

# Fill The Gap

## Annual Report 2014



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

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# **ARIZONA SUPREME COURT FILL THE GAP**

## **ANNUAL REPORT 2014**

### **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, 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”. 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 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.

The National Center for State Courts (NCSC) published the *Model Time Standards for State Trial Courts* in 2011. The Arizona Judicial Branch embraced their concepts and set out to adapt them for Arizona by establishing 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 provisional case processing standards for all case types in the municipal, justice, and superior courts including criminal felony cases. Through Administrative Order No. 2013-95, the Supreme Court adopted the provisional standards. Felony case processing standards become effective 1/1/15.

## **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 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.

Fund sweeps in recent years have impacted the courts' abilities to use Fill The Gap monies for larger projects, in 2011 \$52,600; FY12, \$200; and FY13, \$50,000. In FY14 another \$71,200 of the statewide fund balance was swept. 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 five percent set-aside funds are collected by the courts, kept locally, and approved by the Supreme Court for local court use.

## **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 constraints such as funding, caseload size, staffing, geographic factors 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 is a list of accomplishments for the counties receiving Fill The Gap funds.

### **Apache County**

The Apache County Superior Court utilized a Commissioner to hear non-criminal matters; which provided the Presiding Judge with additional time for criminal cases. Hands-on training provided by the field trainer assisted in identifying workflow processes to establish greater uniformity of practice and/or procedures across the Limited Jurisdiction courts. This has unified and improved Apache County Courts' workflow processes and data clean-up. AJACS, the courts' case management system, CourTools automation reports have been used to measure Time to Disposition, which has helped identify and assess patterns, trends, and performance, issues allowing changes to be made where needed. In FY14, Apache County Courts achieved a 12% increase in the number of cases disposed within 100 days. Even more significant is the reduction in the average number of days required to adjudicate all criminal felony cases to 148 days, an improvement of 23% over FY13. Court Administration uses available AJACS data to identify cases in need of data clean-up to ensure accurate caseflow reports. Utilizing Fill The Gap funding achieved timely transmission of felony case filings from Justice to Superior Court and avoided layoffs due to county budget cuts.

### **Cochise County**

Cochise County continues to focus on Early Resolution Court and the Deferred Incarceration Sanction Program. This approach to management of felony cases has proven to significantly enhance disposition rates with a 7% increase in the number of cases disposed within 100 days, and a 2% improvement for cases disposed within 180 days. Fill The Gap funds one presentence investigator, who completes presentence interviews and reports. Presentence reports are an important part of criminal case processing as the information is a useful resource for judges to complete sentencing hearings more efficiently. The Court continues to utilize interactive video conferencing for many of the hearings within its consolidated arraignment calendar. Fill The Gap supports the use of Justice of the Peace Pro Tempore to allow judicial officers to attend mandated training and conferences.

### **Coconino County**

Coconino County operates DUI and drug specialty courts and continues to find these programs successful, as they reduce the rate of recidivism for alcohol and drug related cases in the superior 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 community based treatment, strong judicial oversight, alcohol/drug urinalysis tests, and probation supervision, and are also required to participate in support groups. The DUI/drug court cases are regularly monitored to verify compliance. During fiscal year 2014, DUI/Drug Court provided intensive treatment to 124 participants and of the 5,462 urinalysis tests given during the fiscal year, 99% reflected no illicit substances. The proportion of participants re-arrested while still involved with the program was 13%. In fiscal year 2014 the Court saw a 2% improvement in felony case disposition in cases disposed of in 100 days.

### **La Paz County**

Fifty percent of the case filings in La Paz County are criminal cases and the court has been able to maintain improved case processing times with Fill The Gap funds by supporting personnel to aid in improving and expediting criminal case processing. Funds have supported portions of three staff positions. The La Paz County field trainer/administrator provides standardized training to superior, justice, and municipal court personnel in entering criminal cases into the case management systems; monitoring case aging reports; providing assistance in keeping and reporting statistics; and developing directives for data clean-up. The presentence investigator completed presentence reports, within the 48 business hour statutory time frame 98% of the time. The network support administrator provided the technical support to ensure the courts were able to maintain and provide accurate criminal case data monitoring and reporting in the superior court's case management system.

### **Maricopa County**

Maricopa County funds various personnel who aid in early case management and dedicated case processing. The court used Fill The Gap funds for criminal case processing by effectively evaluating offenders and by assigning cases for dedicated case processing. Advances were made in criminal case processing using Fill The Gap funds for resources which maintained existing processes and developed new processes for felony case processing.

In collaboration with the Clerk's Office, the Superior Court has managed to successfully develop the following programs to make progress with criminal case processing.

