

# Fill The Gap

## Annual Report 2011



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

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# **ARIZONA SUPREME COURT FILL THE GAP**

## **ANNUAL REPORT 2011**

### **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 2011 included \$2,649,631 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 fiscal year 2011, the Legislature swept \$52,500 from the balance within the State Aid to the Courts Fund.

## **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 courts in these jurisdictions have not yet accumulated enough money 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, partially funded by FTG to provide local training to superior, justice, and municipal court clerks in entering criminal cases into AZTEC and AJACS and monitoring the criminal calendar. The training and assistance provided by the field trainer has aided both limited and general jurisdiction staff in the identification and use of proper business processes, greater utilization of

current automation systems, and educating staff regarding usage of newly implemented systems. Funds were also used to support and maintain ACAP equipment used by the court to process criminal cases.

### **Cochise County**

Cochise County focused on early case and data management to improve case processing and disposition times by filing timely reports. In fiscal year 2011, 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, contributes to more effective case management. Fill the Gap funds also partially funded a presentence investigator. The presentence investigator completes presentence interviews and files presentence reports. Presentence reports are an important part of criminal case processing as the information is utilized by the judge to complete sentencing hearings more efficiently.

### **Coconino County**

Coconino County operates DUI and drug specialty courts and finds these programs to be successful with reducing the rate of recidivism for alcohol and drug related cases 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 or non-compliance. During fiscal year 2011, DUI/Drug Court provided intensive treatment to 110 participants. Ninety-seven percent of the 4,262 urinalysis tests given during the fiscal year passed. The percent of participants re-arrested while still involved with the program was 5%. Eighty-two percent of the participants maintained employment or attended school while in the DUI/Drug Court.

### **Graham County**

The Graham County presiding judge is able to effectively improve the court's criminal case processing time standards with the Fill the Gap funded support of a judge pro-tem and pre trial services coordinator. The judge pro tem handles overflow and conflict criminal cases in the Superior Court as well as providing assistance in initial appearance and arraignment hearings. The pro-tem also handles the majority of juvenile, civil and domestic cases. A pretrial services coordinator is also funded with Fill the Gap and contributes to improving criminal case processing time standards by effectively maintaining an organized accountability system for pretrial defendants. This position also plays a large role in compiling the necessary court documentation to continue on with disposition (i.e. pre-sentence reports, plea agreements). The pretrial officer is instrumental in deterring the defendant from re-offending. The pretrial officer reports the compliance or non-compliance of pretrial defendants to the judge, thereby making the defendant accountable to the court. The greater the level of compliance achieved, the faster the case may be processed.

### **La Paz County**

Fifty percent of the case filings in La Paz County are criminal cases and the court has been able to maintain case processing times with Fill the Gap funds by supporting personnel to aid in improving and expediting criminal case processing. Funds have supported an AZTEC/AJACS field trainer, pre-sentence investigator, network support technician and court operations personnel. The La Paz County field trainer provides standardized training to superior, justice, and municipal courts in entering criminal cases into the case management systems; monitors case aging reports; provides assistance in keeping and reporting statistics; and developing directives for data clean-up and monitoring the criminal calendar. The presentence investigator completed 135 pre-sentence reports, 98% of the time within the statutory time frame. The network support technician provided the technical knowledge and support to ensure the courts were able to maintain and provide accurate criminal case data monitoring and reporting in AJACS, the superior court's case management system (CMS). This position also assisted with the preparation of the county strategic IT plan and upgrades to OnBase (electronic document management system) as well as other case management initiatives.

### **Maricopa County**

Maricopa County continues to fund personnel who aid in early case management and dedicated case processing. The court has expedited criminal case processing by more effectively evaluating offenders and by distributing cases for dedicated case processing. Advances were made in criminal case processing using Fill the Gap funds for resources which maintained existing processes for felony case processing.

In collaboration with the Clerk's Office and Adult Probation, the Superior Court has managed to successfully develop the following programs to comply with the mandated time standards.

### **Reporting and Case Management**

- The presentence screener in Adult Probation continues to assess offender treatment needs and the risk of re-offending. The assessment information is passed to the probation officer to produce a presentence report and sentencing recommendation to assist with determining an appropriate disposition which has contributed to maintaining a low continuance rate.
- A domestic violence officer is funded in Adult Probation to provide supervision for a caseload of high-risk domestic violence offenders. The probationers are monitored closely to prevent recidivism in the community and with victims.
- A probation officer is funded to manage standard probationers by enforcing court orders, evaluating for treatment and education needs and also monitor for substance abuse.
- The funded court liaison probation officer reports vital information to the court regarding probation violators on behalf of officers located throughout the valley which has made the process more efficient and cost effective overall.

- The Clerk's Office, utilized 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 and management staff to provide staff resources for case filing, docketing, scanning, and related document management processes.

