

The Arizona Superior Court in Pima County

Annual Report Fiscal Year 2005



Mission Statement

*It is our purpose to provide the timely, fair and efficient administration of justice under law,
in a manner that instills and sustains the public's confidence in the judicial system.*

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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.



**Hon. John Leonardo
Presiding Judge**

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, two hearing officers 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 2005, the Hon. Richard Fields was appointed as associate presiding judge for the superior court; the Hon. Charles Harrington was appointed presiding judge for the civil bench and the Hon. Patricia Escher was appointed presiding judge of the juvenile bench. Continuing their duties as presiding judges of the other benches were:

The Hon Michael Cruikshank, criminal bench; The Hon. Jan Kearney, family law bench; The Hon. Clark Munger, probate bench; The Hon. Carmine Cornelio, Arbitration; and the Hon. Barbara Sattler, Drug Court. The Hon. Nanette Warner was appointed to preside over the Mental Health Specialty Court.

The Court

While there were no new judges appointed to the bench by Gov. Janet Napolitano during FY 2005, the court proposed to the state and county governments that two new judicial divisions be created. By statute, the court is entitled to the appointment of one judicial officer for each 30,000 persons living within the jurisdiction of the court. Those new judges are expected to be appointed to the bench during FY 2006.

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.

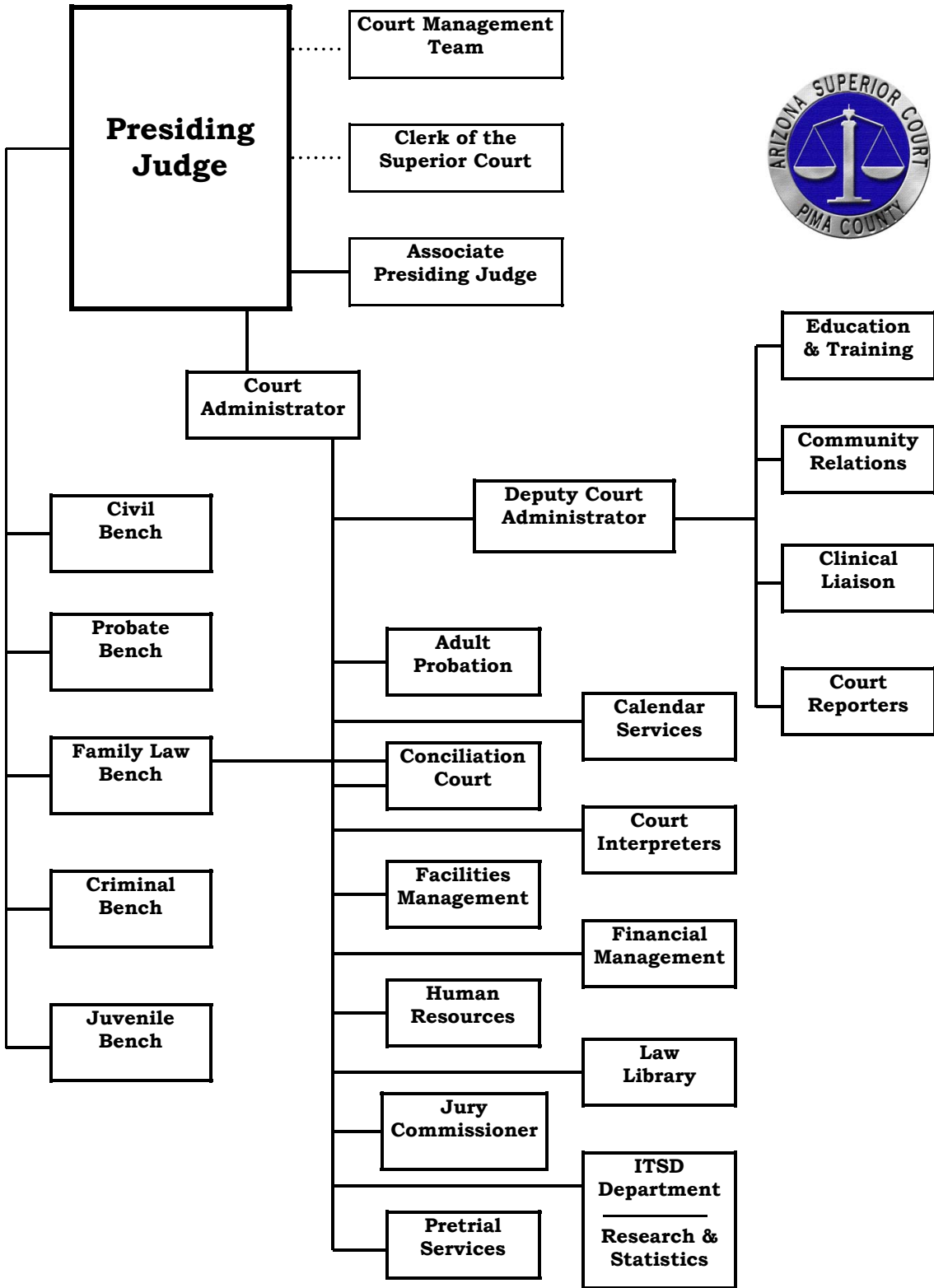
The presiding judge of superior court designates the presiding judge of juvenile court, and assigns its judges and commissioners. Its presiding judge, as established under state law, separately administers the juvenile court. The Juvenile Court has jurisdiction over delinquent and incorrigible youth 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 pre-trial services.



Organizational Chart



Appropriations

The court's budget for FY 2005 totaled nearly \$37 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, drug court, and court automation. The court also benefits from grants, which in FY 2005, amounted to approximately 1 percent of total funding. The charts illustrate the level of funding received from each of these primary funding sources in FY 2004 and FY 2005.

Sources of Funding ~ FY 2004 and FY 2005

The relationship between the court's funding sources remained the same as FY 2004. Both county and fee fund expenditures increased over FY 2004 levels. While state funding decreased slightly, grant increases offset that small decline.

Due to the stabilization and partial restoration of prior state funding losses, as well as increases received from the county for salary and benefit increases, the superior court has been able to meet most needs of the court without depleting special revenue fund balances.

The table illustrates changes that occurred in each of our primary funding sources during FY 2005 as compared to FY 2004. In the case of county, state, and grant funding, the amounts represented are actual appropriations received from each source. The fee amounts reflect actual expenditures rather than an appropriation as these funds are managed in an enterprise fashion.

