

Fill The Gap

Annual Report 2009



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

December 2009

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ARIZONA SUPREME COURT FILL THE GAP

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CRIMINAL CASE 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, 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.

For years, 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”. Funding for those entities in the “gap” did not keep pace. The Fill the Gap initiative was intended to address this problem. In 1997, the Administrative Office of the Courts (AOC) convened a work group of stakeholders (superior court, clerk of superior court, justice courts, county attorney, public defender and indigent defense counsel) in the criminal justice system to develop a strategy to secure funding from the legislature to fund the "gap." 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, Arizona Rules of Criminal Procedure, effective December 1, 2002 establishes timelines for processing criminal cases as follows: 1) For in-custody defendants, the time to disposition is 150 days from the date of arraignment; 2) For out-of-custody defendants, the time to disposition is 180 days from the date of arraignment; 3) If the case is categorized as complex, time to disposition is within 270 days from arraignment; and 4) For defendants charged with first degree murder where the state has filed an intent to seek the death penalty, time to disposition is 18 months from arraignment.

Funding Sources

Arizona Revised Statutes § 41-2421, enacted in 1999, created three main funding sources for Fill the Gap efforts: a general fund appropriation; a seven percent Fill the Gap surcharge; and a five percent 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. During the 2008 fiscal year, the general fund appropriation was reduced from \$418,500 to \$150,000. In fiscal year 2009 the general fund appropriation was eliminated as directed by legislation. The surcharge earmarked for the courts is deposited in the State Aid to the Courts Fund pursuant to A.R.S. § 12-102.02, and administered by the AOC. The five percent set-aside of funds collected by the courts is kept and administered locally for county court use.

The Fill the Gap expenditures for fiscal year 2009 included \$2,847,497 from the State Aid to the Courts Fund. This money was disbursed to the counties that were approved for Fill the Gap. In addition, during the fiscal year the Legislature swept \$719,600 from the balance within the State Aid to the Courts Fund. In fiscal year 2010 the Legislature swept an additional \$535,100 from the fund, completely depleting the fund balance and jeopardizing the ongoing successes achieved by this funding source.

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 that 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 how each court entity will use the funds.

Counties may apply to use the funds for any purpose that improves criminal caseflow. Solutions in each county are different due to varying constraints such as funding, caseload size, staffing, geographic constraints and interaction with local criminal justice agencies. Some of the smaller counties have chosen to allow funds to build over time, as the combination of revenue generated in one year in addition to the appropriated amount in these jurisdictions is still too small to implement meaningful changes. The following is a list of accomplishments for the counties receiving Fill the Gap funds.

Apache County

The Apache County Superior Court utilized a field trainer for the implementation of the FARE Program for each of the county's limited jurisdiction courts. The FARE program

was established to increase compliance with court orders, specifically focusing on collection efforts. Apache County Superior Court requested Fill the Gap funding to partially fund an AZTEC case management system field trainer who has contributed to standardizing forms and documents, improved business processes and caseflow and data clean-up for FARE implementation in limited jurisdiction courts.

Cochise County

Cochise County focused on early case and data management to improve case processing and disposition times by reducing the continuance rate. Plea offers are increasingly made as a result of early case and data management. In fiscal year 2009, Fill the Gap funds continued to support a superior court judge pro tem to manage the front end of the felony case processing system. The court's diligence with setting firm trial dates at the arraignment phase and case management conferences held 30 days thereafter, has dramatically improved the disposition rate. Fill the Gap also partially funded a field trainer and pre-sentence investigator. The field trainer provided 350 hours of valuable training for court employees in the area of felony case processing. The pre-sentence investigator filed a total of 115 pre-sentence reports for fiscal year 2009, representing a 14% increase in pre-sentence reports over fiscal year 2008.

