

# Arizona Criminal Justice Commission



## Statistical Analysis Center Publication

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# *FY2010 Fill the Gap Report*

# 2011

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## **EXECUTIVE SUMMARY**

Upon the passing of Senate Bill 1013, the Arizona Criminal Justice Commission (ACJC) was made responsible for distributing a portion of Fill the Gap (FTG) funds to the county attorneys and indigent defense agencies throughout the state. Along with the Commission's fiduciary responsibilities, A.R.S. §41-2409 requires ACJC to report on an annual basis each agency's progress towards improving criminal case processing. The formula for distributing Fill the Gap funds to each county is based on the average number of cases filed over a three-year period and the population of each county.

In the 1990s, Arizona's increasing population in combination with heightened funding for law enforcement led to a larger volume of cases being processed through the courts. In order to adequately provide resources to the prosecuting attorneys, the indigent defense attorneys, and the courts, Fill the Gap legislation was introduced to fund county agencies with general funds and fine revenues. These funds are to be used to reduce case processing times in each county and statewide.

The Supreme Court of Arizona has placed strict case processing standards on Arizona's courts. Supreme Court rules require that 90 percent of cases (excluding capital cases and complex cases) are to be adjudicated within 100 days of case filing while 99 percent of cases are to be adjudicated within 180 days. Complex cases are given 270 days from initial filing to adjudication, and capital cases are given 540 days, or 18 months.

In FY2010, most county attorneys and indigent defense continued to experience decreases in funding from FY2009. The Rural Aid to County Attorneys and Indigent Defense programs funded through the General Fund were eliminated in FY2010 resulting in a loss of \$307,800. In addition, \$856,400 was cut from the fine revenue portion of the program through fund sweeps and appropriation reductions for FY10. These cuts severely impacted ACJC's ability to pay the approved appropriation to the county attorney and indigent defense programs, resulting in an 11.7 percent reduction in the fine revenue sent to agencies. The Fill the Gap program is faced with additional budget cuts in FY11, further deteriorating the ability to successfully run these programs. With the exception of Maricopa and Pima County agencies, prosecuting agencies witnessed a decrease in funds between 37 and 38 percent while indigent defense agencies experienced a decrease between 62 and 63 percent. Indigent defense agencies in Maricopa and Pima Counties experienced a decrease in Fill the Gap funds of 34.4 percent, and the prosecuting agencies received an increase in funding of 9.8 percent. Both Maricopa and Pima County agencies did not receive general fund allotments in previous fiscal years, thus these agencies did not realize the same percentage reductions as other agencies when general funds were eliminated.

At the beginning of FY2011, the ACJC requested expenditure information in addition to case processing data from county attorneys and indigent defense in order to meet the reporting requirements of A.R.S. §41-2409. Of the \$2,346,066.02 in expenditures reported in FY2010, \$1,817,182.78 was spent on staff salary, \$81,464.93 was allotted for equipment, \$225,630.93 paid for contractual services, \$93,675.47 was spent on case management software, \$2,250.00 went toward coordination efforts, and \$125,861.91 funded other expenditures.

At the end of FY2010, all but one agency receiving Fill the Gap funds reported case processing numbers short of the standards set forth by the Arizona Supreme Court. Nonetheless, a number

of agencies provided statistics displaying relative improvement in case processing over FY2010. Additionally, some agencies remain unable to report case processing data because they do not have an appropriate case management system in place that can track their cases over time. Agencies noted that Fill the Gap funding is vital in maintaining case processing at the levels that exist today.

## **INTRODUCTION**

In 1999, Arizona Senate Bill 1013, which came to be known as Fill the Gap (FTG) legislation, was passed into law. SB1013 created three funds to be used by three separate stakeholders in the court process to improve criminal case processing: county attorneys, public or indigent defenders, and the courts. These three entities receive monies from legislative appropriations and from fees collected from offenders by the Supreme Court and the Court of Appeals. The monies are dispersed according to a formula based on county population and a three-year average of criminal case filings. The Arizona Criminal Justice Commission (ACJC) is responsible for administering the funds for the county attorneys and indigent defense agencies and annually reporting on how those funds are used and “the progress made in achieving the goal of improved criminal processing” (A.R.S. §41-2409). The Administrative Office of the Courts is similarly required to administer and report on the funds distributed to the courts (A.R.S. §12-102.02).

Fill the Gap legislation was created to address the increasing number of cases processed in the court system caused by the rising Arizona population and an increase in law enforcement resources and subsequent activity in the 1990s. For example, Arizona’s U.S. Census population increased 10.7 percent from FY1998 to FY2000 and, at the same time, the number of felony case filings increased by 2.0 percent (U.S. Census Bureau; Arizona Supreme Court’s *Data Report*, 1999 and 2001). It was anticipated that with additional funding, criminal courts in each county could meet the case processing mandates that the Arizona Supreme Court established in the Rules of Criminal Procedure and reduce the “gap” created by population growth and increased funding to other components of the criminal justice system.

This report fulfills ACJC’s statutory requirement to report on the Fill the Gap funds as required by A.R.S. §41-2409. This report provides an explanation of the Fill the Gap program including statutory authority, the appropriation formulas, and designated responsible parties. The report also presents funding allocations and expenditures by organization, case processing data and information, and suggestions on how to improve the Fill the Gap program.

## **RESEARCH METHODS**

The Arizona Criminal Justice Commission’s Statistical Analysis Center (SAC) developed an annual reporting form that was distributed to funded entities. Agencies were asked to complete the form and returned them to ACJC. The reporting form captured how Fill the Gap funds were spent in FY2010 and how they improved criminal case processing, case processing statistics, and comments on related issues that were encountered during the year. Data from the annual reporting forms were compiled by county and analyzed to identify common spending priorities, improvements in data gathering and reporting practices, and remaining case processing challenges that face local agencies.

In previous reports, agencies were asked to report case processing statistics for felony cases using the date of arraignment on charges as the date of filing and date of sentencing as the case end date. Because there are a variety of methods for calculating case processing times used by county attorneys and indigent defense agencies, ACJC no longer asked agencies to report case processing statistics in this manner. Agencies vary in the types of cases included/excluded in the statistics because of the differing case management systems used by these agencies to collect the data. Instead, open-ended questions were included in the reporting form to understand what types of cases each agency includes in the case processing data along with their definitions for "filing" and "adjudication." This provides a better understanding of the types of cases included by local agencies in their case processing statistics.

#### *Arizona Computerized Criminal History (ACCH)*

Each agency funded by Fill the Gap was asked to provide case processing data in their annual reporting form. Information provided by these agencies allows case processing to be evaluated at the agency level. However, data provided by each agency is not comparable with each other, even within the same county because of differences in collection and reporting methods, as well as case management system capabilities. For this reason, SAC staff also analyzed county arrest charge processing times according to information in the Arizona Computerized Criminal History (ACCH) record system. ACCH data from the Arizona Department of Public Safety were not available for FY2010 data, but adjustments were made for data from FY2007 to FY2009.

Because the date that a felony charge is filed in court by the county attorney is not included in the ACCH database, the date of arrest was used as the start of a charge. The date of disposition finalization was used as the adjudication date. While these alternate dates will result in a lower percentage of charges adjudicated within the 180-day window, it does provide the ability to report processing across counties using a uniform data source and method for assessing felony charge processing times.

Only cases where both arrest and disposition information was entered into ACCH were included in this analysis. The data consisted of all arrest counts leading to felony disposition charges (except for first-degree homicides), and the charges were expanded from prior Fill the Gap reports to include guilty verdicts, nolo contendere pleas, pleas to other charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals. A number of guilty charges were later updated in appellate courts, and these charges were excluded from analysis since the disposition completion dates were adjusted beyond the original sentencing.

To prevent having a small number of cases skew the data, a standard process was used for each year to select cases. All cases included in the FY2007 analysis included arrests from calendar years 1996 to 2006 that were completed during FY2007. All cases included in the FY2008 analysis included arrest counts from calendar years 1997 to 2007 that were finalized in FY2008. All cases included in the FY2009 analysis included arrest counts from 1998 to 2008 that were completed in FY2009. Each count in the analysis contained disposition data in ACCH.

Also, cases that resulted in diversion were included in the analysis. Increasing diversion cases is considered a valid use of Fill the Gap funds. However, including these cases may skew the data for counties that divert a large percentage of felony cases. This is because for many jurisdictions the date of dismissal of a case following an offender's successful diversion is the

date included in this system as the disposition date rather than the date that a defendant enters the diversion court process. For many jurisdictions, diversion is designed to take longer than the 180-day period in order to monitor compliance.

While there are significant limitations to the ACCH data analysis, this process does provide a uniform measure for each county. The limitations include the inability to filter out time that cases were on warrant status, the inability to include cases with data entry errors, and missing disposition data. SAC staff is also unable to analyze specific attorney and indigent defense agencies with ACCH data. It is advised that the ACCH tables be used to view improvement in case processing at the county level. Additionally, this information is not a valid presentation of the number of cases completed within the court case processing requirements because of the data limitations mentioned above.

