

Arizona Criminal Justice Commission

Publication of the Statistical Analysis Center

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona

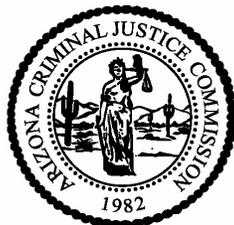


Fill the Gap

Fiscal Year 2003

2004

ARIZONA CRIMINAL JUSTICE COMMISSION



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INTRODUCTION

In 1999, Senate Bill 1013 was passed to provide funding for prosecutors, public defenders, courts and the Attorney General to enhance criminal case processing by creating three new funds within the State Aid Fund allocation. The bill established a composite formula for the distribution of monies from each fund to each county based on a three-year average of felony filings in each of Arizona's 15 Superior Court branches. The long-term goal of Fill the Gap is to bring felony case processing in line with the time standards developed by the Arizona Supreme Court. Those standards require that in each county, 90 percent of the felony cases be disposed within 100 days and that 99 percent of the cases be disposed within 180 days.

The appropriation for Fill the Gap funds are specifically designated in Arizona Revised Statute §41-2421. For fiscal year 2003, this statute appropriated \$157,700 to the State Aid to County Attorney's Fund and \$149,800 to the State Aid to Indigent Defense Fund. In addition, A.R.S. §41-2421 mandates that additional funds for Fill the Gap come from a portion of monies collected by the Supreme Court and the Court of Appeals for the payment of filing fees, clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures. Fill the Gap receives five-percent of the collected fees and fines by the Supreme Court. Of this five-percent total, 21.61 percent (\$692,800) was allocated to the State Aid to County Attorney's Fund and 20.53 percent (\$657,800) was allocated to the State Aid to Indigent Defense Fund. Earned interest is deposited into the accounts and is utilized to support projects.

The Arizona Criminal Justice Commission (ACJC) is responsible for administering the funds and reporting on county attorney and indigent defense expenditures related to Fill the Gap each year. This entails monitoring, documenting and reporting progress made on criminal case processing. The ACJC must distribute the fund to county attorneys and indigent defense by September 1st each year according to the following formula as directed in A.R.S. §41-2409:

1. Obtain the three-year average of the total felony filings in the county Superior Court Divisions divided by the statewide three-year average of the total felony filings in the Superior Court.
2. Take the county population as adopted by the Arizona Department of Economic Security and divide it by the statewide population adopted by the Arizona Department of Economic Security.
3. The sum of the two figures computed above will equal the composite index and is used as the multiplier against the total funds appropriated from the State General Fund and other monies distributed to the fund.

The Board of Supervisors in each county is then required to separately account for these funds and expend them only for the purpose of providing enhanced state aid to the county attorneys or county public defenders for the processing of criminal cases.

The *Fill the Gap 2003* report satisfies A.R.S. §41-2409.E, which requires ACJC to report on the State Aid to County Attorney Fund and the State Aid to Indigent Defense Fund expenditures. The purpose of this report is to present data that demonstrates the expenditure of the monies in the State Aid to County Attorneys and the State Aid to Indigent Defense Funds for FY 2003 and to show the progress made in achieving the goal of improved criminal case processing in accordance with A.R.S. §41-2409. The basis of this report is derived from information submitted to the ACJC from Arizona's 15 county attorney and public defender offices.

For FY 2003, the ACJC found that county attorneys and public defenders have made progress toward the goal of improving criminal case processing utilizing Fill the Gap funds. Monies were used to add and maintain staff, purchase equipment and to purchase and implement case management systems. Eleven county attorney offices and eight public defender offices added personnel, which reduced individual workloads and improved the overall efficiency of case processing. Equipment, which was purchased by eight county attorney offices and eight public defender offices, improved technological capabilities related to criminal case processing. Two public defender offices purchased case management systems, which enhanced the processing and accuracy of data

collection and management. Four county attorneys and six public defender offices utilized funds to hire consultants to evaluate existing case management practices in an effort to further improve case processing methods.

STATE AID TO COUNTY ATTORNEYS

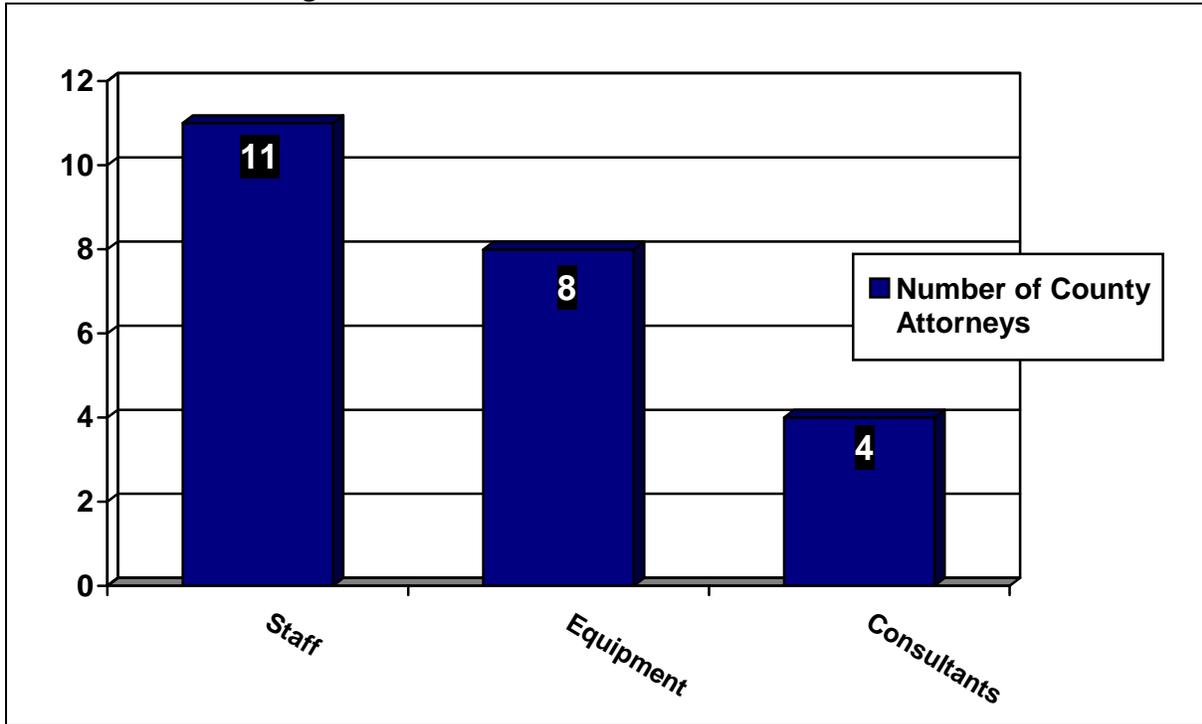
In its fourth year of existence, the State Aid to County Attorneys Fund generated a total of \$850,500, of which \$157,700 represents the Arizona General Fund appropriation and the remaining \$692,800 is from fines, fees, surcharges, sanctions and forfeitures collected by the Supreme Court and Court of Appeals. The allocations by county for FY 2003 were as follows:

Table One: Fund Allocations by County

County Attorney	FY 2003 Appropriation	FY 2003 Fine Revenue	FY 2003 Total Revenue
Apache County	\$6,492	\$6,623	\$13,115
Cochise County	\$13,003	\$13,433	\$26,436
Coconino County	\$14,766	\$15,304	\$30,070
Gila County	\$9,950	\$11,126	\$21,076
Graham County	\$5,136	\$5,355	\$10,491
Greenlee County	\$1,176	\$1,129	\$2,305
La Paz County	\$3,564	\$3,914	\$7,478
Maricopa County	\$0	\$425,289	\$425,289
Mohave County	\$21,136	\$22,967	\$44,103
Navajo County	\$13,534	\$13,843	\$27,377
Pima County	\$0	\$99,271	\$99,271
Pinal County	\$21,117	\$23,562	\$44,679
Santa Cruz County	\$4,323	\$4,476	\$8,799
Yavapai County	\$22,689	\$23,556	\$46,245
Yuma County	\$20,814	\$22,952	\$43,766
TOTAL	\$157,700	\$692,800	\$850,500

For FY 2003, Maricopa and Pima County were not appropriated Fill the Gap revenues from the general fund as a result of state budget cuts, but each did receive Fine Revenue in FY 2003. As part of their annual reporting to the ACJC, county attorneys are required to submit a narrative report assessing the impact that Fill the Gap funding has had on their offices. In general, Fill the Gap funds were used in three main areas: the addition of staff, the purchase of equipment and the implementation of case management systems. As Chart One on page five demonstrates, more than half of the county attorney offices used Fill the Gap funds to add and maintain staff and to purchase equipment.

Chart One: Number of County Attorneys using Fill the Gap funds for staff, equipment and contracts for consulting services



Eleven of Arizona's 15 counties used Fill the Gap funds to acquire additional staff. In all, five counties hired six additional full-time attorneys and one county hired a part-time attorney position. Six counties hired additional support staff (administrative and legal assistants) including: eight full-time and two part-time legal assistants, one part-time records clerk, an investigator, two administrative assistants, a clerk and five legal support specialists. The largest category of Fill the Gap expenditures for county attorneys were for the funding of personnel followed by the purchase of equipment. The following section provides a list of all equipment purchased during FY 2003.

Equipment purchased by county attorney offices in FY 2003 include:

- Monitors (5)
- Typewriter (1)
- CS & C computer systems
- Mouse for computers (4)
- Cable for zip drive on computer
- Computers (33)
- Epson Stylist photo printer
- Laser pointer
- Computer Keyboard
- Lexus Nexus public records program
- Quicken 2002 deluxe
- QuickBooks Pro 2002
- Adobe Photoshop software
- Case management system
- Software updates
- ASAP Software Express, Inc
- Repairs to digital cameras
- Digital projector
- Utility cart
- Ink cartridges for printers
- Tape recorder w/case
- Fellowes Power Shred 380 paper shredder
- Equipment upgrades
- Internet service "Go to my PC"
- New security safe
- New track filing system
- General office supplies
- Digital transcriber
- Audio & video tapes

Each county attorney office was also asked to provide a description of how Fill the Gap funds helped to improve criminal case processing in FY 2003. According to each office, Fill the Gap funds for FY 2003 were utilized as follows:

- The Apache County Attorney's Office used Fill the Gap funds to purchase Windows 2000 software programs for 15 work stations from ASAP Software Express, Inc. Computer servers and back-up servers were also purchased. The upgrades have improved the efficiency of case processing. The funds also covered the purchase and installation of a new track filing system for their secure filing room. By removing the older four drawer files and replacing them with the new track filing system the office was able to increase their net filing capacity by 12 percent.

