-270 (D), on behalf of the Administrative Office of the Courts in conjunction with the Arizona Department of Corrections, attached please find the FY 2009 SB 1476 Report for Probation Revocation and Crime Reduction Performance Funding for your review.

If additional information is needed, please contact Kathy Waters, Adult Probation Services Division Director, at 602-452-3460.

Sincerely,

  
David K. Byers  
Administrative Director  
Administrative Office of the Courts

Attachment

cc: Joint Legislative Budget Committee  
Ken Bennet, Secretary of State  
GladysAnn Wells, Director, Arizona State Library, Archives and Public Records

ARIZONA ADULT PROBATION

Probation Revocation & Crime Reduction Report  
Fiscal Year 2009



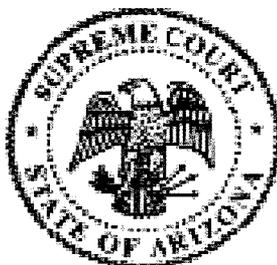
July 1, 2008 - June 30, 2009

ADMINISTRATIVE OFFICE OF THE COURTS  
ADULT PROBATION SERVICES DIVISION

Administrative Services Unit | Suite 344 | 602.452.3460

Arizona Supreme Court • Administrative Office of the Courts

---



This Report Published By

ARIZONA SUPREME COURT  
ADULT PROBATION SERVICES DIVISION

Kathy Waters, Division Director  
JL Doyle, Administrative Services Manager  
Maria Aguilar-Amaya, Researcher/Data Analyst

In Conjunction With

ARIZONA DEPARTMENT OF CORRECTIONS  
DIRECTORS OFFICE  
1601 West Jefferson  
Phoenix, AZ 85022  
602-542-5225

For additional information about the Arizona Adult Probation Population, or for clarification of any information contained in this report, please contact the Arizona Supreme Court, Administrative Office of the Courts, Adult Probation Services Division at (602) 452-3460.

This report is available on the APSD Internet website at:  
<http://www.supreme.state.az.us/apsd/azprobpop.htm>

© 2009 Arizona Supreme Court, Administrative Office of the Courts. All or any part of this document may be reproduced and distributed for government or nonprofit educational purposes, with attribution to the owner.

# TABLE OF CONTENTS

|  | PAGE |
|--|------|
| A.R.S. § 12-270 Background   | 4    |
| Adult Probation Population   | 5    |
| Probation Revocations  | 6    |
| New Felony Convictions   | 10   |
| Appendix A - Arizona Department of Corrections<br>Cost for Contracted Private Beds | 11   |
| Appendix B - A.R.S. § 12-270   | 12   |

## **A.R.S. § 12-270: BACKGROUND**

With the passing of Senate Bill 1476, "The Safe Communities Act," effective December 31, 2008, "the Court may adjust the period of a probationer's supervised probation on the recommendation of an adult probation officer for earned time credit." In addition to the earned time credit, the bill also provides financial incentives to probation departments to reduce the number of probationers revoked to prison. The JLBC staff is required to calculate the "prison costs avoided" and "...beginning in FY 2010-2011 the legislature shall annually appropriate to the Administrative Office of the Courts forty per cent of any costs that are avoided as calculated..." by JLBC. The probation departments will be required to reinvest the monies for increasing the availability of substance abuse treatment, risk reduction programs, and to allocate grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.

A.R.S. § 12-270 also requires the Administrative Office of the Courts (AOC) the Adult Probation Services Division (APSD) and the State Department of Corrections to submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Governor. A copy of the report will be provided to the Joint Legislative Budget Committee, Secretary of State, and the Director of the Arizona State Library Archives and Public Records on an annual basis by October 1. The annual report shall include the following information:

- The average number of people on supervised probation in each county;
- The number of probationers in each county whose probation is revoked each year;
- The number of probationers in each county who are convicted of new crimes each year; and
- The State Department of Correction's most recent cost for contracted private beds.