## **ARIZONA LEGISLATION**

The Arizona Legislature created the State Aid Fund in 1999 to provide funding for prosecutors, indigent defense, and courts to bring case processing times in line with standards set by the Arizona Supreme Court. ACJC and the Arizona Supreme Court were charged with administering the funds and reporting on the progress of case processing to the legislature each year. Six statutes govern the collection, administration, and reporting of Fill the Gap funds (formally named the State Aid to County Attorneys Fund, State Aid to Indigent Defense Fund, and State Aid to the Courts Fund). These statutes are shown in their entirety in Appendix D.

Arizona Revised Statutes §11-539, §11-588 and §12-102.02 each establish Fill the Gap funds and provide instructions regarding the administration and expenditure of the funds. The State Aid to County Attorneys Fund was established by A.R.S. §11-539, the State Aid to Indigent Defense Fund was established by A.R.S. §11-588, and the State Aid to the Courts Fund was established by A.R.S. §12-102.02. These three statutes are similar in that they mandate that the funds be used for improving the processing of criminal cases and that they are to be used to supplement, rather than supplant, county funds. These statutes mandate that ACJC administer the county attorneys and indigent defense funds and that the Arizona Supreme Court administer the courts fund. Arizona Revised Statute §12-102.02 also details how the courts are to allocate funds.

Fill the Gap funding is mandated by A.R.S. §12-116.01. This statute states that a penalty assessment of 47 percent be levied on all fines, penalties, and forfeitures imposed by the courts for both criminal and civil cases, including traffic violations, as well as an additional seven percent fine on specified cases. An additional surcharge of five percent on filing fees is also mandated by this law. Five percent of the 47 percent surcharge is allocated by A.R.S. §41-2421 to the Fill the Gap funds with distribution 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.

ACJC administers the portion allocated to the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund and the Arizona Supreme Court administers the portion

of the fund allocated to the courts. Of those funds that ACJC administered in FY2010, 63.8 percent (\$973,592.63) was allocated to the State Aid to County Attorneys Fund and 36.2 percent (\$551,800.00) was allocated to the State Aid to Indigent Defense Fund. Funds from the seven percent additional assessment to fines and other court fees that are allocated to improving criminal case processing are distributed as follows:

- 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 Attorney General's Office for the processing of criminal cases;
- 14.29 per cent 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.

These funds are distributed according to formulas set out in the A.R.S. §12-102.02 and §41-2409. Earned interest is deposited into the accounts and is utilized to support projects funded by Fill the Gap funds. The Arizona Supreme Court must distribute the funds to Superior Courts after receiving and approving the plan. ACJC must distribute the fund to county attorneys and indigent defense by September 1 of each year. Funds are distributed according to the following formula as directed in A.R.S. §12-102.02 and A.R.S. §41-2409:

1. Obtain the three-year average of the total felony filings in the county superior courts divided by the statewide three-year average of the total felony filings in the superior courts.
2. Divide the county population as adopted by the Arizona Department of Economic Security by the statewide population adopted by the Arizona Department of Economic Security.
3. The sum of the two figures computed above divided by two 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.

Figure 1: Fill the Gap Fund Formula FY2010	
<b>Step 1:</b>	
	<i>County Felony Filings:</i> Total Year 1 + Total Year 2 + Total Year 3 = 3 Year County Total 3 Year County Total ÷ 3 = 3 Year Average County Felony Filings
	<i>State Felony Filings:</i> Total Year 1 + Total Year 2 + Total Year 3 = 3 Year State Total 3 Year State Total ÷ 3 = 3 Year Average State Felony Filings
	3 Year Average County Felony Filings ÷ 3 Year Average State Felony Filings = <b>Step 1 Result</b>
<b>Step 2:</b>	
	County Population ÷ Statewide Population = <b>Step 2 Result</b>
<b>Step 3:</b>	
	<b>( Step 1 Result + Step 2 Result ) ÷ 2 = Composite Index*</b>

\* Composite Index used as a multiplier against Fill the Gap funds to determine fund distribution.

The general fund appropriation and the surcharge earmarked for the courts are deposited in the State Aid to the Courts Fund pursuant to A.R.S. §12-102.02 and are administered by the Administrative Office of the Courts (AOC). The five percent set-aside of funds collected by the courts is kept and administered locally for county court use. Funds earmarked for the public defender/indigent defense counsel and county attorney are distributed through ACJC. It should be noted that counties with populations exceeding 500,000 (i.e., Maricopa and Pima) were not eligible for general fund Fill the Gap appropriations. These counties still received fine revenue.

## ARIZONA CASE TIMELINES

Case processing standards are set by the Arizona Supreme Court. Generally, 90 percent of criminal cases should be completed within 100 days, and 99 percent of criminal cases should be completed within 180 days. These rules have been modified to more accurately reflect the amount of time it takes to complete complex cases. Effective December 1, 2002, the following changes to existing timelines were made:

- 1) For in-custody defendants, the time to disposition was extended from 120 days of initial appearance to 150 days from the date of arraignment;
- 2) For out-of-custody defendants, the time to disposition was extended from 120 days of initial appearance to 180 days from the date of arraignment; and
- 3) A new category (complex cases), provides for disposition within 270 days from arraignment for those defendants charged with first degree murder in other than capital cases, offenses requiring consideration of evidence gained from wiretaps, electronic or oral communication, or complex cases determined by written factual finding by the court. (AOC Fill the Gap report, FY2005)

During that same year, a U.S. Supreme Court ruling, *Ring v. Arizona*, made a change to the processing of death penalty cases, by requiring that a jury, rather than a judge, determine the sentence. "Subsequently, the Arizona Supreme Court again modified Rule 8.2 to allow courts eighteen (18) months to dispose of cases where the state is seeking the death penalty" (AOC Fill the Gap report, FY2007). Many agencies exclude cases affected by these rule changes from their case processing statistics.

## REPORT LAYOUT

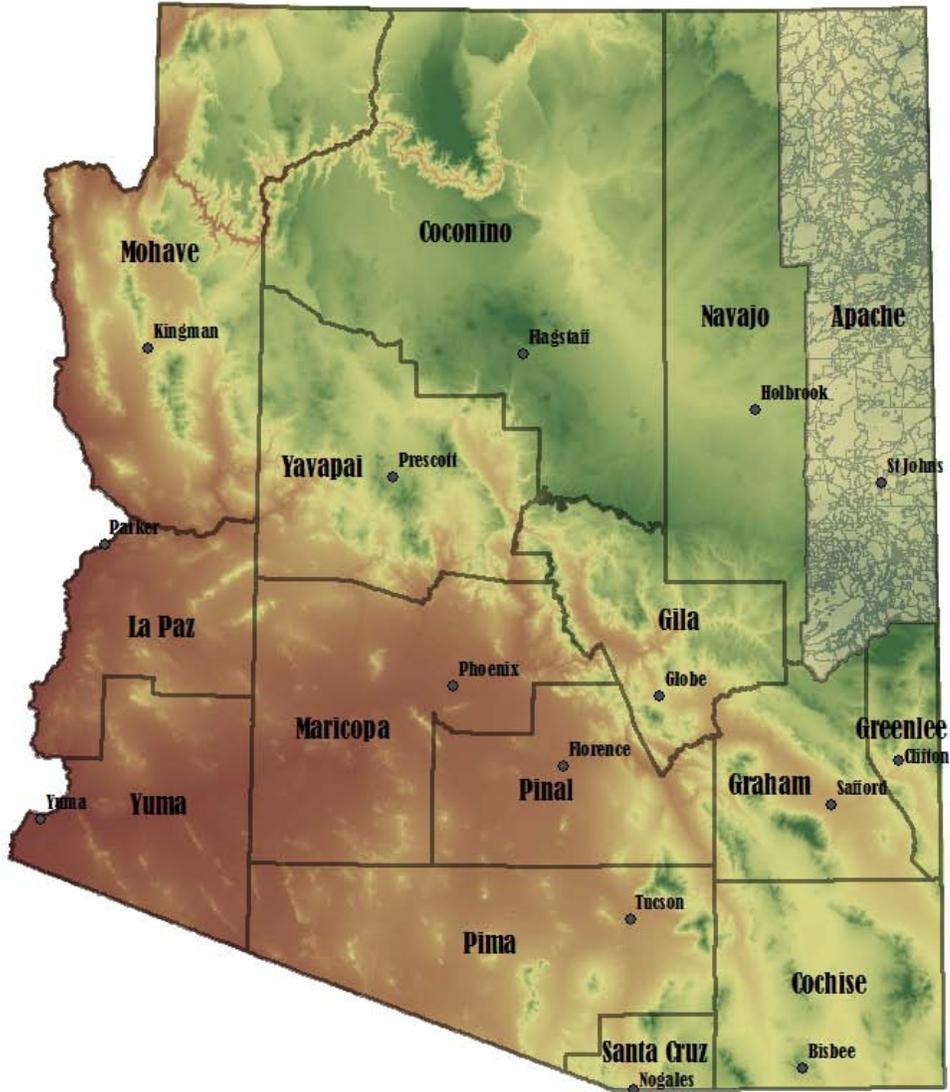
This report has been organized by funded counties and agencies. In each county, the county attorney's office and the indigent defense agency receive funding to work toward the common goal of improving case processing. The courts in each county also receive funding toward this goal. In counties that do not have a dedicated public defender's office, the Superior Court in those counties administer the indigent defense portion of Fill the Gap funds. Each county section of this report will begin with a brief summary of the county, followed by a financial breakdown of Fill the Gap allotments, a section for the county attorney, a section for indigent defense, and then the ACCH case processing statistics.

