Fill the Gap Report: FY2019

Arizona Criminal Justice Commission

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EXECUTIVE SUMMARY

Due to an increase in population and in funding for law enforcement, Arizona processed a high volume of cases through its court system during the 1990s. Senate Bill 1013, later known as the Fill the Gap (FTG) legislation, was enacted in 1999 to reduce case processing times throughout the state. Senate Bill 1013 provided funds specifically to county attorneys, indigent defense agencies, and the superior courts.

The Arizona Criminal Justice Commission (ACJC) is responsible for administering the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund. The ACJC distributes these monies to each county annually according to formulas established in the Arizona Revised Statutes (A.R.S. §41- 2409). The ACJC also annually reports on fund expenditures and improvements in criminal case processing time in the state.

Criminal case processing standards are established by Arizona Supreme Court Rule 8.2, requiring that criminal cases (excluding capital cases and complex cases) reach adjudication within 180 days of arraignment for out of custody defendants, and 150 days for in-custody defendants. Exceptions to this rule include cases experiencing delays due to the following:

1) lengthy trial preparations
2) the determination of a defendant's mental competency or disability
3) an absent or incompetent defendant
4) probable cause remanding
5) disclosure time extensions
6) trial calendar congestion
7) a joinder of trials with another defendant
8) setting a transfer hearing
9) the inability to take the accused into custody (see Appendix G).

If cases experience delays for any of the above reasons, the initial countdown to adjudication may be suspended and then resumed when the circumstances leading to delay are resolved.

Due to ongoing changes in general funding, State Aid to Indigent Defense funds were redirected to the Attorney General budget to fund capital post-conviction prosecutions and were redirected to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. As a result of these adjustments to the State FTG funding, indigent defense agencies did not receive monies from the State FTG fund. County attorneys were the only agencies to receive funds in FY2019 totaling $790,565. The monies allocated to county attorneys during the fiscal year were less than the projected appropriation due to a decrease in fine, fee, and surcharge revenues received from the Criminal Justice Enhancement Fund (CJEF).

According to information provided by county attorney offices, a total of $1,033,091.32 was expended during FY2019 on the following: salaries, fringe benefits, and overtime ($932,780.55); travel ($2,082.80); operating cost and supplies ($1,843.58); case management software ($11,461.54); Equipment purchases (7,103.08) and other expenses such as maintenance fees for equipment ($77,819.77). The total amount expended during FY2019 is more than the total amount allocated as most agencies began the fiscal year with a fund balance from previous allocations. County attorneys will carry over a balance of $424,097.17 into FY2019 due to unexpended funds.

In FY2017, changes in the report were made to only include information on the agencies that are being funded continually, so case processing statistics are available for the County Attorneys' agencies. Since no funding has been allocated to indigent defense agencies since FY2012, no information is provided.

Out of the fifteen agencies, one agency was unable to provide case processing statistics for FY2019 because its case management system does not track the requested information. Three agencies provided incomplete case processing statistics because their case management systems only track some of the requested information, while eleven agencies provided complete case processing statistics.

Eight of the fourteen agencies that provided case processing statistics reported an increase in the number of felony cases filed in FY2019. Of the agencies that provided statistics on the percentage of felony cases adjudicated within 180 days in both FY2018 and FY2019, eight reported a decrease in the percentage of felony cases that were adjudicated within 180 days. The 180 day marker was selected as the FTG reporting standard because this is the maximum case processing time allowed by the Supreme Court Rules of Criminal Procedures.

The increased number of felony cases adjudicated in many agencies underscore how critical Fill the Gap funds are to ensuring efficient case processing. Importantly, each county attorney's office self-reports their case processing results based on the information in their case management system. To the extent that agencies use different methods to calculate case processing time, the number of cases reported as processed within the 180 day standard set by the Arizona Supreme Court Rules of Criminal Procedure may be inflated.

Data from the Arizona Computerized Criminal History (ACCH) repository was used to perform an additional analysis of case processing times. However, the case processing standard used in this analysis differs from the time frames established by the Arizona Supreme Court because arraignment dates are not recorded in the ACCH. Case processing time is therefore defined as the time between the arrest date and the disposition date. According to the ACCH data, eight counties saw an increase in the percentage of felony cases processed within 180 days from arrest between FY2018 and FY2019. ACCH data was not used to analyze the number of cases processed within 150 days of arrest because of the inability to differentiate between in-custody and out of custody defendants. Nevertheless, the ACCH is a valuable resource for examining case processing trends because the data are regularly and systematically collected and recorded.

After assessing data from each county and the ACCH repository, the ACJC recommends the following to improve case processing times throughout the state:

1) If their current case management system is unable to do so, agencies should transfer to a system that has the ability to generate and track case processing statistics;
2) Agencies should continue to collaborate with other criminal justice entities and standardize data definitions so that statistics are comparable across agencies;
3) Additional resources should be allocated to fund indigent defense services; and
4) Agencies should develop strategies for submitting case processing information to statewide database systems to help ensure timely reporting of information.

INTRODUCTION

Arizona Senate Bill 1013, now known as State Fill the Gap (FTG) legislation, was passed into law in 1999. This bill was designed to address the increasing number of cases being processed through the court system by providing supporting funds to three stakeholders: county attorneys' offices, indigent defense agencies, and superior courts. In previous years, these stakeholders received State FTG funds from legislative appropriations and fine, fee, penalty, and surcharge revenues collected through the Criminal Justice Enhancement Fund (CJEF). In FY2011, legislative changes redirected state FTG funds from indigent defense agencies and superior courts to the Attorney General's Office to help fund capital post-conviction prosecution, and the Department of Public Safety (DPS) to offset operational costs associated with the Arizona Counter Terrorism Information Center. In FY2019, State FTG funds were again distributed from CJEF only to County Attorney agencies. These monies are distributed to each county based on an index computed from the county's current population and a three-year average of cases filed in each respective county's superior court (A.R.S. §41-2409).[1]

As required by A.R.S. §41-2409, this report covers FY2019 State FTG program expenditures and any resulting improvements in case processing. While this report includes information about the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund, it does not cover the State Aid to Courts Fund as this account is not monitored by the ACJC. Information regarding the use of the State Aid to Courts Fund may be found in the Arizona Administrative Office of the Courts' (AOC) Fill the Gap Annual Report.

FILL THE GAP FUNDS LEGISLATION

Six Arizona Revised Statutes govern the collection, administration, and reporting of the State Fill the Gap funds: A.R.S. §11-539, A.R.S. §11-588, A.R.S. §12-102.02, A.R.S. §12-116.01, A.R.S. §41-2421, and A.R.S. §41- 2409. These statutes provide financial support to counties for the purpose of improving criminal case processing times in the state. The six statutes are shown in their entirety in Appendix E.

A.R.S. §41-2421 states that "filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures" collected by the Arizona Supreme Court and the Court of Appeals are allocated to create Fill the Gap funding according to the following formula:

- 21.61 percent to the State Aid to County Attorneys Fund;
- 20.53 percent to the State Aid to Indigent Defense Fund;
- 57.37 percent to the State Aid to the Courts Fund; and
- 0.49 percent to the Department of Law for the processing of criminal cases.

In A.R.S. §12-116.01.B, a seven percent surcharge is also collected by county courts. The surcharge is collected on the following: all fines, penalties, forfeitures relating to criminal offenses, traffic and vehicular violations, and game and fish Title 17 statute violations.

[1] July 1, 2018 Population Estimates for Arizona's Counties, Incorporated Places and Unincorporated Balance of Counties. (2019, November 6). Retrieved from https://population.az.gov/sites/default/files/documents/files/pop-estimates2018-04pla.pdf.

Funds from the seven percent surcharge are distributed to FTG accounts as follows (A.R.S. §41-2421):

- 15.44 percent to the State Aid to County Attorneys Fund;
- 14.66 percent to the State Aid to Indigent Defense Fund;
- 40.97 percent to the State Aid to the Courts Fund;
- 0.35 percent to the Department of Law for the processing of criminal cases;
- 14.29 percent to the Arizona Criminal Justice Commission for distribution to full service forensic crime laboratories; and
- 14.29 percent to the Arizona Supreme Court for allocation to the municipal courts.

The State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund are administered by the Arizona Criminal Justice Commission. The State Aid to the Courts Fund is administered by the Arizona Supreme Court. This report only provides data and information on the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund.

In FY2019, the ACJC administered $790,565 from the State Aid to County Attorneys Fund. The total monies awarded to county attorneys were less than the projected appropriation for FY2019 due to a decrease in fine, fee, and surcharge revenues in the CJEF. The State Aid to Indigent Defense Fund did not receive funds due to the FY2011 legislative budget changes.

