

Fill The Gap

Annual Report 2010



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

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TABLE OF CONTENTS

Introduction	2
Case Processing Standards	2
Funding Sources	3
County Project Overview	3
Collections Efforts	10
Conclusion	11

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 2010 included \$2,746,003 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 2010, the Legislature swept \$620,400 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 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, partially funded by FTG to provide local training to superior, justice, and municipal court clerks in entering criminal cases into AZTEC 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.

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 2010, 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 pre-sentence investigator. The pre-sentence investigator completed 126 presentence interviews and filed a total of 149 pre-sentence reports for fiscal year 2010, representing a 30% increase in pre-sentence reports over fiscal year 2009. Presentence reports are an important part of criminal case processing. Having these reports in place helps the judge complete sentencing hearings more efficiently.

Coconino County

Coconino County operates DUI and drug specialty courts and finds these programs to be successful with expediting the processing of alcohol and drug related cases and to reduce 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 2010, DUI/Drug Court provided intensive treatment to 118 participants. Ninety-eight percent of the 5,993 urinalysis tests given during the fiscal year passed. The percent of participants re-arrested while still involved with the program was 11%. Participants maintained an employment rate of 84% while in the DUI/Drug Court.

Overall, Coconino County disposed of 82% of all criminal cases within 180 days and 49% within 100 days.

La Paz County

Fifty percent of the case filings in La Paz County are criminal cases and the court successfully improved case processing times. The court maintained personnel to aid in improving and expediting criminal case processing with a field trainer, network support technician, presentence investigator and various court support staff through Fill the Gap funds.

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 209 pre-sentence reports, 97% 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 for expedient case adjudication. This position also assisted with the preparation of the county strategic IT plan and preparation of a Disaster Recovery plan and well as other case management initiatives.

In fiscal year 2010, 99% of criminal cases were disposed within 180 days and 90% were disposed within 100 days.

Maricopa County

Maricopa County has experienced a 39% increase in felony filings since fiscal year 2001 and continues to fund personnel who aid in early case management, dedicated case processing and technology. 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 and for technology development. In fiscal year 2010, 82.1% of criminal cases were disposed within 180 days and 63.9 % 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.

Reporting and Case Management

- 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 which has contributed to maintaining a low continuance rate.
- A domestic violence officer funded in Adult Probation provides supervision for a caseload of high-risk domestic violence offenders. The probationers are monitored closely to reduce the incident rate and in doing so they are protecting the community and 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 effective for everyone.

Centralized and Dedicated Case Processing

- Regional Court Centers (RCC) provide a forum for centrally processing preliminary hearings, pleas, and felony arraignments. The three centers have received 20,589 new filings and terminated 9,944 cases during this period.
- The Early Disposition Court (EDC) received 11,102 new drug case filings and terminated 10,444 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 (PAC), over 11,000 revocation arraignment cases were processed during fiscal year 2010.
- The Initial Appearance Court (IA Court) runs eight daily calendars continuously. The number of cases heard in fiscal year 2010 totaled over 67,000.
- Post Conviction Relief (PCR) is a centralized unit within the Criminal department. They monitored 1,500 cases in fiscal year 2010. The PCR unit has undergone significant procedural and technological enhancements to improve efficiency during this reporting period.
- The Master Calendar (formerly Initial Pretrial Conference- IPTC), consisting of 6 Master Calendar Commissioners, heard over 20,000 matters which included IPTC, Comprehensive Pretrial Conferences (CPTC), Non-Witness Violations (NWX), Changes of Plea (CoP), Settlement Conferences and Sentencings.
- 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 2010.

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 and went into production on September 13, 2009. As normal project planning, a remediation phase was identified to support any post-implementation issues. Credit card processing and post implementation programming improvements were recognized for this phase.
- 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 detailed design phase with a new estimated completion date targeted for August 2011.

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, criminal fines and restitution collections clerk, judicial assistant, courtroom clerks and a field trainer. The Court Commissioner assisted the court with handling criminal cases by redistributing heavy dockets. A field trainer conducted standardized training for court personnel and monitored case aging reports to maintain focus and stay on task with case processing. The clerks provided the additional resources needed with preparation, operation and to follow-up on court activities. These resources support the court's efforts to improve workflow and case processing times.

Navajo County

Navajo County focuses on reducing continuances by maintaining a full criminal calendar with reliable coverage. In fiscal year 2010, the court utilized Fill the Gap funds for a judge pro tem, court reporter, caseload manager and a court services director in addition to a back-up interpreter and a bailiff position to support the criminal case processing effort. Navajo County courts have utilized personnel to manage caseload and to maintain criminal case-processing time to disposition by reducing continuances. 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 funded court services director 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 continuances. The information provided by the caseload 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 2010, 67% of the criminal cases were disposed within 180 days and 39% were disposed in 100 days.