Coconino County

Coconino County operates DUI and drug specialty courts and has found these programs to be successful with expediting the processing of alcohol and drug related cases and also for reducing recidivism in the superior court and justice courts. The operation of DUI and drug specialty courts including monitoring of DUI/Drug Court participants by the probation department is partially funded with Fill the Gap funds. The participants are high risk/high need defendants who receive intensive treatment, judicial oversight, alcohol/drug urinalysis tests, probation supervision, and participate in support groups. The DUI/drug court cases are regularly staffed to monitor compliance/non-compliance. During fiscal year 2009, DUI/Drug Court provided intensive treatment to 136 participants. Ninety-nine percent of the 6,633 defendants tested during the fiscal year passed the urinalysis/breath tests. The percent of participants re-arrested while still involved with the program was 6%. Participants maintained an employment rate of 84% while in the DUI/Drug Court. Coconino County disposed of 85% of all criminal cases within 180 days and 50% within 100 days.

Graham County

Graham County experienced a 41% increase in the criminal caseload for fiscal year 2009 and maintained criminal case processing through support from additional judicial resources. Fill the Gap funded a judge pro tem who handles overflow and conflict criminal cases as well as providing assistance in initial appearance and arraignment hearings. Additionally, the pro-tempore handles the majority of juvenile cases. This has allowed the presiding judge to dedicate time to criminal cases. Fill the Gap funds also partially funded a pre-trial services director who is responsible for creating APETS (adult probation tracking system) portfolio that compiles data for pre-sentence reports and performs weekly contact with defendants and reports status information to the

judge. In fiscal year 2009, 73% of criminal cases were disposed within 180 days and 39% were disposed within 100 days.

La Paz County

La Paz County maintained productivity with a field trainer, Network technician and Presentence Investigator through Fill the Gap funds. The La Paz County field trainer provides standardized training to superior, justice, and municipal court clerks in entering criminal cases into the case management systems; monitors case aging reports; provides assistance in keeping and reporting statistics; and monitors the criminal calendar. The Presentence Investigator completed 175 pre-sentence reports, 97% of the time within the statutory time frame. The Network Support Technician provided much needed technical knowledge and support to assist the courts with new case management initiatives.

Maricopa County

Maricopa County continues to employ and further develop various programs through reorganization and utilization of technological resources to comply with mandated criminal case time standards. Advances were made in criminal case processing using Fill the Gap funds for resources which maintained existing and developed new processes. In fiscal year 2009, 81% of criminal cases were disposed within 180 days and 63% were disposed within 100 days.

In collaboration with the Clerk's Office, the court has successfully managed and developed the following programs to comply with the mandated time standards.

Continued Improvements to Existing Processes

- The presentence screener in Adult Probation assesses offender treatment needs and the risk of re-offending. The assessment information is then passed to the probation officer to produce a presentence report and sentencing recommendation to assist with determining an appropriate disposition.
- A domestic violence officer funded in Adult Probation provides surveillance for a caseload of high-risk domestic violence offenders. The probationers are monitored closely to reduce the incident rate thereby improving the safety of the community and victims.
- A probation officer funded to handle a caseload of standard probationers to enforce court orders, evaluate for treatment and education needs and monitor substance abuse.
- A court liaison probation officer provides cost effectiveness and efficiencies to the process by reporting information and recommendations to the court regarding probation violators on behalf of officers located throughout the valley. The probationers going through violation proceedings with a court liaison officer during the reporting period had their jail time reduced by 43.3%.

- Case Transfer is a means to effectively handle those cases that do not settle, yet cannot proceed to trial on schedule. With an average trial rate of 2.6% in FY09 and most trials settling prior to the scheduled date, Case Transfer provides for an improved application of judicial resources. In addition, the costs associated with a trial are saved and the court is better able to maintain trial time standards.

Centralized and Specialized Processing

- Regional Court Centers (RCC) provide a forum for centrally processing preliminary hearings, pleas, and felony arraignments. The three centers have processed over 30,000 of the 37,162 cases filed.
- The Early Disposition Court (EDC) was assigned approximately 18,000 drug cases. The facility resolves most non-violent drug possession and use cases.
- The Initial Pretrial Conference (IPTC) is assigned cases 45-52 days after arraignment to encourage counsel and defendants to successfully negotiate a settlement prior to the case going to trial.
- In the Probation Adjudication Center (PAC), an estimated 12,000 cases were processed during fiscal year 2009.
- The Initial Appearance Court (IA Court) runs eight daily calendars continuously. The number of cases heard in fiscal year 2009 totaled over 77,000.
- The DUI center is responsible for aggravated felony DUI cases. The center averaged 12-15 trials per month and took approximately 800 pleas during fiscal year 2008.