- The Cochise County Attorney's Office used Fill the Gap funds, in conjunction with other funds, to create a funding package for a new Misdemeanor Prosecution Unit. Fill the Gap funds were used to hire two new attorneys, a clerk, a secretary position and a disclosure secretary position. By devoting two additional attorneys to the prosecution of misdemeanor cases in Justice Courts, the felony prosecutors have been able to concentrate their efforts on felony cases. The creation of the misdemeanor prosecution unit has helped that office more efficiently process the increasing felony and misdemeanor caseload. Two desk top computer/word processing units and one HP network printer were also purchased with the funds.
- The Coconino County Attorney's Office used Fill the Gap monies to fund additional clerical staff and augment technology demands in attempts to integrate their local criminal justice information systems. The upgrades are necessary for speeding up case processing time. Monies were also used to fund attorney support.
- The Gila County Attorney's Office used Fill the Gap funds to upgrade computer equipment by increasing the memory necessary to store case aging data. By providing computers with the memory necessary to perform required tasks, the processing of criminal cases and overall case management has been improved. Two printers were also purchased.
- The Graham County Attorney's Office used funds to purchase equipment and cover the yearly maintenance fee for their Legal Edge Case Management System.
- The Greenlee County Attorney's Office utilized funds to purchase office supplies in an effort to improve the department's storage system and reorganize juvenile/revocation files.
- The La Paz County Attorney's Office used monies to fund four full-time prosecutors and four full-time secretary positions.
- The Maricopa County Attorney's Office used the funds to staff the Superior Court Division and the Early Disposition Court at the Southeast Facility in Mesa. Monies have also been used to fund support staff for the Pretrial and Charging Bureaus in Phoenix.
- The Mohave County Attorney's Office used funds to purchase: seven Dell computers, an Epson Stylist photo printer, a laser pointer, a digital projector, a utility cart, a computer keyboard, a cable for a zip drive on a computer, four computer mouse(s), ink cartridges for printers, audio and video tapes, a digital transcriber, a tape recorder with a case, training for Microsoft Office Suite applications and repairs to a digital camera. They also used the funds to

purchase software: Adobe Photoshop software, Lexis-Nexus public records program, Quicken 2002 Deluxe and QuickBooks Pro 2002.

- The Navajo County Attorney's Office used the monies to pay their staff to work necessary overtime to enter hard copy felony files, which have been accumulating for the past 10 years, into an electronic database. In addition, Fill the Gap funds have been used to finance a portion of their Legal Edge software vendor, which has improved all aspects of case tracking and processing.
- The Pima County Attorney's Office used funds to hire three legal assistants, which continued to improve case flow procedures. This increase in staff has improved upon the legal assistant to prosecutor ratio. The Pima County Attorney's Office has stated that their agency has improved upon the collection of data related to assessing case processing during the past funding cycle. By designating legal assistants with the capability of performing many tasks associated with case preparation, the office has been able to more easily identify and focus on those cases appropriate for trial disposition. Defendants who may be eligible for diversion programs or plea agreements are also more easily identified due to their additional staff. As a result, cases are disposed of more easily and efficiently.
- The Pinal County Attorney's Office used funds to modernize hardware and software and form a "Justice Integration Group." The Justice Integration Group meets regularly to develop strategies for the sharing of data and technology. The Sheriff's database is now on the staff's computers, which helps attorneys more easily obtain necessary data for case processing. In addition, the Pinal County Attorney's Office used general funds to hire a new investigator and used Fill the Gap funds to buy equipment for the investigator in FY 2003.
- The Santa Cruz County Attorney's Office used Fill the Gap funds to hire part-time legal assistants and to purchase a new computer. The technology and additional staff has helped the office to deal with demanding caseloads and case management challenges.
- The Yavapai County Attorney's Office used Fill the Gap funds to hire one full-time prosecutor to more expeditiously process criminal cases.
- The Yuma County Attorney's Office used monies to fund an investigator, a paralegal, a secretary and two temporary clerks. The additional staff is required to maintain the preliminary hearing system. The investigator conducts follow up investigations, serves subpoenas and conducts interviews as well as assists in courtroom presentations and trial preparation. The paralegal reviews law enforcement investigative reports to assist attorneys in making charging decisions and schedules and conducts interviews with victims. The legal secretary prepares felony complaints, indictments, summons, warrants, subpoenas, plea agreements, waivers of preliminary hearings and victim

notification letters and stipulations. The temporary law clerk assists with legal research, prepares notions and supports attorneys in court.

Looking to the future, the county attorneys outlined their plans to continue improving criminal case processing. It should be noted that their plans are contingent upon the availability of new revenue generated for Fill the Gap from annual general fund appropriations and court fines.

- The Apache County Attorney's Office will use the funds to complete the necessary software and computer upgrades required for the installation of a new and improved version of their existing case management system, *Prosecutor Dialog*. The current version of their case management system was purchased in 1997 from the *Graphic Computer Solutions* and has not been upgraded since. In addition, funds will be used to continue improvement of the department's case filing system through the training of staff and the maintenance of technical equipment.
- The Cochise County Attorney's Office stated that they will continue to use the funds to cover the costs of additional staff and additional equipment to address their growing case load.
- The Coconino County Attorney's Office plans to use future Fill the Gap monies to fund additional services required by the changes in Rule 15 disclosure requirements. These changes require additional staff and technical services.
- The Gila County Attorney's Office plans to use future Fill the Gap monies to fund necessary equipment upgrades and to purchase *Judicial Dialogue* case management software.
- The Graham County Attorney's Office intends to use future funds to cover the costs of necessary upgrades to the department's case management software to become more effective in case processing and statistical reporting.
- The Greenlee County Attorney's Office plans to use future funds in the evaluation of their current case processing methods and in the incorporation of new ideas.
- The La Paz County Attorney's Office plans to continue using funds for the salary of staff. In addition, they intend to purchase a new computerized case management system.
- The Maricopa County Attorney's Office will use the funds to address the increase in cases and ensure timely case processing by continuing work on the integration of databases between the MCAO and the Maricopa County Superior Court. In addition, funds may be allocated to the ongoing efforts to establish an automated way to reissue subpoenas following a continuance, to issue summonses and to issue subpoenas if the defendant is not in custody. The MCAO will continue to

increase early victim notification efforts in summons, warrants and vacated grand jury cases. These efforts will help ensure timely case processing.