## ADULT PROBATION POPULATION

During FY 2009, the average<sup>1</sup> number of people on probation was 85,622. For purposes of funding and caseload ratios of 60:1 that are reported to the Joint Legislative Budget Committee, the AOC categorizes a subset of those on probation as “direct supervision” cases. During FY 2009, the average number of direct supervision cases was 40,937. Probationers who are not included in the direct supervision count include individuals categorized as being on administrative supervision or indirect supervision, incarcerated (jail or prison), supervised by another state, absconders, deported, etc.

For purposes of this report, a supervised probationer is defined as a probationer who is directly supervised. Table 1 shows the average number of people on probation by county in FY 2009 and Table 2 shows the average number of people on supervised probation (direct supervision) in FY 2009.

Table 1: AVG. Probation Population

| County     | Number of People |
|------------|------------------|
| Apache     | 730              |
| Cochise    | 1,185            |
| Coconino   | 1,715            |
| Gila       | 1,181            |
| Graham     | 888              |
| Greenlee   | 190              |
| La Paz     | 385              |
| Maricopa   | 56,951           |
| Mohave     | 2559             |
| Navajo     | 1,755            |
| Pima       | 7,945            |
| Pinal      | 2,933            |
| Santa Cruz | 749              |
| Yavapai    | 4,395            |
| Yuma       | 2,060            |
| Statewide  | 85,622           |

Table 2: AVG. Direct Supervision Population

| County     | Number of People |
|------------|------------------|
| Apache     | 394              |
| Cochise    | 700              |
| Coconino   | 821              |
| Gila       | 540              |
| Graham     | 526              |
| Greenlee   | 111              |
| La Paz     | 121              |
| Maricopa   | 24,214           |
| Mohave     | 1,319            |
| Navajo     | 1,014            |
| Pima       | 5,459            |
| Pinal      | 1,840            |
| Santa Cruz | 279              |
| Yavapai    | 2,248            |
| Yuma       | 1,353            |
| Statewide  | 40,937           |

<sup>1</sup> The “average number of people” figures are based on the end of the month probation population as reported by the county adult probation departments.

## PROBATION REVOCATIONS

If a probationer is found in violation of the condition(s) of probation, the probation grant can be revoked. In Arizona there are three types of revocation classification: revoked with no incarceration; revoked to jail; and revoked to prison. By the end of FY 2009 there were a total of 6,733 dispositions that resulted in probation grants being revoked. Table 3 shows the number of dispositions in each county that resulted in a revocation. Statewide, the number and type of dispositions that resulted in revocations were:

- 5,942 dispositions resulted in a revocation to the Department of Corrections (see Appendix A for a detailed breakdown of the costs for private bed placements for the Department of Corrections);
- 616 dispositions resulted in a revocation to jail; and
- 175 dispositions resulted in a revocation with no incarceration.

Table 3: Dispositions Resulting in a Revocation

|            | Dispositions<br>Resulting in<br>Revocation to<br>ADOC | Dispositions<br>Resulting in<br>Revocation to<br>Jail | Dispositions<br>Resulting in<br>Revocation w/no<br>Incarceration | Total Number of<br>Dispositions<br>Resulting in a<br>Revocation |
|------------|---|---|--|---|
| Apache     | 27  | 5   | 4  | 36  |
| Cochise    | 85  | 23  | 11   | 119   |
| Coconino   | 127   | 35  | 27   | 189   |
| Gila       | 70  | 40  | 9  | 119   |
| Graham     | 37  | 18  | 2  | 57  |
| Greenlee   | 15  | 1   | 0  | 16  |
| La Paz     | 21  | 0   | 0  | 21  |
| Maricopa   | 4,001   | 322   | 82   | 4,405   |
| Mohave     | 215   | 12  | 2  | 229   |
| Navajo     | 88  | 12  | 4  | 104   |
| Pima       | 592   | 59  | 11   | 662   |
| Pinal      | 191   | 51  | 10   | 252   |
| Santa Cruz | 55  | 19  | 9  | 83  |
| Yavapai    | 283   | 13  | 3  | 299   |
| Yuma       | 135   | 6   | 1  | 142   |
| State Wide | 5,942   | 616   | 175  | 6,733   |

From FY 2008 base line to FY 2009 Arizona experienced a 13.3% decrease in the number of dispositions that resulted in a revocation. There was a decrease of 13.0% in the rate of dispositions that resulted in a revocation to the department of corrections; a 15.0% decrease in the rate of dispositions resulting in a revocation to jail; and a 14.5% decrease in the rate of dispositions resulting in a revocation with no incarceration. Tables 4 through 7 outline the increase and decrease of dispositions that resulted in a revocation to the department of corrections, jail, or no incarceration throughout the state.