Changes in Funding by Source

In FY 2005, appropriations from Pima County increased by \$1,134,338 amounting to a 4.75 percent increase over FY 2004. This increase was comprised pri-

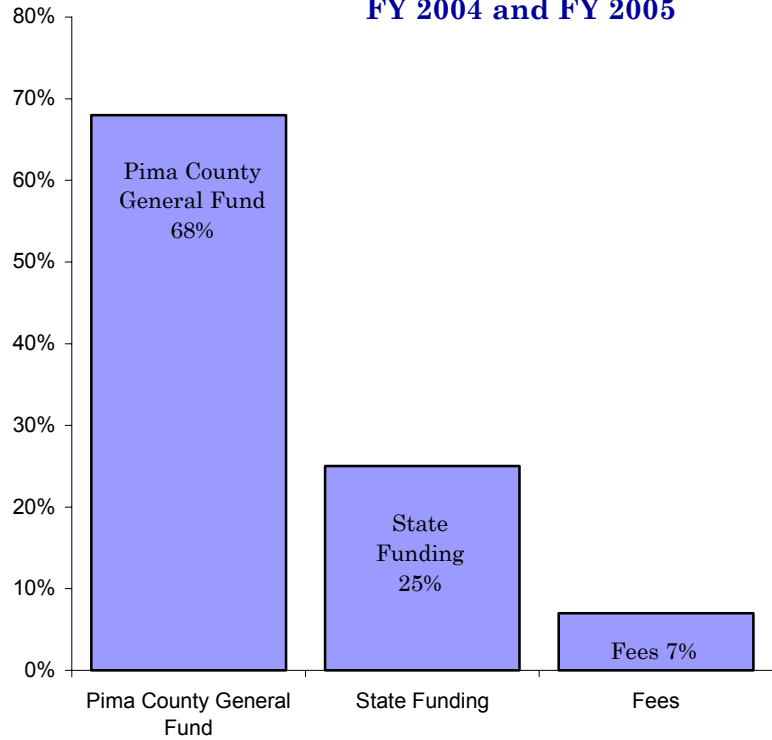
marily of funds necessary to annualize salary increases approved by the Board of Supervisors during the previous year and to fund significant cost increases in Arizona State Retirement System contributions.

In FY 2005, court-wide state funding decreased by \$60,892 or -.70 percent. Grants received by the court increased by \$317,600

primarily due to funding from the Administrative Office of the Courts for the AGAVE project. Fee expenditures increased by \$506,246 mostly as a result of projects paid by the Court Automation Fee fund. The balance of this increase is attributable to increases in salary and benefit costs in the Conciliation Court and probation fee funds.

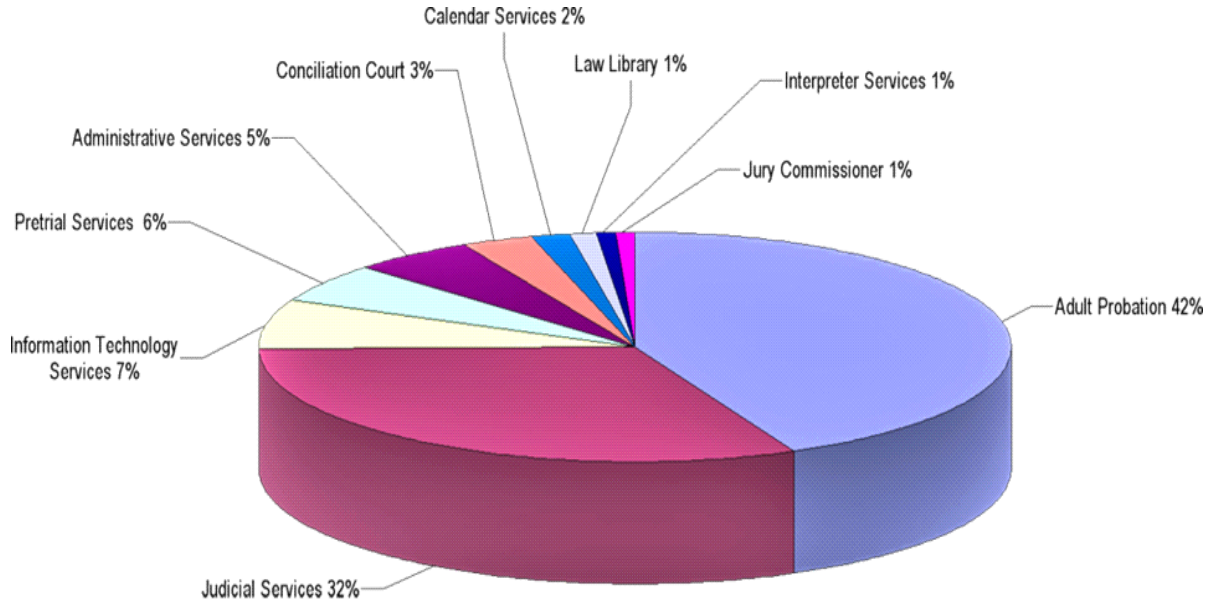
Funding Source	FY 2004	FY 2005	Change
Pima County	23,890,204	25,024,542	+4.75 percent
State Funding	8,638,668	8,577,776	-0.70 percent
Fees (expenditures)	2,261,250	2,767,496	+22.39 percent
Grants	146,889	464,489	+216.22 percent
Total	\$34,937,011	\$36,834,303	+5.43 percent

Sources of Funding for both FY 2004 and FY 2005



Program Expenditures for FY 2005

In FY 2005, superior court expenditures totaled \$36.8 million. Functionally, these expenditures can be broken out as seen below:

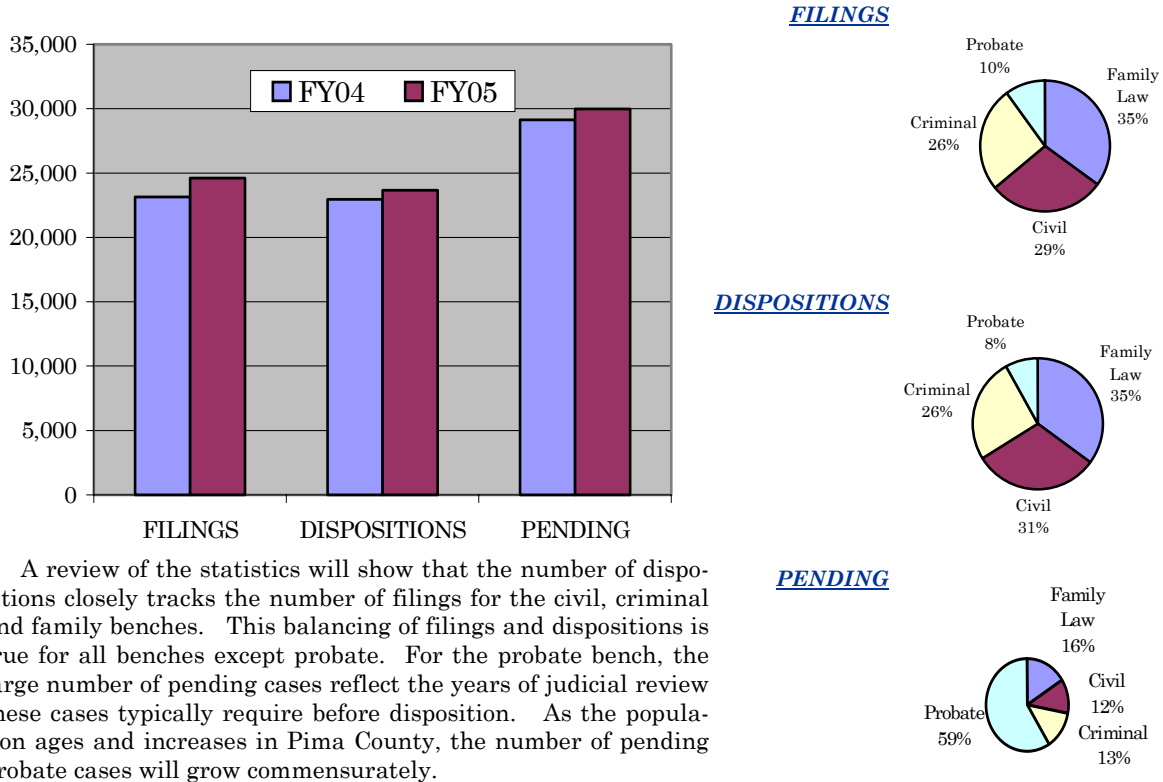


Primary Revenues ~ FY 2005

Probation Fees	\$1,508,996
Restitution	\$1,347,015
Civil Filing Fees	\$ 764,145
Judicial Collection Enhancement Fund	\$ 651,156
Domestic Relations Fund	\$ 493,053
Superior Court Automation Fund	\$ 406,916
Criminal Fines	\$ 222,328
Law Library Fund	\$ 217,380
Drug Court	\$ 61,794

It should be noted that with the exception of court special revenue funds such as the law library, conciliation court, adult probation, and drug court fee funds, the court does not retain these monies.

Courtwide Caseload Activity



A review of the statistics will show that the number of dispositions closely tracks the number of filings for the civil, criminal and family benches. This balancing of filings and dispositions is true for all benches except probate. For the probate bench, the large number of pending cases reflect the years of judicial review these cases typically require before disposition. As the population ages and increases in Pima County, the number of pending probate cases will grow commensurately.

Criminal Bench Caseload Activity

Criminal defendant filings increased 15 percent over FY 2003-04. DUI and drug cases outrank all other charges filed with Burglary and Robbery holding second place. Criminal case dispositions increased 15 percent over last year and the number of pending criminal cases increased 8 percent. Felony cases broken down by final disposition method shows that 78 percent were closed by plea, 8 percent were closed by trial and the remaining 14 percent were dismissed. Four year trends indicate a 6 percent increase in case filings, an 8 percent increase in case dispositions and pending cases increasing by 4 percent.

FY 4004-05	FELONY	MISDEMEANOR & UNCLASSIFIED	APPEALS JP/COURT	TOTAL
Pending 7/1/04	3,561	65	56	3,682
New Cases Filed	5,717	467	159	6,343
Total Caseload	9,278	532	215	10,025
DISPOSITIONS:				
Jury Trials Commenced	338			338
Court Trials Commenced	105			105
Pleas of Guilty	4,269			4,269
Dismissals/Removed	777	415	5	1,197
Affirmed/Reversed			152	152
Total Dispositions	5,489	415	157	6,061
Pending 6/30/05	3,789	117	58	3,964

Civil Bench Caseload Activity

Civil case filings increased 4 percent over last year. Case dispositions remained the same and cases pending at the end of year decreased 6 percent. Four year trends indicate 1 percent decrease in case filings, a 2 percent decrease in dispositions, and a 4 percent decrease in pending cases.

FY 2004-05	Tort-Motor Vehicle	Tort-Non Motor	Medical Mal-practice	Contract	Eminent Domain	Lower Court Appeals	Non-classified	TOTAL
Pending 7/1/04	988	434	101	881	48	30	1,311	3,793
New Cases Filed	1,643	561	110	1,993	480	88	2,329	7,204
Total Caseload	2,631	995	211	2,874	528	118	3,640	10,997
DISPOSITIONS:								
Transferred Out	18	47	5	29	0	10	104	213
Judgment Entered	1,216	415	55	1,326	432	41	1,663	5,148
Other Dispositions	487	156	33	677	10	36	663	2,062
Total Dispositions	1,721	618	93	2,032	442	87	2,430	7,423
Pending 6/30/05	910	377	118	842	86	31	1,210	3,574

Family Law Bench Caseload Activity

Family Law case filings increased 2 percent over FY 2003-04. Case dispositions remained the same while pending cases increased 7 percent. Four-year trends indicate a 2 percent decrease in case filings, a 2 percent decrease in dispositions, and a 1 percent increase in pending cases.

FY 2004-05	Dissolutions	Separations	Annulment	Paternity	Other Domestic	TOTAL
Pending 7/1/04	1,695	34	17	813	1,834	4,393
New Cases Filed	4,528	102	51	1,898	2,076	8,655
Total Caseload	6,223	136	68	2,711	3,910	13,048
DISPOSITIONS:						
Transferred Out	3	1	0	4	3	11
Decree Granted	3,463	58	29			3,550
Other Dispositions	1,440	45	32	1,962	1,303	4,782
Total Dispositions	4,906	104	61	1,966	1,306	8,343
Pending 6/30/05	1,317	32	7	745	2,604	4,705

Probate Bench Caseload Activity

Probate case filings have decreased 3 percent over last year. Case dispositions have increased by 3 percent while pending cases have increased 2 percent. Four year trends indicate a 14 percent decrease in case filings, a 21 percent decrease in dispositions, and a 9 percent increase in pending cases.