- The Mohave County Attorney's Office will use future funds to obtain a high-end computer for the technology staff, a new laptop and a digital camera. The monies will also be used for writers to create reports to provide more accurate statistics about the existing case management system.
- The Navajo County Attorney's Office will work with their software vendor to maximize case tracking capabilities. Funds will be primarily used to hire one or more legal assistants and to maximize electronic capabilities by purchasing upgraded equipment and software.
- The Pima County Attorney's Office plans to continue using funds to keep legal assistants on staff and keep attorney workloads at a level that will reduce case processing time.
- The Pinal County Attorney's Office plans to implement a wireless system within courtrooms to accelerate the input of court event data. This will also accelerate the victim notification process. The agency plans to enhance their criminal database with the installation of the juvenile data component and a civil module to track forfeitures.
- The Santa Cruz County Attorney's Office plans to continue to use funds to hire legal assistants and to invest in computer hardware and software as needed which will speed up case processing time.
- The Yavapai County Attorney's Office will continue to use monies to fund one full-time prosecutor to more expeditiously process criminal cases.
- The Yuma County Attorney's Office plans to use future funds to hire two additional legal secretaries. The additional staff will alleviate the intense workloads associated with the copying and disclosure of police reports, issuance and service of subpoenas and victim notification.

When asked for suggestions to improve the Fill the Gap program, many county attorney offices advocated continued and increased Fill the Gap funds. Specifically, of the 15 county attorney offices, seven offered suggestions for improvements to the Fill the Gap program that the ACJC might provide to the Arizona Legislature. The Cochise County Attorney's Office suggested that more resources are still needed, especially to provide additional clerical and attorney support. The Cochise County Attorney's Office contends that additional resources will speed up case processing, improve overall office efficiency

and increase the number of felony cases processed each year. The Coconino County Attorney's Office stated that an increase in funding levels will help personnel adapt to increased workloads caused by changes in legislation and rules. The Pima County Attorney's Office indicated that the continuation of Fill the Gap funds are necessary to aid with increasing caseloads. The Pinal County Attorney's Office suggested that the Arizona Department of Public Safety (DPS) needs funding to speed up the crime lab process. This would directly affect the timeliness of case processing in Pinal County as cases are often delayed up to nine months while waiting to receive lab results from DPS, which are necessary for a felony case to proceed. The Yavapai County Attorney's Office suggested that there be a future increase in the level of Fill the Gap funding. Yuma County Attorney's Office suggested that Fill the Gap funds continue to be distributed.

STATE AID FOR INDIGENT DEFENSE

The State Aid for Indigent Defense fund generated a total of \$807,600 in its fourth year of implementation, of which \$149,800 was appropriated through the State General Fund and \$657,800 was received through fines, fees and surcharges collected by the Supreme Court and Court of Appeals. The allocations by county for FY 2003 were as follows:

Table Two: Fund Allocations by County

County Agency	FY 2003 Appropriation	FY 2003 Fine Revenue	FY 2003 Total Revenue
Apache Superior Court	\$6,167	\$6,288	\$12,455
Cochise Superior Court	\$12,351	\$12,755	\$25,106
Coconino Superior Court	\$14,026	\$14,531	\$28,557
Gila Superior Court	\$9,452	\$10,564	\$20,016
Graham Superior Court	\$4,878	\$5,085	\$9,963
Greenlee Superior Court	\$1,117	\$1,072	\$2,189
La Paz Superior Court	\$3,385	\$3,717	\$7,102
Maricopa Public Defender	\$0	\$403,804	\$403,804
Mohave Superior Court	\$20,077	\$21,806	\$41,883
Navajo Superior Court	\$12,856	\$13,143	\$25,999
Pima Public Defender	\$0	\$94,256	\$94,256
Pinal Indigent Defense	\$20,059	\$22,372	\$42,431
Santa Cruz Superior Court	\$4,107	\$4,249	\$8,356
Yavapai Public Defender	\$21,553	\$22,366	\$43,919
Yuma Public Defender	\$19,772	\$21,792	\$41,564
TOTAL	\$149,800	\$657,800	\$807,600