Table 4: Total Revocations

|            | FY 2008<br>Base Line | FY 2009<br>Actual | Growth<br>(#) | Growth<br>(%) |
|------------|----------------------|-------------------|---------------|---------------|
| Apache     | 73                   | 36                | -37           | -50.1         |
| Cochise    | 135                  | 119               | -16           | -11.9         |
| Coconino   | 253                  | 189               | -64           | -25.3         |
| Gila       | 112                  | 119               | 7             | 6.3           |
| Graham     | 47                   | 57                | 10            | 21.3          |
| Greenlee   | 12                   | 16                | 4             | 33.3          |
| La Paz     | 24                   | 21                | -3            | -12.5         |
| Maricopa   | 4,714                | 4,405             | -309          | -6.6          |
| Mohave     | 314                  | 229               | -85           | -27.1         |
| Navajo     | 156                  | 104               | -52           | -33.3         |
| Pima       | 968                  | 662               | -306          | -31.6         |
| Pinal      | 310                  | 252               | -58           | -18.7         |
| Santa Cruz | 58                   | 83                | 25            | 43.1          |
| Yavapai    | 326                  | 299               | -27           | -8.3          |
| Yuma       | 218                  | 142               | -76           | -34.9         |
| Statewide  | 7,720                | 6,733             | -987          | -12.8         |

Table 5: Revocations to ADOC

|            | FY 2008<br>Base Line | FY 2009<br>Actual | Growth<br>(#) | Growth<br>(%) |
|------------|----------------------|-------------------|---------------|---------------|
| Apache     | 37                   | 27                | -10           | -27.0         |
| Cochise    | 121                  | 85                | -36           | -29.8         |
| Coconino   | 221                  | 127               | -94           | -42.5         |
| Gila       | 82                   | 70                | -12           | -14.6         |
| Graham     | 36                   | 37                | 1             | 2.8           |
| Greenlee   | 10                   | 15                | 5             | 50.0          |
| La Paz     | 21                   | 21                | 0             | 0             |
| Maricopa   | 4,393                | 4,001             | -392          | -8.9          |
| Mohave     | 304                  | 215               | -89           | -29.3         |
| Navajo     | 123                  | 88                | -35           | -28.5         |
| Pima       | 733                  | 592               | -141          | -19.2         |
| Pinal      | 217                  | 191               | -26           | -12.0         |
| Santa Cruz | 25                   | 55                | 30            | 120.0         |
| Yavapai    | 290                  | 283               | -7            | -2.4          |
| Yuma       | 188                  | 135               | -53           | -28.2         |
| Statewide  | 6,801                | 5,942             | -857          | -12.6         |

Table 6: Revocations to Jail

|            | FY 2008<br>Base Line | FY 2009<br>Actual | Growth<br>(#) | Growth<br>(%) |
|------------|----------------------|-------------------|---------------|---------------|
| Apache     | 8                    | 5                 | 3             | -37.5         |
| Cochise    | 11                   | 23                | 12            | 109.1         |
| Coconino   | 18                   | 35                | 17            | 94.4          |
| Gila       | 26                   | 40                | 14            | 53.8          |
| Graham     | 9                    | 18                | 9             | 100.0         |
| Greenlee   | 2                    | 1                 | -1            | -50.0         |
| La Paz     | 0                    | 0                 | 0             | 0             |
| Maricopa   | 300                  | 322               | 22            | 7.3           |
| Mohave     | 0                    | 12                | 12            | 120.0         |
| Navajo     | 19                   | 12                | -7            | -36.8         |
| Pima       | 173                  | 59                | -114          | -65.9         |
| Pinal      | 70                   | 51                | -19           | -27.1         |
| Santa Cruz | 21                   | 19                | -2            | -9.5          |
| Yavapai    | 35                   | 13                | -22           | -62.9         |
| Yuma       | 27                   | 6                 | -21           | -77.8         |
| Statewide  | 719                  | 616               | -103          | -14.3         |

