

Fill The Gap

Annual Report 2013



*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
Conclusion	10

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, 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.

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 will be 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 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 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 is 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 CourTools automation reports have been used to measure Time to Disposition, which has helped to identify and assess patterns, trends and performance, making changes where possible. In FY13, Apache County Courts achieved a 5% reduction in the number of cases disposed within 100 days and reduced the average number of days required to adjudicate all criminal felony cases to 281 days, which is a 19% improvement over FY12. Court Administration uses available AJACS data to identify cases in need of data clean-up to ensure accurate caseflow reports. Data clean-up efforts are on-going and these efforts resulted in a 19% improvement in adjudicating all criminal felony cases, with a reduction from 347 days to 281 days. 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 5% improvement in cases disposed within 100 days, and a 7% 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. Defendants are also required to participate in support groups. The DUI/drug court cases are regularly staffed to monitor compliance. During fiscal year 2013, DUI/Drug Court provided intensive treatment to 135 participants and of the 5,220 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 14%.

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; monitors case aging reports; provides assistance in keeping and reporting statistics; and developing directives for data clean-up. The presentence investigator completed 100 pre-sentence reports, within the 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. This position also assisted with the preparation of the county strategic information technology plan; computer/network upgrades and updates, as well as many other case management initiatives.

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 and Adult Probation, the Superior Court has managed to successfully develop the following programs to make progress with criminal case processing.

Reporting and Case Management

- The presentence screener in Adult Probation assesses offender treatment needs and the risk of re-offending. The assessment information is passed to the probation officer to produce a presentence report and a sentencing recommendation to support determination of an appropriate disposition, which contributes to maintaining a lower case continuance rate. Last year, 15,353 presentence investigation reports were completed.
- A domestic violence officer was funded in Adult Probation to provide supervision for a caseload of high-risk domestic violence offenders. The probationers are monitored closely to prevent recidivism.
- A probation officer is funded to supervise standard probationers in Adult Probation, which helps with maintaining manageable caseloads. The additional officer provides the ability for the office to enforce court orders, evaluate for treatment and educational needs and monitor for substance abuse with greater quality and thoroughness, thereby reducing recidivism.

- The funded court liaison probation officer in Adult Probation organizes and provides vital information to the court regarding probation violators on behalf of officers located throughout the valley. This position is a valuable resource in terms of efficiency and overall costs.
- 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 and Early Disposition Court heard 50,247 pretrial calendar matters and sentenced defendants in 8,421 cases during fiscal year 2013. This court provides a forum for centrally processing felony preliminary hearings, pleas and felony arraignments.
- The Probation Adjudication Center processed over 12,176 revocation arraignment cases during fiscal year 2013. In addition, there were 8,467 non-witness violation hearings and 6,949 dispositions.
- The Initial Appearance Court heard 64,103 cases in fiscal year 2013 and runs eight daily calendars continuously.
- The Post Conviction Relief Unit is centralized within the Criminal department. This unit monitored 11,138 cases in fiscal year 2013.
- Six Master Calendar Commissioners heard over 41,239 matters which included initial pretrial conferences, comprehensive pretrial conferences, non-witness violations, changes of plea, settlement conferences, sentencing and trials.
- Settlement Conference on Demand allows attorneys to contact staff and obtain settlement conferences without contacting multiple judicial divisions. The average monthly requests increased from 276 in 2012 to 416 in 2013, averaging an 89% placement rate.
- The public information desk handled 57,865 phone calls, 34,757 walk in customers and 1,710 monolingual Spanish speaking customers during this reporting period.
- The Not-Guilty Arraignment calendar heard 11,349 cases; the Initial Appearance by Summons calendar heard 6,321 matters. The Bond Forfeiture calendar processed 1,286 matters, resulting in \$1,782,163 in bonds forfeited by the posting party during fiscal year 2013.

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.

