

# Fill the Gap

## Annual Report 2017



*Court Services Division  
Administrative Office of the Courts  
Arizona Supreme Court*

*December 2017*

# TABLE OF CONTENTS

Introduction .....	3
Case Processing Standards .....	3
Funding Sources .....	4
County Project Overview.....	4
Apache County.....	5
Cochise County .....	5
Coconino County.....	5
Gila County .....	6
Graham County .....	6
La Paz County.....	7
Maricopa County .....	7
Mohave County .....	8
Navajo County.....	9
Pima County.....	9
Pinal County.....	10
Santa Cruz County .....	11
Yavapai County .....	11
Yuma County .....	12
Collections Efforts .....	12
Conclusion .....	13

# ARIZONA SUPREME COURT FILL THE GAP

## ANNUAL REPORT 2017

### CRIMINAL CASE MANAGEMENT REENGINEERING

#### Introduction

Pursuant to A.R.S. § 12-102.01 (D), the Supreme Court reports annually “to the governor, the legislature, each county board of supervisors, the joint legislative budget committee and the Arizona Criminal Justice Commission on the progress of criminal case processing projects and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.” Arizona Revised Statutes § 12-102.02 (D) also requires the Supreme Court to report annually on the expenditure of fund monies for the prior fiscal year and the progress made in improving criminal case processing.

Historically, federal, state and local governments made substantial investments in placing more police officers on the street and building more prisons. These efforts sought to increase public safety, but also created a backlog in the rest of the criminal justice system. In essence, funding targeted the front and back of the criminal justice system, creating a “gap” in the middle. Funding for those entities in the “gap” did not keep pace. The Fill the Gap initiative was intended to address this problem. The funding that resulted from this initiative continues to aid in the progress of accomplishing a number of improvements in criminal case processing throughout Arizona.

#### Case Processing Standards

Rule 8.2 of the Arizona Rules of Criminal Procedure establishes timelines for processing criminal cases as follows: 1) For in-custody defendants, the time to disposition is within 150 days from the date of arraignment; 2) For out-of-custody defendants, the time to disposition is within 180 days from the date of arraignment; 3) If the case is categorized as complex, the time to disposition is within 270 days from arraignment; and 4) For defendants charged with first degree murder in which the state has filed an intent to seek the death penalty, the time to disposition is within 18 months from arraignment. Rules of criminal procedure specifically address the protection of defendants’ rights in individual cases.

The National Center for State Courts (NCSC) published the *Model Time Standards for State Trial Courts* in 2011. The Arizona Judicial Branch established the Steering Committee on Arizona Case Processing Standards through Administrative Order 2012-80. This Steering Committee reviewed the national model time standards, statutory requirements, court rules, and business processes of Arizona courts and recommended

case processing standards for all case types in the municipal, justice, and superior courts. Administrative Order 2014-108 adopted time standards for felony cases as follows:

- 65% of cases should be disposed within 90 days
- 85% of cases should be disposed within 180 days
- 96% of cases should be disposed within 365 days

Case processing time standards are put in place to address an overall workload perspective for performance standards.

## **Funding Sources**

Arizona Revised Statutes § 41-2421, enacted in 1999, created three main funding sources for Fill the Gap efforts: a state general fund appropriation; a seven percent (7%) Fill the Gap surcharge; and a five percent (5%) set-aside of funds retained by local courts when revenues exceed the 1998 benchmark. It should be noted that counties with populations exceeding 500,000 (Maricopa and Pima) have not been eligible for general fund appropriations since fiscal year 2005 as directed by legislation. The 7% surcharge earmarked for the courts is deposited in the State Aid to the Courts Fund and administered by the AOC pursuant to A.R.S. § 12-102.02. The 5% set-aside funds are collected by the courts, kept locally, and approved by the Supreme Court for local court use.

In addition to the general fund appropriation being eliminated in fiscal year 2009, over half a million dollars have been swept from this fund to assist with the state budget deficits between fiscal years 2009 and 2017. Maintaining staffing and resource levels continues to be a struggle for many courts due to lack of funding at all levels, making initiatives for improvement difficult to achieve.