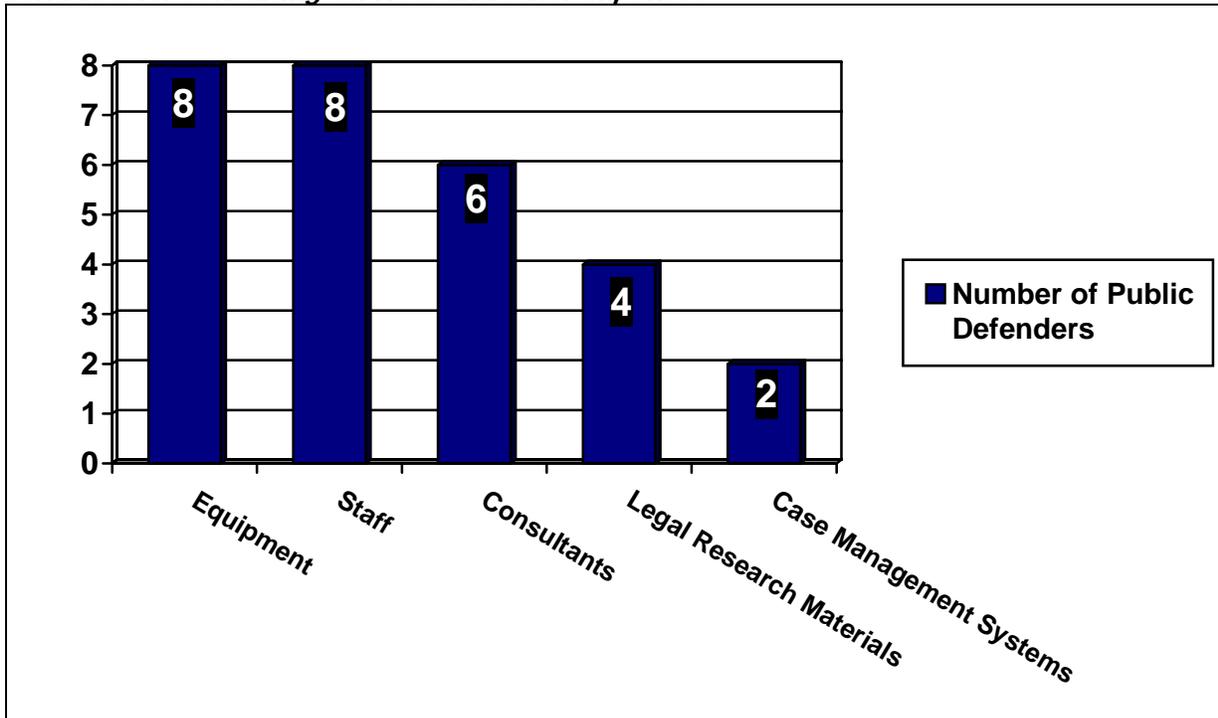
For FY 2003, Maricopa and Pima County were not appropriated Fill the Gap revenues from the general fund as a result of State budget cuts, but each did receive Fine Revenues for FY 2003. Of the Fill the Gap funds used by public defenders/superior courts, expenditures related to staffing and the purchase of equipment were cited more often than any other category. More specifically, the staffing category included expenditures for temporary attorney services and the consultant category included contracting consultants for the purpose of software implementation, software training and process evaluation. The following page provides a list of the equipment purchased by public defenders during FY 2003. As part of their annual reporting to the ACJC, county agencies receiving Aid to Indigent Defense Funds are required to submit a

narrative report assessing the impact that Fill the Gap funding has had on their offices. Like the State Aid to County Attorneys Fund, Fill the Gap funds for indigent defense were used in three main areas: the addition of staff, the purchase of equipment and contracts for services. Chart Two on page 14 provides an illustration of how the public defenders/superior courts used Fill the Gap funds.

Equipment purchased by public defenders in FY 2003 include:

- Carry case for a keyboard
- Cable and media converter
- Photo Elements 2.0 software
- Photo Smart printer
- Additional database user licenses
- Case tracking software
- Computers (10)
- HP Laser Printer with envelope feeder
- Ten line telephone
- Computer keyboard
- Software
- Panasonic VCR
- Forecite – online subscription to a legal publications website
- Arizona Court Automation Project user fees
- File cabinet
- LCD portable projector
- Flat screen monitor
- Justware – case management software

Chart Two: *Number of Public Defenders using Fill the Gap funds for equipment, staff, contracts for consulting services and other expenses*



Each county attorney office was also asked to provide a description of how Fill the Gap funds helped to improve criminal case processing in FY 2003. According to each office, Fill the Gap funds for FY 2003 were utilized as follows:

- The Apache County Superior Court used Fill the Gap funds to contract with public defense attorneys to meet the demands of an increasing case load.
- The Cochise County Public Defender used Fill the Gap monies to fund the salary of an investigator and an indigent defense coordinator. In addition, funds were used to purchase a keyboard carry case, Photo Elements 2.0 Software, a Photosmart printer, a subscription to an internet service and the purchase of additional database user licenses for new employees. Funds were also used to purchase case tracking software and ongoing consultation services for upgrading and maintaining the software. Fill the Gap monies also funded necessary out of state employee training for the new software.
- The Coconino County Superior Court used Fill the Gap monies to fund DUI/Drug Court salaries for one full-time coordinator and a surveillance officer. In addition, funds were used to finance court reporting/transcript services, printing costs, Arizona Court Automation Project user fees and a file cabinet. The DUI/Drug Court saves judicial resources by reducing the caseload of drug offenses currently pending in the Coconino Court system awaiting trial.
- The Gila County Superior Court did not use Fill the Gap funds in FY 2003. Funds continue to be deposited, but will not be expended, until an evaluation is completed by the court administrator regarding effective use of the money.
- The Graham County Superior Court used Fill the Gap funds to contract indigent defense attorneys to improve their case tracking process. The services funded by Fill the Gap have enhanced current reports to provide more accurate results in tracking cases.
- The Greenlee County Superior Court utilized funds to contract indigent defense attorneys.
- The La Paz County Public Defender's Office used Fill the Gap funds to purchase new computers and equipment; promote a secretary to an administrator position; and hire a new secretary.
- The Maricopa County Public Defender's Office used Fill the Gap funds to hire 12 additional attorney positions and one legal assistant position. Funding was also used for general operating costs including legal bar dues, work related mileage and the development of their case management system. The additional staff members have been essential in assisting with the continuing increase in felony case assignments to the offices. Funding also helped the Maricopa County Public

Defender's Office to continue participation in the Expedited Disposition Court (EDC), Regional Court Centers (RCC) and the Probation Violation Center (PVC). Participation in these centers has improved case processing by consolidating court appearances and locations. The efficiencies gained through these consolidations have been the primary reason that the Public Defender's Office has been able to absorb the substantial increase in case loads.

