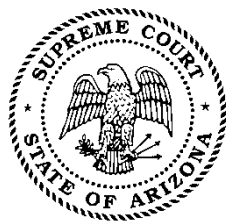




FILL THE GAP ANNUAL REPORT 2023



Court Services Division
Administrative Office of the Courts
Arizona Supreme Court

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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
Graham County	6
Maricopa County	7
Mohave County	8
Navajo County.....	8
Pima County.....	9
Pinal County.....	11
Santa Cruz County	11
Yavapai County	12
Yuma County.....	13
Collections Efforts	13
Conclusion	14

ARIZONA SUPREME COURT FILL THE GAP

ANNUAL REPORT 2023

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 ends 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 several 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 24 months from the notice date. Rules of criminal procedure govern procedure in all criminal proceedings in Arizona state courts, unless specifically stated otherwise in a particular rule. Several rules 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 committee was charged with reviewing the national time standards for processing all major case types in limited and general jurisdiction courts and developing and recommending state case processing time standards for Arizona. This committee has recommended, and the Supreme

Court has adopted, case processing time standards for 24 case types, including felony cases, DUI cases, and other non-DUI misdemeanor cases, as well as juvenile delinquency and status offenses. In 2020 the Steering Committee on Data-Based Court Performance and Data Standards was established (through Administrative Order 2020 – 53) to continue this work. Administrative Order 2022-172 extended the committee's term to December 31, 2025.

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 general fund appropriation was later eliminated altogether in fiscal year 2009 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 were swept from this fund to assist with the state budget deficits between fiscal years 2009 and 2017. Maintaining staffing and adequate 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 chairperson 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 have 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 2023.

Apache County

The Superior Court in Apache County continues to improve court processes with greater use of technology. Funds assisted with updating video conferencing services capabilities which allows the court an alternative for in-person court hearings.

Funding aided with ACAP device fees. These computers are an essential tool for clerks and judges, and were utilized for electronic document management, access to online judicial resources, and electronic calendar management for criminal cases. With these tools, hearings can be scheduled from the bench, thereby reducing continuances.

APACHE COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	176

Cochise County

Fill the Gap funded positions in Superior Court, including court security officers, and a pre-sentence report writer. Funding also provided for a justice of the peace pro tempore in the justice courts.

The court security officers are an essential component to the security and safety of the judiciary as they assume responsibilities for the daily operations of the facilities in addition to serving as bailiffs in the criminal divisions.

As a vital element to the judicial process, the pre-sentence investigator wrote 35 pre-sentence reports. This position maintained a 100% rate of timely submission of reports for fiscal year 2023.

Cochise County has justices of the peace pro tempore who provide coverage for felony and misdemeanor initial appearances. This coverage is vital for the Justice of the Peace as it allows them to attend mandated training and conferences.

COCHISE COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	110

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 2023, Recovery Court had 38 new participants. In the fiscal year, after attending a national training on drug court standards, the program increased the phases, adding 3 additional months for participants to practice using tools with less supervision, but while still being monitored. A treatment component which provides a

minimum of 202 hours of outpatient group and individual counseling continues to be an additional part of the Recovery Court. On average, 84% of the Recovery Court participants were employed or in school, with 99% of the graduates employed. Any alcohol and drug use were monitored through various modalities to deter use.

COCONINO COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	167

Gila County

Utilizing funds provided by Fill the Gap, Gila County’s local Scanning Program has entered its ninth year. This project allows all limited jurisdiction courts in the county to have scanning equipment. The goal of the program is to introduce or enhance the scanning processes for limited jurisdiction courts in anticipation of the transition to the limited jurisdiction case management system. The improvement to business practices has facilitated criminal case processing by streamlining case management. Courts also report that digitization has reduced the time spent producing documents for requests from the public or agencies in addition to simplifying document retrieval. Additional scanning stations proved to be a more efficient way to assist with researching cases. All courts have grown their digital documents management capabilities and the project is engrained into organizational culture to include scanning in their curriculum for new-hire training.

GILA COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	244

Graham County

The Superior Court in Graham County continues to partially support the costs of a pre-trial services officer using Fill the Gap funds. The pre-trial services officer provides supervision to include compliance monitoring, reporting, and hearing notification services for pre-adjudicated adult criminal defendants. The pre-trial services officer performed assessments with the PSA Court Tool, assisting in release decisions and allowing courts to place individuals on pre-trial services supervision much earlier at initial arraignments.

GRAHAM COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	90

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 court liaison, judicial IT network administrator, a pre-sentence investigative probation officer, a pre-trial officer, and a judicial assistant.