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

- Regional Court Centers provide a forum for centrally processing preliminary hearings, pleas, and felony arraignments. The three centers have received 18,535 new filings and sentenced 7,874 cases during this period.
- The Early Disposition Court received 10,921 new drug case filings and sentenced 7,377 cases during this period. The facility resolves most non-violent drug possession and use cases. The Master Calendar Commissioners and Judges hear cases not terminated in the EDC.
- In the Probation Adjudication Center over 10,894 revocation arraignment cases were processed during fiscal year 2011.
- The Initial Appearance Court runs eight daily calendars continuously. The number of cases heard in fiscal year 2011 totaled 65,375.
- Post Conviction Relief is a centralized unit within the Criminal department. They monitored 1,500 cases in fiscal year 2011. The PCR unit has undergone significant procedural and technological enhancements to improve efficiency during this reporting period.
- The Master Calendar, consisting of 6 Master Calendar Commissioners, heard over 20,000 matters which included Initial Pretrial Conference comprehensive pretrial conferences, non-witness violations, change of pleas, settlement conferences and sentencings.
- The criminal information desk handled 54,932 phone calls and 11,163 walk in customers during this reporting period.

### **Mohave County**

Mohave County utilized funds to aid in improving and expediting criminal case processing by maintaining workflow. Fill the Gap funding was expended for various resources supporting criminal case processing including a court commissioner, judicial assistant, courtroom clerks and freelance court reporters. The Court Commissioner assisted the court with handling criminal cases by redistributing heavy dockets. The

clerks provided the additional resources needed for preparation, operation and to follow-up on court activities. The freelance court reporters have provided greater flexibility for court divisions and court commissioner to cover criminal court proceedings as required by statute. These resources support the court's efforts to improve workflow and case processing times.

### **Navajo County**

Navajo County courts have utilized personnel to manage caseload and to maintain criminal case-processing time to disposition by reducing continuances through ensuring reliable coverage for the court's criminal calendar. In fiscal year 2011, the court utilized Fill the Gap funds for a judge pro tem, court reporter, caseflow manager and a court services director in addition to an on-call interpreter and other court support personnel to assist in the criminal case processing effort. The judge pro tem conducted pretrial hearings, change of pleas and trials on criminal matters and the caseflow manager provided the data tools to assist judges in decision-making on pending cases. The funded court services director in the justice court provides quality management data and monthly caseflow management reports to the judges and staff with information on pending court proceedings and past continuances. The information provided by the caseflow manager is used as a tool to maintain focus on time limits and DUI standards. The wider availability of court reporters and back-up, on call interpreters has aided case processing with reliable coverage. The court reporter was assigned to a division which handles  $\frac{3}{4}$  of the court's criminal caseload. In fiscal year 2011, 62.6% of the criminal cases were disposed within 180 days and 36.6% were disposed in 100 days.

### **Pima County**

Pima County continues to improve technology through electronic data sharing to expedite criminal cases and reduce time to disposition by improving case evaluation and management to lessen the time between court events. Pima County FTG 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 collections of fees and fines and utilize technology to enhance overall court operations to save time and money. In fiscal year 2011, 72% of the criminal cases were disposed within 180 days and 37% were disposed in 100 days. Pima County reports judicial vacancies (just under 15%), a trial rate of 8% (as compared to the national average of 3%), and new prosecutors may have contributed to the number of cases disposed in 100 days.

Pima County continues to improve criminal case processing through various approaches with workflow and utilization 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. The information is reported to the judge for final review at the initial appearance. In fiscal year 2011, 99.4% of cases had a report filed with the court and were eligible according to the set guidelines.

- The Fill The Gap funded pro tem judicial division adjudicated 488 cases. There were 216 cases disposed with Rule 11 evaluations for mental competency.
- 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 2011, was approximately 124 per officer.
- Adult Probation Supervision in the Pima County Consolidated Justice court consists of two funded 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 713 individuals with a monthly case load averaging 120 persons in fiscal year 2011.
- 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 received 149,597 calls which make it even more valuable to retain a dedicated person to handle the criminal and criminal traffic workload. In fiscal year 2011, the abandonment rate decreased to 7% due to the the dedicated grant funded position and a new, more efficient interactive voice response system (IVR).
- The Pima County Consolidated Justice Court continued to fund a programmer analyst for technical programming support. This person is responsible for managing several projects in the court's MIS department to support case information management which is necessary for processing criminal cases. Some of the contributions made during fiscal year 2011 include a civil small claims automated case filing application, MVD automated reporting application and online case search updates.
- 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 1,417 appearance bonds were collected for fiscal year 2011.
- Pima County Consolidated Justice Courts continued funding 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 2011. The interpreter provided services to 1,613 court events and coordinated ASL and other language interpreting services as needed. 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 improving caseflow and reducing delays in criminal case processing.
- Pima County Consolidated Justice Court successfully acquired an OnBase electronic document management solution to convert documents from hard copies to

digital images for easy and secure storage. This has expedited document retrieval and improved physical space in the court.