Each agency section contains a report on Fill the Gap activities and a table for case processing statistics. Because of varying reporting methods and case tracking limitations, data reported by the county attorney and indigent defense agencies are not comparable across jurisdictions.

Following the project summaries for each county is a table with statistics generated using data from the Arizona Computerized Criminal History (ACCH) system. Due to the local variation in how case processing information is determined, the ACCH information is not directly comparable to the data submitted by agencies. However, it is a uniform measure across all 15 counties. It also must be noted that the date of arrest is used as the case start date in the ACCH information, while local agencies use date of case filing as the start date to calculate case processing information. Some agencies also exclude certain cases that were included in the ACCH analysis (i.e. cases including warrant time, complex cases, etc.). Further discussion of the limitations and strengths of the ACCH data can be found on page three of this report.

Additional FY2010 data and information for Fill the Gap can be referenced in the report's appendices. Appendix A provides a breakdown of funding allocations by county attorney offices as well as by indigent defense agencies. Appendix B provides a list of Fill the Gap expenditures reported by all agencies during FY2010. Appendix C contains a list of the issues reported that positively or negatively affected case processing in FY2010. Appendix D includes the Arizona Revised Statutes relevant to Fill the Gap. Appendix E and Appendix F itemize the monetary expenditures by county attorney offices and indigent defense agencies.

# Apache County



<b>2009 U.S. Census Population Estimate:</b>	70,591
<b>Estimated Population Growth 2000-2009:</b>	1.5%
<b>Percent of Arizona Population:</b>	1.1%
<b>County Seat:</b>	St. Johns

## Fill the Gap Funding in Apache County

In FY2010, the Apache County Attorney's Office received a total of \$8,251.27 in Fill the Gap funds. The Apache County Superior Court received a total of \$4,676.74 in Fill the Gap funds to be used for indigent defense services. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.1 percent, and funds for the Superior Court decreased 62.5 percent.

<b>Table 1: Apache County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Apache County Attorney's Office	\$13,108	\$8,251	-37.1%
Apache County Superior Court	\$12,457	\$4,677	-62.5%

<b>Table 2: Apache County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Apache County Attorney's Office	\$0.00	\$8,251.27	\$8,251.27
Apache County Superior Court	\$0.00	\$4,676.74	\$4,676.74

\* As a result of the FY2010 Arizona budget shortfall, only a \$8,251.27 allocation of the total \$8,921.00 FY2010 fine revenue award was paid to the Apache County Attorney's Office. A \$4,676.74 allocation of the total \$8,469.00 FY2010 fine revenue award was also paid to the Apache County Superior Court.

<b>Table 3: Apache County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Apache County Attorney's Office	\$11,900	\$12,554	\$13,115	\$12,930	\$12,237	\$13,786	\$14,131	\$15,471	\$13,108	\$8,251
Apache County Superior Court	\$11,304	\$11,923	\$12,455	\$12,292	\$11,634	\$13,104	\$13,432	\$14,703	\$12,457	\$4,677

## Apache County Attorney's Office

During FY2010, the Apache County Attorney's Office continued allocating Fill the Gap funds toward one secretary position. The secretary was assigned to gathering, logging, organizing and tracking felony cases as well as other legal secretary tasks. The tasks performed by the secretary position directly assisted in felony case prosecution. Not all FY2010 funds were reportedly expended within the fiscal year, and the attorney's office plans to allot the remaining funds toward the secretary position in future fiscal years.

According to data provided by the Apache County Attorney's Office, 65 percent of FY2010 felony cases were adjudicated within 180 days after arraignment (Table 4). The county attorney's office filed 245 felony cases during the fiscal year. Comparing data from FY2007 to FY2010 is not possible because warrants, probation revocations, and appeals were included in the FY2007 and FY2008 statistics. Statistics from FY2009 excluded outstanding warrants. The agency reported that a backlog of cases filed in prior fiscal years was resolved in FY2010, resulting in the resolution of an additional 110 cases in FY2010 compared to FY2009.

<b>Table 4: Felony Case Processing Statistics Apache County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: All Adult Felony Cases Except Appeals and Probation Revocations</i>				
	<b>FY2007*</b>	<b>FY2008*</b>	<b>FY2009*</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	40%	30%	38%	42%
Percent of Felony Cases Adjudicated within 180 Days of Filing	65%	58%	67%	65%
Total Felony Cases Filed	614	614	253	245

\* FY2007 and FY2008 statistics include probation revocations, appeals, and outstanding warrants. FY2009 cases excluded outstanding warrants in addition to appeals, probation revocations, and juvenile cases.

### Apache County Indigent Defense

The Apache County Superior Court directed Fill the Gap funding in FY2010 to contract with local attorneys in order to acquire indigent defense services. The Fill the Gap funding helped the Superior Court compensate for continued county budget cuts.

Apache County Superior Court was unable to report case processing statistics for FY2010 as a result of the implementation of their new case management system (see Table 5). The agency did report a decrease in criminal case filings from FY2009 to FY2010. In FY2009, 51.6 percent of the 213 felony cases filed were adjudicated within 180 days of the filing date.

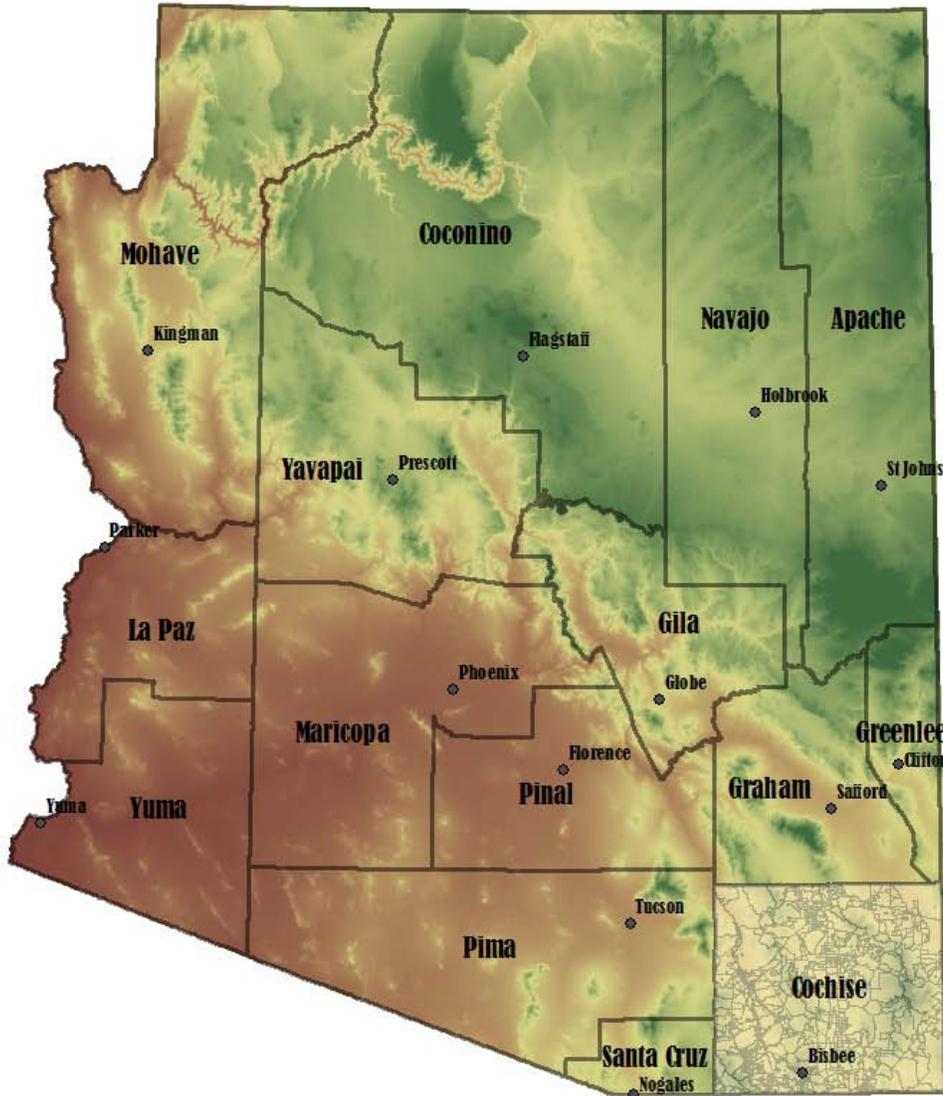
<b>Table 5: Felony Case Processing Statistics Apache County Superior Court FY2007-FY2010</b>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	32.2%	28.3%	24.8%	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	66.3%	64.3%	51.6%	No Data Provided
Total Felony Cases Filed	363	357	213	No Data Provided

**Table 6: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Apache County  
FY2007-2009**

*Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	251	295	503
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	19%	11%	10%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	53%	41%	29%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	623	698	564

# Cochise County



<b>2009 U.S. Census Population Estimate:</b>	129,518
<b>Estimated Population Growth 2000-2009:</b>	9.7%
<b>Percent of Arizona Population:</b>	2.0%
<b>County Seat:</b>	Bisbee

## Fill the Gap Funding in Cochise County

In FY2010, the Cochise County Attorney's Office received a total of \$16,517.90 in Fill the Gap funds. The Cochise County Public Defender's Office received a total of \$9,361.88 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.2 percent, and funds for the Public Defender's Office decreased 62.5 percent.