### **Reporting and Case Management**

- The Clerk's Office received funding for 66 positions, comprised of 25 Courtroom Clerks, 2 Courtroom Services Supervisors, 35 Justice System Clerks, 3 Justice System Clerk Leads, and 1 Justice System Manager.
- The Clerk's Office continued using funds to support court clerks who perform mandated functions directly related to criminal case processing such as covering criminal calendars, recording court proceedings, transcribing notes, and recording and securing exhibits.

- The Clerk's Office also funded document management and clerical staff who provide resources for case filing, docketing, scanning, and related document management processes for criminal cases.

### **Centralized and Dedicated Case Processing**

- The Regional Court Centers (RCC) and Early Disposition Court heard 55,651 pretrial calendar matters and sentenced 9,867 defendants during fiscal year 2014. This court provides a forum for centrally processing felony preliminary hearings, pleas and felony arraignments. All in-custody RCC defendants are scheduled for the downtown location to help balance calendars, with more out of custody defendants being shifted to the Southeast Regional RCC based on zip code.
- The Probation Adjudication Center (PAC) processed over 13,363 revocation arraignment cases during fiscal year 2014. In addition, there were 8,219 non-witness violation hearings and 7,165 dispositions. PAC Commissioners piloted a new project known as ePTRs in which the probation officers electronically file a petition to revoke (PTR) and the judicial officer can review the document in the Court's case management system iCIS and either grant or deny the petition. If the petition is granted and a warrant is to be issued, the clerk will process an eWarrant. This has greatly reduced delays in having warrants issued for probationers who are non-compliant with the terms of their probation. This has reduced delays in issuing warrants from one-two weeks to less than a day.
- The Initial Appearance Court heard 59,426 cases in fiscal year 2014 and runs eight daily calendars continuously.
- The Post Conviction Relief Unit is centralized within the Criminal department. This unit monitored 11,306 cases in fiscal year 2014.
- Six Master Calendar Commissioners heard over 31,256 matters which included initial pretrial conferences, comprehensive pretrial conferences, non-witness violations, changes of plea, settlement conferences, sentencing and trials. This is a decrease in the number of hearings compared to the 41,239 in 2014.
- Settlement Conference on Demand allows attorneys to contact staff and obtain settlement conferences without contacting multiple judicial divisions. The average number of monthly requests received was 383 in 2014, which is a slight decrease from 2013. The placement rate increased from 89% in 2013 to 91% in 2014.
- The public information desk handled 79,981 phone calls, 38,085 walk in customers and 2,361 Spanish only speaking customers during 2014. This is a significant increase from prior years, for example in 2013 the court had 57,865 phone calls, 34,757 walk in customers, and 1,710 Spanish only speaking customers. The increase in the call volume for the Public Information counters can be directly attributed to the discontinued use of a MCSO public phone line.

- The Not-Guilty Arraignment calendar heard 11,382 cases; the Initial Appearance by Summons calendar heard 2,907 matters which is a significant decrease. The Bond Forfeiture calendar processed 1,423 matters, resulting in \$1,184,206 in bonds forfeited by the posting party during fiscal year 2014.

### **Mohave County**

Mohave County utilized Fill the Gap funds for various resources supporting criminal case processing, including a court commissioner, judicial assistant, courtroom clerks and contract court reporters. The Court Commissioner manages the revised case assignment system to redistribute heavy dockets and enhance the processing of criminal matters. The clerks provide the additional resources needed for case preparation, operation and follow-up on court activities. Contract court reporters provide greater flexibility for court divisions and court commissioners to preside over criminal court proceedings as required by statute. These resources support the court's efforts to improve workflow and case processing times.

- Courtroom Clerks docketed approximately 28% of the hearing minutes and pleadings; and 51% of the judgment and sentencing documents in fiscal year 2014. Their service is critical to ensuring timely and accurate minutes are completed.
- The Court Commissioner continues to relieve other court divisions of their caseloads and enhance work on both criminal and juvenile matters. The Court Commissioner was assigned 713 criminal case in 2014.

### **Navajo County**

Navajo County utilized Fill the Gap funds for a judge Pro Tempore, court reporter, caseload manager, court services coordinator, on-call interpreter and other court support personnel to assist in the criminal case processing efforts. The courts continue to utilize these personnel to improve coverage for the court's criminal calendar, which has reduced case continuances and improved case-processing time to disposition. The judge Pro Tempore conducted pretrial hearings, change of pleas and trials on criminal matters and the caseload manager provided data tools to assist judges in decision-making tasks on pending cases. The funded court services coordinator in the justice court provides quality management data and monthly caseload management reports to the judges and staff, with information on pending court proceedings and past case continuances. The information provided by the caseload manager is used as a tool to maintain focus on time limits and DUI case processing time standards. Access to judge Pro Tempore, court reporters and on call interpreters has aided case processing by providing consistent and reliable coverage for the criminal calendar. The number of cases aided by interpreter services decreased to 587 court events in 2014 as compared to 631 in fiscal 2013. In fiscal year 2014, 77% of criminal cases were disposed within 180 days and 57% of cases were disposed within 100 days.