- Court Liaison: This position attends Court to assist in monitoring changes of pleas,

sentencings, violations of probation, and obtain required signatures in efforts to aid the probation officers. Performing these duties allows the probation officers to spend more time in the field supervising and investigating offenders' history prior to sentencing and violation of probation adjudications.

- Judicial IT Network Administrator: The network administrator provides the technical support necessary to ensure expedient case adjudication. Approximately 800 hours were dedicated to addressing IT needs. The Superior Court completed the migration to the Administrative Office of the Court's hosted document management system. Each court continues to make improvements to their audio-visual systems to assist with challenges brought about by the COVID 19 pandemic.
- Pre-Sentence Investigator: The pre-sentence investigative probation officer prepares timely reports, minimizing criminal case processing and time to disposition. The La Paz County Adult Probation Department investigated and completed 128 pre-sentence reports in fiscal year 2023. The filing of these reports occurred within the statutory time limit 100% of the time. The department adhered to local court standards to maintain the three-week duration from change of plea to entry of judgment and sentence.
- Pre-Trial Officer: The pre-trial officer maintained the statistics that monitor how often the courts follow their pre-trial services recommendations, as well as failures to appear and new criminal offenses while on pre-trial supervision.

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

LA PAZ COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	445

Maricopa County

Maricopa County uses Fill the Gap funds to support various personnel who aid in criminal case processing:

Court Administration

Fill The Gap supports 10 Court Administration Assistants, 12 Courtroom Assistants, 6 Judicial Assistants, and 1 Court Administration Supervisor in the Criminal Department. The areas of work for each of these positions varies among eight units within the Criminal Department. The units' areas of responsibility support the criminal case flow from the initial appearance hearing through the post-conviction relief process. However, these positions have worked on a monthly average of 2,170 new cases in FY22 and a monthly average of 2,337 new cases in FY23.

These positions performed mandated functions directly related to criminal case processing covering various criminal calendars, recording court proceedings, transcribing notes, and recording and security exhibits. Document management and clerical support positions

provided staff resources for case filing, docketing, scanning, and related document management processes of criminal felony cases.

Clerk of Court

The Clerk of the Superior Court contributes to criminal case processing improvements primarily through staff support positions. These positions perform mandated functions directly related to criminal case processing, covering various criminal calendars, recording court proceedings, transcribing notes, and recording and securing exhibits. Document management and clerical support positions provide staff resources for case filing, docketing, scanning, and related document management processes of criminal felony cases. FTG and the Clerk's General Fund subsidized 20.5 Courtroom Clerks, 2 Supervisors and 15 various specialists, seniors and leads in fiscal year 2023.

MARICOPA COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	234

Mohave County

Mohave County utilized Fill the Gap funds for personnel to aid in improving and expediting criminal case processing. These monies funded one court commissioner, one judicial assistant, and a probation officer for Lake Havasu Specialty Court's Quality of Life Court.

- Court Commissioner: The commissioner handles weekly grand jury returns and assists with other case assignments as needed. This included 99% of fugitive warrant matters, and 15% of the search warrants issued by the court. In fiscal year 2023, the commissioner was assigned 366 criminal felony cases (25%) and conducted 28 of the 78 criminal jury trials in the court.
- Judicial Assistant: In order to expediate case processing, the judicial assistant provided administrative and secretarial support to the court commissioner in handling the daily operation of processing and managing criminal caseloads.
- Probation Officer: To assist the court in setting up a program for the new specialty court (Quality of Life) in Lake Havasu Justice Court, a probation officer was also partially funded. This specialty court improves criminal case processing by helping to limit repeat low level offenders involved in opioid abuse, referring them to treatment services in the community. Seven participants were monitored and mentored by the probation officer in fiscal year 2023.

MOHAVE COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	193

Navajo County

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

- Superior Court: case flow manager, and a field trainer.

The case flow manager and field trainer provided essential case management reports and training. These reports are vital to the judges as they provide pertinent information monthly or as requested. Examples of the reports provided to judges include case aging, disposition rates and time to disposition.

- Justice Courts: deputy court administrator.

The deputy court administrator provided case management reports and training. In addition, the deputy court administrator continuously works with the clerk's office and limited jurisdiction court clerks on data integrity and case flow best practices.