<b>Table 7: Cochise County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Cochise County Attorney's Office	\$26,292	\$16,518	-37.2%
Cochise County Public Defender's Office	\$24,985	\$9,362	-62.5%

<b>Table 8: Cochise County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Cochise County Attorney's Office	\$0.00	\$16,517.90	\$16,517.90
Cochise County Public Defender's Office	\$0.00	\$9,361.88	\$9,361.88

\* As a result of the FY2010 Arizona budget shortfall, only a \$16,517.90 allocation of the total \$17,857.00 FY2010 fine revenue award was paid to the Cochise County Attorney's Office. A \$9,361.88 allocation of the total \$16,953.00 FY2010 fine revenue award was also paid to the Cochise County Public Defender's Office.

<b>Table 9: Cochise County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Cochise County Attorney's Office	\$25,120	\$25,455	\$26,436	\$27,148	\$28,380	\$30,431	\$29,517	\$30,802	\$26,292	\$16,518
Cochise County Public Defender's Office	\$23,860	\$24,177	\$25,106	\$25,807	\$26,978	\$28,927	\$28,056	\$29,270	\$24,985	\$9,362

### Cochise County Attorney's Office

Fill the Gap funds allotted to the Cochise County Attorney's Office paid the full salaries of one attorney, one legal secretary, and one clerk position in FY2010. Funds also paid the partial salaries of an Attorney and Clerk position during the fiscal year. One of these positions was transitioned into Fill the Gap in FY2010. According to the County Attorney's Office, three positions would have been lost without Fill the Gap funds, and these positions are critical in maintaining the volume of cases currently being processed.

The Cochise County Attorney's Office reported that 76 percent of felony cases were adjudicated within 180 days of filing (Table 10). A total of 827 felony cases were reportedly filed in FY2010. The County Attorney's Office continued to report a steady increase in felony cases filed since FY2008.

<b>Table 10: Felony Case Processing Statistics Cochise County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Indicted or Direct Information Felony Cases Filed and Closed in FY2010 Except Warrant and Adult Diversion Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	22%	21%	48%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	57%	72%	76%
Total Felony Cases Filed	No Data Provided	704	758	827

### Cochise County Indigent Defense

The Cochise County Public Defender's Office used Fill the Gap funding in FY2010 to reimburse county funds that support the partial salary of the indigent defense coordinator position, to support a database consultant for programming of the agency's case tracking software, and to upgrade and maintain the TimeMatters case tracking software. The indigent defense coordinator expedited the assigning of defense counsel to incoming cases as well as maintaining statistical records for these cases. Also, TimeMatters provides the agency a tracking mechanism for cases and case aging statistics. Finally, the County Public Defender's Office collaborated with county agencies to implement an early resolution court, which diverted cases headed for trial through an expedited plea agreement process.

The County Public Defender's Office did not expend all Fill the Gap funds from FY2010, and the agency plans to devote additional funding to case tracking software and consultation needs in future fiscal years.

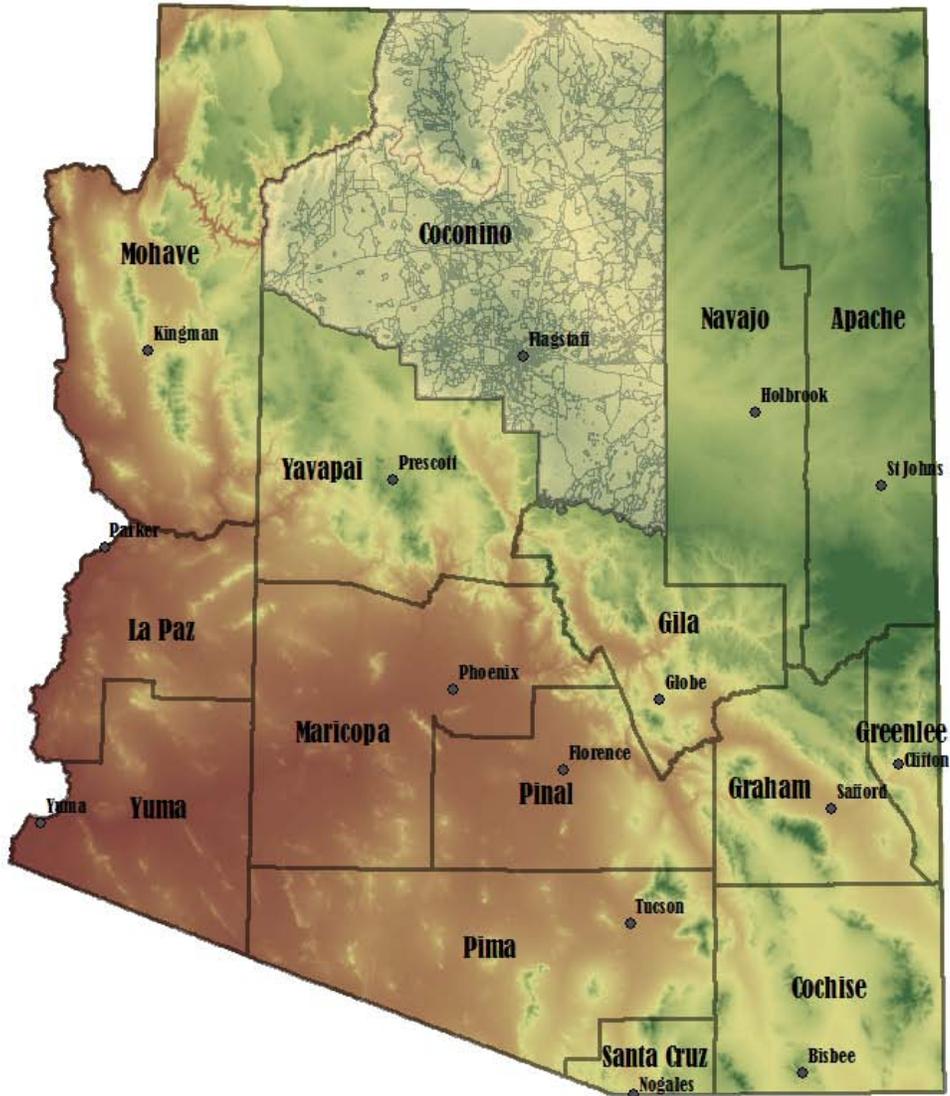
The Cochise County Public Defender's Office adjudicated 89 percent of all felony cases from FY2010 within 180 days of arraignment (Table 11). The Cochise County Legal Defender's Department also adjudicated 89 percent of felony cases within 180 days of filing (Table 12). The County Public Defender's Office and the Legal Defender's Department reported 395 and 223 felony case filings, respectively, in FY2010. Total felony cases filed increased in FY2010 for both the County Public Defender's Office and the Legal Defender's Department.

<b>Table 11: Felony Case Processing Statistics Cochise County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: All Superior Court Felony Cases Concluded in FY2010 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, and Some Jury Trials</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	47%	65%	33%	58%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76%	91%	87%	89%
Total Felony Cases Filed	319	238	362	395

<b>Table 12: Felony Case Processing Statistics Cochise County Legal Defender's Department FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: All Superior Court Felony Cases Concluded in FY2010 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, and Some Jury Trials</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	49%	41%	20%	58%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75%	72%	71%	89%
Total Felony Cases Filed	176	124	123	223

<b>Table 13: Felony Case Processing Statistics Arizona Computerized Criminal History (ACCH) System Cochise County FY2007-2009</b>			
<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.</i>			
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	261	177	249
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	47%	42%	12%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	65%	71%	52%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,670	782	796

# Coconino County



<b>2009 U.S. Census Population Estimate:</b>	129,849
<b>Estimated Population Growth 2000-2009:</b>	11.3%
<b>Percent of Arizona Population:</b>	2.0%
<b>County Seat:</b>	Flagstaff

### Fill the Gap Funding in Coconino County

In FY2010, the Coconino County Attorney's Office received a total of \$19,062.03 in Fill the Gap funds. The Coconino County Superior Court received a total of \$10,803.65 in Fill the Gap funds to support indigent defense services. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.4 percent, and funds for the Superior Court decreased 62.6 percent.

<b>Table 14: Coconino County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Coconino County Attorney's Office	\$30,427	\$19,062	-37.4%
Coconino County Superior Court	\$28,914	\$10,804	-62.6%

<b>Table 15: Coconino County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Coconino County Attorney's Office	\$0.00	\$19,062.03	\$19,062.03
Coconino County Superior Court	\$0.00	\$10,803.65	\$10,803.65

\* As a result of the FY2010 Arizona budget shortfall, only a \$19,062.03 allocation of the total \$20,606.00 FY2010 fine revenue award was paid to the Coconino County Attorney's Office. A \$10,803.65 allocation of the total \$19,563.00 FY2010 fine revenue award was paid to the Coconino County Superior Court.