## **County Project Overview**

As defined by statute, the purpose of the State Aid to the Courts Fund is to provide state aid to the superior court, including the clerk of the superior court, and the justice courts in each county for the processing of criminal cases.

Within each county, the presiding judge of the superior court, the clerk of the court and the presiding justice of the peace must develop a plan in coordination with the chairman of the county board of supervisors or their designee which is submitted to the AOC. The proposed plan details how the funds will be used, how the plan will assist the county in improving criminal case processing, and specifically how each court entity will use the funds.

Counties may apply to use the funds for any purpose that improves criminal case processing. Solutions in each county are different due to varying factors such as funding, caseload size, staffing, geography, and interaction with local criminal justice agencies. Considering funding sweeps, some of the less populous counties had previously chosen to allow funds to build over time until a balance of funds was sufficient to implement meaningful projects. The following describes how counties used Fill the Gap funds in fiscal year 2017.

## **Apache County**

Fill the Gap funds allow the county courts to retain current staffing levels and provide staff with the necessary tools and training to effectively perform their duties. Apache County uses these monies to fund a portion of the costs associated with a part-time judge pro tempore, a bailiff, a justice court clerk, and a field trainer.

The Superior Court in Apache County continues to improve court processes with greater use of technology. Fill the Gap funds cover approximately 75% of the county's computer, network, and case management system support and maintenance fees. Plans for scanners to be installed in all justice courts are ongoing. Initial appearances via video conferencing was implemented in fiscal year 2016 and continues to have a positive impact on caseflow management.

Data clean-up is also an ongoing project for the Clerk of the Court, Superior Court, and the limited jurisdiction courts. The Superior Court and Clerk of the Court are working in conjunction to correct data in AJACS while the Field Trainer assists the limited jurisdiction courts with improved data quality in preparation for the new case management system. This field trainer position is crucial to both limited and general jurisdiction staff and aids in effective caseflow management through staff education and greater utilization of automation systems.

In fiscal year 2017, 43% of felony cases are being disposed of within 90 days, while 70% of cases are being disposed of within 180 days, and 91% of cases are disposed of within 365 days, with an average of 335 days to adjudicate all criminal felony cases.

## **Cochise County**

Cochise County Superior Court continues its Felony Case Flow Enhancement Project which was first established in fiscal year 2002. The project includes Early Resolution Court, as well as the Deferred Incarceration Sanction Program, both of which have significantly reduced the county's jail population. In support of the Felony Case Flow Enhancement Project, Fill the Gap monies provide for portions of the employment costs of a judge, a judicial assistant, and a court reporter.

Additionally, Fill the Gap funding provides for a Justice of the Peace Pro Tempore. This additional manpower allows judicial officers to attend mandated training and conferences, as well as providing judicial officer coverage during weekends and holidays.

In fiscal year 2017, 65% of cases are being disposed within 90 days, and 84% of cases being disposed within 180 days, and 96% of cases are disposed of within 365 days, with an average of 82 days to adjudicate all criminal felony cases.

## **Coconino County**

Coconino County continues to use Fill the Gap funds to provide partial funding for its Recovery Court program. This program has been successful in expediting felony case processing and reducing the recidivism rate. Fill the Gap monies partially fund the

Recovery Court's judge, coordinator, surveillance officers, and administrative support staff. Additionally, they fund training and travel as well as other operational expenses such as treatment, urinalysis testing, and program incentives. In fiscal year 2017, Recovery Court had 76 new participants and provided outpatient treatment to 146 participants. The proportion of participants re-arrested while still involved with the program was 15%, which accounts for 21 participants initially cited for 16 felonies and 21 misdemeanors.

In fiscal year 2017, 34% of felony cases are being disposed of within 90 days, while 67% of cases are being disposed of within 180 days, and 94% of cases are disposed of within 365 days, with an average of 157 days to adjudicate all criminal felony cases.

### **Gila County**

Gila County continues to focus on improving technology, utilizing Fill the Gap funds to pay for maintenance and support of their case management system.