The State FTG funds administered by the ACJC are distributed according to the formulas established in A.R.S. §41-2409 (See Figure 1). Funds were distributed to the county attorneys based on each county's three-year average of felony case filings and the county's annual population as reported by the Arizona Department of Administration.[2]

Figure 1: State Fill the Gap Fund Formula
FY2019

Step 1:

County's Felony Filings in Superior Court:
Total Year 1 + Total Year 2 + Total Year 3 = 3 Year County Total
3 Year County Total ÷ 3 = 3 Year Average County Felony Filings

Statewide Felony Filings in All Superior Courts
Total Year 1 + Total Year 2 + Total Year 3 = 3 Year Statewide Total
3 Year Statewide Total ÷ 3 = 3 Year Average Statewide Felony Filings

3 Year Average County Felony Filings ÷ 3 Year Average Statewide Felony Filings = **Step 1 Result**

Step 2:

County Population ÷ Statewide Population = **Step 2 Result**

Step 3:

(**Step 1 Result** + **Step 2 Result**) ÷ 2 = **Composite Index**[3]

[2] Ibid.

[3] The Composite Index is used as a county multiplier across Fill the Gap funds to determine county fund distribution.

ARIZONA CASE TIMELINES

The Arizona Supreme Court Rules of Criminal Procedures establish time limitations for case processing. Rule 8.2 states that with the exception of complex and capital cases, cases involving felony defendants held in-custody are given up to 150 days from arraignment to conclude, while cases involving out of custody felony defendants are given up to 180 days. All felony cases (except complex and capital) are expected to adhere to the standards set by the Arizona Supreme Court. Exceptions to this rule include cases that experience continuances due to exceptional circumstances where time calculations are temporarily suspended and then resumed when these circumstances are resolved. Reasons for granting continuances on cases include the following:

1. the determination of mental competency or disability of a defendant;
2. an absent or incompetent defendant;
3. probable cause remanding;
4. disclosure time extensions;
5. trial calendar congestion;
6. a joinder of trials with another defendant;
7. setting a transfer hearing; or
8. the inability to take the accused into custody.

For the FY2019 report, agencies were asked to report only the percentage of felony cases adjudicated within 180 days, regardless of custody type. The 180 day time frame was selected in accordance with the Arizona Rules of Criminal Procedure Rule 8.2 (see Appendix G).

RESEARCH METHODS

The Arizona Criminal Justice Commission's Statistical Analysis Center (SAC) used an annual reporting form and financial report to capture State FTG expenditures, case processing statistics, and any circumstances that improved or hindered case processing throughout the fiscal year. This form was developed by the SAC during the late 1990s and has undergone significant changes throughout the years. In FY2016, questions regarding potential causes for case continuances and the impact of FTG funding on agency operations were included to further assess factors influencing case processing. These changes were used again in the FY2017 forms, which were also expanded to ask about felony case processing times for in-custody felony defendants and out-of-custody felony defendants separately. Information from the reporting documents was compiled and analyzed to identify common spending priorities, funding balances, improvements to processing, and any challenges faced by the agencies within each county. However, the 2016 reporting form was again used for the FY2018 and FY2019 reports due to inconsistencies between agencies' reporting of felony cases filed in-custody and out-of-custody.

Readers should be aware that case processing statistics may vary across counties and between agencies within a county for reasons other than actual differences in case processing times. For example, agencies may differ in how they categorize a case as filed or adjudicated. Similarly, while some agencies start the case processing clock on the date of indictment, others may use the date in which an attorney is assigned to the case or the date of arraignment. In addition, many agencies across the state use unique case management systems to collect their case processing statistics. These systems may vary in how the requested information is calculated,

while some may not collect the information at all. These factors greatly limit the standardization and comparison of case processing statistics across the state.

Arizona Computerized Criminal History (ACCH)

Data captured by law enforcement agencies are often not comparable across agencies, and in some cases, not comparable across years because of adjustments made to collection and reporting methods. For this reason, SAC staff analyzed county case processing times using adjudicated felony charges (excluding first-degree homicide charges) available in the Arizona Computerized Criminal History (ACCH) repository, maintained by the Arizona Department of Public Safety (DPS). Within the ACCH repository, cases were identified by the court case number and the county in which disposition court proceedings occurred. The earliest date of initial arrest for all charges included in a certain case was used as a proxy for the date of arraignment. The latest date of disposition (excluding appellate court dates) listed for a single case was used as the adjudication date. Case processing data received from the ACCH repository includes the following disposition findings: 1) guilty verdicts, 2) nolo contendere pleas, 3) pleas to other charges, 4) deferred sentencing, 5) deferred prosecution, 6) acquittals, 7) court dismissals, and 8) findings of no responsibility due to insanity. Any cases leading to appellate court findings are excluded from analysis since original court dates are overwritten by the appellate court dates in the ACCH repository.

Each fiscal year analyzed is standardized to include the previous ten years of arrest charges. For example, if a case was adjudicated in FY2011, the arrest charges that initiated the case may have occurred between calendar years 2001 to 2010. Previous research conducted by the SAC revealed that 36.4 percent of calendar year 2015 (January 1, 2015 – December 31, 2015) felony arrest charges entered into the ACCH by December 31, 2016 were missing subsequent disposition information.[4] Therefore, standardizing the data is necessary to assure reliable measurement for trend analyses.

Beginning with the FY2016 Fill the Gap report, all charges associated with the same court case number for a particular defendant were aggregated to create one case. For example, if a defendant's court case consisted of five arrest charges, these charges were aggregated to create one case rather than five individual cases, as had been done in previous reports. This reconstruction of the data was completed to avoid analyzing duplicate information for situations in which multiple charges are applied to one case, and to provide more accurate information on the number of cases adjudicated in a given year. Consequently, data presented in reports prior to FY2016 should not be compared to the data presented in later reports. Additionally, the ACCH analyses do not identify statistics specifically for in-custody versus out of custody defendant cases, and do not account for time delays (e.g., warrant status, court delays, trial continuances, diversion, etc.) that should be excluded from case processing time measures per the rules set by the Arizona Supreme Court. While there are limitations to using ACCH data to analyze case processing times, the data do provide a uniform measurement tool for statistics relating to each county. Thus, the ACCH tables should be used as a conservative estimate to gauge overall changes in case processing times rather than an exact measurement of case processing time frames.

[4] Completeness of Criminal History Records in Arizona, CY 2006-2015. (2017, July). Retrieved from http://azcjc.gov/sites/default/files/pubs/ACJC_Data_Brief_Completeness_of_Criminal_History_Records_in_Arizona_CY2006-2015.pdf.

REPORT LAYOUT

This report is organized into two sections, titled "State Fill the Gap Funding" and "ACCH Repository Data." The first section provides an overview of FY2019 funding from the State Aid to County Attorneys Fund. This overview is followed by county profiles which list brief summaries of balances, allocations, and expenditures to describe how each entity used existing funds to improve case processing times. County profiles also include self-reported case processing statistics and any comments regarding factors affecting case processing within a specific jurisdiction. The second section provides information on the data analyzed from the Arizona Computerized Criminal History (ACCH) repository by the ACJC. ACCH data were analyzed to provide an additional resource for reviewing progress in reducing case processing times.

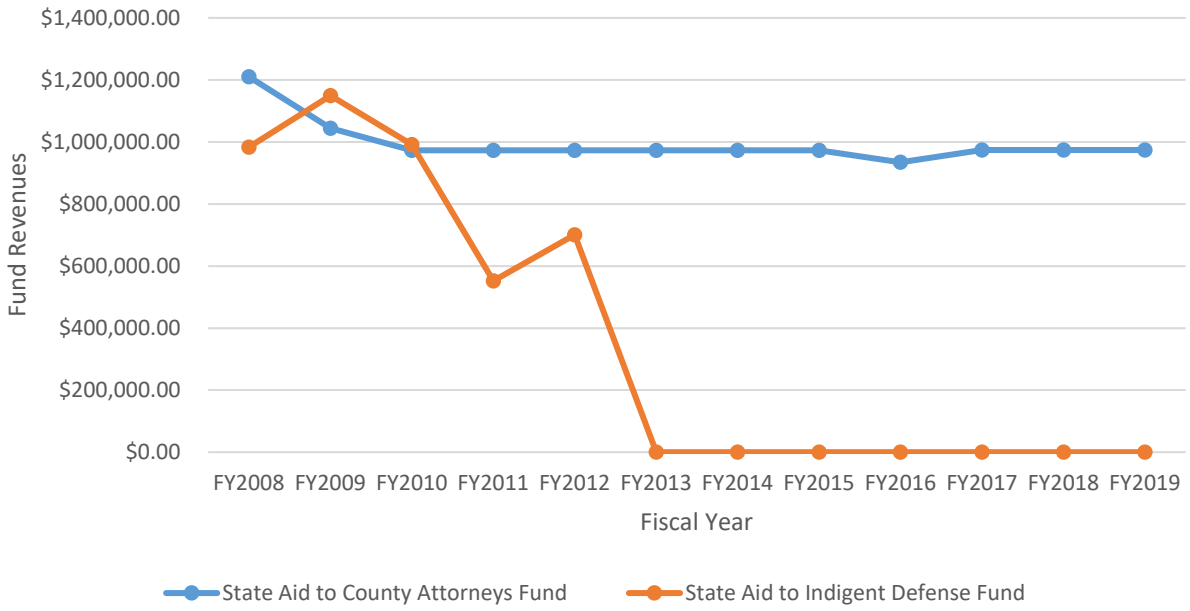
Appendix A provides a summary of current population estimates for each county as well as each county's estimated population growth. Appendix B provides an overview of the State Fill the Gap allocation changes from FY20010 to FY2019. Appendix C contains both the ACJC's recorded FY2019 FTG fund balances, allocations, funds received, and expenditures by county (Table 50), as well as a summary table of expenditures reported by the County Attorneys' offices (Table 51). Appendix D is a summary list of the reported uses of state FTG funds in FY2019. Appendices E and F include the full text of the Arizona Revised Statutes and Arizona Supreme Court Rules relevant to State FTG funds administered by the ACJC, respectively.