<b>Table 16: Coconino County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Coconino County Attorney's Office	\$30,578	\$29,292	\$30,070	\$30,437	\$30,314	\$33,867	\$33,697	\$37,207	\$30,427	\$19,062
Coconino County Superior Court	\$29,044	\$27,821	\$28,557	\$28,934	\$28,817	\$32,191	\$32,029	\$35,358	\$28,914	\$10,804

### Coconino County Attorney's Office

The Coconino County Attorney's Office assigned Fill the Gap funds in FY2010 to support the partial salaries of a full-time deputy county attorney position and legal assistant positions. The funded positions assisted the County Attorney's Office in improving charging processing time.

The Coconino County Attorney's Office reported that 78 percent of felony cases were adjudicated within 180 days of the filing, or arraignment, date (see Table 17). A total of 884 felony cases were filed by the County Attorney's Office during FY2010. Total filings at the County Attorney's Office fell from FY2009 to FY2010.

<b>Table 17: Felony Case Processing Statistics Coconino County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Adjudicated in FY2010 Excluding Days on Warrant Status</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	60%	60%	59%	52%
Percent of Felony Cases Adjudicated within 180 Days of Filing	93%	87%	89%	78%
Total Felony Cases Filed	1,557	1,446	1,447	884

### Coconino County Indigent Defense

The Coconino County Superior Court directed Fill the Gap funds in FY2010 to be used in carrying out 5,993 urinalysis drug tests. The DUI/Drug Court expedited alcohol and drug-related cases for 118 participants from the Superior Courts in Coconino County, and random urinalysis testing was one of the requirements for DUI/Drug Court diversion.

Coconino County Superior Court reported completing 82 percent of felony cases within 180 days of filing (Table 18). The Superior Court reported a total of 986 felony cases filed in FY2010, a decrease from the total number of felony cases filed in previous fiscal years.

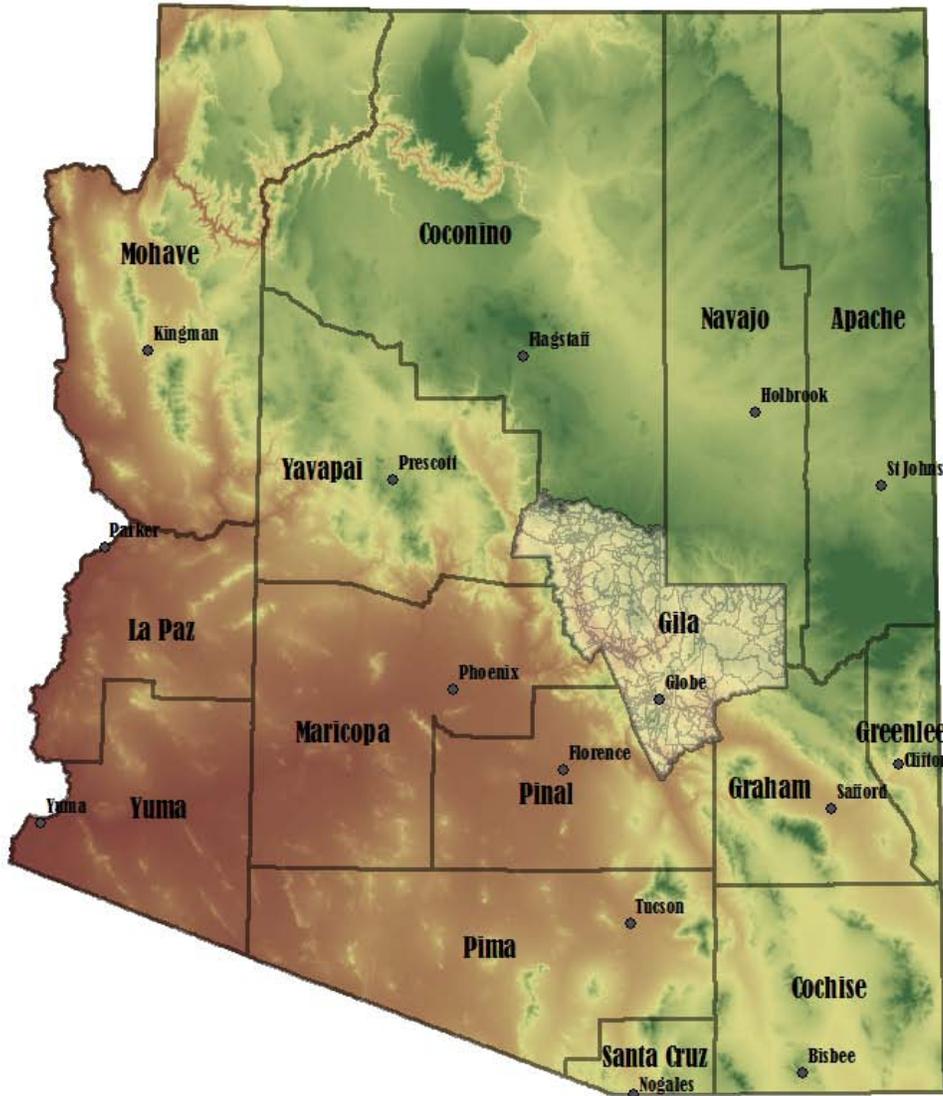
<b>Table 18: Felony Case Processing Statistics Coconino County Superior Court FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Criminal Cases Involving a Felony Charge</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	49.7%	50%	50%	49%
Percent of Felony Cases Adjudicated within 180 Days of Filing	82.3%	81%	85%	82%
Total Felony Cases Filed	1,066	1,151	1,070	986

**Table 19: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Coconino County  
FY2007-2009**

*Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	322	363	357
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	17%	14%	14%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	42%	38%	36%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,680	2,462	2,225

# Gila County



<b>2009 U.S. Census Population Estimate:</b>	52,199
<b>Estimated Population Growth 2000-2009:</b>	1.6%
<b>Percent of Arizona Population:</b>	0.8%
<b>County Seat:</b>	Globe

## Fill the Gap Funding in Gila County

In FY2010, the Gila County Attorney's Office received a total of \$10,074.38 in Fill the Gap funds. Gila County Superior Court received a total of \$5,710.13 in Fill the Gap funds to support indigent defense. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.6 percent, and funds for the Superior Court decreased 62.8 percent.

<b>Table 20: Gila County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Gila County Attorney's Office	\$16,134	\$10,074	-37.6%
Gila County Superior Court	\$15,333	\$5,710	-62.8%

<b>Table 21: Gila County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Gila County Attorney's Office	\$0.00	\$10,074.38	\$10,074.38
Gila County Superior Court	\$0.00	\$5,710.13	\$5,710.13

\* As a result of the FY2010 Arizona budget shortfall, only a \$10,074.38 allocation of the total \$10,891.00 FY2010 fine revenue award was paid to the Gila County Attorney's Office. A \$5,710.13 allocation of the total \$10,340.00 FY2010 fine revenue award was paid to the Gila County Superior Court.

<b>Table 22: Gila County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Gila County Attorney's Office	\$20,658	\$21,082	\$21,076	\$20,105	\$17,995	\$18,647	\$17,813	\$18,319	\$16,134	\$10,074
Gila County Superior Court	\$19,622	\$20,023	\$20,016	\$19,111	\$17,012	\$17,724	\$16,932	\$17,409	\$15,333	\$5,710

## Gila County Attorney's Office

In FY2010, the Gila County Attorney's Office spent Fill the Gap funds on a computer, monitors, a scanner/printer, and software support and upgrades for Judicial Dialog. The County Attorney's Office also leased two computers and printers at satellite locations of the Arizona Supreme Court. The equipment and software provides improved case tracking ability at the agency, and the leased computers will maintain access to the Superior Court minute entries promoting the timely processing of criminal cases. The County Attorney's Office reported that remaining FY2010 funds will be used to replace outdated computers in FY2011.

The Gila County Attorney's Office reported in FY2010 that 90 percent of felony cases were adjudicated within 180 days of filing (Table 23). The County Attorney's Office filed a total of 607 felony cases during the fiscal year, a decrease in the total number of filings reported in previous fiscal years.

<b>Table 23: Felony Case Processing Statistics Gila County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Filed Except Petitions for Probation Revocation, Appeals, and Diversions</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	88%	90%	78%	32%
Percent of Felony Cases Adjudicated within 180 Days of Filing	97%	97%	95%	90%
Total Felony Cases Filed	764	682	685	607

\* Cases in FY2009 excluded appeals, warrants, homicides, and diversions.

### Gila County Indigent Defense

During FY2010, the Gila County Superior Court spent Fill the Gap funds on software maintenance and support of the Center Court program. The Center Court software program provides up-to-date scheduling of all criminal cases in the courts, keeping defense attorneys as well as defendants and victims abreast of any change in court dates. The software also fully automates the case trial list notification process from the Superior Court to the defense counsel.

The Gila County Superior Court reported that approximately 65 percent of FY2010 felony cases were adjudicated within 180 days of filing (Table 24). A total of 733 felony cases were filed in FY2010, an increase in the total number of felony cases filed from the previous fiscal year.