### **Pima County**

Pima County continues to improve technology through electronic data sharing to expedite processing of criminal cases and reduce time to disposition. This is accomplished by improving case evaluation and management to reduce the time between court events. Pima County Fill The Gap projects continue to improve timely notification of grand jury

indictments to detention personnel and defendants, streamline presentence processing and minute entry distribution, improve criminal case disposition reporting, improve collection of fines and fees and utilize technology to enhance overall court operations, saving time and money. Seventy-five percent of the criminal cases were disposed within 180 days and 48% of criminal cases were disposed within 100 days during the 2014 fiscal year.

Pima County continues to improve criminal case processing through various approaches with workflow management and the expanded use of technology.

- The Pretrial Services Intake Unit of the Superior Court is responsible for screening all arrestees, conducting background investigations and submitting recommendations regarding each person's eligibility for non-financial release at the initial appearance. In fiscal year 2014, over 99.5% of cases had a report filed with the court and were eligible for release according to the set guidelines.
- Fill The Gap funded a Pro Tempore judicial division which adjudicated 620 cases in FY14. This was an increase of 34% over the 461 in FY13.
- 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 2014 was approximately 146 per officer, reflecting an 18% increase per officer.
- Pima County Consolidated Justice court funds 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 presentence investigations and reports, ensuring defendant compliance with probation conditions, and preparing petitions to revoke and/or arrest probationers when required. The two officers supervised 76 individuals, with a monthly case load averaging 40 persons in fiscal year 2014.
- Pima County Consolidated Justice Courts continued funding one of the five staff assigned to the Phone Team to handle incoming criminal traffic telephone inquiries and process credit card payments by phone. In fiscal year 2014, phone teams received 209,671 calls, a 22% increase over 2013, with an average wait time of six minutes and an abandonment rate of less than ten percent.
- The Pima County Consolidated Justice Court continued to fund a programmer analyst for technical computer programming support. This person is responsible for managing several projects necessary to criminal case processing in the court's management information systems department. Some of the major contributions made during fiscal year 2014 include development of PC Jail Booking Data System, MVD Reporting System, eCitations to electronic document management system (EDMS) and new case management system (CMS) efforts.

- 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. A total of 3,597 appearance bonds totaling \$2,548,255 were collected in fiscal year 2014.
- Pima County Consolidated Justice Courts continue funding of a dedicated Spanish language interpreter to provide interpreting services necessary to meet the demands of the court's criminal and DUI caseloads in fiscal year 2014. The interpreter provided services to 1,792 court events and coordinated American Sign Language and other language interpreting services as needed. This position has improved the quality and consistency of translation services through better scheduling management, thereby reducing delays in criminal case processing.
- A judicial security officer was assigned to the domestic violence specialty court to reduce the overall workload that was frequently placed on security staff. This position escorts detainees to the Pima County Sheriff's Department detention center and escorts victims to their vehicles when needed. The presence of a security officer in the courtroom helps reduce the likelihood of violence in situations where litigants are emotionally charged. In fiscal year 2014, the security officer performed 136 vehicle escorts, detained 153 individuals, responded to 345 requests for officer courtroom presence and assisted with 9 medical emergencies.
- Pima County Consolidated Justice Court, Green Valley Justice Court and Ajo Justice Court shared costs for maintaining a twice-daily initial arraignment program held at the Pima County Jail in partnership with the Superior Court and Tucson City Court. This year 15,923 initial arraignments were conducted.
- The Clerk of the Superior Court's Probation Fine/Fee Billing program provides quarterly billing notices to ensure that probationers submit payments in a timely manner. During fiscal year 2014, the court billed 7,962 probationers and \$4,272,023 was collected. Continued funding of this project has improved criminal case processing times by reducing the number of probationers placed in the collections process.
- The Clerk of the Court continued to utilize a case document processing center that organizes the distribution of minute entries, pre-sentence reports, and the imaging and storage of criminal case and other hard copy documents. The Document Processing Unit continues to processing minute entries within 3-4 hours of receipt. In fiscal year 2014, the unit distributed 282,542 documents to non-attorney parties.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county, as well as monitoring of case aging reports. The field trainer continues to devote time to training staff with ongoing computer enhancements, while also assisting with data clean up.
- Green Valley Justice court received funding for updating security in the courtroom. This was achieved by installing cameras both internally and externally. The court

installed mandated gun lockers at the main entrance of the court lobby. The key pad was also installed on courtroom doors which keep doors locked when courtroom is not in use.