STATE FILL THE GAP FUNDING

History of Fill the Gap Funding

In 2000, Fill the Gap legislation generated funds to help county attorneys, indigent defense agencies, and superior courts reduce case processing times. From FY2000 to FY2009, county attorney agencies and indigent defense agencies received these funds from the Arizona General Fund and Criminal Justice Enhancement Fund (CJEF). In FY2010, monies from the Arizona General Fund were eliminated from State FTG appropriations, while other budgetary cuts reduced the amount of fine revenues allocated to FTG accounts. Due to these adjustments, monies allocated from the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund decreased from FY2009 to FY2010 (see Figure 2). During the 2011 Arizona legislative session, fine revenues for the indigent defense program were redirected to fund other state efforts. As a result, indigent defense agencies have not received monies from the State Aid to Indigent Defense fund since FY.

Figure 2: State Fill the Gap Funding Appropriations FY2008-FY2019[5]



[5] During FY2010, Arizona General Fund appropriations were no longer allocated to the State FTG program. A shortfall in the Arizona budget also caused a reduction in monies distributed to each county. Due to budgetary adjustments, monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

State Aid to County Attorneys Fund

In FY2019, the State Aid to County Attorneys Fund balance increased by 0.09 percent from FY2018. County attorney agencies were appropriated a total of $973,700 in FY2019, but only $790,565 was made available and distributed during the fiscal year. Table 1 includes the differences in allocation amounts between FY2018 and FY2019 for each county. The following pages provide the FY2019 fund balances and expenditures reported by each county.

Table 1. State Fill the Gap Fund Allocation Changes for County Attorneys[a] FY2018 – FY2019

County	FY2018	FY2019[b]	Difference
Apache	$7,151	$7,841	9.65%
Cochise	$14,441	$15,021	4.02%
Coconino	$16,120	$16,497	2.34%
Gila	$7,917	$8,459	6.85%
Graham	$5,797	$5,589	-3.59%
Greenlee	$1,399	$1,349	-3.57%
La Paz	$3,571	$3,788	6.08%
Maricopa	$479,182	$476,372	-0.59%
Mohave	$24,978	$26,456	5.92%
Navajo	$13,853	$13,771	-0.59%
Pima	$106,109	$106,764	0.62%
Pinal	$52,480	$50,964	-2.89%
Santa Cruz	$4,621	$4,647	0.56%
Yavapai	$30,224	$31,090	2.87%
Yuma	$22,554	$22,530	-0.11%
Total[b]	**$790,397**	**$791,138**	**0.09%**

[a] The allocation is the distributed revenue based on the statutory formula. These amounts include monies distributed from Quarter 1 through Quarter 4 for each fiscal year regardless of time of receipt.

[b] FY2019 totals are those reported to the ACJC by County Attorney's offices. Discrepancies may exist between what an agency reports and ACJC's financial records. Funds disbursed by the ACJC totaled $790,565 (see Appendix C).

State Aid to Indigent Defense Fund

Indigent defense agencies did not receive Fill the Gap funding in FY2019 due to the FY2011 legislative changes previously discussed. In FY2019, monies previously allocated to the State Aid to Indigent Defense Fund were redirected to the Attorney General's Office to fund capital post-conviction prosecutions, as well as to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. This report does not include balance and expenditure information for the State Aid to Indigent Defense Fund as the ACJC is no longer responsible for administering this fund.

Apache County

Apache County Attorney's Office

In FY2019, the Apache County Attorney's Office reported using FTG to fund a portion of the maintenance of their case management system to continue to help improve the efficiency in case processing.

Table 2. Apache County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures[a]	Ending Balance
Apache County Attorney's Office	$20,016.84	$7,841.00	$0.00	$0.00	$27,857.84

[a] Fund Expenditures have not been reported.

The Apache County Attorney's Office reported that case processing times were helped by 1) utilizing a new case management system, 2) working collaboratively with law enforcement agencies to acquire reports necessary to file on felony cases in a timely manner, and 3) ensuring officer availability for interviews and hearings.

Negative factors that affected case processing in Apache County included 1) the defense requesting several continuances in order to work on plea agreements, conduct defense interviews, and obtain additional investigation time, and 2) a large number of no-show defendants for court hearings.

Table 3 reports the felony case processing statistics for the Apache County Attorney's Office for FY2015-FY2019.

Table 3. Apache County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Adult and Juvenile Felony Cases, Except Probation Violation Revocations and Appeals

	FY2015[a]	FY2016[a]	FY2017[b]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[c]	66.0%	77.0%	47.0%	36.0%	180%
Total Felony Cases Filed	393	600	721	727	672

[a] FY2015 and FY2016 cases exclude juvenile cases, probation violation revocations, and case appeals.

[b] Due to changes in the report, comparisons should not be made between FY2017 percent and total felony case statistics and previous years' percent and total felony cases statistics.

[c] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Cochise County

Cochise County Attorney's Office

In FY2019, the Cochise County Attorney's Office reported using FTG funds to support the salaries of one attorney and two clerk positions. These positions are necessary to keep up with the volume of cases the agency prosecutes.

Table 4. Cochise County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Cochise County Attorney's Office	$45,067.91	$15,021.00	$732.08	($9,726.98)	$51,094.01

The Cochise County Attorney's Office reported being in the process of a technological transition to a new program for interacting with law enforcement. According to the agency, this system should streamline the workflow of cases from law enforcement to the County Attorney's Office, as well as allow for digital disclosure to defense agencies.

Negative factors that affected case processing in Cochise County included some initial glitches in the new system. Until these issues are resolved, the agency will be processing most cases on paper.

Table 5 reports the felony case processing statistics for the Cochise County Attorney's Office for FY2015-FY2019.

Table 5. Cochise County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases

	FY2015 [a]	FY2016 [a]	FY2017 [b]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing [c]	68.0%	71.0%	--	--	--
Total Felony Cases Filed	581	1,011	882	858	1461

[a] FY2011 through FY2015 statistics include indicted or direct information felony cases filed, except for Warrant and Adult Diversion cases.

[b] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[c] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Coconino County

Coconino County Attorney's Office

In FY2019, the Coconino County Attorney's Office reported using FTG funds for the partial salary of one legal assistant position, allowing for the timely entry of charging referrals received from law enforcement.

Table 6. Coconino County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Coconino County Attorney's Office	$0.00	$16,497.00	$0.00	($16,497.00)	$0.00

The County Attorney's Office reported that case processing continued to be an important topic of discussion for its Felony Task Force. The agency also reported continued collaboration with court administrators to reduce case processing times. However, the County Attorney's office reported that gains in case processing efficiency were offset by an increase in total volume.

Negative factors that affected case processing in Coconino County were attributed to 1) an increase in total volume of criminal cases referred from law enforcement, 2) the absence of a scalable response from the criminal justice system downstream of the County Attorney's Office, 3) defense council continuances including: delays in investigating and disclosing exculpatory evidence, delays in evaluating the righteousness of pleas with clients, delays for the purpose of settlement conferences.

Table 7 reports the felony case processing statistics for the Coconino County Attorney's Office for FY2015-FY2019.

Table 7. Coconino County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Arraigned in FY2019, Excluding Days on Warrant Status.

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing	51.0%	51.0%	--	48.0%	38.0%
Total Felony Cases Filed[b]	735	735	676	827	935

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Gila County

Gila County Attorney's Office

In FY2019, the Gila County Attorney's Office reported using FTG funds for procuring new computers for all attorneys and staff. The updated equipment and technology allow for the more efficient tracking of the progress of criminal cases and also help prevent loss of data.

Table 8. Gila County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received[a]	Interest Earned	Fund Expenditures	Ending Balance
Gila County Attorney's Office	$20,354.00	$8,459.00	$352.79	($0.00)	$24,365.79

[a] The funds received reported by the Graham County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The Gila County Attorney's Office reported that direct access to law enforcement databases for police reports and court minute entries had positive impacts on case processing.

Negative factors that affected cases processing in Gila County included 1) staff shortages, 2) outdated equipment, and 3) delays when requesting follow-up information from law enforcement, resulting in delays in filing out-of-custody complaints.