- The Mohave County Public Defender's Office used Fill the Gap funds to hire two law students to work as interns. Funds were also used to purchase equipment including a LCD portable projector and a new file labeling system. A portion of the Fill the Gap funds were also utilized to contract consulting services and to purchase specialized research publications. The hiring of the interns improved the quality and expedience with which criminal cases were processed. The additional technological hardware purchases assisted in the preparation and presentation of exhibits, testimony and arguments during trial. Funds were also utilized to contract for legal consulting services. These consulting services offered invaluable expertise for complex cases and therefore reduced case processing time.
- The Navajo County Superior Court used Fill the Gap funds to purchase an additional VCR, enabling the office to duplicate VHS Tapes for disclosure. Funds were also used to purchase the subscription to Shaken Baby Syndrome (SBS) Defense, an on-line database for "Shaken Baby Syndrome."
- The Pima County Public Defender used Fill the Gap funds to contract for consulting services. Funds were used to rent a large conference room for three days of training for attorneys participating in a case weighting study. This training gave attorneys additional knowledge that they then applied to more efficiently process criminal cases. A basis for measuring the actual attorney's workload based on case type has been established. This has enabled the Pima County Public Defender to better allocate resources among service providers and address in-house staffing needs.
- The Pinal Public Defender's Office used Fill the Gap monies to fund a legal assistant position and to purchase Forecite, an online subscription that allows access to legal publications. With the additional information and staff, cases are processed in a more time efficient manner.
- The Santa Cruz County Superior Court did not use FY 2003 Fill the Gap funds. Their goal is to continue to build the account in order to accumulate enough funds to implement a meaningful case reduction plan.
- The Yavapai County Office of the Public Defender used Fill the Gap monies to fund Drug Courts. Funds were also used to offset costs of indigent defense services.

- The Yuma County Public Defender's Office used Fill the Gap funds to hire one Deputy Public Defender, and to purchase software, three computers and one network printer. Moreover, funds were used to purchase books and manuals, pay dues to the state and local bar associations and to pay for the liability insurance of one employee.

Some Arizona public defenders opted to retain Fill the Gap funds for planning/implementation efforts in the next budget cycle. Many county agencies decided to retain and build these funds into their next budget where they will be utilized in accordance with legislation. It should be noted that future plans are contingent upon legislatively appropriated funding for FY 2004.

- The Apache County Superior Court will continue to use Fill the Gap funds to contract public defenders.
- The Cochise County Public Defender will continue to use funds to pay for the salaries of the indigent defense coordinator and the legal defense investigator. Fill the Gap monies will also be used to fund the training and consultation accompanying their new case tracking software as it is continually being developed and improved.
- The Coconino County Superior Court plans to continue to use Fill the Gap funds to pay for the salaries of the DUI/Drug Court staff.
- The Gila County Superior Court is in the process of developing future plans for its allocation of Fill the Gap funds. The Superior Court may use future Fill the Gap funds to hire a case flow manager to collect and analyze case processing data.
- The Graham County Superior Court will continue to utilize Fill the Gap funds to enhance case tracking management and to more quickly and efficiently process cases.
- The Greenlee County Superior Court will continue to utilize Fill the Gap funds to contract indigent defense attorneys and seek ways to improve case processing.
- The La Paz County Public Defender's Office plans to use future Fill the Gap funds to hire a new attorney, furnish a new office they will be moving into, purchase a color laser printer for court exhibits and for computer upgrades.
- The Maricopa County Public Defender's Office plans to continue to use future Fill the Gap funds to support current staff and to fund programs designed to increase the speed of case processing.

- The Mohave County Public Defender's Office plans to use future Fill the Gap funds to purchase a digital document scanner and to fund the initiation of a video visitation system between attorneys and their in-custody clients.
- The Navajo County Superior Court will continue to use Fill the Gap funds to update their case management system and to join the Navajo County's Copier Lease Program to have a copier placed in their office.
- The Pima County Public Defender's Office will use future Fill the Gap funds to continue to improve their case management information system.
- The Pinal Public Defender's Office plans to use future Fill the Gap funds to hire a Spanish-speaking attorney to handle selected cases.
- The Santa Cruz County Superior Court plans to use future Fill the Gap funds to supplement insufficient county funds for indigent legal services.
- The Yavapai County Office of the Public Defender plans to use future Fill the Gap monies to fund a statewide survey to reengineer criminal case flow policies. Future Fill the Gap funds may then be allocated to implement strategies based on results of the survey and additional research.
- The Yuma County Public Defender's Office plans to use future Fill the Gap monies to continue to fund one attorney position and to purchase additional office equipment.

When asked for suggestions to improve the Fill the Gap program four of the indigent defense agencies responded. The Cochise County Public Defender's Office suggested adding public defenders to the ACJC for oversight of Fill the Gap funds. The Maricopa County Public Defender and the Legal Defender Offices suggested that several issues be addressed with Fill the Gap funding. Specifically, they recommend indigent screening before appointing counsel, encouraging early treatment in DUI cases and the development of alternatives to sentencing. The Pinal County Public Defender's Office commented that the most cost effective expenditure of Fill the Gap monies is for the addition of full-time attorneys. They suggest the amount of funding from Fill the Gap be increased to meet the needs of their agency because they do not receive enough funding to hire additional attorneys. The Mohave Public Defender's Office suggested that the criminal justice community needs to work together as a whole to collaborate on systematic issues to provide greater opportunities for dealing with case processing and efficiency issues.

