



County Supervisors  
A S S O C I A T I O N  
o f a r i z o n a

# 2017 County Legislative Proposals for Consideration

DRAFT

For more information, contact CSA staff at (602) 252-5521  
Updated September 9, 2016



## **#4 County Transfer of Juvenile Parole Function** *(Coconino County)*

### **Summary:**

Transfers the Arizona Department of Juvenile Corrections parole functions to county probation departments.

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### **Background:**

Currently, juveniles released from incarceration at the Arizona Department of Juvenile Corrections (ADJC) are transferred to juvenile parole, which is run by ADJC. This department in ADJC costs the state approximately \$4 million annually. Currently ADJC has 258 juveniles on community supervision and interstate probation.<sup>1</sup>

Probation and parole are **both** alternatives to incarceration. However, probation usually occurs prior to and often instead of jail or prison time, while parole is an early release from incarceration. In both probation and parole, the individual is supervised and expected to follow certain rules and guidelines.

Referrals, petitions, and the number of dispositions to probation, intensive probation, ADJC, and transfer to adult court have been declining statewide. County juvenile probation departments have the capacity to add juveniles exiting ADJC to their responsibilities.

A juvenile placed under the supervision of an ADJC parole officer has low-intensity contact with the parolee because an individual officer supervises juveniles regionally. In contrast, county juvenile probation departments are able to offer higher intensity contact and counseling for the individual. Additionally many of these officers handled the same juveniles when they were on probation in their county prior to being sentenced to ADJC.

Last year the Arizona Office of the Courts offered a similar proposal, because they believed this approach would save resources and produce better outcomes.<sup>2</sup> The proposal was not successful at the state legislature last year.

CSA is compiling additional feedback and information from the counties and stakeholders.

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### **Fiscal Impact:**

Currently ADJC spends approximately \$4 million annually to run their own parole department. By county probation departments taking on the released juveniles without requesting additional resources, the state would no longer have to fund that portion of the ADJC budget. Additionally, research suggests that youth that remain close to home under the care of local probation officers tend to do better and have reduced recidivism rates.<sup>3</sup> If the state properly funds juvenile probation, allowing the county to absorb the day to day functions, there could be a savings of taxpayer dollars.

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<sup>1</sup> [Arizona Department of Juvenile Corrections “Just the Facts” July 2016](#)

<sup>2</sup> *Closer to Home: Improving Arizona’s Juvenile Justice System*, Arizona Office of the Courts, Dave Byers, August 2015

<sup>3</sup> *Juvenile Justice in Arizona: The fiscal foundations of effective policy*, ASU Morrison Institute, January 2016



# County Supervisors A S S O C I A T I O N o f a r i z o n a

## **2017 Legislative Policy Statement** **12<sup>th</sup> Annual CSA Legislative Summit** **Coconino County, Arizona** **October 25-27, 2016**

### **A. What is the legislative proposal?**

Remove the role of juvenile parole from the Arizona Department of Juvenile Corrections (ADJC) and establishes a protocol where juveniles who were placed under the care of ADJC would be under the supervision of County Juvenile Probation upon release.

The proposed statutory change to ARS 41-2818 would remove “Department” from the statute and substitute County Attorney’s and County Juvenile Probation offices.

### **B. Describe the problem and explain how the proposal solves it.**

Currently, a juvenile released from incarceration is transferred to juvenile parole and remains under ADJC. A juvenile placed under the supervision of an ADJC parole officer has low-intensity contact with the parolee and supervise juveniles regionally.

County Juvenile probation departments offer a local approach with higher intensity contact and counseling for the individual. Juvenile probation officers can offer life-style counseling and other strategies to prevent recidivism among the participants in the program.

This approach would save the state funds and be better for youth as they would be placed under the care of local probation officers who can spend more time with the juvenile and be better equipped to meet their needs. This could potentially reduce save taxpayer dollars in the long-term.

### **C. What is the fiscal impact to the state or county budgets of the proposal?**

The State would be able to save money by transferring this function to Counties. Because of the current probation officer threshold, counties like Coconino would be able to absorb the additional youth without taking on significant department cost increases.

### **D. What is the preliminary analysis of the political environment and stakeholders’ and affiliates’ comments?**

The Arizona Office of the Courts made a similar proposal prior to the 2016 Legislative Session but never gained traction among stakeholders.

### **E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

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## **#9 Resources for Juvenile Dependency Representation** *(Mohave County)*

### **Proposal:**

Allocate financial resources to impacted counties to assist with providing mandated attorney services for indigent defendants in juvenile dependency matters, due to recent increases in costs associated with these cases as a result of the overhaul of the child protective services system in Arizona.