Table 9 reports the felony case processing statistics for the Gila County Attorney's Office for FY2015-FY2019.

Table 9. Gila County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases indicted July 1 2018 through June 30, 2019, Excluding Days on Warrant Status or Days

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing	65.0%	70.0%	--	110.0%	150.0%
Total Felony Cases Filed[b]	512	644	560	560	606

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Graham County

Graham County Attorney's Office

In FY2019, the Graham County Attorney's Office reported using FTG funds to pay for their case management system, annual copy machine maintenance fee, and other equipment, such as printers and computers. FTG funds allowed the agency to purchase the equipment and case management system necessary to process cases more expeditiously and keep the office running smoothly.

Table 10. Graham County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance[a]	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Graham County Attorney's Office	$17,337.00	$5,589.00	$271.44	($6,408.53)	$16,789.00

[a] The beginning balance and funds received reported by the Graham County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported using a program called Evidence.com to share photos, videos and full disclosures in criminal cases with the defense counsel in a timely manner. This sped case dispositions, positively affecting case processing times.

Graham County reported that conflicting schedules with defense attorneys and defense plea agreement negotiations as factors negatively impacting felony case processing times.

Table 11 reports the felony case processing statistics for the Graham County Attorney's Office for FY2015-FY2019.

Table 11. Graham County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed in the Superior Court

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	58.0%	72.2%	--	67.0%	63.0%
Total Felony Cases Filed	390	435	492	422	319

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Greenlee County

Greenlee County Attorney's Office

In FY2018, the Greenlee County Attorney's Office reported using FTG funds for the office supplies necessary to keep case files in order, including the production of court documents and disclosures for the defense; storing, docketing, and all other necessary steps in keeping track of current files; and archiving completed files. The Fill the Gap funds allowed the agency to purchase the administrative supplies necessary for the office and its case tracking responsibilities to run smoothly.

Table 12. Greenlee County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Greenlee County Attorney's Office	$333.26	$1,349.00	$0.00	($1,116.51)	$565.75

The County Attorney's Office reported that successful collaborations with local law enforcement agencies and the probation department positively affected case processing times in Greenlee County. The agency also reported that it collaborated with law enforcement agencies in surrounding counties on some difficult cases.

Negative factors that affected case processing in Greenlee County included delays in receiving reports from law enforcement agencies.

Table 13 reports the felony case processing statistics for the Greenlee County Attorney's Office for FY2015-FY2019.

Table 13. Greenlee County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed by the County Attorney in FY2019

	FY2015	FY2016	FY2017a	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	94.0%	94.0%	--	94.0%	92.0%
Total Felony Cases Filed	124	127	99	112	164

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

La Paz County

La Paz County Attorney's Office

In FY2019, the La Paz County Attorney's Office reported using FTG funds to provide training for prosecutors. These trainings were critical for keeping staff up-to-date on current prosecution issues. FTG funds also allowed the agency to provide case management system training. The agency stated that the current amount allocated to the agency will not be enough to sustain future training and technical support.

Table 14. La Paz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
La Paz County Attorney's Office	$11,984.75	$3,788.00	$135.02	($2,993.15)	$12,914.62

The County Attorney's Office reported that the Superior Court acquired a new system to collect current and reliable court statistical data to support the County Attorney's office reporting requirements, which positively impacted case processing.

Negative factors affecting case processing times at the County Attorney's Office included 1) an increased number of prosecutions, 2) staff shortages, and 3) inadequate funds. The agency stated that the Superior Court judge announced that there would be no grand jury for an indefinite amount of time, which will require the agency to conduct mass preliminary hearings, therefore increasing the existing burden.

Table 15 reports the felony case processing statistics for the La Paz County Attorney's Office for FY2015-FY2019.

Table 15. La Paz County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed in FY2019.

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	50.0%	52.0%	--	50.0%	40.29%
Total Felony Cases Filed	261	324	375	364	386

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Maricopa County

Maricopa County Attorney's Office

In FY2019, the Maricopa County Attorney's Office reported using FTG funds to support salaries, overtime, and benefits for twelve Legal Support positions. These positions help improve case processing time and efficiency by 1) processing cases submitted by law enforcement for prosecution, 2) opening new case files and preparing charging, grand jury, and preliminary hearings, and 3) completing arraignment paperwork. The County Attorney's Office reported that FTG funding is critical to their transition to a paperless submittal system that will reduce the time and cost to adjudicate criminal cases.

Table 16. Maricopa County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance[a]	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Maricopa County Attorney's Office	$190,228.58	$476,372.00	$5,249.26	($703,271.64)	$31,421.80

[a] The beginning balance reported by the Maricopa County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported that collaborative efforts in developing electronic case submittal and information sharing processes positively impacted case processing in Maricopa County. As these systems become more operational, the agency predicts that case processing in Maricopa County will become more efficient and streamlined.

Factors that negatively affected case processing in Maricopa County included a high volume of case submittals and strict deadlines set by criminal statute and rules of criminal procedure. The agency also stated that because the electronic submittal process is not fully implemented in all agencies, certain agencies submit cases in hard copy formats, requiring an extra step to scan and store electronically. The agency is in the process of conducting operational studies of internal practices to identify inefficiencies and implement strategic changes as needed.

Table 17 reports the felony case processing statistics for the Maricopa County Attorney's Office for FY2015-FY2019.

Table 17. Maricopa County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: Felony Cases Disposed in FY2018 Except Homicide, Complex Cases, Appeals, Conflicts, Purged Cases, Probation Violations, and Post-Convictions. Also excludes time warrant status.

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	79.1%	79.1%	--	--	78.0%
Total Felony Cases Filed	30,909	30,909	29,151	31,569	34,810

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Mohave County

Mohave County Attorney's Office

In FY2019, the Mohave County Attorney's Office reported using FTG funds for partial salary support of one prosecutor and several positions in the Victim Services division. FTG funds were also used for attorney and staff trainings, and to purchase office supplies.

Table 18. Mohave County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Mohave County Attorney's Office	$0.00	$24,456.00	$0.00	($24,456.00)	$0.00

The County Attorney's Office reported that FTG support for prosecutors positively impacted case processing. Additionally, knowledgeable support staff helped ensure that all work was completed in a timely manner.

Negative factors that affected case processing in Mohave County included staffing issues at the Public Defender's Office, as well as a large increase in filed felony cases. The staffing issues caused the case load to increase and increased case adjudication times.

Table 19 reports the felony case processing statistics for the Mohave County Attorney's Office for FY2015-FY2019.

Table 19. Mohave County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Adult Cases, Felony Juvenile Cases, and Felony Drug Cases

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	78.0%	82.6%	--	44.1%	43.51%
Total Felony Cases Filed	2,344	2,646	2,626	2,980	2,820

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Navajo County

Navajo County Attorney's Office

In FY2019, the Navajo County Attorney's Office reported using FTG funds for annual case management and communication software payments. These systems provide server and document storage support, which assist in case processing.

Table 20. Navajo County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance[a]	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Navajo County Attorney's Office	$(1417.64)	$13,771.00	$69.26	($0.00)	$12,442.62

[a] The beginning balance reported by the Navajo County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported a positive impact on case processing due to its case management system's ability to interface with other agencies, including the public defender's office and law enforcement offices. This interface allows case information to be transferred electronically, speeding up case processing time.

Negative factors that affected case processing in Navajo County included 1) an increase in cases filed from FY2018, leading to more than 120 caseloads for each attorney, 2) budget constraints causing inability to hire additional attorneys, 3) handling of more time consuming, complex cases, causing a backlog in prosecution of these cases, and 4) delay tactics implemented from the defense attorneys, affecting the total number of cases open and closed.

Table 21 reports the felony case processing statistics for the Navajo County Attorney's Office for FY2015-FY2019.

Table 21. Navajo County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed in FY2019

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	34.0%	62.0%	31.0%	32.0%	24.00%
Total Felony Cases Filed	1,087	1,580	1,398	1,548	1,760

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Pima County

Pima County Attorney's Office

For FY2019, the Pima County Attorney's Office reported using FTG funds to supplement salaries for legal and administrative support staff and prosecutors, technology improvements in criminal case management programming and software, and hardware upgrades.

Table 22. Pima County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pima County Attorney's Office	$283,226.23	$106,764.00	$12,954.69	($156,278.34)	$246,666.58

The County Attorney's Office reported collaborating with criminal justice agencies through the Justice Partners group for use of innovative technology. This has allowed for electronic file transfer between several agencies, enhancing prosecution and positively impacting case processing time.

Negative factors that affected case processing in Pima County included 1) an increased case load, 2) an increase in the number of reported crimes, which the County Attorney's Office attributed to population growth and additional law enforcement served by the Office, and 3) the need to hire new personnel in state and local police departments. Pima County reported a higher-than-national average crime rate during CY2018, but a decrease of 9.5% for reported homicides in 2018.

Table 23 reports the felony case processing statistics for the Pima County Attorney's Office for FY2015-FY2019.