This is the third year of Gila County's local Disconnected Scanning program and all limited jurisdiction courts in the county have scanning equipment. The improvement to business practices has facilitated criminal case processing by streamlining case management.

Additionally, Fill the Gap funds were used for computer equipment costs for the Superior Court's Virtual Probation program. The equipment was integrated into the Gila County probation field operations, allowing for greater mobility of officers, enabling them to work more effectively with probationers from locations outside the office and better respond to the needs of that client population.

In fiscal year 2017, 20% of felony cases are being disposed of within 90 days, while 60% of cases are being disposed of within 180 days and 92% of cases are disposed of within 365 days, with an average of 366 days to adjudicate all criminal felony cases.

### **Graham County**

The Superior Court in Graham County continues to supplement the costs of a judge pro tempore and a pre-trial services officer using Fill the Gap funds. The judge pro tempore primarily covers the juvenile, family relations, and probate caseloads which frees up the presiding judge to hear the bulk of the criminal caseload. The judge pro tempore also hears conflict criminal cases and settlement conferences. The pre-trial services officer provides supervision to include compliance monitoring, reporting, and hearing notification services for pre-adjudicated adult criminal defendants.

Fill the Gap funds were also used to cover support and maintenance costs of computer equipment on behalf of the Pima Justice Court.

In fiscal year 2017, 58% of felony cases are being disposed of within 90 days, while 82% of cases are being disposed of within 180 days, and 95% of cases are disposed of within 365 days, with an average of 115 days to adjudicate all criminal felony cases.

## **La Paz County**

The Superior Court in La Paz County continues to use Fill the Gap funds for staff positions which aid in improving and expediting criminal case processing. These funds provide approximately half of the salary and employment costs of a county field trainer, judicial assistant, judicial IT network administrator, and pre-sentence investigative probation officer. The field trainer provides consistent training to all county court clerks with regard to the case management system, keeping statistics, and data clean-up. The judicial assistant has assumed many different tasks which directly improve the processing of criminal cases. The network administrator provides the technical support necessary to ensure expedient case adjudication. The pre-sentence investigative probation officer prepares timely reports, minimizing criminal case processing time to disposition.

Fill the Gap funds were also used to cover support and maintenance costs for the court's computer equipment.

In fiscal year 2017, 17% of felony cases are being disposed of within 90 days, while 50% of cases are being disposed of within 180 days, and 89% of cases are disposed of within 365 days, with an average of 351 days to adjudicate all criminal felony cases.

## **Maricopa County**

Advances were made in criminal case processing using Fill the Gap funds for resources which maintained existing processes and developed new ones. Maricopa County uses these funds to support various personnel who aid in this regard:

- The Superior Court received funding for 32 positions: 4 commissioners, 5 bailiffs, 4 judicial assistants, 11 judicial clerk associates, 4 judicial clerks, 1 judicial clerk lead, and 3 judicial clerk supervisors.
- The Clerk's Office received funding for 43 positions: 21 courtroom clerks, 1 courtroom services supervisor, 19 justice system clerks, and 2 justice system clerk leads.

In collaboration with the Clerk's Office, the Superior Court has managed to successfully develop and/or improve the following programs to enhance criminal case processing:

- The six Master Calendar Commissioners heard 29,466 matters in fiscal year 2017 which included initial pretrial conferences, non-witness violation hearings, changes of plea, settlement conferences, sentencings, and trials.
- The Initial Appearance Court (IAC) operates 24 hours a day, 7 days a week and manages eight daily calendars. IAC held 80,831 hearings and saw 58,638 defendants in fiscal year 2017.
- There were 15,429 cases filed with the Early Disposition Court (EDC) and Regional Court Center (RCC) in fiscal year 2017. The case management enhancements through iCISng are complete in the EDC and RCC. The defendant check-in process is now automated, allowing all orders to be created in an electronic

environment and the capturing of the defendants' electronic fingerprint in the courtroom.