FY 2004-05	Estate and Trust Administration	Guardianships and Conservatorships	Adult Adoptions	TOTAL
Pending 7/1/04	6,580	10,587	107	17,274
Initial Petitions Filed	1,221	1,187	13	2,421
Total Caseload	7,801	11,774	120	19,695
DISPOSITIONS:				
Total Dispositions	911	916	0	1,827
Pending 6/30/05	6,890	10,858	120	17,868



ADULT PROBATION
David F. Sanders
Chief Probation Officer

MISSION STATEMENT

Our 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, the department recognizes 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.

Adult Probation Enterprise Tracking System

The Adult Probation Enterprise Tracking System (APETS) rolled-out on May 23, 2005, in Pima County and will be fully implemented statewide by the end of fiscal year 2007.

This automated system enables adult probation departments to effectively share offender information resulting in the improved tracking and oversight of Arizona's probationers.

Eventually, APETS will benefit other public safety professionals in the state and nation as well, with integration "feeds" into the Arizona and National Crime Information Centers.

More information is available on the APETS website located at:<http://supreme22/apets/>.

Quality Assurance Program

Three quality assurance audits were performed this year, one at each of the three satellite offices. A team consisting of the chief probation officer, senior management staff and line officers evaluated the work of three units by reviewing a random sample of 10 cases from each officer. A data collection instrument was applied to each file to determine if standards of supervision were being met. These reviews helped to assure officers' work was being done in accordance with departmental standards.

Evidence-Based Practices

Evidence based practices (EBP) stems from decades of social science research, and offers us targeted intervention strategies that demonstrate consistent scientific evidence related to improved outcomes with probationers. This body of research clearly defines what works and what does not, enabling us to work smarter and more effectively. From assessment to caseload supervision, and treatment intervention, EBP is now the driving force of how we do business in probation. Thus far, the department has embraced EBP with the following initiatives:

▶The use of several validated assessment instruments that measure criminogenic factors, risk/needs, and severity of alcohol and other drug problems.

▶The teaching and training of probation staff members to use cognitive-behavioral and motivational interviewing techniques with probationers.

▶Ensuring that contract treatment providers utilize EBP, cognitive based and motivational enhancement therapies, while addressing criminogenic factors.

▶Incorporating outcome-based strategies throughout community based supervision, supervision planning and implementation, and general caseload management.

▶Ensuring supervision levels are consistent with the probationer's level of risk/needs.

▶Providing supervision that focuses on criminogenic factors that lowers recidivism rates during the term of probation and beyond.

▶Promoting victim restoration through increased contact, collection of restitution, and overall accountability.

▶Improving community restoration through inter-agency networking, and holding probationers more accountable.

Probation Population

In fiscal year 2004, the total population of offenders under the supervision of the Adult Probation Department increased slightly from 7,419 in fiscal year 2003 to 7,576. This number includes Tucson City Court and Pima County Consolidated Justice Court cases, juvenile remands to Pima County Superior Court, incarcerated probationers, those awaiting deportation, unsupervised probationers and individuals on absconder status. Also included in the total are those proba-



"The experience of 9/11 (and subsequent investigations) demonstrated painfully that information needs to be available to the right people, at the right time, both in the state and federal sectors."

—Chief Justice Jones, 2002

tioners supervised by Pima County, but legally the responsibility of other jurisdictions.

A total of 2,711 individuals were added to the total probation population during the year, with 2,900 terminating probation (full-term discharge, early discharge, revoked, modified, death or other termination). Of these, 1,916 (66 percent) probationers successfully completed their probation terms.

At the end of the fiscal year, 857 probationers were on absconder status compared to 843 the previous year. Warrant officers apprehended 633 absconders who owed \$2,308,337 in court-ordered assessments. In addition, probation was revoked on 621 (21 percent) probationers, resulting in their incarceration to the Pima County Adult Detention Center and/or to the Arizona Department of Corrections.

Standard and Intensive probationers completed 226,714 hours of community service, amounting to \$1,167,577 in free labor for Pima County taxpayers. In addition, probationers paid \$3,717,066 in restitution, reimbursement, fines, surcharges and fees.

Standard Probation Population

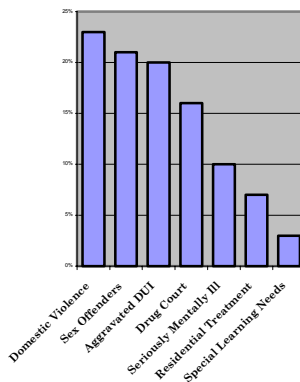
Officers provided supervision to 6,615 standard probationers this year, an 8.92 percent increase over the previous year. Of these, 278 probationers had their probation revoked and were sentenced to either prison or jail. A total of 1,106 probationers successfully completed probation. Officers collected \$3,071,560 in probation fines, fees, restitution and other monies. Additionally, 101,030 hours of community service were performed.

Intensive Probation Population (IPS)

This fiscal year, IPS officers supervised 1,502 active probationers (an average of 550 per month). A total of 950 probationers were added during the year and 305 suc-

cessfully completed probation. A total of 78 percent of these probationers were employed, generating \$413,225 in tax revenue. Also, a total of \$645,506 in court-ordered assessments was collected and probationers completed 125,684 hours of community service work.

Specialized Caseloads



The Assessment Center

In response to Chief Justice Charles E. Jones' strategic agenda, a new risk needs assessment instrument was implemented this year. Used in conjunction with APETS, the offender screening tool (OST) provided a more in-depth direction for officers in the development of case plans and offered considerable direction with respect to the delivery of case management services. In addition, the assessment center assisted officers in identifying offenders who posed the greatest risk for re-offending, thereby increasing the protection of children, families and the community.

Assessment center officers prepared 4,082 pre-sentence reports this year, an increase of 11.4 percent over last year. Despite the increased workload and the addition of only one probation officer position, 98.5 percent of reports were distributed early or on time. In addition, 4,600 victims were contacted regarding restitution, offense impact, and sentencing recommendations and more than 72 percent provided input.

The Jail Project Team continued to save taxpayers' money with the preparation of accelerated reports, which reduced the average number of days a defendant spends in jail. This year, the average number decreased from 30.75 days to 25.17. At a cost of \$55 a day per defendant, a savings of \$232,980 in incarceration expenses was realized.

Fiscal Year	Reports Prepared
FY2005	4,082
FY2004	3,662
FY2003	3,418
FY2002	3,531
FY2001	3,548

New this year was the court's creation of a Mental Health or "Specialty" Court to address defendants with specialized issues. A team of three officers prepared specialized pre-sentence reports for this court, which required interpretation of psychological evaluations and interaction with the mental health community.