CASE AGING DATA

The long-term goal of the Fill the Gap funding is to bring felony case processing in-line with time standards developed by the National Center for State Courts and adopted by the Arizona Supreme Court. Standard 2.1 of the Arizona Supreme Court Code states that in each county 90 percent of the felony cases are to be disposed of within 100 days and 99 percent of the cases will be disposed of within 180 days. Fill the Gap monies are to be used to reduce delays in case processing and to eliminate case backlogs (AOC).

As previously noted, the primary goal of the Fill the Gap funding is to bring felony case processing in line with national and state time standards. To this end, one of the goals of ACJC in terms of the Fill the Gap project is to increase the capabilities of county and indigent defense attorneys to retrieve case processing data from their court management systems. Several counties expressed difficulty in being able to provide data for this purpose. The Statistical Analysis Center (SAC) at ACJC continues to work with local agencies to simplify collection and analysis of the case aging data. According to the measurements overview of the Trial Court Performance Standards and Measurement System developed by the National Center for State Courts, "The degree to which needed information is retrievable will affect the time, personnel and financial commitments required to complete the evaluations." By creating methods for easily retrieving the necessary case aging data, efficiency in the use of funds will be increased.

Further, it is important to consider what cases are to be included when assessing case processing initiatives. For example, some case management systems exclude murder and warrant cases as these cases drastically affect the average time of case processing. Definitions for which cases are to be included in this project should be made operational in order to assure for consistency in assessing progress toward meeting set standards. Given limited resources, ongoing efforts toward improving case processing and data collection strategies must be made practical for smaller jurisdictions.

The standards adopted by the Arizona Supreme Court are similar and therefore comparable to national standards developed by the American Bar Association (ABA). The ABA standards state that 90 percent of felony cases will be disposed of within 120 days, 98 percent in 180 days and 100 percent in 12 months. The ABA's standards stipulate how long it should take for the 90th, 98th and 100th percentile cases to be resolved. Arizona should strive to comply with nationally and state recognized time standards. A publication of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), *Delays in Juvenile Court Processing of Delinquency Cases* states that, "Professional standards suggest that even the longest case should be processed within 90 days."

Improvement of case processing is a national as well as state issue. The National Center for State Courts conducted a nationwide study evaluating case processing improvements between FY 2002 and FY 2003. The Center concluded that, "As of fall of 2002, 38 states and the District of Columbia had adopted some form of case processing time standards...". In addition, the study pointed out that, "Although it is unanimously recognized that time standards are average goals and that certain extraordinary cases may need to be considered beyond the given standard, it is also widely recognized that time standards provide a means to a more efficient and well-organized court system."

General Trends:

Of the 15 county attorney offices, six were able to provide ACJC with case aging data including: Cochise, Coconino, Greenlee, Maricopa, Yavapai and Yuma. ACJC's case aging data for county attorney's offices shows a trend indicating the average number of days to case disposition is continuously decreasing with the assistance of Fill the Gap funds.

Our data indicate that ten of the 15 indigent defense offices were able to provide ACJC with case aging data including: Apache, Coconino, Graham, La Paz, Gila, Mohave, Maricopa, Santa Cruz and Yavapai. Although some indigent defense attorney offices are

not meeting case processing standards, there has been some improvement in criminal case processing. There has been a decrease in the average number of days for case adjudication in fiscal years 2000 through 2003.

CONCLUSION

The primary objective of Fill the Gap is to ensure that criminal cases are being processed both efficiently and effectively in accordance with state and national standards. During its fourth year, Arizona county attorneys and public defenders utilized Fill the Gap funds to improve criminal case processing in Arizona as required by law in Section 16 of A.R.S. §41-2421. Overall, monies were used primarily for the addition or maintenance of staff; for consultants and contractors to meet mandates; and for equipment and case management systems. Approximately 82 percent of FY 2003 Fill the Gap monies were utilized for personnel and employee related expenses.

Fill the Gap funds enabled county attorneys and public defenders to make progress toward the goal of improving criminal case processing time. Fill the Gap funds were utilized as follows:

- Eleven county attorney offices and eight public defender offices added personnel, which reduced individual workload and improved overall efficiency in case processing.
- Eight county attorney offices and eight public defender offices purchased equipment, which improved technological capabilities related to case processing.
- Two public defender offices purchased new case management systems, which aided in the process and increased the accuracy of data collection and management.
 - The most commonly purchased case management systems included Microsoft Access, Time Matters, Justware, Prosecutor Dialog (from Graphic Computer Solutions) and Legal Edge.
- Four county attorney offices and six public defender offices utilized funds to pay for consultants to evaluate existing case management practices.

- Four public defender offices purchased legal research materials with Fill the Gap funds, which enabled the office to access legal resources necessary for adequate defense.

The overall purpose of Fill the Gap funds are to bring case processing in line with time standards adopted by the Arizona Supreme Court. Again these standards call for 90 percent of the cases to be disposed of within 100 days and 99 percent of cases to be disposed of within 180 days. Survey respondents indicated that in FY 2003 all expenditures of Fill the Gap monies were related to the improvement of criminal case processing.