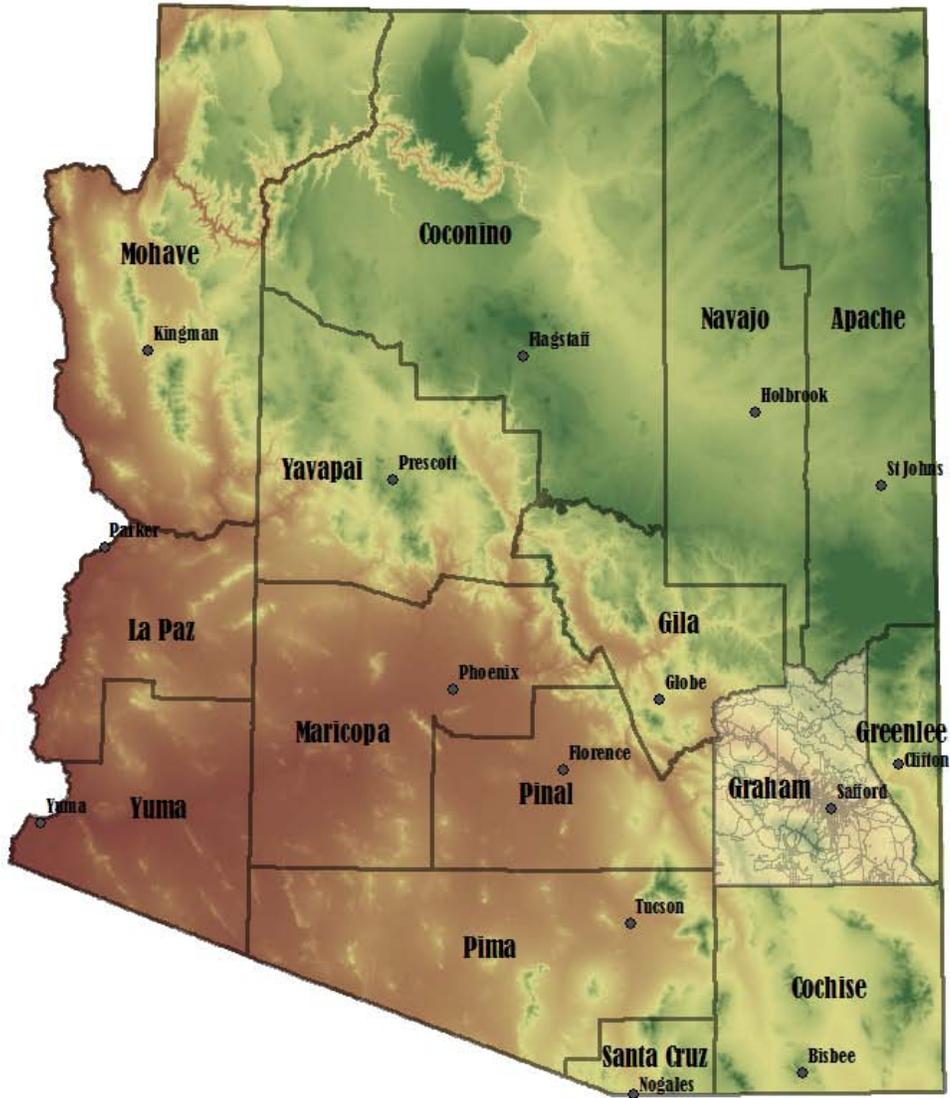
<b>Table 24: Felony Case Processing Statistics Gila County Superior Court FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Closed by Sentencing or Dismissal</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	16.4%	32.3%	31.56%	23.07%
Percent of Felony Cases Adjudicated within 180 Days of Filing	55.6%	70.5%	73.76%	65.40%
Total Felony Cases Filed	718	766	685	733

**Table 25: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Gila County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	415	481	543
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	4%	2%	5%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	17%	8%	19%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	672	737	554

# Graham County



<b>2009 U.S. Census Population Estimate:</b>	37,045
<b>Estimated Population Growth 2000-2009:</b>	10.4%
<b>Percent of Arizona Population:</b>	0.6%
<b>County Seat:</b>	Safford

## Fill the Gap Funding in Graham County

In FY2010, the Graham County Attorney's Office received a total of \$6,415.41 in Fill the Gap funds. The Graham County Superior Court received a total of \$3,636.35 in Fill the Gap funds to support indigent defense. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.5 percent, and funds for the Superior Court decreased 62.7 percent.

Table 26: Graham County Fill the Gap Funding FY2009 – FY2010			
	FY2009	FY2010	Difference
Graham County Attorney's Office	\$10,272	\$6,415	-37.5%
Graham County Superior Court	\$9,760	\$3,636	-62.7%

Table 27: Graham County Funding Breakdown FY2010			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Graham County Attorney's Office	\$0.00	\$6,415.41	\$6,415.41
Graham County Superior Court	\$0.00	\$3,636.35	\$3,636.35

\* As a result of the FY2010 Arizona budget shortfall, only a \$6,415.41 allocation of the total \$6,937.00 FY2010 fine revenue award was paid to the Graham County Attorney's Office. A \$3,636.35 allocation of the total \$6,585.00 FY2010 fine revenue award was paid to the Graham County Superior Court.

Table 28: Graham County Fill the Gap Funding FY2001 – FY2010										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Graham County Attorney's Office	\$9,283	\$10,150	\$10,491	\$10,431	\$9,426	\$9,774	\$9,606	\$10,677	\$10,272	\$6,415
Graham County Superior Court	\$8,818	\$9,641	\$9,963	\$9,915	\$8,961	\$9,290	\$9,129	\$10,147	\$9,760	\$3,636

### Graham County Attorney's Office

The Graham County Attorney's Office utilized Fill the Gap funds in FY2010 to purchase office furniture and supplies— including computers, printers, phones, and additional equipment— as well as to pay fees for data processing. In addition, the County Attorney's Office utilized funds to update the maintenance and support of LegalEdge, the County Attorney's Office case management software. These expenditures reportedly assist in the agency's effort to improve case processing.

The County Attorney's Office reported completing 76.4 percent of felony cases within 180 days of filing in FY2010 (Table 29). There were 449 felony cases filed within the fiscal year. The number of felony case filings has continued to decrease since FY2008.

<b>Table 29: Felony Case Processing Statistics Graham County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Criminal Felony Cases Bound Over from Justice to Superior Court</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	36.1%	41%	39.6%	41.6%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.3%	73%	73%	76.4%
Total Felony Cases Filed	461	606	507	449

### Graham County Indigent Defense

The Graham County Superior Court devoted Fill the Gap funds in FY2010 to the contracted services of defense attorneys. The funding available through Fill the Gap was crucial in providing the Superior Court with quality indigent defense counsel amid decreasing county budgets and steady workload. As a result, the Superior Court was able to maintain their case processing levels without further burdening the court staff.

The Graham County Superior Court reported for FY2010 that approximately 76 percent of felony cases were adjudicated within 180 days of filing, or arraignment (Table 30). In FY2010, the Superior Court reported filing a total of 520 felony cases. This is a minimal decrease in felony cases filed compared to FY2009.

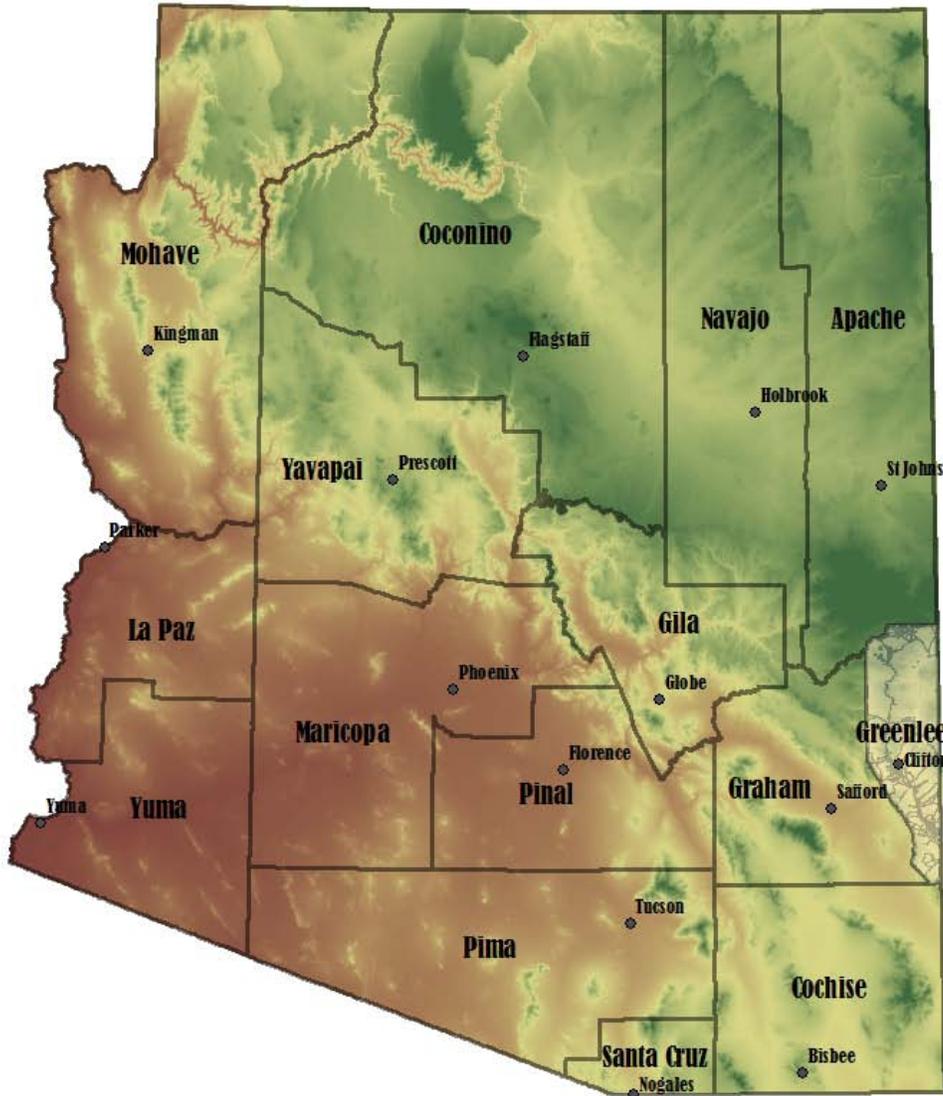
<b>Table 30: Felony Case Processing Statistics Graham County Superior Court FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Criminal Felony Cases Filed</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	36.1%	40.9%	39.3%	41.6%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.3%	73.0%	72.8%	76.4%
Total Felony Cases Filed	461	490	528	520