Improved Technology

- The Clerk's Office has completed the majority of development for the Cash Receipting System. Application development was completed on June 30, 2009. The technical requirements were also completed and included documentation on the hardware, network, and security requirements for the new system.
- The e-Filing system/Foundation Project was developed and implemented in phases over the past several years. In fiscal year 2009 the Clerk's Office focus was on e-filing volume. The goal was to extend the life of the e-filing application to January 2010 as it pertains to supportability and reliability; remediate the applications in order to be able to process up to 14 filings per minute with acceptable response times; improve response times in Judge Review to less than 4 seconds.; improve response times in Clerk Review to less than 4 seconds.
- The Clerk's Office supported the requirements definition for the new restitution, fines and reimbursement (RFR) system through personnel. The project is currently in the

conceptual design phase with an estimated completion date targeted for September 2010.

Mohave County

Mohave County improved the processing of criminal and juvenile matters by modifying the case assignment system. Fill the Gap funding was expended for various resources supporting criminal case processing including a court commissioner, criminal fines and restitution collections clerk, judicial assistant and courtroom clerks. The Court Commissioner assisted the court with handling criminal cases by redistributing heavy dockets. Funds also contributed to a field trainer who provided standardized training for court personnel and monitored case aging reports. These resources support the court's efforts to improve workflow and case processing times. In fiscal year 2009, 97% of the criminal cases were disposed within 180 days and 60% were disposed of within 100 days.

Navajo County

Navajo County's focus on reducing continuances made a significant improvement on criminal case processing and disposition. In fiscal year 2009, the court utilized Fill the Gap funds for a judge pro tem, court reporter, caseload manager and a court services director in addition to various other court positions related to the effort to improve criminal case processing. The Navajo County courts' have utilized personnel to manage caseload and to maintain criminal case-processing time to disposition. The judge pro tem conducted pre-trial hearings, change of pleas and trials on criminal matters and the caseload manager provided the data tools to assist judges in decision-making on pending cases. The demand for court reporters and superior court pro tems increased along with case filings. The court reporter was assigned to a division which handles $\frac{3}{4}$ of the court's criminal caseload. In fiscal year 2009, 73% of the criminal cases were disposed within 180 days and 45% were disposed in 100 days.

Pima County

Pima County continues to improve technology through electronic data sharing to expedite criminal cases. The Fill the Gap funds received impacted time to disposition by shortening the length of time required for events that occur outside of the courtroom thus reducing the time between court events. Pima County projects continue to improve timely notification of grand jury indictments to detention personnel and defendants, streamline pre-sentence processing and minute entry distribution, improve criminal case disposition reporting, improve collections of fees and fines and utilize technology to enhance overall court operations to save time and money. Seventy-seven percent of the criminal cases were disposed within 180 days and 44% were disposed in 100 days.

Pima County improves criminal case processing through various approaches with workflow and utilization of technology.

- The PTS Intake Unit of the Superior Court is responsible for interviewing all arrestees, conducting background investigations and submitting recommendations regarding each person's eligibility for non-financial release at the initial appearance. In fiscal year 2009, 99.6% of cases had a report filed with the court and were eligible

according to the set guidelines. Five positions were maintained through Fill the Gap funding in fiscal year 2009.