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### **Background:**

An indigent defendant is an individual without sufficient income to afford a lawyer for defense in a court proceeding. Statute entitles parents and guardians of children who are subject to a dependency petition the right to counsel.<sup>1</sup> Counties are financially responsible for these services “at such rates as the County contracts for them.”<sup>2</sup>

In January of 2014, Governor Brewer overhauled the child safety system in Arizona by dismantling the agency previously known as Child Protective Services, and replacing it with a new entity, the Department of Child Safety (DCS). DCS was created in direct response to an excessive backlog of uninvestigated incidents of child abuse and neglect. The legislature established a new agency, with a new director, additional staff and funding to expedite the investigations of existing cases to ensure the safety of at-risk children in this state.

As a result of the necessary agency overhaul, the number of dependency filings increased statewide in 2014, by an average of 21% over 2013 and dependency filings in 2015 were 4% above 2014. These percentage increases do not include the number of ongoing cases counties continue to work on (the average case takes approximately two years). Due to the county obligation to provide and pay for attorney services for all parties in every indigent dependency filing, counties have seen an increase in costs since the overhaul of the agency. Unfortunately county budgets have already been strained due to extensive state budget cuts in recent years and these additional costs for indigent defense are placing another large burden on county budgets, with no opportunity for relief. For example, Mohave County spent \$1.5 million on juvenile dependency cases in 2015. Yuma County spent \$930,000 on juvenile dependency cases in 2015.

DCS still has approximately 6,500 backlogged cases as of August 12, 2016<sup>3</sup>. Though they have made progress since the original backlog of cases, it is unknown how long it will take DCS to investigate these cases.

This proposal seeks to allocate additional funds to assist all impacted counties in providing these vital services to ensure that there are no additional delays in providing for the safety of some of Arizona’s most vulnerable citizens.

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<sup>1</sup> A.R.S. § 8-824

<sup>2</sup> A.R.S. § 13-4013

<sup>3</sup> *DCS Intentional Improvement Strategy Continues to Deliver Positive Gains in Service*, August 12, 2016, Department of Child Safety Press Release.

The Arizona Office of the Courts has provided information and data detailing the dramatic increase in dependency filings on an individual county basis.

Last year, the legislature looked to direct more money to the Attorney General's office and the courts, but not the counties.

CSA is compiling additional data on the costs to counties, including impacts on staff resources and current caseloads.

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**Fiscal Impact:**

Since DCS was overhauled in 2014, costs have been increasing for counties across the state and it is difficult to determine the final cost of the additional indigent defendants, as it varies by county and is likely to continue to increase as the year progresses. Therefore, the cost to the state is unknown at this time.

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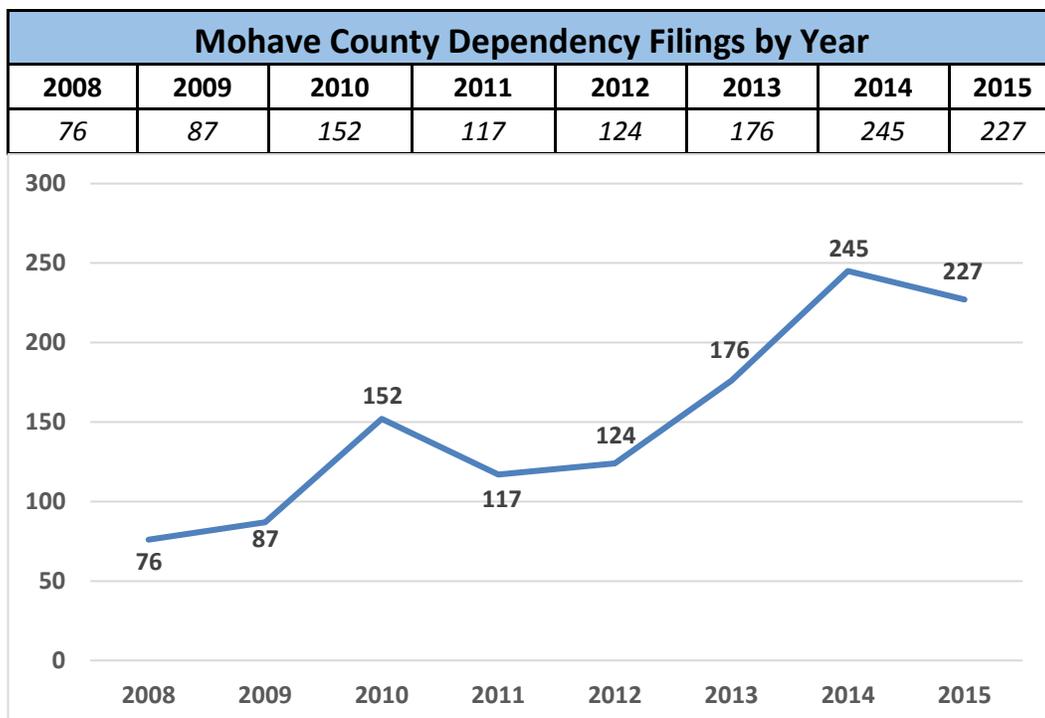
**2017 Legislative Policy Statement**  
**12<sup>th</sup> Annual CSA Legislative Summit**  
**Coconino County, Arizona**  
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**A. What is the legislative proposal?**

The legislative proposal discussed herein requests that the legislature allocate financial assistance to the Counties to mitigate the expenses of providing mandated attorney services in juvenile dependency matters. Juvenile Dependency cases are *state-initiated proceedings*; however the bulk of the costs of providing the mandated services for these cases are at the expense of the counties.