### **Pinal County**

Pinal County supported the use of a pre-arraignment Early Disposition Court and Probation Revocation Court Calendar and experienced a positive outcome with expediting case disposition. The Early Disposition Court docket moves less complex and lower felony cases from traditional judicial dockets to a docket which establishes firm limits on the number of court settings per case. In addition to Early Disposition Court, Pinal County uses a Probation Revocation Court Docket, which removes probation revocation cases from the calendars of full time criminal court judges. To effectively manage and support this workload, Fill The Gap continued funding a portion of the salary and benefits for judge pro tempore, commissioners, judicial assistants, clerks and bailiffs for the superior court and clerk of court to maintain operations; along with funding for nine ACAP computers and devices. In fiscal year 2014, over 74% of the criminal cases were disposed within 180 days and 58% of the criminal cases were disposed within 100 days.

### **Santa Cruz County**

The Superior Court and Clerk of the Court in Santa Cruz County used Fill The Gap funds in fiscal year 2014 to expedite felony case processing by improving the allocation of the court's workload. Two judicial enforcement clerks follow-up on overdue payments and delinquent accounts. The Clerk of Court funded a criminal deputy clerk to cover all criminal matters for three local superior court judges and visiting judges assigned to Santa Cruz County on a weekly basis. The criminal clerk also serves as the Assistant Jury Commissioner and is responsible for all scheduling, calendar maintenance, questionnaires, and summoning of jurors for service and processing jury payments. Felony cases were disposed of at a rate of 45% within 180 days and 25% within 100 days.

### **Yavapai County**

Yavapai County utilizes early disposition court as a method to effectively manage non-violent adult offenders. Fill The Gap funding provided; two part-time pro tempore judges, a caseflow/program manager, a judicial assistant, a court reporter, a clerk and a bailiff for the Superior Court and Clerk of Court to maintain operations. Two judge pro tempore heard approximately 1,592 cases in fiscal year 2014. The caseflow/program manager played an integral role by providing accurate and timely case management reports to better assess criminal case processing. In addition, this position is dedicated to planning and implementing cost-effective technology solutions so courts may be responsive to changing business needs and demands. As a security measure for judges, outdoor security cameras have been installed in the parking area and judicial entrance to the court house with Fill The Gap funding.

### **Yuma County**

In Yuma County the focus has been on processing, collecting and analyzing criminal case data for effective criminal case management and to expedite criminal case processing. Fill The Gap funds personnel whose primary responsibilities are to process criminal cases and to collect, analyze and report criminal case data. Fill The Gap funded a portion of

salaries for a judge, and the caseload manager for the superior court; and a clerk and data entry specialist for the clerk of court. Yuma also continues to participate in a court performance measurement system initiative designed by the National Center for State Courts to improve and expedite criminal case processing. Felony cases were disposed of at a rate of 90% within 100 days and 99% within 180 days.

### **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 Arizona courts with the enforcement of monetary court orders. The program is a public/private partnership between the Administrative Office of the Courts, a private collections vendor, the Arizona Motor Vehicle Division, and the Arizona Department of Revenue.

The FARE Program was established to enhance the compliance of monetary court orders, primarily focusing on collection efforts. In 2003, AOC contracted with Affiliated Computer Services, State and Local Solutions (now Xerox State and Local Solutions, Inc.) to provide various collection options to Arizona courts. Following a competitive procurement process in 2012, Xerox was selected to continue collection services for the Arizona Judiciary.

Collection services performed by Xerox include: reminder and collection notices, electronic skip tracing, interactive voice response line (IVR), web based payments, credit bureau reporting, 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 to the FARE Program which permits state tax refund interceptions on delinquent cases.

The FARE Program resulted in the recovery of \$60 million dollars in fiscal year 2014, which was the result of \$44.2 million dollars collected via Xerox services and \$15.8 million in state tax refund interceptions. Other notable achievements include: \$12.1 million dollars accepted via the payment website and IVR line, 168,700 new case submissions, 41,600 registration holds and 41,800 registration releases.

### **Conclusion**

Participating local courts and the AOC administer and enhance programs that consistently aid courts with implementing long term solutions to improve criminal case processing and the enforcement of court orders. In fiscal year 2014, Fill The Gap funding provided resources to advance technology and streamline case processing. This year reports became available within the statewide case management system, assisting the courts with caseload management processes. Collecting and analyzing criminal case data has proven to be effective with early case management and to improve workflow.

Technology has been a key to improving the court's 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, e.g., jail overcrowding, clogged court calendars, etc. Fill The Gap dollars help courts and justice agencies deliver best practices in all of these critical areas.