- The Initial Appearance by Summons (IAS) calendars are heard on Wednesday, Thursday, and Friday afternoons and saw an average of 313 defendants per month in fiscal year 2017. This is a decrease of 36% from fiscal year 2016 which is due to the court moving initial appearances to EDC, allowing a case to be heard from initial appearance to sentencing in one day and eliminating the need for the defendant to come to the courthouse multiple times.
- The Not-Guilty Arraignment (NGA) calendars are heard on Tuesday, Thursday, and Friday mornings and saw a total of 13,860 defendants in fiscal year 2017.
- The Bond Forfeiture (BF) calendar processed 1,736 matters, resulting in approximately \$2,072,595.26 in forfeited bonds and a total of \$2,224,051.86 in total bonds (cash and paper) collected in fiscal year 2017.
- Settlement Conference on Demand (SCOD) allows attorneys to contact staff and obtain settlement conferences without contacting multiple judicial divisions. The average number of monthly requests received was 157 in fiscal year 2017.
- The Probation Adjudication Center (PAC) resolves requests to revoke probation in a timely and efficient manner by consolidating hearings and co-locating the court operations with other justice partners. This process results in substantial savings in jail days. PAC processed 16,768 violation cases during fiscal year 2017, an increase of 17% from fiscal year 2016.
- The Post-Conviction Relief Unit (PCR) is centralized within the criminal department. There were 1,350 petitions for Post-Conviction Relief filed and 1,377 petitions completed in fiscal year 2017. The average monthly pending inventory for fiscal year 2017 was approximately 996 cases.

In fiscal year 2017, 40% of felony cases are being disposed of within 90 days, while 68% of cases are being disposed of within 180 days, and 90% of cases are disposed of within 365 days, with an average of 157 days to adjudicate all criminal felony cases.

### **Mohave County**

Mohave County uses Fill the Gap funds for operating expenses and personnel to aid in improving and expediting criminal case processing. Two positions were supported with these monies, a court commissioner and a judicial assistant. The court commissioner handles primarily criminal cases, relieving heavy case dockets and allowing for a more evenly distributed workload. In fiscal year 2017 the court commissioner was assigned 984 criminal cases and handled 147 orders of protection, as well as 24 injunctions against harassment. The judicial assistant has been a tremendous asset in processing and managing the daily criminal caseload.

In fiscal year 2017, 27% of felony cases were disposed of within 90 days, while 62% of cases were disposed of within 180 days, and 92% of cases were disposed of within 365 days, with an average of 142 days to adjudicate all criminal felony cases.

### **Navajo County**

Navajo County continues to use Fill the Gap funds for various positions and services to assist in criminal case processing efforts:

- Superior Court: caseload manager, field trainer, Spanish interpreter, part-time security officer, and judicial secretary as well as judge pro tempore services, contract interpreter services, contract court reporter services and transcription services.
- Justice Courts: deputy court administrator and judge pro tempore services.

Fill the Gap funds were used to cover support and maintenance costs for computer equipment. Training and travel expenses for both the superior and justice courts were also funded.

In fiscal year 2017, 38% of criminal cases were disposed within 90 days and 70% of cases were disposed within 180 days, and 92% of cases are disposed of within 365 days, with an average of 179 days to adjudicate all criminal felony cases.

### **Pima County**

Pima County continues its attempt to improve criminal case processing with workflow management and the expanded use of technology. Fill the Gap funds are used for various positions and services to assist in this effort:

- The Superior Court received funding for 8 positions: 2 judges pro tempore, 4 pretrial case analysts, 1 judicial administrative assistant, and 1 probation officer.
- The Clerk of Superior Court received funding for 6 positions: 2 unit supervisors, 2 support specialists, 1 programmer, and 1 support clerk.
- Various Justice Courts received funding for a combined total of 8 positions:
  - Pima County Consolidated Justice Courts: 2 adult probation officers, 1 court call center litigation support, 1 Spanish interpreter, 1 technical help desk support, and 1 judicial security officer.
  - Green Valley Justice Court: 1 part-time clerk.
  - Ajo Justice Court: 1 field trainer.