Pima County

Pima County continues to improve technology through electronic data sharing to expedite criminal cases. Fill the Gap funds were used to reduce time to disposition by shortening the length of time required for processing 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-five percent of the criminal cases were disposed within 180 days and 41% were disposed in 100 days.

Pima County improves 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 2010, 99.4% 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 2010.
- The Fill The Gap funded Pro Tem Judicial Division adjudicated 649 cases. There were 217 cases completed where there were 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 2010, was 139.
- The Superior Court successfully converted the criminal data within CACTIS into the AGAVE criminal case management module. 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.
- 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 233 cases in fiscal year 2010.
- 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 handled in excess of 100,000 calls which make it even more valuable to retain a dedicated person to handle the criminal and criminal traffic workload. In fiscal year 2010, the abandonment rate has increased to 47% due to the impact of new photo enforcement caseload. The court has received additional funding which should reduce the abandonment rate.
- The Pima County Consolidated Justice Court continued to fund a programmer analyst for Technical Programming Support. This person is responsible for managing several projects which has made considerable contributions to new and ongoing automation efforts in the court's MIS Department. These efforts support case information management and are necessary for processing criminal cases.

- 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 1,810 appearance bonds were collected, totaling \$5,507,672.50 for fiscal year 2010.
- 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 2010. The interpreter provided services to 2,118 court events and coordinated ASL and other language interpreting services needed in an additional 111 court events. 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 as well as saving the court money.
- 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 2010 the court was successful in imaging and docketing criminal case filings within 4-6 hours of receipt.
- A Judicial security officer was assigned to the domestic violence specialty court to reduce the workload placed on the security staff. This position escorts detainees to the Pima County Sheriff's Department detention center which is a time consuming task previously performed by the security staff.
- 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 2010, \$4,217,936.00 was collected. Continued funding of this project has improved criminal case processing times by reducing the number of delinquent fines and fees hearings scheduled.
- Ajo Justice Court used Fill the Gap funds to maintain a service agreement for their digital, audio recording systems. The equipment has provided a more reliable record of court proceedings because of its enhanced clarity.
- Green Valley Justice Court completed their Criminal Case Processing Center and utilized a Litigant position, funded by Fill The Gap funds, to reduce their backlog of cases from 1.5 months to 14 days.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county as well as monitoring case aging reports. In fiscal year 2010, the field trainer devoted 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 2010, 74.1% of the criminal cases were disposed of within 180 days and 46.1% in 100 days. That's approximately a 7% increase in criminal cases disposed over what was reported for fiscal year 2009

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 and Family Drug Court and DUI Court for fiscal year 2010. In addition to the voluntary, post-adjudication drug court program, Fill the Gap funding provided part time pro tempore judges, a caseflow manager, court reporter and a program manager and supporting staff. The judge pro tem heard approximately 308 cases in fiscal year 2010. The caseflow manager plays an integral role by providing accurate and timely case management reports to better assess criminal case processing. The program manager continues to play a primary role in the joint effort between the clerk's office, court personnel and technical personnel in the implementation of the new AJACS case management system in the superior court which also includes improving the processing flow of criminal cases in the case management system.

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 for fund personnel whose primary responsibilities are to process criminal cases and to collect, analyze and report criminal case data. Yuma continues to employ 10 CourTools performance measures designed by the National Center for State Courts to improve and expedite criminal case processing.

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 \$ \$40,433,718 was collected on backlog cases in fiscal year 2010. Over \$11 million was collected via the web or interactive voice line. There were 86,007 vehicle registration holds placed and 58,160 releases due to payment. In fiscal year 2010, the number of courts participating in the FARE program increased to 159. The following table shows the number of courts broken down by county.

Apache	7
Cochise	12
Coconino	8
Gila	7
Graham	6
Greenlee	3
La Paz	5
Maricopa	43
Mohave	9
Navajo	11
Pima	7
Pinal	18
Yavapai	12
Santa Cruz	5
Yuma	6
	<hr/>
	159

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 2010, there were 200 (agency) participants in the Arizona Supreme Court's DSO program. During calendar year 2010, the DSO program had 51,377 tax and lottery interceptions, a decrease of 1% from calendar year 2009. Revenue for calendar year 2010 also decreased almost one percent from calendar year 2009, totaling \$6,551,000. Note that this information is tracked by calendar year in keeping with the tax year.

Conclusion

Arizona Courts continue to find new ways to improve on criminal case processing by streamlining court operations and applying new technology. Although the courts faced many budget cuts again this fiscal year, Fill The Gap Funds, allowed courts to sustain and complete many 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, and

process criminal cases more effectively. The goals accomplished this fiscal year with Fill the Gap funds influenced timelier case processing and maintained considerable advancement towards achieving swift, fair justice for Arizona's citizens.