Table 23. Pima County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases that were filed or adjudicated within FY2019 including violent property, all felony traffic violation cases.

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	70.0%	75.0%	--	--	67.00%
Total Felony Cases Filed	5,621	5,539	5,774	5,951	6,449

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Pinal County

Pinal County Attorney's Office

In FY2019, the Pinal County Attorney's Office reported using FTG funds to support the salaries of two Legal Secretary II positions, which are critical to processing criminal cases, preparing cases, filing documents in a timely manner, and managing the case through adjudication.

Table 24. Pinal County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pinal County Attorney's Office	$0.00	$50,964.00	$76.53	($51,040.53)	$0.00

The County Attorney's Office reported continued improvement in its relations with law enforcement agencies. The Intake Department, for example, reported that they were able to obtain reports in a timelier manner by establishing lines of communications with various law enforcement agencies.

Negative impacts on case processing in Pinal County were attributed to time constraints. Once a suspect is arrested, the agency has two business days to receive arrest reports from law enforcement agencies, review the report, and determine charges. However, the agency can receive the reports on the final business day, which increases pressure to complete the paperwork within the required timeframe.

Table 25 reports the felony case processing statistics for the Pinal County Attorney's Office for FY2015-FY2019.

Table 25. Pinal County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: Felony Cases Adjudicated in FY2019

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b,c]	60.0%	56.3%	--	46.4%	55.11%
Total Felony Cases Filed	1,258	4,005	3,401	2,874	2,740

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Santa Cruz County

Santa Cruz County Attorney's Office

In FY2019, the Santa Cruz County Attorney's Office reported using FTG funds to support the salaries of a temporary office clerk, allowing the office to move cases through their system more efficiently and effectively. FTG funds also enabled permanent staff members to perform case file management tasks in a timely manner.

Table 26. Santa Cruz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance[a]	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Santa Cruz County Attorney's Office	$1,035.59	$4,647.00	$0.00	($5682.59)	$0.00

[a] The beginning balance reported by the Santa Cruz County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported that hiring temporary legal assistants created a more efficient and effective case processing system, which positively impacted case processing.

The inability of the current computer operating system to track adjudication time frames was reported as a negative factor influencing case processing in Santa Cruz County. In addition, the agency experienced continuances related to attorney availability, plea negotiations, or disclosure-related issues, which increased case processing times.

The Santa Cruz County Attorney's Office was not able to report case processing statistics for FY2019 because its case management system does not track the required information. The office last reported case processing statistics in FY2010.

Table 27. Santa Cruz County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: N/A

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available
Total Felony Cases Filed	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Yavapai County

Yavapai County Attorney's Office

In FY2019, the Yavapai County Attorney's Office reported using FTG funds for salaries and other employee-related expenses for two Litigation Specialists. FTG funds also support Yavapai County Attorney's Office staff who enter and upload case information into the case management system, facilitating expeditious review and disclosure by prosecutors.

Table 28. Yavapai County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yavapai County Attorney's Office	$0.00	$31,090.00	$0.00	($31,090.00)	$0.00

The County Attorney's Office reported an improvement in case processing times due to 1) appropriate staffing and retention of experienced and quality staff, 2) successful operation of the Early Disposition Court, and 3) the use of a new case management system, which enabled the office to go paperless with the majority of case materials.

Cases were delayed for reasons including 1) additional discovery parties working on a non-trial resolution, 2) parties engaged in discoveries, 3) defense attorneys' failure to appear, 4) filing of new charges, and 5) delays for settlement discussions or evidentiary hearings.

Table 29 reports the felony case processing statistics for the Yavapai County Attorney's Office for FY2015-FY2019.

Table 29. Yavapai County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed in the Yavapai County Court Administration Office

	FY2015 [a]	FY2016 [a]	FY2017 [b]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing [c]	82.0%	83.6%	--	81.2%	80.28%
Total Felony Cases Filed	2,038	2,286	2,348	2,253	2,159

[a] FY2010 through FY2015 statistics exclude capital murder cases, bench warrants, and time under Rule 11 restoration.

[b] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony case statistics. Changes in methdology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[c] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Yuma County

Yuma County Attorney's Office

In FY2019, the Yuma County Attorney's Office reported using FTG funds to support the salary of its Investigator position. The Investigator facilitates pleas in a timely manner and supports faster case processing.

Table 30. Yuma County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2019

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yuma County Attorney's Office	$0.00	$0.00	$0.00	$22,530.00	$(22,530.00)

The County Attorney's Office emphasized the importance of the Investigator position, acknowledging the legal and administrative support the Investigator provides to help reduce case processing times.

Yuma County attributed case processing delays to 1) waiting for disclosure information, 2) service of summons, 3) victims right compliance, 4) scheduling witness interviews, 5) Rule 11 motions and competency restoration, 6) deferred prosecution in specialty courts, and 7) high turnover in defense bars.

Table 31 reports the felony case processing statistics for the Yuma County Attorney's Office for FY2015-FY2019.

Table 31. Yuma County Attorney's Office Felony Case Processing Statistics FY2015-FY2019

Cases Included in FY2019 Statistics: All Felony Cases Filed in FY2018 Excluding Violations of Probations, Juvenile Cases, or Extraditions

	FY2015	FY2016	FY2017[a]	FY2018	FY2019
Percent of Felony Cases Adjudicated within 180 Days of Filing[b]	76.0%	73.0%	76.0%	73.0%	33%
Total Felony Cases Filed	1,407	1,301	1,417	1,455	1,391

[a] Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

[b] In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

ACCH REPOSITORY DATA

To capture data that may be comparable across years, the ACJC SAC analyzed case processing times using data housed in the Arizona Computerized Criminal History (ACCH) repository. This repository is maintained by the Arizona Department of Public Safety (DPS), and is the central repository for all criminal arrest and disposition information recorded in the state. The ACCH was analyzed to determine the percentage of felony cases adjudicated within 180 days of arrest between FY2015 and FY2019. First-degree homicide charges were excluded from the dataset since these cases are not subject to the standardized time frame established in the Arizona Supreme Court Rules of Criminal Procedure. The ACCH data presented in the FY2016 Fill the Gap report and beyond should not be compared to results presented in reports published prior to FY2016 because of a change in methodology (see Research Methods, page 5).

Low completion rates reported for FY2019 may be due to outstanding case findings that have not yet been entered into the ACCH or cases that were entered into the ACCH after the data was extracted from the repository in July 2019, rather than true case processing delays. Furthermore, data received from the ACCH reflect a different timeline than the standard set out by the Supreme Court Rules of Criminal Procedure. As such, information contained in each chart should not be viewed as an exact measurement of case processing time frames, but rather a means to examine trends from a data source in which information is obtained and analyzed in a consistent fashion.

The following sections report ACCH data for the State of Arizona and its counties.

ACCH Case Processing Statistics for the State of Arizona

The State of Arizona has experienced a 13.4 percent decrease in the percentage of felony cases adjudicated within 180 days of arrest between FY2015 and FY2019. There was no change in the percentage of felony cases adjudicated from FY2018 to FY2019. As of July 2019, the ACCH data show that the median number of days from arrest to felony adjudication has increased from 195 days in FY2015 to 305 days in FY2019. Due to data limitations, there is a possible lack of comparability to prior years.

Table 32. Statewide Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[6] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	195	217	266	289	305
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	46.5%	42.4%	35.5%	33.1%	33.1%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	11,431	11,134	8,180	9,129	12,234

[6] Ibid.

Apache County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Apache County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 302 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 51 percent in FY2015 to 31.7 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 26 in FY2015 to 80 in FY2019.

Table 33. Apache County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[7] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	177	127	119	276.50	302
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	51%	68.3%	61.6%	40.2%	31.7%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	26	99	77	33	80

Cochise County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Cochise County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 209 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 46.5 percent in FY2015 to 44.2 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 145 in FY2015 to 210 in FY2019.

Table 34. Cochise County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[8] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	198	165	164.50	253.50	209
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	46.5%	52.4%	51.5%	43.6%	44.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	145	211	69	68	210

[7] Ibid.

[8] Ibid.

Coconino County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Coconino County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 430 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 23.3 percent in FY2015 to 11.6 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 110 in FY2015 to 83 in FY2019.

Table 35. Coconino County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[9] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	346	343	520	432	430
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	23.3%	21.8%	11.4%	14.4%	11.6%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	110	87	26	55	83

Gila County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Gila County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 715 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 18.9 percent in FY2015 to 19.3 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 83 in FY2015 to 27 in FY2019.

Table 36. Gila County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[10] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	391	600	586	630	715
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	18.9%	20%	31.3%	22.4%	19.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	83	25	21	15	27

[9] Ibid.

[10] Ibid.

Graham County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication increased for Graham County over the four year period. In FY2019, the median number of days from arrest to adjudication was 320 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 32.4 percent in FY2015 to 24.1 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 90 in FY2015 to 68 in FY2019.