NAVAJO COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	143

Pima County

Pima County continues to improve criminal case processing with workflow management and the expanded use of technology. To assist in these efforts, Fill the Gap funds are used for various positions and services:

- The Superior Court: judges pro tempore, 2 pretrial case analysts, and 1 judicial administrative assistant.
- The Clerk of Superior Court: 1 unit supervisor, 1 support specialist, and 1 support clerk.
- Pima County Consolidated Justice Courts: 1 adult probation officer.
- Ajo Justice Court: 1 Field Trainer
- Pima Consolidated Justice Court: Network security cameras

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

- The Pro Tempore Divisions of Superior Court staffed judges pro tempore, adjudicated and disposed of 540 criminal cases (10% of the criminal bench workload) in one division, and adjudicated and disposed of an additional 595 felony cases (11% of the criminal bench workload) in another division in fiscal year 2023.
- The Pretrial Services Intake Unit of Superior Court operates 24 hours per day, seven days per week. The unit's analysts are responsible for screening all detainees, conducting background investigations, and preparing pre-release reports. In fiscal year 2023, 99.5% of felony arrestees were screened and had a report filed with the court within the specified guidelines.

- 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, docketed, and scanned on the day they are received. In fiscal year 2023, 43,236 criminal documents were processed and distributed. The non-attorney receipt of documents, minute entries, and notices continues to grow in relationship to the Center's ability to process them, with 40,509 documents distributed to non-attorney parties in fiscal year 2023.

- Pima County Superior Court provides two full-time probation officers to Pima County Consolidated Justice Court to conduct presentence investigations, prepare presentence reports, ensure defendant compliance with conditions of probation, and prepare petitions to revoke, and issue arrest warrants when required. These officers are responsible for supervising defendants convicted of DUI, extreme DUI, and domestic violence charges. During fiscal year 2023, these officers supervised 197 cases.

- In the Pima County Consolidated Justice Court, Fill the Gap funding provided for the following:
 - Postage and Handling: To comply with mandated noticing to parties in criminal matters and to ensure parties are informed of court dates and payment due dates.
 - Acceptance Bond Centralization: Funds were also used for costs associated with a centralized location for acceptance of bonds for all Pima County courts. This contracted service is provided 24 hours per day, 7 days a week by the Sheriff's Office, and eliminates the need for court staff to work overtime.
 - Court Call Center Litigation Support: The court utilized funds to help maintain prompt responses to call volume. The calls answered provided information to defendants regarding scheduled times for appearance and information on necessary documents, thus saving valuable time in the courtroom and reducing delays in criminal cases. The Court Call Center reported an abandonment rate of approximately 5.09% and an average of 494 inbound calls per day in fiscal year 2023.
 - Security Control Room Cameras: The Control room Security Officer monitors all courtrooms with a total of 200 cameras that can be viewed at one time. A total of six network cameras were obtained to be able to view all areas without blind spots, ensuring the safety and security of court staff and the public, thereby allowing cases to be processed without delay.

- The 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 the case management system more quickly and accurately.

- In the Green Valley Justice Court, Fill the Gap provided funding for:

- Centralized Bail Bond Acceptance Program, which allows the Clerk of Superior Court in Pima County to collect appearance bonds (bail bonds) on behalf of the courts in Pima County.
- Twice-a-Day Initial Appearance (2XIA) program. There were 155 2XIA initial appearances in fiscal year 2023.
- In the Ajo Justice Court, Fill the Gap provided funding for:
 - Support and maintenance for computer equipment and the case management system.
 - Ajo Justice Court also utilized funding for their Twice-a-Day Initial Appearance (2XIA) costs, with 131 2XIA appearance in fiscal year 2023.

PIMA COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	288

Pinal County

Pinal County uses Fill the Gap funds for various personnel and operating expenses to aid in improving criminal case processing as the population continues to grow:

- Superior Court: 2 full-time judges, 1 judicial assistant, and 1 bailiff.

Funds were used to support the Superior Court’s Probation Revocation Court (PRC) and the Early Disposition Court (EDC) which continues its mission of more quickly disposing of cases that can be identified as involving non-complex resolutions, which supports increased case filing, increases case termination, and reduces time to disposition in Pinal County’s caseload management outcome.

Fill the Gap funds were also used to pay support and maintenance costs for four computer stations within the Superior Court. These computers are used to track and maintain the case files in the case management system critical to the processing of criminal cases.

PINAL COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	194

Santa Cruz County

Fill the Gap funding was used to support the salary of a part-time deputy clerk, and pretrial monitoring services in Santa Cruz County.

The part-time deputy clerk funded by Fill the Gap processed approximately 50 files per day. This position assists with criminal matters in three Superior Court divisions, as well as with visiting judges assigned to Santa Cruz County on a weekly basis. The deputy clerk reviewed criminal case files for efficiency of processing. In addition, this position scans all criminal files into the electronic document management system, conducts research for the public and

various local, state, and federal agencies. This staff member also serves as a backup to other staff who manage criminal files, alleviating their criminal caseload.

Funds were also used for continuing a pretrial monitoring service that included the following information for fiscal year 2023: appearance rate of supervised defendants was 95%; 91% of defendants did not receive additional charges; 96% of released defendants were not revoked for technical violations; and 86% of released defendants appeared for all scheduled appearances. In addition, 172 Public Safety Assessments (PSA) were performed during weekends and holidays.