Pima County has developed and/or improved the following programs to enhance criminal case processing:

- The Pro Tem Division of Superior Court, staffed by 2 judges pro tempore, adjudicated and/or disposed of 1,451 criminal cases in fiscal year 2017. Without

this division, the average number of cases per judicial officer would rise and cases would be delayed.

- The Pretrial Services Intake Unit of Superior Court operates 24 hours per day, seven days per week. The unit's 4 analysts are responsible for screening all detainees, conducting background investigations and preparing pre-release reports. In fiscal year 2017, 99.5% of felony arrestees were screened.
- The Assessment Center of the Adult Probation Department produced an average of 140 presentence reports per officer and collected \$4,215,040 in probation fees, fines and restitution in fiscal year 2017.
- The Clerk of the Superior Court continued to utilize a case document processing center that organizes the distribution of minute entries, presentence reports, and the imaging and storage of criminal case and other hard copy documents. The Document Processing/Imaging Center processes criminal court documents within 3-4 hours of receipt and minute entries are distributed on the day they are received. Over 48,392 criminal documents were processed and distributed in fiscal year 2017. The non-attorney receipt of documents, minute entries, and notices continues to grow in relationship to the Center's ability to process them with 30,044 distributed to non-attorney parties in fiscal year 2017.
- The Pima County Consolidated Justice Courts continued the funding of a full-time Spanish language interpreter. In fiscal year 2017 the interpreter provided Spanish interpretation in 2,421 court events and 420 document translations. This position has improved the quality and consistency of translation services through better scheduling and management, thereby reducing delays in criminal case processing.
- The judicial security officer assigned to the Pima County Consolidated Justice Courts responded to 1,600 security requests in fiscal year 2017, including escorts and officer presence. The officer also detained 54 individuals and responded to 28 medical emergencies.
- The AZTEC field trainer provided ongoing standardized training for all courts within the county. The field trainer continues to devote time to training staff with ongoing computer enhancements while also assisting with data clean up, ensuring cases are entered into AZTEC more quickly and the data has better quality control.

In fiscal year 2017, 28% of felony cases are being disposed of within 90 days, while 70% of cases are being disposed of within 180 days, and 91% of cases disposed of within 365, with an average of 178 days to adjudicate all criminal felony cases.

### **Pinal County**

Pinal County continues to use Fill the Gap funds for various personnel and operating expenses to aid in improving and expediting criminal case processing:

- Superior Court: 2 full-time commissioners and 2 judicial assistants.

- Clerk of Court: 1 full-time courtroom clerk and 1 full-time deputy clerk.

Under the leadership of a newly elected county attorney, the Early Disposition Court workgroup has been reconvened. The Early Disposition Court continues to operate along with the Probation Revocation Court to aid in expediting case disposition.

Fill the Gap funds were also used to pay support and maintenance costs for nine computer stations within the superior court and clerk's office. These computers are used to track and maintain the case files in the case management system.

In fiscal year 2017, 59% of felony cases are being disposed of within 90 days, while 77% of cases are being disposed of within 180 days, and 92% of cases disposed of within 365 days, with an average of 143 days to adjudicate all criminal felony cases.

### **Santa Cruz County**

Fill the Gap funding provided the salary of a part-time deputy clerk, trial management software, ongoing training of staff court interpreters, and pretrial monitoring services in Santa Cruz County.

The part-time deputy clerk assists with criminal matters in three local superior court divisions as well as with visiting judges assigned to Santa Cruz County on a weekly basis. This deputy clerk processes between 63 and 65 files per day.

The Superior Court purchased trial management software, referred to as TrialDirector, from vendor InData. This software enables documents and images to be to be visually displayed to witnesses and jurors during the course of a trial.

Arizona Supreme Court Administrative Order 2016-02 implements the Arizona Court Interpreter Credentialing Program and requires all staff court interpreters to become credentialed. The Superior Court bears the cost of this process and uses Fill the Gap funding to provide for registration fees, training, travel and per diem expenses.