Table 37. Graham County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[11] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	270	297	255	282	320
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	32.4%	28.1%	34.7%	24.9%	24.1%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	90	93	103	62	68

Greenlee County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Greenlee County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 215 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 60.9 percent in FY2015 to 41.2 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 78 in FY2015 to 28 in FY2019.

Table 38. Greenlee County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[12] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	135	179	249	199	215
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	60.9%	50%	41.2	44.8%	41.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	78	48	14	13	28

[11] Ibid.

[12] Ibid.

La Paz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for La Paz County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 266 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 36.8 percent in FY2015 to 28.5 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 85 in FY2015 to 99 in FY2019.

Table 39. La Paz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[13] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	225	208	191	301	266
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	36.8%	46.2%	47.1%	22.4%	28.5%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	85	109	72	49	99

Maricopa County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Maricopa County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 335 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 41.5 percent in FY2015 to 30.7 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 6,077 in FY2015 to 8,092 in FY2019.

Table 40. Maricopa County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[14] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	217	239	278	301	335
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	41.5%	38.3%	33.4%	31.6%	30.7%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	6077	7092	6367	6933	8092

[13] Ibid.

[14] Ibid.

Mohave County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Mohave County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 267 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 61.1 percent in FY2015 to 33.1 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 672 in FY2015 to 745 in FY2019.

Table 41. Mohave County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[15] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	140	162	186	208	267
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	61.1%	55.5%	48.9%	43.3%	33.1%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	672	763	588	731	745

Navajo County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Navajo County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 250 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 45.7 percent in FY2015 to 44.5 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 205 in FY2015 to 61 in FY2019.

Table 42. Navajo County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[16] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	208	222.50	224	328	250
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	45.7%	43.5%	48.9%	35.6%	44.5%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	205	108	22	21	61

[15] Ibid.

[16] Ibid.

Pima County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pima County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 204 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 58.6 percent in FY2015 to 45.3 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 2,220 in FY2015 to 900 in FY2019.

Table 43. Pima County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[17] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	154	154	266	252	204
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	58.6%	58.2%	41.2%	34.7%	45.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	2220	1338	110	300	900

Pinal County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pinal County decreased over the four year period. In FY2019, the median number of days from arrest to adjudication was 217 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 32.6 percent in FY2015 to 44.4 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications increased from 70 in FY2015 to 622 in FY2019.

Table 44. Pinal County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[18] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	250	312	391.50	227	217
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	32.6%	35.7%	30.2%	43.7%	44.4%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	70	51	38	152	622

[17] Ibid.

[18] Ibid.

Santa Cruz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Santa Cruz County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 222 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 60.4 percent in FY2015 to 41 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 145 in FY2015 to 125 in FY2019.

Table 45. Santa Cruz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[19] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	150	173	187	278	222
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	60.4%	53%	47.3%	34%	41%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	145	88	53	73	125

Yavapai County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yavapai County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 189 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 63.7 percent in FY2015 to 48.8 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 1,019 in FY2015 to 832 in FY2019.

Table 46. Yavapai County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[20] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	106	143	157	203	189
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	63.7%	55.9%	53.1%	47.3%	48.8%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	1019	730	423	423	832

[19] Ibid.

[20] Ibid.

Yuma County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yuma County increased over the four year period. In FY2019, the median number of days from arrest to adjudication was 174 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 60.9 percent in FY2015 to 51.9 percent in FY2019. Over the same period, the number of cases resulting in felony adjudications decreased from 406 in FY2015 to 262 in FY2019.

Table 47. Yuma County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System[21] FY2015-2019

	FY2015	FY2016	FY2017	FY2018	FY2019
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	157	157	167	188	174
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	60.9	58.9%	55.1%	48.2%	51.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	406	292	196	201	262

[21] Ibid.

CONCLUSION AND RECOMMENDATIONS

In FY2019, County Attorneys received a total of $790,565 in State Fill the Gap (FTG) funds through revenues distributed by the Arizona Criminal Justice Commission (ACJC). This amount is 0.02 percent more than previous allocations. All payments were made on time. Indigent defense agencies did not receive funds during FY2019 and have not received State FTG funds since FY2012. Through previous balances and current awards, county attorneys expended a total of $1,033,091.27 on salaries for permanent and/or temporary staff positions, office equipment and supplies, and maintenance costs for case management systems and other crucial office equipment. Due to changes in the research methodology for the 2017 Fill the Gap report, no information was collected in terms of indigent defense agencies' funds expenditure, as no funds were allocated.

Of the fifteen agencies, only two agencies reported adjudicating over 100% of eligible felony cases within 180 days of filing. Furthermore, data from the Arizona Computerized Criminal History (ACCH) repository reveal that as of July 2019, only 33.1 percent of the 12,234 cases adjudicated in Arizona during FY2019 were finalized within 180 days of arrest. Many agencies acknowledged a number of factors that negatively affected case processing including: 1) increased caseloads; 2) high staff turnover; 3) excessive delays and continuances throughout the criminal justice system; 4) limited resources to pay for operating costs and staff positions; 5) weak relations between, and the lack of coordiation among, criminal justice agencies causing delays in receiving necessary case materials; and 6) increased crime rates within the county.

In order to identify operational gaps and improve case processing times within Arizona, the following steps are recommended by the ACJC:

- Each County Attorney's office should have the capacity to gather consistent and comparable case processing statistics. This information will allow agencies to better identify issues related to case processing within their jurisdiction, and assess progress in meeting the established time standards. Furthermore, the lack of an efficient case management system was identified as a barrier to improving criminal case processing times by many agencies. Therefore, it is suggested that county agencies prioritize Fill the Gap resources to purchase case management systems that will allow for the collection of these data. Stakeholders should also collaborate to standardize definitions in data processing and consider using similar case management systems within their respective jurisdictions. Utilizing the same case management system may ease issues with sending or receiving necessary documents among the agencies, courts, and law enforcement.

- Many agencies note improvements in case processing time and management from working collaboratively with their local criminal justice agencies (e.g., the Public Defender's Office, law enforcement, and the county courts). This collaborative environment allows agencies to access external databases and information within their networks, which help increase the efficiency of case management. Agencies and stakeholders should continue to determine how to improve working relationships with local criminal justice agencies, so that agencies can collaborate to acquire the information necessary to manage future caseloads.

- County Attorneys noted that funding resources are essential for sustaining the efficacy of legal operations within their offices. It is recommended that funding resources be

made available to provide support for case processing and staffing costs throughout Arizona. This additional resource will aid attempts to improve operational functions that affect case processing times (e.g., transferring to electronic collection systems from paper-based systems, hiring additional staff to assist in processing cases, etc.).

- The state should allocate funding in the State Aid to Indigent Defense Fund to its statutorily mandated purpose—to indigent defense activities at the county level that will improve case processing times. Systems are only as effective as the least efficient part of the process and continuing to underfund indigent defense will hamper efforts to meet the Arizona Supreme Court's standards for case processing times. Restoring these resources to their intended purpose will aid indigent defense agencies' attempts to improve operational functions that affect case processing times (e.g., transferring to electronic collection systems from paper-based systems, hiring additional staff to assist in processing cases).

- State agencies should have the ability to gather complete and comparable information regarding criminal case processing times. Currently, the Arizona Computerized Criminal History (ACCH) repository is used by the ACJC to supplement agency case processing statistics, and provide an estimate of changes in criminal case processing. Although this repository contains valuable data used to assess trends in case processing from arrest to adjudication, criminal history information within the ACCH is not always complete. The ACJC recommends that all counties develop policies and procedures to ensure that all arrest and disposition information for cases filed within their jurisdiction are submitted to the ACCH in a timely manner and reviewed for accuracy.

APPENDIX A: Arizona County Population Estimates

Table 48. Arizona 2019 Population Estimates			
County	**2018 Population Estimate[a,b]**	**Percent of Arizona Population**	**Population Growth (2017-2018)**
Apache	73,330	1.0%	0.8%
Cochise	130,319	1.8%	1.5%
Coconino	145,564	2.1%	1.0%
Gila	54,946	0.8%	0.0%
Graham	38,126	0.5%	-0.4%
Greenlee	10,506	0.1%	-4.2%
La Paz	21,890	0.3%	1.4%
Maricopa	4,294,460	60.7%	1.7%
Mohave	212,948	3.0%	1.5%
Navajo	112,746	1.6%	1.3%
Pima	1,034,201	14.6%	0.8%
Pinal	440,591	6.2%	3.0%
Santa Cruz	52,390	0.7%	1.7%
Yavapai	228,970	3.2%	1.6%
Yuma	225,212	3.2%	1.6%
State	**7,076,199**	**100.00%**	**1.6%**

[a] Population estimates as of July 1, 2018.

[b] Population estimates were collected from reports produced by the State of Arizona Office of Economic Opportunity (https://population.az.gov/sites/default/files/documents/files/pop-estimates2018-04pla.pdf).