Drug Court: Deferred-Judgment & Post-Conviction

The goal of the Drug Court Program is to assist participants in achieving total abstinence from drugs and alcohol. It is a voluntary program for nonviolent offenders and focuses on substance abuse rehabilitation and community involvement. It has a comprehensive treatment program of counseling, recovery, support groups, urinalysis and the use of victim impact panels. The most recent recidivism study indicated Drug Court graduates had a 24 percent arrest/conviction rate versus 66 percent for defendants who completed standard probation supervision.

This year, the Deferred Judgment Drug Court program, which provides for early dispositions and possible dismissal or reduction of the original charges, admitted 176 offenders and had 268

participants. Of these, 56 graduated (an 1.8 percent increase over last year), 55 terminated and 21 voluntarily withdrew from the program.

The Post-Conviction Drug Court program, which allows for felony charges to be designated misdemeanors after successful completion, admitted 219 offenders and had 233 participants. Of these, 15 graduated, 61 terminated, and 14 voluntarily withdrew from the program. State-wide, there were 2,942 successful graduates as of December 31, 2004, with approximately 1,405 individuals currently participating in Drug Court programs across the state.

Officer Safety Program

Officers continued to receive state-of-the-art training in officer safety techniques from the Arizona Supreme Court. The department followed the guidelines and standards established by the Committee on Judicial Education and Training and exceeded the mandated 16 hours of training per employee each calendar year by earning 15,754 of approved training hours. Of these, 3,447 addressed officer safety issues and 1,788 related directly to firearms. An officer safety trainer provided safety instruction on defensive tactics and firearms on-site as well as at the state level. Ninety-nine officers were certified to carry a firearm by the end of the fiscal year.

Drug Treatment & Education Fund (DTEF)

Established by Arizona voters in 1996, Arizona Revised Statute §13-901.02 changed sentencing options for those convicted of personal possession or use of a controlled substance or drug paraphernalia. It required the court to suspend the imposition or execution of a prison sentence and to place the person on probation with the condition they partici-



Defensive tactics training at the "mat room" in the Southside Office.

pate in an appropriate drug treatment or drug education program (it excluded violent drug offenders).

The department screens all probationers and treatment recommendations are made for the appropriate type and level of intervention. Through 28 treatment contracts, agencies provided 1,178 probationers with subsidized "best practice" services, which included standard and intensive outpatient treatment, lapse/relapse prevention, detoxification, motivational enhancement, cognitive skills, and others.

This year, DTEF funded two employee cognitive skills trainings that were attended by 39 officers. The trainings acquainted officers with the skills and techniques learned by probationers in their cognitive trainings. This enabled officers to reinforce to their probationers the lessons and skills they acquired in training to resolve situations and communicate in positive ways. In addition, five motivational interviewing sessions were presented to 64 officers this year. Due to their importance in probationer success, these sessions will become mandatory for all officers next fiscal year.

Education Services

The department's Literacy, Education and Resource Network (LEARN) provided a broad spectrum of in-house education programs for adult probationers, juve-

niles adjudicated to adult probation, defendants' families and other at-risk members of the community.

LEARN's purpose is to provide offenders with a variety of academic and social skills that facilitate their re-entry into the community as contributing citizens.

This year, services were provided at three probation satellite offices to 613 students. Of these, 79 earned their General Education Diplomas, five were inducted into the National Adult Education Honor Society, and nine were awarded scholarships to Pima Community College. In addition, 14 individuals completed parenting classes and the Cognitive Skills Program graduated 124 probationers.

Recognition of Excellence

- Senior Probation Officer Ruben Rosales and Senior Surveillance Officer Bill Bartlett arrested 15 absconders during their participation in "Operation Falcon", a one-week coordinated nationwide effort by U.S. Marshals to roundup fugitives.

- Senior Probation Officer Ruben Rosales received one of five awards for 2004's *Officer of the Year* for 88 Crime.

- The Community Service Program received an *Honorable Mention* from the office of Governor Janet Napolitano at the Arizona Clean and Beautiful Governor's Pride in Arizona Awards Conference. The Program also received the *Award of Appreciation* from the Pima County Board of Supervisors and an award from the Pima Council on Aging - *Appreciation for Elderly Yard Work Projects*.

- Cognitive Skills and Motivational Interviewing Coordinator Steve Emslie was honored in May of 2005 with the "Teacher of the Year" award from the Adult Division of the Arizona Supreme Court, Administrative Office of the Courts, Project LEARN. This marked the first time in the history of the award that a teacher who works outside the mainstream

adult education curriculum was recognized for outstanding achievement.

•LEARN program exceeded last year's goals and was awarded funds to purchase enhanced curriculum software, along with the Supreme Court's funding for new computers, monitors, printers and one file server.

Honored By "The Troops"

Through the department's Staff Relations Committee, employees nominated co-workers for supervisor, officer, and employee of the year awards. After applying a criteria instrument to the nominations, the committee determined the following recipients:

MELISSA LOPEZ: Employee of the Year—Melissa, a litigation support specialist II, was honored for her dedicated work in data entry for intensive probation supervision. She started with the department in February 1999 as a temporary worker and earned a permanent position in December of the same year. Melissa is described by her co-workers as "considerate, hardworking and dedicated," and she has great communication skills with fellow employees and also with defendants.

RUBEN ROSALES: Officer of the Year—Ruben began his officer career in 1993, supervising the Ajo/Sells standard caseload. Three years later, as a senior probation officer, he supervised IPS probationers and continued to for the next two years. Ruben then transferred to the Absconder Unit, where Supervisor Phil Shelley said the transfer was "a classic example of having the right person for the right job."

Ruben has received commendations from both the Tucson Police Department and the Pima County Sheriff's Department and was deputized as a U.S. Marshall in 2003. He received one of five awards in September 2004 for 88 CRIME's *Officer of the Year*.



Melissa Lopez receives her award from Division Director Ruben Castro.



Officer of the Year Ruben Rosales receives his award from Division Director Ruben Castro as Chief Probation Officer David Sanders looks on.



Mary Jo Gasparro receives her award from Division Director Ruben Castro.

MARY JO GASPARRO: Supervisor of the Year—A 26-year veteran, Mary Jo began her association with adult probation in January 1978, first as a volunteer and then as an intern. She was hired in 1978 as a probation officer's aide and was promoted to probation officer in 1980. Mary Jo initially worked as a field officer,

then wrote pre-sentence reports and later returned to the field to supervise standard as well as intensive supervision probationers. She received her Master's Degree from the University of Arizona in 1983 and in 1989, became a supervisor in the Investigations Division. Upon her return to the field in 1992, Mary Jo formalized specialized caseload criteria while she served as the supervisor for the unit of officers supervising sex offenders, the seriously mentally ill, and offenders with special learning needs. As these caseloads grew, Mary Jo was assigned to limit her oversight to supervising officers who handled sex offender cases and she served on a committee that developed statewide sex offender notification guidelines.