**Table 31: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Graham County  
FY2007-2009**

*Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	249	252	321
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	9%	13%	9%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	42%	36%	27%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	409	601	748

# Greenlee County



<b>2009 U.S. Census Population Estimate:</b>	8,041
<b>Estimated Population Growth 2000-2009:</b>	-5.9%
<b>Percent of Arizona Population:</b>	0.1%
<b>County Seat:</b>	Clifton

### Fill the Gap Funding in Greenlee County

In FY2010, the Greenlee County Attorney's Office received a total of \$1,327.70 in Fill the Gap funds. The Greenlee County Superior Court received a total of \$752.82 in Fill the Gap funds to support indigent defense. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.5 percent, and funds for the Superior Court decreased 62.7 percent.

<b>Table 32: Greenlee County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Greenlee County Attorney's Office	\$2,124	\$1,328	-37.5%
Greenlee County Superior Court	\$2,019	\$753	-62.7%

<b>Table 33: Greenlee County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Greenlee County Attorney's Office	\$0.00	\$1,327.70	\$1,327.70
Greenlee County Superior Court	\$0.00	\$752.82	\$752.82

\* As a result of the FY2010 Arizona budget shortfall, only a \$1,327.70 allocation of the total \$1,435.00 FY2010 fine revenue award was paid to the Greenlee County Attorney's Office. A \$752.82 allocation of the total \$1,363.00 FY2010 fine revenue award was paid to the Greenlee County Superior Court.

<b>Table 34: Greenlee County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Greenlee County Attorney's Office	\$2,437	\$2,141	\$2,305	\$2,443	\$2,436	\$2,415	\$2,147	\$2,334	\$2,124	\$1,328
Greenlee County Superior Court	\$2,315	\$2,033	\$2,189	\$2,322	\$2,315	\$2,296	\$2,039	\$2,218	\$2,019	\$753

### Greenlee County Attorney's Office

In FY2010, the Greenlee County Attorney's Office directed Fill the Gap funds toward the salary of the Deputy County Attorney position. The Deputy County Attorney was in charge of all misdemeanor and juvenile cases at the County Attorney's Office. The work of the Deputy County Attorney helped to reduce the caseload of the other two attorneys at the agency who are in charge of all felony, Rule 32, and civil action cases.

The Greenlee County Attorney's Office reported completing 99 percent of felony cases in FY2010 within 180 days of filing (Table 35). The County Attorney's Office reported a total of 127 felony cases filed during the fiscal year. The total number of felony cases filed increased since FY2008, but the total in FY2010 only increased by one case compared to FY2009.

<b>Table 35: Felony Case Processing Statistics Greenlee County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Filed with No Active Warrants</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	89%	85%	98%	94%
Percent of Felony Cases Adjudicated within 180 Days of Filing	98%	96%	99%	99%
Total Felony Cases Filed	119	104	126	127

### Greenlee County Indigent Defense

Greenlee County Superior Court did not report any Fill the Gap expenditures in FY2010. The agency is saving the funds to pay for defense attorney fees in future fiscal years. The Superior Court reported that Fill the Gap funds assist in providing quality defense counsel in cases requiring extensive travel, and in turn, reduce delays in case processing.

The Superior Court reported in FY2010 that 96 percent of all felony cases were adjudicated within 180 days of filing (Table 36). The Superior Court filed a total of 75 felony cases in FY2010, a decrease in the total number of felony cases filed during the prior fiscal year.

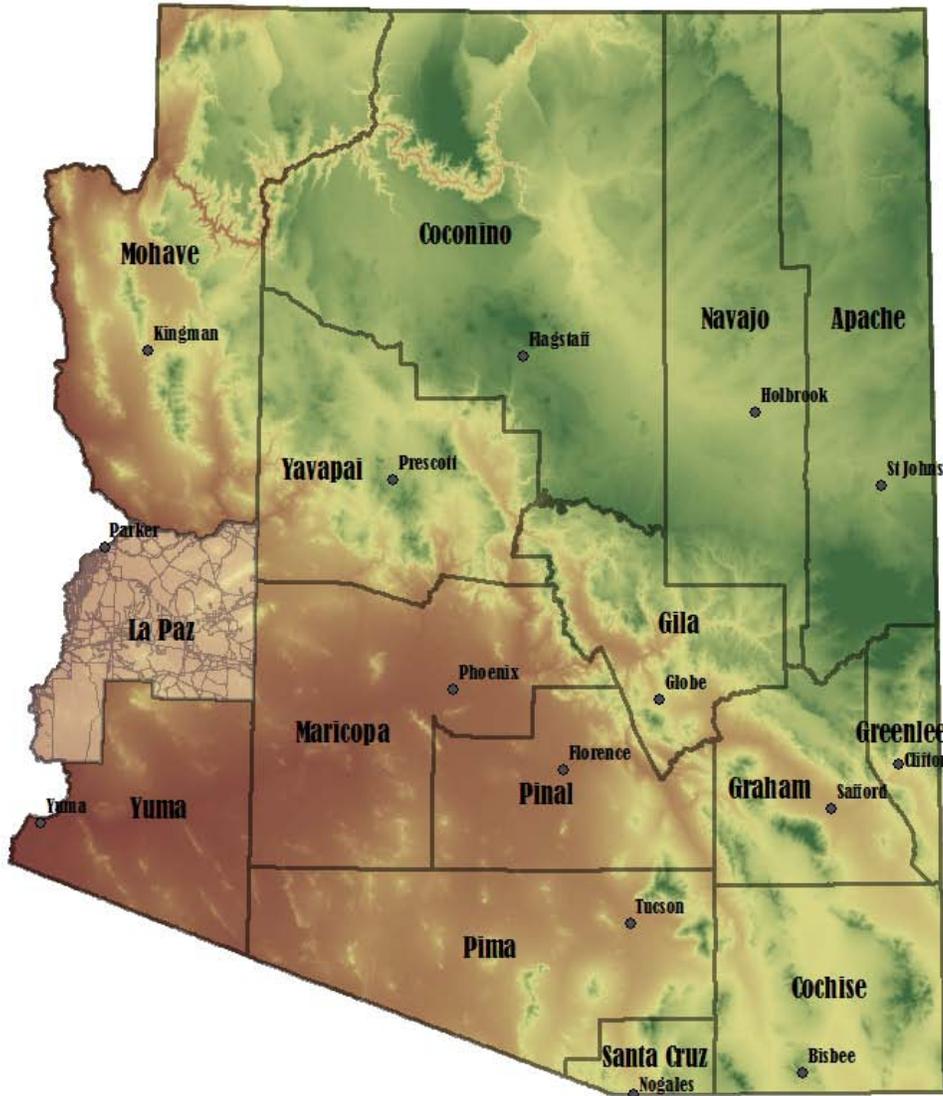
<b>Table 36: Felony Case Processing Statistics Greenlee County Superior Court FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Leading to Sentencing Except Out-of-County Judge, Interstate Compact, and Opened in Error Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	No Data Provided	76%	72%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	95%	96%
Total Felony Cases Filed	No Data Provided	No Data Provided	91	75

**Table 37: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Greenlee County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	144	190	152
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	30%	30%	49%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	73%	67%	76%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	160	139	148

# La Paz County



<b>2009 U.S. Census Population Estimate:</b>	20,012
<b>Estimated Population Growth 2000-2009:</b>	1.9%
<b>Percent of Arizona Population:</b>	0.3%
<b>County Seat:</b>	Parker

## Fill the Gap Funding in La Paz County

In FY2010, the La Paz County Attorney's Office received a total of \$4,521.40 in Fill the Gap funds. The La Paz County Public Defender's Office received a total of \$2,562.83 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.7 percent, and funds for the Public Defender's Office decreased 62.8 percent.

<b>Table 38: La Paz County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
La Paz County Attorney's Office	\$7,256	\$4,521	-37.7%
La Paz County Public Defender's Office	\$6,896	\$2,563	-62.8%

<b>Table 39: La Paz County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
La Paz County Attorney's Office	\$0.00	\$4,521.40	\$4,521.40
La Paz County Public Defender's Office	\$0.00	\$2,562.83	\$2,562.83

\* As a result of the FY2010 Arizona budget shortfall, only a \$4,521.40 allocation of the total \$4,889.00 FY2010 fine revenue award was paid to the La Paz County Attorney's Office. A \$2,562.83 allocation of the total \$4,641.00 FY2010 fine revenue award was paid to the La Paz County Public Defender's Office.