APPENDIX B: State Fill the Gap Funding Allocation Changes

Table 49. State Fill the Gap Funding Allocation[a] Changes FY2010 – FY2019

Funding Accounts	FY2010[b]	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016[c]	FY2017	FY2018	FY2019
State Aid to County Attorneys	$973,593.63	$973,600.00	$973,600.00	$973,600.00	$973,600.00	$973,600.00	$973,450.00	$973,700.00	$973,700.00	$973,700.00
State Aid to Indigent Defense[d]	$991,767.13	$551,880.00	$700,300.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

[a] The allocation amount reported refers to the total amount of State FTG funds allocated to counties from FY2008 to FY2017.

[b] During FY2010, Arizona General Fund appropriations were no longer allocated to the State FTG program. A shortfall in the Arizona budget also caused a reduction in monies distributed to each county.

[c] The amount listed for FY2016 is the amount *distributed* to the County Attorneys offices in the state.

[d] Monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

APPENDIX C: Arizona Fill the Gap Balances, Revenues, and Expenditures

Table 50. State Aid to County Attorneys Fill the Gap Balance Detail FY2019

	Beginning Balance	Fund Allocation[a]	Funds Received[b]	Interest Earned	Fund Expenditures	Ending Balance
Apache County Attorney	$20,016.84	$8,813.00	$7,841.00	$0.00	$0.00	$27,857.00
Cochise County Attorney	$45,067.91	$17,787.00	$15,021.00	$732.08	($9,726.98)	$51,094.01
Coconino County Attorney	$0.00	$19,861.00	$16,497.00	$0.00	($16,497.00)	$0.00
Gila County Attorney	$20,354.00	$9,752.00	$7,886.00	$352.00	$0.00	$24,365.79[c]
Graham County Attorney	$17,337.00	$7,138.00	$5,589.00	$271.44	($6,408.53)	$16,789.00
Greenlee County Attorney	$333.26	$1,723.00	$1,349.00	$0.00	($1,116.51)	$565.75
La Paz County Attorney	$11,984.75	$4,398.00	$3,788.00	$135.02	($2,993.15)	$12,914.62
Maricopa County Attorney	$190,228.58	$590,313.00	$476,372.00	$5,249.26	($703,271.64)	$31,421.80
Mohave County Attorney	$0.00	$30,770.00	$26,456.00	$0.00	($26,456.00)	$0.00
Navajo County Attorney	($1,417.64)	$17,062.00	$13,771.00	$69.26	$0.00	$12,422.62
Pima County Attorney	$283,226.23	$130,717.00	$106,764.00	$12,954.69	($156,278.34)	$246,666.58
Pinal County Attorney	$0.00	$64.650.00	$50,964.00	$76.53	($51,040.53)	$0.00
Santa Cruz County Attorney	$1,035.59	$5,692.00	$4,647.00	$0.00	($5,682.59)	$0.00
Yavapai County Attorney	$0.00	$37,235.00	$31,090.00	$0.00	($31,090.00)	$0.00
Yuma County Attorney	$0.00	$27,789.00	$22,530.00	$0.00	($22,530.00)	$0.00
County Attorney Total	**$588,166.52**	**$973,700.00**	**$790,565.00**	**$19,840.28**	**($1,033,091.27)**	**$424,097.17**

[a] Fund allocation is the projected revenue based on the statutory formula.

[b] Funds received is the actual payment made to each county from the FY2019 fiscal year allocations.

[c] Ending balance reported including total encumbrances.

Table 51. State Aid to County Attorney Fill the Gap Expenditures by County FY2019								
	Salary/Fringe / Overtime	**Contractual Services**	**Travel**	**Operating/ Supplies**	**Equipment Purchases**	**Case Management Software**	**Other**	**Total**
Apache	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Cochise	$9,726.98	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$9,726.98
Coconino	$16,497.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$16,497.00
Gila	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Graham	$0.00	$0.00	$0.00	$0.00	$3,688.81	$1,794.39	$925.33	$6,408.53
Greenlee	$0.00	$0.00	$0.00	$1,116.56	$0.00	$0.00	$0.00	$1,116.56
La Paz	$0.00	$0.00	$0.00	$0.00	$0.00	$2,803.15	$190.00	$2,993.15
Maricopa	$628,728.42	$0.00	$1,003.50	$20.00	$0.00	$0.00	$73,519.72	$703,271.64
Mohave	$22,564.26	$0.00	$0.00	$707.02	$0.00	$0.00	$3,184.72	$26,456.00
Navajo	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Pima	$144,920.77	$0.00	1,079.30	$0.00	3,414.27	6,864.00	$0.00	$156,278.34
Pinal	51,040.53	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$51,040.53
Santa Cruz	$5,682.59	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$5,682.59
Yavapai	$31,090.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$31,090.00
Yuma	$22,530.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$22,530.00
Total	**$932,780.55**	**$0.00**	**$2,082.80**	**$1,843.58**	**$7,103.08**	**$11,461.54**	**$77,819.77**	**$1,033,091.32**

APPENDIX D: Summary of the Use of State Fill the Gap Funds in 2019

Staff Salary and Contractual Services

- Attorney positions that are essential to providing legal services and reducing caseloads for other attorneys;
- Legal assistant positions that support attorneys in tracking felony cases and organizing materials for court hearings;
- Two legal secretary positions that support attorneys in organizing case files and other duties as needed;
- Temporary legal assistants to assist permanent staff with case file management;
- One investigator position; and
- Other essential legal and support staff.

Equipment, Software, Supplies, and Other Operating Expenses

- Office equipment; and
- Office software used to improve daily functions (i.e., Microsoft Enterprise).

Case Management Systems

- Maintenance costs for case management systems;
- Annual fees for case management systems; and
- Training fees for case management systems.

Other Expenditures

- Maintenance fees for office equipment (e.g., copy machine).

APPENDIX E: Arizona Revised Statutes Authorizing Fill the Gap Funding

11-539. State aid to county attorneys fund

A. The state aid to county attorneys fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases.

B. the Arizona criminal justice commission shall administer the fund. The commission shall allocate fund monies to each county pursuant to section 41-2409, subsection A.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases by county attorneys.

D. Monies in the state aid to county attorneys fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

11-588. State aid to indigent defense fund

A. The state aid to indigent defense fund is established consisting of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

B. the Arizona criminal justice commission shall administer the fund. The commission shall allocate monies in the fund to each county pursuant to section 41-2409, subsection C.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by counties for the processing of criminal cases by the county public defender, legal defender and contract indigent defense counsel in each county.

D. Monies in the state aid to indigent defense fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in

the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-102.02. State aid to the courts fund

A. The state aid to the courts fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the superior court, including the clerk of the superior court, and justice courts for the processing of criminal cases.

B. the Supreme Court shall administer the fund. The Supreme Court shall allocate monies in the fund to the superior court, including the clerk of the court, and the justice courts in each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.

2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.

3. The sum of paragraphs 1 and 2 divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

C. The presiding judge of the superior court in each county, in coordination with the chairman of the county board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace of the county shall submit a plan to the supreme court that details how the funds allocated to the county pursuant to this section will be used and how the plan will assist the county in improving criminal case processing. The presiding judge of the superior court, the chairman of the board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace shall sign the plan and shall indicate their endorsement of the plan as submitted or shall outline their disagreement with any provisions of the plan. The Supreme Court may approve the plan or require changes to the plan in order to achieve the goal of improved criminal case processing.

D. By January 8, 2001 and every year thereafter by January 8, the supreme court shall report to the governor, the legislature, the joint legislative budget committee, each county board of supervisors and the Arizona criminal justice commission on the expenditure of the fund monies for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing. This information may be combined into one report with the information required pursuant to section 12-102.01, subsection D.

E. All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the

processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

F. Monies in the state aid to the courts fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

G. On notice from the Supreme Court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-116.01. Surcharges; remittance reports; fund deposits

A. In addition to any penalty provided by law, a surcharge shall be levied in an amount of forty-two percent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

B. In addition to any penalty provided by law, a surcharge shall be levied in an amount of seven percent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

C. In addition to any penalty provided by law, a surcharge shall be levied in an amount of six percent, on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

D. If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the surcharge prescribed in this section for forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the surcharge pursuant to subsection G of this section. If bail, bond or deposit is returned, the surcharge made pursuant to this article shall also be returned.

E. After addition of the surcharge, the courts may round the total amount due to the nearest one-quarter dollar.

F. The surcharge imposed by this section shall be applied to the base fine, civil penalty or forfeiture and not to any other surcharge imposed.

G. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the surcharges collected pursuant to subsections A, B, C and D of this section and a remittance report of the fines, civil penalties, assessments and surcharges collected pursuant to subsections A, B, C and D of this section to the county treasurer, except that municipal courts shall transmit the surcharges and the remittance report of the fines, civil penalties, assessments and surcharges to the city treasurer.

H. The appropriate authorities specified in subsection G of this section shall transmit the surcharge prescribed in subsection A of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for deposit in the criminal justice enhancement fund established by section 41-2401.