Leaving that assignment in 1997, Mary Jo has supervised standard and intensive probation and surveillance officers and currently works as an IPS unit supervisor at the east office.

Mary Jo exhibits the attention to detail, thoroughness and patience that make her a wonderful teacher for new officers. She has clear expectations of her officers and is able to set them up for competency and success.

Mary Jo has "enjoyed it all," and feels she has contributed something positive to Pima County Adult Probation and to her community.

Personnel and Budget

Although the department increased its employee roster by 14 positions this fiscal year (268 from 254), it operated with a monthly average of 43 personnel vacancies.

Funding increased 12.4 percent this year, from \$15,006,367 in fiscal year 2004 to \$16,863,207. During this time period, the number of probationers requiring supervision increased by 157 for a total of 7,576.

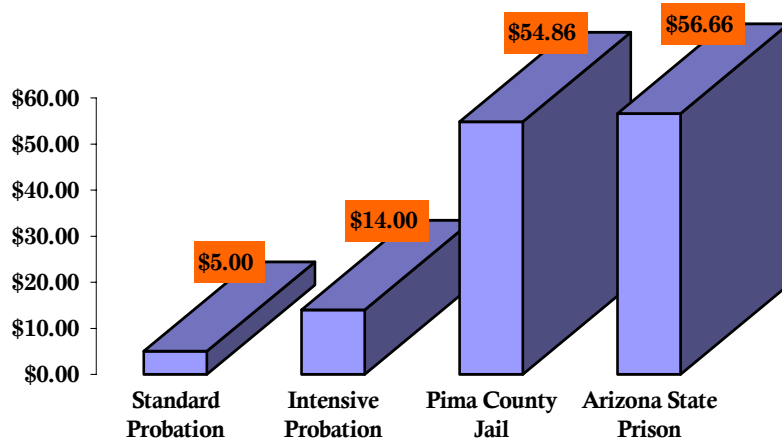
The funding appropriation for FY 2006 was slightly higher at \$16,969,054.

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

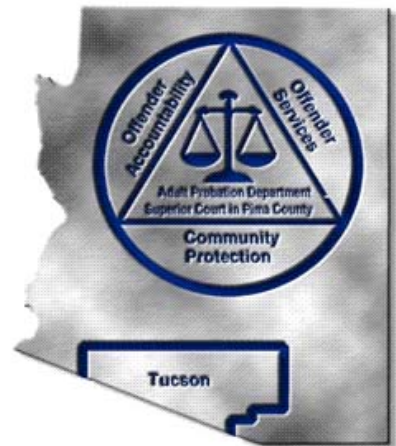
- and respond appropriately to violations.
- To research, develop and implement effective, efficient probation strategies and measure performance outcomes.

Daily Supervision Costs



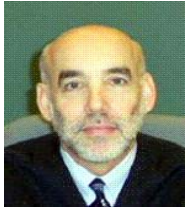
Members of the "30-Year Club" pose for a picture with the presiding judge and chief probation officer.

(Left to right) Chief Probation Officer David Sanders, Unit Supervisor Donnie Johnson, Unit Supervisor Linda Montoya, Presiding Judge John Leonardo, Senior Probation Officer Ray Valenzuela, and Division Director Ruben Castro.



Court Administrator Kent Batty presents Probation Supervisor Donnie Johnson with his pin for 30 years of service to Pima County Adult Probation.

Comm. Stephen Rubin



Hon. Stephen Rubin

Comm. Stephen Rubin was named president-elect of the National Council of Juvenile and Family Court Judges during the group's board of trustees meeting held Jan. 20-21 in San Diego.

Comm. Rubin serves as a lead judge in the NCJFCJ's Child Victims Act Model Courts Project.

Pima County Juvenile Court is one of 25 Model Courts nationwide that is implementing strategies designed to improve the courts' handling of child abuse and neglect cases.

Changes in Leadership

Conciliation Court. At the end of 2004, Fred Mitchell, director of the Family Center of the Conciliation Court retired. Succeeding Fred as director was long-time staff member Grace Hawkins.

Court Reporters. A 13-year veteran of the court reporters pool at superior court was appointed to the position of managing court reporter. Terri Faust held the post on an interim basis before assuming her new position.

Facilities Management. In May 2005, Facilities Manager Mike Stafford retired from the court after holding the position since 1997. Named as the new facilities manager was Dennis Gauthier, who had spent 16 years managing facilities for Pima Community College.

Court Interpreters. During FY 2005, the first and only director of the Office of the Court Interpreter retired after 30 years of service to Pima County and the superior court. Donna Whitman was succeeded by Victoria Vásquez, who had previously served as associate director of the National Center for Interpretation at the University of Arizona.

Conciliation Court

Diversity Forum. In October, FCCC celebrated the 10-year anniversary of the Diversity Forum. The forum focuses on developing an appreciation for the expressions of diversity in its many forms. A major feature of the forum is the regularly scheduled educational programs that are open to the public with a significant contingent attending from the various court departments and divisions for continuing education credit.

Custody/Parenting Time Mediation. In a confidential, neutral setting, a specially trained family mediator is available to help parents develop a mutually agreeable custody/parenting time plan that would best meet their children's needs. In FY 2005, there were 1,289 mediation cases opened, of which 998 were first time referrals and 291 were subsequent mediation.

Conciliation and Counseling Services. The focus of the conciliation counseling process is to assist the parties in making an informed and thoughtful decision regarding their marital relationship. The total number of counseling cases conducted in FY 2005 was 82.

Child Advocacy Services. The goal of the Child Advocacy Services is to provide assistance and education to all parties in the successful resolution of disputes regarding custody, parenting time and other related matters involving children. For FY 2005, the Child Advocacy Team opened 55 first time custody and parenting time evaluations, and 3 subsequent/after care evaluations.

Consultation and Community Education. Throughout FY 2005, FCCC provided consultation and education services to the court system, mental health agencies, social service agencies, educational institutions and the community at

large. A total of 30 programs were conducted.

Special Master Program. The court may appoint a special master when other methods of problem resolution have not enabled the parents to make decisions about their children. By the close of FY 2005, a total of 25 special master case appointments were ordered by the Family Law bench. Of those, three were appointed to the FCCC.