SANTA CRUZ COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	120

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 allow the Superior Court to function at full capacity in both judge pro tempore divisions. Funding assisted with operating expenses related to training programs for the court's leadership to address the effective management of criminal cases.

The Judge Pro Tempore A (PTA) handles 50% of the criminal cases in the Prescott Judicial District including writs of habeas corpus, restoration of rights, and all problem-solving courts (mental, health, DUI and Adult Drug Court). As back-up, the PTA also handles all out-of-state criminal subpoenas and Adult Interstate Compact Program probable cause administrative hearings, grand jury empanelment and grand jury returns. The Judge Pro Tempore B handles 100% of civil cases including injunctions filed in the Verde Valley Judicial District, 90% of domestic relations cases & related protective orders, 100% probate cases, all requests for waiver or deferral of fees, 20% of all civil and criminal lower court appeals, and all forcible entry and detainers. In addition, the seasonal Judges Pro Tempore covered juvenile delinquency and dependency cases and heard protective orders in which the defendant was a minor. These pro tempore divisions allow others to focus on criminal matters, reducing delays in processing criminal cases.

In addition, funding was provided for the IT Program Manager. This position provides invaluable assistance by supporting, managing, coordinating, and implementing technology projects. Projects included assistance with audio visual renovation projects inside and outside the courtrooms, maintaining and updating physical and virtual servers in the Court Data Center, configuring the server for the Yavapai Criminal Justice Center, installing, and configuring operating systems, running backups, and ensuring virus protection.

Many ongoing projects were also funded, including maintaining and updating physical and virtual servers in the Court Data Center, website maintenance, data backups, and assistance with the technology needs in main facilities: Prescott Courthouse, Yavapai Criminal Justice Center, Camp Verde Courthouse, Juvenile Justice Center as well as local municipal courts.

YAVAPAI COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	165

Yuma County

The focus in Yuma County remains 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.
- Yuma County achieved a case clearance rate of 136% for fiscal year 2023. Yuma County continues to improve compliance while focusing on isolating and adjudicating backlog cases. The Caseflow and Court IT Departments continuously conduct targeted case cleanup for identification and isolation of areas in which they can improve case processing procedures. In addition, they are utilizing a differentiated case management system including an Early Disposition Court, which resolves approximately 25% of cases at the arraignment stage.

YUMA COUNTY - FISCAL YEAR 2023	
Average (mean) number of days required to adjudicate all criminal felony cases	117

Collections Efforts

The Fines, Fees, and Restitution Enforcement (FARE) Program is a successful statewide initiative of the Arizona Judicial Branch. The program was developed in 2003 and was created to assist local courts with the enforcement of court ordered financial obligations.

The Debt Setoff Program (DSO) was established to hold individuals accountable for financial obligations owed to Arizona courts and other state agencies. The Arizona Department of Revenue intercepts Arizona state tax refunds, the Arizona Lottery intercepts lottery winnings, and the Arizona Department of Gaming intercepts event wagering and fantasy sports winnings on behalf of the Arizona courts and other state agencies.

The collection vendor provides services such as: collection notices, electronic skip tracing, interactive voice response line (IVR), web-based payments, collection calls, and vehicle registration hold referrals to the Motor Vehicle Division. The Traffic Ticket Enforcement Assistance Program (TTEAP) enforcement tool prevents individuals with outstanding court obligations from re-registering their vehicle(s) until all court financial obligations are satisfied.

The FARE and DSO Programs recovered \$55 million dollars in fiscal year 2023, which was the result of \$36.3 million dollars collected via vendor services and \$18.6 million in state tax refund, gaming, and lottery interceptions. Other notable achievements include: \$29.2 million dollars accepted via the payment website and IVR line, 325,014 new FARE case submissions, 84,743 vehicle registration holds and 61,456 registration releases.

FARE Compliance Assistance Program (CAP) was developed out of the Fair Justice Initiative,

which provides an opportunity for individuals who have outstanding court ordered financial obligations to re-engage with the courts and discuss payment arrangements after an initial payment is made to enroll in the program. Since implementation, there are 64 courts using FARE CAP and the program has collected a total of \$15,582,732.

The PayNearMe® program allows eligible individuals to make cash payments at certain retail locations, including hundreds of participating stores in Arizona and over 25,000 locations nationwide, making it more convenient to pay a fine. Since implementation, there have been 10,917 payments made, totaling \$1,467,639 with an average payment amount of \$140.

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 2023, Fill the Gap funding provided critical 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 forgoing work by the Arizona courts reflects a concerted effort to achieve 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 these critical areas.