Table 7: Revocations w/no Incarceration

|            | FY 2008<br>Base Line | FY 2009<br>Actual | Growth<br>(#) | Growth<br>(%) |
|------------|----------------------|-------------------|---------------|---------------|
| Apache     | 28                   | 4                 | -24           | -85.7         |
| Cochise    | 3                    | 11                | 8             | 266.7         |
| Coconino   | 14                   | 27                | 13            | 92.9          |
| Gila       | 4                    | 9                 | 5             | 125.0         |
| Graham     | 2                    | 2                 | 0             | 0             |
| Greenlee   | 0                    | 0                 | 0             | 0             |
| La Paz     | 3                    | 0                 | -3            | -100.0        |
| Maricopa   | 21                   | 82                | 61            | 290.5         |
| Mohave     | 10                   | 2                 | -8            | -80.0         |
| Navajo     | 14                   | 4                 | -10           | -71.4         |
| Pima       | 62                   | 11                | -51           | -82.3         |
| Pinal      | 23                   | 10                | -13           | -56.5         |
| Santa Cruz | 12                   | 9                 | -3            | -25.0         |
| Yavapai    | 1                    | 3                 | 2             | 200.0         |
| Yuma       | 3                    | 1                 | -2            | -66.7         |
| Statewide  | 200                  | 175               | -25           | -12.5         |

## NEW FELONY CONVICTIONS

During FY 2009, 3,114 people on probation had a new felony conviction<sup>2</sup>. Table 4 shows the number of probationers who had a new felony conviction during FY 2009.

Table 8: Number of Probationers With A New Felony Conviction

|            | FY 2008<br>Base Line | FY 2009<br>Actual | Growth<br>(#) | Growth<br>(%) |
|------------|----------------------|-------------------|---------------|---------------|
| Apache     | 37                   | 5                 | -32           | -86.5         |
| Cochise    | 36                   | 10                | -26           | -72.2         |
| Coconino   | 63                   | 15                | -48           | -76.2         |
| Gila       | 36                   | 59                | 23            | 63.9          |
| Graham     | 23                   | 44                | 21            | 91.3          |
| Greenlee   | 6                    | 0                 | -6            | -100.0        |
| La Paz     | 4                    | 4                 | 0             | 0             |
| Maricopa   | 2,222                | 2,388             | 166           | 7.5           |
| Mohave     | 58                   | 14                | -44           | -75.9         |
| Navajo     | 45                   | 40                | -5            | -11.1         |
| Pima       | 221                  | 233               | 12            | 5.4           |
| Pinal      | 182                  | 90                | -92           | -50.5         |
| Santa Cruz | 18                   | 10                | -8            | -44.4         |
| Yavapai    | 195                  | 160               | -35           | -17.9         |
| Yuma       | 28                   | 29                | 1             | 3.6           |
| Statewide  | 3,174                | 3,114             | -60           | -1.9          |

<sup>2</sup> The Administrative Office of the Courts reports on new felony convictions as the established baseline (A.R.S. §12-270 (A)(2)) is “The percentage of people on supervised probation from each county who are convicted of a new felony offense compared to the percentage of probationers who would have been convicted of a new felony offense at the baseline probation conviction rate.”