Contract Services Monitoring. The FCCC negotiates contract extensions for the mandated Parent Information Program and the Judicial Supervision Program (JSP). FCCC maintains a file of each JSP case, tracking cases from opening to closing, reviewing the appropriateness of services, assisting the provider in gaining access to information from other court files, reviewing critical incidents, reviewing and authorizing provider invoices, assisting the provider in conducting program evaluations, and sitting on the JSP Advisory Committee. JSP provided supervised access and parenting services to 216 families during FY 2005.

Referral and Billing Monitoring. It is the responsibility of FCCC to monitor referrals to members of the panel, to monitor invoices from members of the panel for compliance with the cost limit per evaluation set by the order, to maintain a count of referrals and completed evaluations, and to report expenditures for limited evaluations to the presiding Family Law judge on a quarterly basis. In FY 2005, a total of 25 evaluations were ordered, \$25,625 in subsidies was paid out of the expedited child support and parenting time fund.

Calendar Services

AGAVE. Calendar Services staff members devoted many hours during FY 2005 helping programmers design a case management computer system that will eventually replace current calendar pro-

grams used by the court. The new program will be called AGAVE and will eventually be implemented throughout Arizona Superior Court in every county. Efforts are being made to work with representatives from all the counties in order to develop an efficient and productive case management system that contains standard procedures. The new case management program will change many duties of Calendar Services staff members allowing them to devote more time to working on reports, quality control issues and compliance with court rules.

Courtroom observation



Students observe Judge Michael Cruikshank's courtroom.

There are literally hundreds of students who visit our courtrooms either in organized groups or individually.

For the larger, organized student groups the normal routine is to have them observe morning calendar in a criminal division. This enables them to view a variety of matters ranging from routine status conferences to changes of plea, to sentencing hearings to hearings seeking revocation of a defendant's probation. At 10:30, classes observe the resumption of a criminal trial that is in progress.

In the Jury Room

Just about a year after ABC News filmed two criminal trials at Pima County Superior Court, the airing of those programs was eagerly anticipated by members of the court's staff.

The first of those programs, called "In the Jury Room," featured the trial, State of Arizona vs. Wendy Sue Anderson, conducted by Judge Kenneth Lee, aired on Aug. 25. Ms. Anderson was accused of killing a Marana teenager in a DUI traffic accident.

The second program, featuring the trial, State of Arizona vs. Joshua Sanora, conducted by Judge Michael Alfred, was scheduled to air on Sept. 14, but was postponed indefinitely by ABC News. Mr. Sanora was accused of attempted second-degree murder in an incident in the western Pima County community of Ajo.

Courts Are Us

The Courts Are Us summer youth employment program began its 14th successful seven-week run in June 2005.

Tucson Youth Development provided the Courts Are Us Program with 31 students assigned to the following entities: Tucson City Court (16), Pima County Consolidated Justice Courts (9), Pima County Superior Court (5), and the Pima County Legal Defender's Office (1).



Judge-Pro Tempore Frank Dawley sets the scene for the mock trial performed by the Courts Are Us

Court Interpreters

Services. During FY 2005, the Office of the Court Interpreter provided interpreting services in 5,418 hearings, an increase of 6 percent from the previous year. In addition, they translated 930 pages of documents, participated in 112 out-of-

court events, offered services in 19 lesser-used languages and assisted 27 hearing impaired jurors. This represents a 20 percent increase from last year in most of these categories.

Staff Honors. Martha Meza was honored for 25 years of service in November. In April, at the Judicial Staff Conference, Lourdes Machado received an award for trainer excellence from the Administrative Office of the Court's Southern Region—a statewide honor. Furthermore, in June she taught Prescott County employees. Both Pedro Davis and Lourdes Machado took courses in advanced interpreting at the University of Arizona. In June, Victoria Vásquez, participated in the annual Arizona Public Defenders Conference in Tempe, Ariz. and offered training along with 11 other statewide interpreter supervisors on how to better utilize interpreter services.

Probate Project. The interpreters translated probate documents and forms allowing Spanish speakers access to the probate process.

Jury Commissioner

Jurors Summoned. During FY 2004-2005, the Jury Commissioner's Office summoned 82,450 prospective jurors to serve in the superior court, the Pima County Consolidated Justice Courts, and on grand juries. Of the 82,450 jurors summoned, 11,168 failed to appear as instructed. Pursuant to an intergovernmental agreement with the city of Tucson, 29,940 prospective jurors were summoned for service in the Tucson City Court. Of those, 2,171 failed to appear.

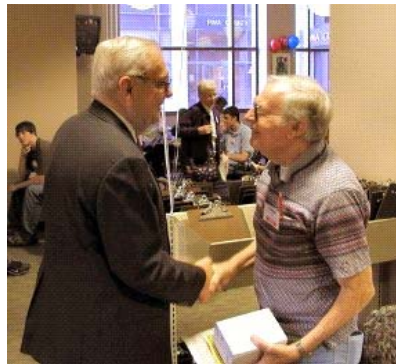
Jurors Unqualified, Excused or Disqualified. Approximately 10,250 prospective jurors were found to be unqualified for jury service because they were not United States citizens, not residents of the jurisdiction for which they were summoned, convicted felons with-

out their civil rights, under 18 years of age, or they had been adjudicated mentally incompetent. Approximately 13,100 jurors were excused from jury service for undue hardship. Approximately 16,000 summonses were returned in the mail as undeliverable. Of the prospective jurors summoned for superior and justice courts and for grand jury service that were not disqualified or excused, 29,270 reported to the courthouse for service. 4,432 reported for service in Tucson City Court.

Mileage Reimbursement. In December 2004, the mileage reimbursement rate for jurors increased from 34.5 cents per mile to 37.5 cents per mile. Jurors who report for service are reimbursed for their roundtrip mileage. During the fiscal year, jurors who reported for service in superior and justice courts or for grand jury service were paid \$352,697.18 for mileage costs. Tucson City Court jurors received \$23,597.40 in mileage.

Per Diem Juror Fees. Impaneled superior court, justice court and grand jurors also received \$254,148.38 in per diem jury fees. Tucson City Court jurors were paid \$11,916 in fees. All impaneled jurors receive the \$12 per day fee. Effective July 1, 2004, jurors who served on trials lasting more than 10 days became eligible to receive additional compensation for their jury service. A.R.S. § 21-222 established the Arizona lengthy trial fund, which is funded by civil filing fees. Jurors who serve on lengthy trials may submit requests to receive money from the fund to reimburse them for lost earnings. During FY 2004-05, the superior court had eight trials that lasted more than 10 days. Forty-three jurors applied for and were approved to receive compensation from the lengthy trial fund. These jurors received a total of \$32,214.22 in compensation from the fund for their jury service.