- The Pro Tem Judicial Division adjudicated 782 cases. There were 217 cases completed where there were Rule 11 evaluations for mental competency. An additional 50 Rule 11 cases were heard by the division on behalf of lower courts.
- The assessment center of the Adult Probation Department prepares presentence reports on all felony cases adjudicated in the Superior Court. The number of presentence reports conducted for fiscal year 2009, was 140.
- The Superior Court converted criminal data from the CACTIS case management system to the new AGAVE case management system. The criminal case management module is the tool that allows cases to be tracked, disposed and reported. This module will also generate calendars, reports and jail transport lists which contribute to improving criminal case processing. Several iterations of the conversion process were completed during fiscal year 2009.
- Pima County Consolidated Justice Courts utilized Fill the Gap funding to pay for a service agreement with the Sheriff's Department to process appearance bonds. The total collection of appearance bonds totaled \$2,118,589 for fiscal year 2009 and 3,136 appearances.
- The Clerk of the Court continued to utilize a case document processing center that accommodates minute entry distribution, pre-sentence reports, and the imaging and storage of criminal case and other hard copy documents. The center improves criminal case processing times by expediting document delivery and reduces the costs of producing hard copies. It is estimated over 70,000 pages are scanned and docketed each month. In fiscal year 2009 the court was successful in imaging and docketing 100% of criminal case filings within 4-6 hours of receipt.
- The Clerk of the Superior Court's Probation Fine/Fee Billing program provides quarterly billing notices to ensure probationers submit payments in a timely manner. During fiscal year 2009, \$1,571,685.80 was collected. Continued funding of this project has improved criminal case processing times by reducing the number of hearings scheduled.
- Ajo Justice Court used Fill the Gap funds to maintain a service agreement for their digital, audio recording systems. The equipment has enhanced the quality of the recording process in criminal cases and provided a record of court proceedings.
- Ajo Justice Court utilized funding to improve its criminal case filing system. The court purchased a new scanning component to be installed during fiscal year 2010. The system requires less space and includes a file search and scanning component. This system provides easier access to case files and reduces the time spent on locating files.

- Ajo Justice Court funded the purchase and installation of speakers in the courtroom to improve criminal case processing by improving the clarity of relaying information on case status and options for resolution. This project allowed all individuals in the courtroom to more easily hear and follow the court proceedings, especially those that are hearing impaired.
- Adult Probation Supervision in the Consolidated Justice court consists of two adult probation officers who are assigned to supervise justice court defendants convicted of DUI, extreme DUI and domestic violence offenses. Their responsibilities also include completing pre-sentence investigations and reports, ensuring defendant compliance with probation conditions, and preparing petitions to revoke and/or arrest probationers when required. The two officers supervised 319 cases in fiscal year 2009.
- The Pima County Consolidated Justice Court Technical Programming Support Project continued funding from Fill the Gap for a programmer analyst who is responsible for managing several projects including: criminal minute entry program, web page maintenance, e-filing, e-payment, interactive telephone system, file tracking project, maintenance of a warrant issuing program, and preparation of statistical reports. These efforts support case information management and are necessary for processing criminal cases.
- Pima County Consolidated Justice Courts hired a full time Spanish language interpreter to provide interpreting services necessary to meet the demands of the court's criminal and DUI caseloads in fiscal year 2009. Previously, the court utilized per diem court interpreters which were not cost or operationally efficient. The use of an on-site, full-time interpreter has allowed the court to handle short notice cases, thus reducing delays in criminal case processing.
- Pima County Consolidated Justice Courts continued funding one of the six staff assigned to the Phone Team to handle incoming criminal and criminal traffic telephone inquiries. The court expects a huge increase in the phone team's workload in fiscal year 2010 due to an increase with photo enforcement workload which makes it even more valuable to retain a dedicated person to handle the criminal and criminal traffic workload. In fiscal year 2009, the abandonment rate has declined to 29.6%. The court will continue to devote resources to reduce the abandonment rate.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county as well as monitoring case aging reports. In fiscal year 2009, the field trainer devoted a substantial amount of time to coordinating efforts towards training staff with product enhancements.

Pinal County

Pinal County implemented procedures for an early disposition court docket to improve case disposition. This docket removes less complex and lower felony cases from traditional judicial dockets, to a docket which more strictly limits the number of court

settings per case. To effectively manage and support this workload, Fill The Gap funds continue funding a portion of the salary and ERE for judge pro tems, judicial assistants, clerks and bailiffs for the superior court and clerk of court. In fiscal year 2009, 69% of the criminal cases were disposed of within 180 days and 34% in 100 days.