## APPENDIX A

Arizona Department of Corrections  
1601 West Jefferson  
Phoenix, Arizona 85022

Probation Revocation and Crime Reduction Performance Funding Report  
on the  
Arizona Department of Correction' s  
Most Recent Cost for Contracted Private Beds A.R.S. § 12-270(D)(4)

### Most Recent Cost for Contracted Private Beds

As of June 30, 2009, the Department of Corrections had contracts to place inmates in private in-state Regular beds at the following rates per bed per day as follows:

|   |         |            |
|---|---------|------------|
| GEO Group (Central Arizona Correctional Facility) | \$67.22 | 1,000 Beds |
| Management Training Corporation (Marana South)    | 49.03   | 450 Beds   |
| GEO Group (Florence West RTC)                     | 44.98   | 200 Beds   |
| GEO Group (Florence West DWI)                     | 55.79   | 400 Beds   |
| Management Training Corporation (Kingman)         | 57.15   | 1,400 Beds |
| GEO Group (Phoenix West DWI)                      | 49.28   | 400 Beds   |

Using the above information and total beds available, the calculated average cost is \$57.70 per day for each regular private bed placement as of June 30, 2009.

As of June 30, 2009, the Department of Corrections had contracts to place inmates in private out-of-state Provisional beds at the following rates per bed per day as follows:

|  |         |            |
|--|---------|------------|
| Corrections Corporation of America (Diamondback) | \$59.45 | 2,052 Beds |
| Corrections Corporation of America (Huerfano)    | \$64.00 | 677 Beds   |
| Cornell Corrections of Texas, Inc. (Hinton)      | \$54.50 | 1,763 Beds |

## APPENDIX B

### A.R.S. § 12-270

#### 12-270. Probation revocation and crime reduction performance funding; reports

A. The joint legislative budget committee staff shall annually calculate:

1. Any costs that have been avoided by reducing the percentage of people on supervised probation from each county whose probation is revoked and who are sentenced to a term of imprisonment in the state department of corrections. The joint legislative budget committee staff shall calculate the cost avoidance for each county by comparing the number of people whose probation is revoked and who are sentenced to a term of imprisonment in the state department of corrections to the estimated number of supervised probationers that would have been revoked at the baseline revocation percentage rate. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required pursuant to subsection E of this section. The baseline revocation percentage rate shall be the revocation percentage rate in fiscal year 2007-2008. The joint legislative budget committee staff shall calculate an annual per person avoided cost by using the state department of corrections cost for contracted private beds as of June 30 in the fiscal year prior to the fiscal year in which the report is required pursuant to subsection E of this section and the average length of incarceration for a person whose probation is revoked and who is sentenced to a term of imprisonment in the state department of corrections.

2. The percentage of people on supervised probation from each county who are convicted of a new felony offense compared to the percentage of probationers who would have been convicted of a new felony offense at the baseline probation conviction rate. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required pursuant to subsection E of this section. The baseline probation conviction rate shall be the conviction rate in fiscal year 2007-2008.

B. Notwithstanding section 12-269, beginning in fiscal year 2010-2011, the legislature shall annually appropriate to the administrative office of the courts forty per cent of any costs that are avoided as calculated in subsection A, paragraph 1 of this section to be deposited in the adult probation services fund of each county established pursuant to section 12-267 if there is a reduction in the percentage of people from that county who are on supervised probation and who are convicted of a new felony offense as calculated in subsection A, paragraph 2 of this section.

C. The monies appropriated pursuant to this section shall be used to supplement, not supplant, any other state or county appropriation for the superior court adult probation department.

D. On or before October 1 of each year, the administrative office of the courts and the state department of corrections shall jointly report to the president of the senate, the speaker of the house of representatives and the governor and shall provide a copy of the report to the joint legislative budget committee, the secretary of state and the director of the Arizona state library, archives and public records. The report shall include:

1. The average number of people on supervised probation in each county.
2. The number of probationers in each county whose probation is revoked each year.
3. The number of probationers in each county who are convicted of new crimes each year.
4. The state department of correction's most recent cost for contracted private beds.

E. Beginning in fiscal year 2009-2010, the joint legislative budget committee staff shall annually report by November 15 to the joint legislative budget committee the results calculated pursuant to this section.

F. On or before June 30, 2014, the auditor general shall:

1. Complete a performance audit, as defined in section 41-1278, of the probation revocation or adjustment and crime reduction performance as provided by this section and section 13-924.

2. Provide a copy of the performance audit to the president of the senate, the speaker of the house of representatives, the governor, the secretary of state, the director of the Arizona state library, archives and public records and any other person requesting a copy.