Changes to Juror Qualifications. Late in the fiscal year, Gov. Janet Napolitano signed into law a revised A.R.S. § 21-202, which defined persons entitled to be excused from jury service. The revised law detailed precisely what information needed to be submitted by prospective jurors seeking medical excuses. The law also allowed prospective jurors aged 75 and older to request to be excused from jury service due to their age. Judges and jury commissioners were given authority to excuse prospective jurors based upon a showing of undue or extreme hardship, even if their specific hardship was not listed elsewhere in the statute.



Chief Justice Charles Jones congratulates a juror (well past 75-years-old) who chose to report for jury service.

Law Library

The mission of the Pima County Law Library is to provide access to legal information, a basic component of access to justice, to all citizens of the county in ways that are reliable, efficient, respectful, innovative and economical. Gate count for the law library in FY 2004-05 was 15,582 persons, an increase of 38 percent from the previous year.

Resources. Westlaw and Loislaw are both available in the law library. Both databases include all states and all federal coverage including cases and statutes and some topical coverage. Two

computers are available in the law library for access to the databases.

The law library online catalog continues to be instantly available at <http://www.sc.pima.gov/lawlib/>.

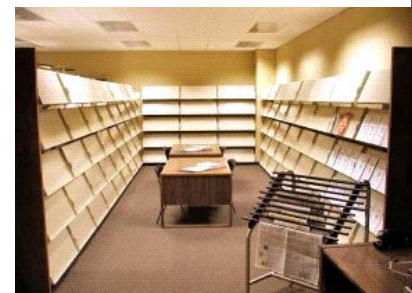
Hours of Operation. The law library is open Monday through Friday from 8 a.m. to 5 p.m., excluding holidays.

Self-Service Center

A long-time goal of Pima County Superior Court was realized with the opening of the Self-Service Center for *in pro per* litigants in the Pima County Law Library on the second floor of the courthouse.

The Self-Service Center is designed to provide access to document resources and to provide the opportunity for people to obtain appropriate forms conveniently and at affordable cost. While this service does not provide the benefits of legal advice, it will ensure that litigants can access the courts using correct documents regardless of their means.

Pro pers who visit the Self-Service Center identify the forms they need and request printed copies from the library staff. There are 21 different packets containing forms. The cost of the forms is nominal. Eventually the forms may be accessible through the court's Internet website.



The Self-Service Center, located in the Pima County Law Library has been a huge success.

Mental Health Court

Beginning July 2004, Pima County Superior Court launched Mental Health Court. The purpose of the court is to efficiently and effectively process and adjudicate criminal cases involving defendants who have serious mental illness; improve linkages between the court, community supervision agencies and the behavioral health treatment system; and promote the delivery of appropriate behavioral health services for defendants pending disposition of their charges and those on probation.

The impact of Seriously Mentally Ill (SMI) cases on the judiciary and community supervision agencies is significant. Effective intervention, which includes supervision and treatment, is considered essential to reduce recidivism rates.

If the inmate charged with a felony (other than murder, sexual assault or child molestation) has been identified as SMI then he/she will likely be transferred to the Mental Health Court before arraignment. A Rule 11 evaluation to determine competency will be administered, if deemed necessary, between arraignment and the case management conference. If the defendant is found to be not competent and not restorable to competency, the court may authorize the county attorney to file civil commitment proceedings pursuant to Title 36. If warranted, the court may refer the case to the public fiduciary for Title 14 guardianship. The criminal case is subsequently dismissed. If the defendant is found competent to stand trial, proceedings resume.

Sentencing options for the Mental Health Court are the same as any criminal case. The judge may impose prison, intensive probation supervision, standard probation, jail as a condition of probation or placement on the specialized SMI caseload.

The SMI program description defines its purpose as “To provide the court with an economical alternative to incarceration through effective, intermediate supervision of SMI offenders utilizing treatment planning, community resources, medication monitoring, educational programs and surveillance.” A senior probation officer and a surveillance officer supervise SMI caseloads. Both officers have experience and training working with SMI individuals.



Judge Nanette Warner presides over a Mental Health Court graduation ceremony.

Pretrial Services

Pretrial Services (PTS) responsibilities focus on providing comprehensive background information and release options to the court to assist in the release decisions for pretrial defendants. This past fiscal year there was a 6 percent increase in cases presented for in-custody felony initial appearances. The court set conditions of release on just under 9,200 felony cases, and Pretrial Services provided information and recommendations on 99.4 percent of these cases.

Misdemeanor Arrests.

There were roughly 8,900 county misdemeanor arrests and 4,000 were eligible for pre-release consideration, and of this group, 2,189 were identified as suitable for release and released by Pretrial Services staff.

Felony Cases.

There were 5,439 felony cases where a bond was set at the initial appearance

hearing, and 3,341 of these cases were reassigned to staff for further review. New reports were prepared and presented to the court that addressed modifying conditions of release in 1,829 cases. This was a 12 percent increase in reports prepared over last year and 30 percent increase over the last two years.

The number of defendants released into the custody of Pretrial Services increased at about the same rate as the increase in the overall felony population. Staff supervised 2,739 defendants (a 6 percent increase) and closed out 2,156 of those cases. A total of 78 percent of these closures were considered successful (no failures to appear, no felony re-arrest, and no revocations for failure to abide by court ordered conditions of release).

Warrants.

Staff efforts continue to show success in reducing the number of warrants issued out of the arraignment court. In a six-month period during this fiscal year, warrants issued out of the arraignment court were reduced by 50 percent. In February, a new project was initiated with Pima County Consolidated Justice Court to conduct outreach on defendants who failed to appear in court on DUI charges. Since the inception of this project, 224 warrants have been resolved without arrest.

Emergency coordinators

The volunteer emergency coordinators for the Pima County Superior Court building have completed training designed to make them a Community Emergency Response Team (CERT). The CERT training was designed to provide emergency coordinators to be first responders to an emergency in the courthouse. The coordinators have been trained to assess the situation and to begin rescue efforts or treatment efforts prior to the arrival of the professionals.

This report represents the achievements of the 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 ~ Eric Silverberg

Co-Editor ~ Susan Foster

Co-Editor ~ David Ricker

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Court Administrator