Navajo County

Navajo County utilized Fill the Gap funds for a judge Pro Tempore, court reporter, caseload manager, court services director, an on-call interpreter and other court support personnel to assist in the criminal case processing effort. 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 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 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 increased dramatically to 631 court events in 2013 as compared to only 69 court events in 2012. In fiscal year 2013, 69% of criminal cases were disposed within 180 days and 48% 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 percent of the criminal cases were disposed within 180 days and 42% of criminal cases were disposed within 100 days during the 2013 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 2013, over 99% 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 461 cases 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 2013 was approximately 162 per officer, reflecting a 20% increase in report work load.
- 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 423 individuals, with a monthly case load averaging 247 persons in fiscal year 2013.
- 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 2013, phone teams received 230,638 calls, 1,734 email inquiries, and placed 9,257 outbound calls in response to messages left in the Interactive Voice Response System voicemail system.
- 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 for processing criminal cases in the court's management information systems department. Some of the major contributions made during fiscal year 2013 include development of new computer functionality and capabilities for collections and tracking physical files.
- 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 1,528 appearance bonds totaling \$6,270,210 were collected in fiscal year 2013.
- 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 2013. The interpreter provided services to 1,744 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 2013, the security officer performed 82 vehicle escorts, detained 108 individuals, responded to 722 requests for officer courtroom presence and assisted with 13 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, 13,003 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 2013, the court billed 7,987 probationers and \$4,272,183 was collected with the average collection amount of \$569 per probationer. 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 workload in the Document Processing Unit increased by 30-35%, when it began handling e-doc processing for the Juvenile Court Office. The high speed copier/printer has made it possible to continue to processing minute entries within 4-6 hours of receipt, while also handling the expanded volume of documents.
- Green Valley Justice Court continued funding of their Criminal Case Warrant Center which allows warrants to be processed on a daily basis. Warrant revenue totaled \$13,782 during the 2013 fiscal year.
- 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.
- Green Valley Justice court received funding for a part-time position which assisted in the management of criminal case processing; the timely electronic disposition and warrant reporting to the Department of Public Safety.

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 2013, over 81% of the criminal cases were disposed within 180 days and 66% 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 2013 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.

Yavapai County

Yavapai County utilizes early disposition and post-adjudication DUI and drug court as a method to effectively manage non-violent adult offenders. Collectively, there were 129 participants in the Adult Drug and DUI Courts during fiscal year 2013. In addition to the voluntary, post-adjudication drug court program, Fill The Gap funding provided; 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. The judge pro tempore heard approximately 715 cases in fiscal year 2013. 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.

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 caseflow 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.

Collections Efforts

The Fines/Fees and Restitution Enforcement (FARE) and Debt Set-Off (DSO) statewide collection programs continue to produce successful results. Both programs are essential to the enforcement and compliance of monetary court orders for the Arizona Judiciary.

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 (now with Xerox State and Local Solutions, Inc.) to provide various collection options to Arizona courts. Collection services performed by Xerox include: reminder notices, electronic skip tracing, interactive voice recording, web-based payment options, collection notices, credit bureau reporting, outbound collection calls and assignment to the Debt Setoff Program and/or the Motor Vehicle Division's Traffic Ticket Enforcement Assistance Program (TTEAP). The TTEAP design prevents defendants with outstanding court obligations from re-registering their vehicle(s) until all court financial obligations are satisfied.

As a result of FARE, a total of \$43,434,243 was collected on delinquent cases in fiscal year 2013. Over \$9.6 million was collected via the payment website and IVR line. There were 39,311 vehicle registration holds placed and 42,256 releases.

The 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 2013, there were 202 agency/entity participants in the Arizona Supreme Court's DSO program. During calendar year 2013 (as of November 14, 2013), the DSO program had 76,302 tax and lottery interceptions. Revenue for calendar year 2013 totaled \$15,705,989. This information is tracked by calendar year in keeping with the tax year.

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 2013, Fill The Gap funding provided 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 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.