Yavapai County

Yavapai County finds post-adjudication drug court for non-violent adult offenders makes an impact on felony case processing. There were 162 participants between Adult and Family Drug Court and DUI Court for fiscal year 2009. In addition to the voluntary, post-adjudication drug court program, Fill the Gap funding provided a part time pro tempore judge and a caseload manager. The judge pro tem heard 358 cases in fiscal year 2009. The caseload manager plays an integral role in the early disposition court by providing accurate and timely information for criminal case management. Eighty-four percent of the criminal cases were disposed within 180 days and 69% were disposed within 100 days.

Yuma County

In Yuma County the superior court, the clerk of the superior court and justice courts utilize Fill the Gap funds to pay for positions whose primary responsibilities are to process criminal cases, collect and analyze criminal case data, and report criminal case data for the purpose of grant reporting, budgeting, and local strategic plans. Yuma County courts continue to participate in a court performance measurement system which improves and expedites criminal case processing. Yuma has adopted 10 CourTools performance measures designed by the National Center for State Courts.

Collections Efforts

Key to the statewide collection efforts are the Fines/Fees and Restitution Enforcement (FARE) and the Debt Setoff (DSO) programs. Both are essential to the progress made in enforcing compliance with court orders.

During fiscal year 2003, the FARE program was established to increase compliance with court orders, specifically focusing on collection efforts. The AOC contracted with Affiliated Computer Services State and Local Solutions (ACS S&L) to provide various collection options to Arizona courts. Collection services presently offered by ACS S&L include: reminder notices, electronic skip tracing, interactive voice recording (IVR) and Internet based (web) payment options, collection notices, credit bureau reporting, wage garnishment if approved by the court and assignment to the Debt Setoff Program and/or the Motor Vehicle Division's Traffic Ticket Enforcement Assistance Program (TTEAP). Defendants whose cases have been referred to TTEAP are not able to register their vehicle until their court obligations are satisfied.

As a result of FARE, a total of \$32,491,800 was collected on backlog cases in fiscal year 2009. The average payment is approximately \$201 with many of the cases dating back to the mid-to-late 1980's. Over \$5.5 million was collected via the web or interactive voice line. There were 128,590 vehicle registration holds placed and 68,773 releases due to payment. In fiscal year 2009, the number of courts participating in the FARE program increased to 136. The following table shows the number of courts

broken down by county.

Apache	7
Cochise	12
Coconino	7
Gila	7
Graham	6
Greenlee	0
La Paz	5
Maricopa	41
Mohave	6
Navajo	11
Pima	7
Pinal	12
Yavapai	9
Santa Cruz	<u>6</u>
	136

The Debt Setoff (DSO) program was established in 1992 to hold offenders accountable for financial obligations owed, to assist in the enforcement of court orders, and to increase collections in the Arizona court system. The agency (such as the court, probation department or county attorney office) provides the name, social security number and the full amount of the debt to the DSO program and if a debt claim matches with a taxpayer's refund or lottery winning, an intercept will occur. During calendar year 2009, there were 200 (agency) participants in the Arizona Supreme Court's DSO program. During calendar year 2009, the DSO program had 57,707 tax and lottery interceptions, an increase of 2% from calendar year 2008. Revenue for calendar year 2009 increased almost one percent over calendar year 2008, totaling \$8,118,500. Note that this information is tracked by calendar year in keeping with the tax year.

Conclusion

Arizona Courts continue to overcome obstacles and improve on criminal case processing by restructuring court operations and advancing to new technology. Although the tasks were challenging and the courts faced many changes in fiscal year 2009, most significantly a reduction in funding, Fill the Gap funds provided the courts with resources to maintain projects that further improve criminal case processing and enforce court orders. The AOC and participating counties continue to move forward implementing modern technology to process cases and communicate information, protect the rights of victims, ensure that self-represented litigants have meaningful access to the courts, and that the judiciary is available to all members of the public. The goals accomplished this fiscal year with Fill the Gap funds promoted timelier case processing and mark significant progress towards achieving swift, fair justice for Arizona's citizens.