**B. Describe the problem and explain how the proposal solves it.**

In January 2014, Governor Brewer overhauled the child welfare system in Arizona by dismantling the agency previously known as Child Protective Services, and replacing it with a new entity, the Department of Child Safety (DCS). That same year, the legislature provided the Department additional funding via 2014's S.B. 1224. This provided DCS with both the financial resources and manpower to investigate many more claims of child abuse and remove at risk children from dangerous environments. This is unquestionably a positive outcome and is encouraged! However, as a result of these efforts, the number of dependencies being filed by the Attorney General's Office on behalf of DCS has increased substantially, which has caused financial hardships for the Counties. The data below contains the total number of dependency filings in Mohave County over the last several years:



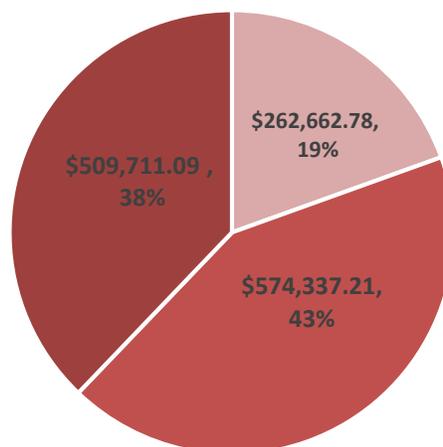


Per A.R.S. §8-824.D.1, parents or guardians of children who are subject to a dependency petition, have the right to court appointed counsel if indigent. As such, the obligation to provide mandated defense attorneys for the multiple parties in a single dependency filing is the burden of the counties—*not the State*. A single dependency filing produces a minimum of two defense attorney assignments, with most filings requiring the counties to provide 3-5 defense attorneys. In addition, ethical case limits for staff attorneys are quickly reached as these case types last several years. This results in internal defense offices, such as county Public Defenders, becoming inundated with dependency assignments, which must then be sent to more expensive contract attorneys. By allocating financial assistance to the counties in an amount proportionate to what they incur on the State’s behalf for providing these mandated services, the state of Arizona can continue to assure child safety without the counties having to solely bear the crushing financial burden of providing defense.

**C. What is the fiscal impact to the state or county budgets of the proposal?**

The following data represents the impact these cases have on county resources from both staff and contract defense departments for FY15:

**Mohave County  
FY15 Contract Costs by Charging Agency**



- County Attorney-Capital
- County Attorney-NON-Capital
- Attorney General-Dependencies



| <b>Current County Personnel for Dependency Defense</b> |                        |                                      |
|--|------------------------|--------------------------------------|
| <b>Position</b>  | <b>Total Personnel</b> | <b>Total Salaries &amp; Benefits</b> |
| Attorneys  | 7                      | \$614,120.00                         |
| Investigators  | 1                      | \$57,792.00                          |
| Paralegal  | 1                      | \$55,484.00                          |
| Secretary  | 4                      | \$189,088.00                         |
| Contract Coordinator                                   | 1                      | \$43,045.10*                         |
|  | <b>14</b>              | <b>\$959,529.10</b>                  |

*\*Contract Coordinator spends approximately 70% of time on dependencies. The total salary and benefits has been adjusted to reflect this percentage.*

Between staff and contract personnel designated to representing clients in juvenile dependencies, Mohave County expenditures are approximately **\$1.5 million dollars—annually**. These figures do not include Court staff, facilities, or operations. Additionally, the designated staff assigned to these cases have been re-assigned from their previous criminal casework, thus creating higher criminal caseloads for staff. As a result, the County is routinely forced to outsource cases to more expensive contract attorneys. Again, all of these expenses are entirely produced by the State.

**D. What is the preliminary analysis of the political environment and stakeholders’ and affiliates’ comments?**

The political and societal connotation of indigent defense is unpopular, however these services are mandated. While the safety of Arizona’s children is paramount, the increase in dependency filings has proven to be a challenge for Counties on multiple fronts. Providing financial assistance for mandated legal defense may be unpopular; however, it is far more popular than an unbalanced budget or increased taxes to offset the counties’ incurred expenses as a result of these *state-initiated proceedings*.

**E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

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