Santa Cruz County Superior Court partners with the non-profit Circles of Peace to provide pre-trial monitoring for certain criminal cases. The program is supported for approximately six months with Fill the Gap funding, which covers the cost of a case manager that processes referrals and monitors released defendants.

In fiscal year 2017, 34% of felony cases are being disposed of within 90 days, while 78% of cases are being disposed of within 180 days, and 96% of cases are disposed of within 365, with an average of 125 days to adjudicate all criminal felony cases.

### **Yavapai County**

The Superior Court in Yavapai County continues to use Fill the Gap funds to supplement the personnel costs of judges pro tempore and an IT program manager.

Fill the Gap funds were also used to install audiovisual equipment in Criminal Divisions 2 and 3 at the Prescott courthouse. The completion of this project allows for arraignments

and other appearances for felony cases to be conducted by video instead of requiring in-custody defendants to be transported to the courthouse to appear in person. This saves time and costs, as well as ensures that defendants are seen by a judicial officer within the required timeframes.

In fiscal year 2017, 69% of felony cases are being disposed of within 90 days, while 82% of cases are being disposed of within 180 days, and 94% of cases are disposed within 365 days, with an average of 75 days to adjudicate all criminal felony cases.

### **Yuma County**

The focus in Yuma County remains to be on collecting and analyzing criminal case data to aid in expediting and improving the management of criminal case processing. Fill the Gap funds continue to support various personnel whose primary responsibilities support this mission:

- Superior Court: superior court judge and caseflow manager.
- Clerk of Court: courtroom clerk and data integrity specialist.

The Yuma County Court Information Technology and Caseflow departments are conducting continuous case clean-up, identifying problem areas, and reviewing protocols. The goal is to improve case processing procedures, thereby increasing compliance with Arizona Case Processing Time Standards.

In fiscal year 2017, 30% of felony cases are being disposed of within 90 days, while 76% of cases are being disposed of within 180 days, and 94% of cases are disposed with 365 days, with an average of 178 days required to adjudicate all criminal felony cases.

### **Collections Efforts**

The Fines/Fees and Restitution Enforcement (FARE) Program is a successful statewide initiative of the Arizona Judicial branch developed in 2003 to assist local courts with enhancing the enforcement of monetary court orders. The program is a public/private partnership between the Administrative Office of the Courts, a private collections vendor, local courts, the Arizona Motor Vehicle Division, and the Arizona Department of Revenue.

Collection services performed by the vendor include: reminder and collection notices, electronic skip tracing, interactive voice response line (IVR), web based payments, collection calls performed by multiple subcontracted vendors and referrals to the Motor Vehicle Division's Traffic Ticket Enforcement Assistance Program (TTEAP). The TTEAP enforcement tool prevents defendants with outstanding court obligations from re-registering their vehicle(s) until all court financial obligations are satisfied.

The Debt Setoff Program is an additional component of the FARE Program which permits state tax refund interceptions on delinquent cases.

The FARE Program resulted in the recovery of \$59.2 million dollars in fiscal year 2017, which was the result of \$44.9 million dollars collected via vendor services and \$14.3 million in state tax refund interceptions. Other notable achievements include: \$12.7 million dollars accepted via the payment website and IVR line, 314,743 new case submissions, 110,596 vehicle registration holds and 45,904 registration releases.

## **Conclusion**

Participating local courts and the AOC administer and enhance programs that aid courts with implementing long term solutions to improve criminal case processing and the enforcement of court orders. In fiscal year 2017, Fill the Gap funding provided resources to advance technology and streamline case processing. Collecting and analyzing criminal case data has proven to be effective with early case management and to expedite workflow. Technology has been a key to improving the courts' access to more user-friendly data for all aspects of criminal case processing, including early case dispositions. The gains made so far in Arizona mark significant progress towards achieving swift, fair justice through Arizona's justice system.

Timely criminal case disposition is critical to public safety, protection of victims' rights, restitution collection and addressing systemic issues such as jail overcrowding. Fill the Gap funds assist the courts and justice agencies with delivering best practices in all of these critical areas.