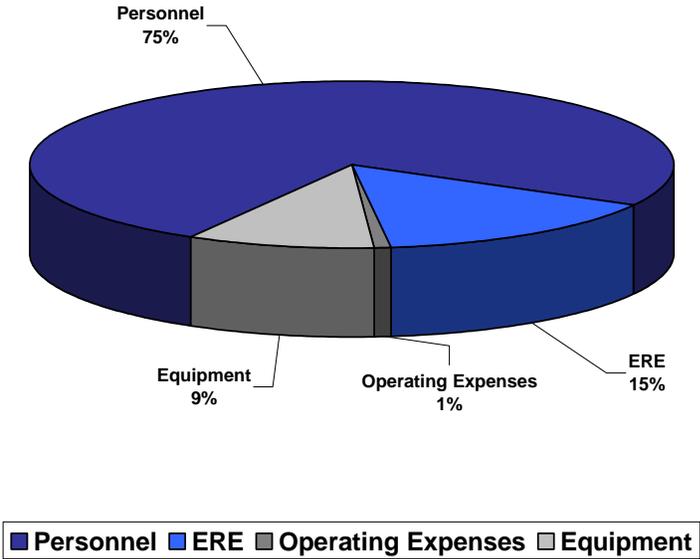
The hiring of additional staff and outside consulting services and the purchase of equipment and legal research materials have and will continue to assist attorneys in their long-term improvement of case processing. Interactions with county attorneys and public defenders clearly indicate that general purchasing patterns include the purchase of new computer equipment and software necessary for incorporating more organized and time efficient case processing methods. Fill the Gap funds will continue to be needed to supply necessary computer and software upgrades.

In addition, a future goal of improving the expenditure of Fill the Gap funding is to encourage a standardized method of reporting data from county attorneys and public defenders. In order to address case management difficulties, certain reporting standards must be defined and used in a consistent manner by counties. For example, all counties must use the same criteria for determining when a case begins and when it has been adjudicated. Fill the Gap funds are needed to support all the components included in the overall goal to improve the efficiency of case processing in Arizona.

Appendix A: State Aid to County Attorney Expenditures by County

County Attorney	Personnel	Employee-Related Expenses	Professional/Outside Services	Travel	Operating Expenses	Equipment	Total Expenses
Apache	\$0.00	\$0.00	\$1,866.00	\$1,237.00	\$551.00	\$13,138.00	\$16,792.00
Cochise	\$12,401.92	\$2,596.33	\$0.00	\$0.00	\$0.00	\$0.00	\$14,998.25
Coconino	\$27,356.52	\$5,862.11	\$0.00	\$0.00	\$0.00	\$0.00	\$33,218.63
Gila	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,840.95	\$4,840.95
Graham	\$0.00	\$0.00	\$1,307.00	\$0.00	\$74.00	\$5,053.00	\$6,434.00
Greenlee	\$0.00	\$0.00	\$0.00	\$0.00	\$2,305.00	\$0.00	\$2,305.00
La Paz	\$7,478.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,478.00
Maricopa	\$402,331.15	\$93,093.00	\$0.00	\$0.00	\$0.00	\$0.00	\$495,424.15
Mohave	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,442.00	\$14,442.00
Navajo	\$8,350.52	\$840.63	\$0.00	\$0.00	\$3,655.16	\$1,299.19	\$14,145.50
Pima	\$86,807.29	\$16,137.15	\$0.00	\$0.00	\$0.00	\$0.00	\$102,944.44
Pinal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,408.79	\$45,408.79
Santa Cruz	\$4,044.00	\$315.07	\$0.00	\$0.00	\$0.00	\$728.74	\$5,087.81
Yavapai	\$53,707.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$53,707.98
Yuma	\$66,714.99	\$15,403.51	\$0.00	\$0.00	\$0.00	\$0.00	\$82,118.50
TOTAL	\$669,192.37	\$134,247.80	\$3,173.00	\$1,237.00	\$6,585.16	\$84,910.67	\$899,346.00

Distribution of "Fill the Gap" Funds County Attorneys



Appendix B: State Aid to Indigent Defense Expenditures by County

County Agency	Personnel	Employee-Related Expenses	Professional / Outside Services	Travel	Other Operating Expenses	Equipment	Total Expenses
Apache Co. Sup. Ct.	\$0.00	\$0.00	\$18,338.10	\$0.00	\$0.00	\$0.00	\$18,338.10
Cochise Co. Pub. Def.	\$15,205.12	\$0.00	\$8,471.25	\$2,928.50	\$722.68	\$1,803.19	\$29,130.74
Coconino Co. Sup. Ct.	\$54,248.79	\$15,352.82	\$490.00	\$3,856.34	\$3,847.83	\$0.00	\$77,795.78
Gila Co. Sup. Ct.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Graham Co. Sup. Ct.	\$0.00	\$0.00	\$10,169.00	\$0.00	\$0.00	\$0.00	\$10,169.00
Greenlee Co. Sup. Ct.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
La Paz Co. Sup. Ct.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,088.87	\$3,088.87
Maricopa Co. Pub. Def.	\$695,947.86	\$144,245.22	\$0.00	\$2,372.85	\$7,317.28	\$0.00	\$849,883.21
Mohave Co. Sup. Ct.	\$0.00	\$0.00	\$0.00	\$5,831.01	\$34,860.77	\$2,871.37	\$43,563.15
Navajo Co. Sup. Ct.	\$0.00	\$250.00	\$0.00	\$450.00	\$0.00	\$19,317.44	\$20,017.44
Pima Co. Pub. Def.	\$0.00	\$0.00	\$108,083.34	\$0.00	\$342.06	\$0.00	\$108,425.40
Pinal Co. Ind. Def.	\$33,655.40	\$7,307.35	\$0.00	\$0.00	\$0.00	\$690.00	\$41,652.75
Santa Cruz Co. Sup. Ct.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yavapai Co. Pub. Def.	\$0.00	\$0.00	\$44,573.00	\$0.00	\$0.00	\$0.00	\$44,573.00
Yuma Co. Pub. Def.	\$17,451.04	\$6,608.24	\$0.00	\$0.00	\$4,534.82	\$10,853.80	\$39,447.90
TOTAL	\$816,508.21	\$173,763.63	\$190,124.69	\$15,438.70	\$51,902.76	\$38,624.67	\$1,286,085.34

Distribution of "Fill the Gap" Funds Indigent Defense