I. The appropriate authorities specified in subsection G of this section shall transmit the seven percent surcharge prescribed in subsection B of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for allocation pursuant to section 41-2421, subsection J.

J. The appropriate authorities specified in subsection G of this section shall transmit the surcharge prescribed in subsection C of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for deposit in the department of public safety forensics fund established by section 41-1730.

K. Partial payments of the amount due shall be transmitted as prescribed in subsections G, H, I and J of this section and shall be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

41-2409. State aid; administration

A. The Arizona criminal justice commission shall administer the state aid to county attorneys fund established by section 11-539. By September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.

2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.

3. The sum of paragraphs 1 and 2 divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

B. The board of supervisors in each county shall separately account for the monies transmitted pursuant to subsection A of this section and may expend these monies only for the purposes specified in section 11-539. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-539.

C. the Arizona criminal justice commission shall administer the state aid to indigent defense fund established by section 11-588. By September 1 of each fiscal year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county divided by the statewide three year average of the total felony filings in the superior court.

2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.

3. The sum of paragraphs 1 and 2 divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

D. The board of supervisors shall separately account for the monies transmitted pursuant to subsection C of this section and may expend these monies only for the purposes specified in section 11-588. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-588.

E. By January 8, 2001 and by January 8 each year thereafter, the commission shall report to each county board of supervisors, the governor, the legislature, the joint legislative budget committee, the chief justice of the supreme court and the attorney general on the expenditure of the monies in the state aid to county attorneys fund and the state aid to indigent defense fund for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing.

41-2421. Enhanced collections; allocation of monies; criminal justice entities

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A, or for child support, restitution or exonerated bonds.

B. The monies deposited pursuant to subsection A of this section shall be allocated according to the following formula:

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.

2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.

3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.

4. 0.49 per cent to the department of law for the processing of criminal cases.

C. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the superior court, including the clerk of the court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be transmitted to the county treasurer for allocation pursuant to subsections E, F, G and H of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A or for child support, restitution or exonerated bonds.

D. the Supreme Court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C of this section.

E. The county treasurer shall allocate the monies deposited pursuant to subsection C of this section according to the following formula:

1. 21.61 per cent for the purposes specified in section 11-539.

2. 20.53 per cent for the purposes specified in section 11-588.

3. 57.37 per cent to the local courts assistance fund established by section 12-102.03.

4. 0.49 per cent to the state treasurer for transmittal to the department of law for the processing of criminal cases.

F. The board of supervisors in each county shall separately account for all monies received pursuant to subsections C and E of this section and expenditures of these monies may be made only after the requirements of subsections G and H of this section have been met.

G. By December 1 of each year each county board of supervisors shall certify if the total revenues received by the justice courts and the superior court, including the clerk of the superior court, exceed the amount received in fiscal year 1997-1998. If the board so certifies, then the board shall distribute the lesser of either:

1. The total amount deposited pursuant to subsection C of this section.

2. The amount collected and deposited pursuant to subsection C of this section that exceeds the base year collections of fiscal year 1997-1998. These monies shall be distributed according to the formula specified in subsection E of this section. Any monies remaining after this allocation shall be transmitted as otherwise provided by law.

H. If a county board of supervisors determines that the total revenues transmitted by the superior court, including the clerk of the superior court and the justice courts in the county, do not equal the base year collections transmitted in fiscal year 1997-1998 the monies specified in subsection C of this section shall be transmitted by the county treasurer as otherwise provided by law.

I. For the purposes of this section, base year collections shall be those collections specified in subsection C of this section.

J. Monies collected pursuant to section 12-116.01, subsection B shall be allocated as follows:

1. 15.44 per cent to the state aid to county attorneys fund established by section 11-539.

2. 14.66 per cent to the state aid to indigent defense fund established by section 11-588.

3. 40.97 per cent to the state aid to the courts fund established by section 12-102.02.

4. 0.35 per cent to the department of law for the processing of criminal cases.

5. 14.29 per cent to the Arizona criminal justice commission for distribution to state, county and municipal law enforcement full service forensic crime laboratories pursuant to rules adopted by the Arizona criminal justice commission.

6. 14.29 per cent to the supreme court for allocation to the municipal courts pursuant to subsection K of this section.

K. The supreme court shall administer and allocate the monies received pursuant to subsection J, paragraph 6 of this section to the municipal courts based on the total amount of surcharges transmitted pursuant to section 12-116.01 by that jurisdiction's city treasurer to the state treasurer for the prior fiscal year divided by the total amount of surcharges transmitted to the state treasurer pursuant to section 12-116.01 by all city treasurers statewide for the prior fiscal year. The municipal court shall use the monies received to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. The municipal court shall submit a plan to the Supreme Court and the Supreme Court shall approve the plan before the municipal court begins to spend these allocated monies.

APPENDIX F: Arizona Supreme Court Rules Outlining Court Case Processing

Rule 8.1. Priorities in scheduling criminal cases

(a) Priority of Criminal Trials. A trial of a criminal case has priority over a trial of a civil case.

(b) Preferences. The trial of a defendant in custody, and the trial of a defendant whose pretrial liberty may present unusual risks, have preference over other criminal cases.

(c) Duty of the Prosecutor. The prosecutor must advise the court of facts relevant to the priority of cases for trial.

(d) Duty of Defense Counsel. Defense counsel must advise the court of an impending expiration of time limits. A court may sanction counsel for failing to do so, and should consider a failure to timely notify the court of an expiring time limit in determining whether to dismiss an action with prejudice under Rule 8.6.

(e) Suspension of Rule 8. No later than 25 days after a superior court arraignment, either party may move for a hearing to establish extraordinary circumstances requiring a suspension of Rule 8. No later than 5 days after the motion is filed, the court must hold a hearing on the motion and make findings of fact about whether extraordinary circumstances exist that justify the suspension of Rule 8. If the trial court finds that Rule 8 should be suspended, the court must immediately transmit its findings to the Supreme Court Chief Justice. If the Chief Justice approves the findings, the trial court may suspend Rule 8's provisions and reset the trial for a later specified date.

Rule 8.2. Time limits

(a) Generally. Subject to Rule 8.4, the court must try every defendant against whom an indictment, information, or complaint is filed within the following times:

> **(1) Defendants in Custody.** No later than 150 days after arraignment if the defendant is in custody, except as provided in (a)(3).
>
> **(2) Defendants out of Custody.** No later than 180 days after arraignment if the defendant is released under Rule 7, except as provided in (a)(3).
>
> **(3) Defendants in Complex Cases.** No later than 270 days after arraignment if the defendant is charged with any of the following:
>
> (A) first degree murder, except as provided in (a)(4);
> (B) offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic, or oral communication; or
> (C) any case the court determines by written factual findings to be complex.

(4) *Capital Cases.* No later than 24 months after the date the State files a notice of intent to seek the death penalty under Rule 15.1(i).

(b) Waiver of Appearance at Arraignment. If a defendant waives an appearance at arraignment under Rule 14.3, the date of an arraignment held in the defendant's absence is deemed to be the arraignment date.

(c) New Trial. A trial ordered after a mistrial or the granting of a new trial must begin no later than 60 days after entry of the court's order. A trial ordered upon an appellate court's reversal of a judgment must begin no later than 90 days after the appellate court issues its mandate. A new trial ordered by a state court under Rule 32 or a federal court under collateral review must begin no later than 90 days after entry of the court's order.

Rule 8.4. Excluded Periods

(a) Generally. Delays caused or resulting from the following time periods are excluded from the time computations set forth in Rules 8.2 and 8.3:

(1) those caused by or on behalf of the defendant, whether or not intentional or willful, including, but not limited to, delays caused by an examination and hearing to determine competency or intellectual disability, the defendant's absence or incompetence, or the defendant's inability to be arrested or taken into custody in Arizona;

(2) A remand for a new probable cause determination under Rules 5.5 or 12.9;

(3) A time extension for disclosure under Rule 15.6;

(4) trial calendar congestion, but only if the congestion is due to extraordinary circumstances, in which case the presiding judge must promptly apply to the Supreme Court Chief Justice to suspend Rule 8 or any other Rule of Criminal Procedure;

(5) Continuances granted under Rule 8.5;

(6) joinder for trial with another defendant for whom the time limits have not run, if good cause exists for denying severance, but in all other cases, severance should be granted to preserve the applicable time limits; and

(7) The setting of a transfer hearing under Rule 40.

(b) Excluding Time after a Finding of Competency or Restoration. If a court finds that a defendant is competent, has been restored to competency, or is no longer absent, and if the finding is made within 30 days of when the time limits in Rules 8.2 and 8.3 will otherwise expire, the court must exclude an additional 30 days in computing the time limits under those rules.

Rule 8.5. Continuing a Trial Date

(a) Motion. A party may ask to continue trial by filing a motion stating the specific reasons for the request.

(b) Grounds. A court may continue trial only on a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice, and only for so long as is necessary to serve the interests of justice. The court must consider the rights of the defendant and any victim to a speedy disposition of the case. The court must state specific reasons for continuing trial