- 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 center expedites document delivery and reduces the costs of producing hard copies. In fiscal year 2011 the court was successful in imaging and docketing approximately 1,698 e-docs per week, which included 2,724 criminal minute entries and notices, within 4-6 hours of receipt.
- 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 victims to vehicles and detainees to the Pima County Sheriff's Department detention center which is a time consuming task. In addition, the security officer provides presence in the courtroom. In fiscal year 2011 the security officer performed 53 vehicle escorts, detained 115 individuals, responded to 60 requests for officer courtroom presence and 14 medical emergencies.
- 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 2011, 7,489 probationers were billed and \$ 4,134,109.00 was collected. Continued funding of this project has improved criminal case processing times by reducing the number of delinquent fines and fees hearings scheduled.
- Green Valley Justice Court funded a Litigant position and completed their Criminal Case Warrant Center and successfully eliminated their warrant backlog in fiscal year 2011. Warrants are now processed on a daily basis.
- Ajo Justice Court used Fill the Gap funds to maintain a service agreement for their digital, audio recording systems. The equipment improves the clarity of recorded audio for a more reliable account of court proceedings.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county as well as monitoring case aging reports. The field trainer continues to devote time to training staff with ongoing product enhancements.

### **Pinal County**

Pinal County achieved full implementation of a pre-arraignment Early Disposition Court (EDS) and the Probation Revocation Calendar Docket with favorable outcomes to improve case disposition. The Early Disposition Court docket removes less complex and lower felony cases from traditional judicial dockets to a docket which sets firm limits on the number of court settings per case. In addition, Pinal County has implemented a Probation Revocation Calendar Docket, which removed probation revocation cases from the calendars of full time criminal court judges. 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 to continue operations. In fiscal year 2011, 77.6% of the criminal cases were disposed of within 180 days and 57.5% in 100 days, an overall increase of 15% over what was reported for fiscal year 2010

### **Santa Cruz County**

The Superior and Clerk of the Court in Santa Cruz County used fill the gap funds in fiscal year 2011 to expedite felony case processing by funding personnel to improve the allocation of court workload. Two judicial enforcement clerks handle various aspects relating to preparing and the follow-up of overdue payments and delinquent accounts. The Clerk of Court funded a criminal deputy clerk that covers all criminal matters for three local superior court judges and the 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.

### **Yavapai County**

Yavapai County utilizes early disposition and post-adjudication DUI and drug court as a method to effectively manage non-violent adult offenders. There were 127 participants between Adult Drug Court and DUI Court for fiscal year 2011. In addition to the voluntary, post-adjudication drug court program, Fill the Gap funding provided part time pro tem judges, a caseload manager, court reporter and a program manager and supporting staff. The judge pro tem heard approximately 670 cases in fiscal year 2011. The caseload/program manager plays an integral role by providing accurate and timely case management reports to better assess criminal case processing. In addition, this position plays a primary role in the joint effort between the clerk's office, court personnel and technical personnel in the performance of the recent AJACS case management system in the superior court.

### **Yuma County**

In Yuma County the focus was on processing, collecting and analyzing criminal case data to continue effective criminal case management and to expedite criminal case processing. Fill the Gap funds were utilized to fund personnel whose primary responsibilities are to process criminal cases and to collect, analyze and report criminal case data. Yuma 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.

## **Collections Efforts**

The Fines/Fees and Restitution Enforcement (FARE) and Debt Set-Off (DSO) statewide collection programs are continuing to provide successful results. Both programs are essential to the progress made in enforcing compliance court orders for Arizona.

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 \$44,465,260 was collected on backlog cases in fiscal year 2011. Over \$11 million was collected via the WEB and IVR. There were 47,353 vehicle registration holds placed and 43,591 releases due to payment. In fiscal year 2011, the number of courts participating in the FARE program increased from 159 to 171 in 15 counties.

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 2011, there were 196 participants in the Arizona Supreme Court's DSO program. During calendar year 2011, the DSO program had 70,346 tax and lottery interceptions, an increase of 1.4% from calendar year 2010. Revenue for calendar year 2011 totaled \$11,740,693. Note that this information is tracked by calendar year in keeping with the tax year.

## **Conclusion**

The AOC and participating counties continue to work toward establishing programs that aid courts in implementing solutions to improve criminal case processing and the enforcement of court orders. Although progress has been made, courts continue to experience increased criminal caseloads and work with limited funds. In fiscal year 2011, Fill the Gap funding impacted criminal case processing through projects which reengineered case processing, advanced technology and directed personnel to areas of need. The achievements made so far in Arizona mark significant progress towards achieving swift, fair justice through Arizona's justice system.