<b>Table 40: La Paz County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
La Paz County Attorney's Office	\$7,228	\$7,412	\$7,478	\$7,628	\$8,350	\$9,442	\$9,513	\$10,150	\$7,256	\$4,521
La Paz County Public Defender's Office	\$6,865	\$7,041	\$7,102	\$7,251	\$7,936	\$8,974	\$9,042	\$9,646	\$6,896	\$2,563

## La Paz County Attorney's Office

The La Paz County Attorney's Office used Fill the Gap funds in FY2010 to support staff salaries, a variety of computer and equipment purchases, contractual services, software, and other expenditures. Fill the Gap funds helped support \$34,827 in staff salaries and ERE. Additionally, the following computer equipment was purchased using Fill the Gap funds: a printer, three computers, two computer monitors, a backup battery, Quickstor tapes, a fax machine, a digital recorder, and other miscellaneous computer supplies. Other equipment purchases include new office cubicles and workstations, improving productivity, work accuracy, and client interaction. The County Attorney's Office used Fill the Gap funds on contractual services for maintenance on the Judicial Dialog System and for access to the West Law Information Center. Other expenditures include Roxio and Microsoft Office Pro software, Altura Communication services, and prosecutor training.

Unfortunately, the new case management system at the Superior Court continued to experience complications in collecting case adjudication statistics (Table 41). The County Attorney's Office reported a total of 407 felony cases filed in FY2010, an increase from FY2009.

<b>Table 41: Felony Case Processing Statistics La Paz County Attorney's Office FY2007-FY2010</b>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	55.7%	22.6%	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	71.8%	40.7%	No Data Provided	No Data Provided
Total Felony Cases Filed	344	337	357	407

### La Paz County Indigent Defense

The La Paz County Public Defender's Office used Fill the Gap funds in FY2010 to purchase equipment along with contractual services for TimeMatters, the case management program at the agency. The County Public Defender's Office purchased a transcription kit, printers, legal books and subscriptions, two notary stamps, and other accessories. Printer costs were shared with the county, and the printers are more efficient resulting in improved case processing. The in-house notaries reduce failure-to-appears resulting from client transportation issues as well as the additional waiting time on external notaries. Also, the additional legal books and subscriptions save time in attorney case law research.

The County Public Defender's Office continued to allot funding for consulting to update and improve the TimeMatters case management system. Progress continued during FY2010, and previous Fill the Gap funds were also used to support this effort.

The La Paz County Public Defender's Office was also unable to capture case processing data as it pertains to number of days between filing and case adjudication (Table 42). The new case management system did not have the capability to provide this information.

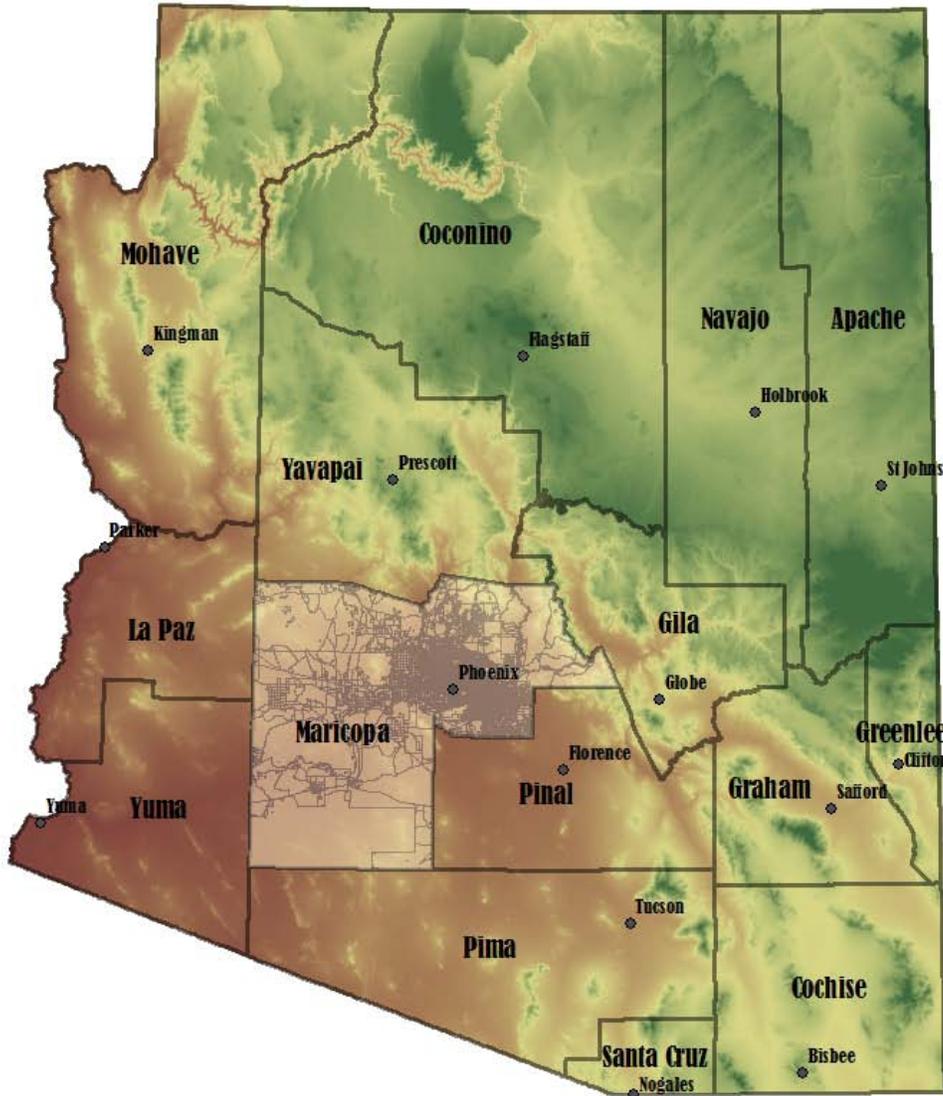
<b>Table 42: Felony Case Processing Statistics La Paz County Public Defender's Office FY2007-FY2010</b>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	17.3%	22.6%	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	50.8%	42.9%	No Data Provided	No Data Provided
Total Felony Cases Filed	No Data Provided	336	369	No Data Provided

**Table 43: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
La Paz County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	496	446	340
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	8%	4%	11%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	28%	21%	28%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	617	314	447

# Maricopa County



<b>2009 U.S. Census Population Estimate:</b>	4,023,132
<b>Estimated Population Growth 2000-2009:</b>	29.9%
<b>Percent of Arizona Population:</b>	61.0%
<b>County Seat:</b>	Phoenix

## Fill the Gap Funding in Maricopa County

In FY2010, the Maricopa County Attorney's Office received a total of \$622,658.97 in Fill the Gap funds. The Maricopa County Public Defender's Office received a total of \$352,898.76 in Fill the Gap funds. Funds for the County Attorney's Office increased 9.8 percent from FY2009, and funds for the County Public Defender's Office decreased 34.4 percent.

<b>Table 44: Maricopa County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Maricopa County Attorney's Office	\$567,104	\$622,659	+9.8%
Maricopa County Public Defender's Office	\$538,280	\$352,899	-34.4%

<b>Table 45: Maricopa County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Maricopa County Attorney's Office	\$0.00	\$622,658.97	\$622,658.97
Maricopa County Public Defender's Office	\$0.00	\$352,898.76	\$352,898.76

\* As a result of the FY2010 Arizona budget shortfall, only a \$622,658.97 allocation of the total \$673,118.00 FY2010 fine revenue award was paid to the Maricopa County Attorney's Office. A \$352,898.76 allocation of the total \$639,029.00 FY2010 fine revenue award was paid to the Maricopa County Public Defender's Office.

<b>Table 46: Maricopa County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Maricopa County Attorney's Office	\$736,403	\$805,910	\$425,289	\$438,581	\$448,062	\$541,572	\$560,172	\$669,028	\$567,104	\$622,659
Maricopa County Public Defender's Office	\$699,465	\$765,429	\$403,804	\$416,420	\$425,421	\$514,231	\$531,892	\$635,147	\$538,280	\$352,899

### Maricopa County Attorney's Office

Maricopa County Attorney's Office fully or partially funded salaries and ERE for ten office support assistants, three legal support specialists, and one legal support supervisor using Fill the Gap funds in FY2010. These positions supported the timely processing of out-of-custody cases, the expedited processing of out-of-custody cases where the offender is actually in jail on other charges, and the prompt entering of charging decisions once the decision has been made by the prosecuting attorneys. The efforts of staff funded by Fill the Gap continued to ensure the timely processing of criminal cases at the County Attorney's Office.

Maricopa County Attorney's Office adjudicated 88 percent of felony cases disposed in FY2010 within 180 days of the filing date. A total of 38,862 felony cases were filed during the fiscal year. The total number of felony cases filed at the County Attorney's Office decreased steadily since FY2008.

<b>Table 47: Felony Case Processing Statistics Maricopa County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Disposed in FY2010 Except Homicides, Highly Complex Cases, Appeals, Conflicts, Purged Cases, Probation Violations, Diversion Time, Time Spent in Rule 11 Proceedings, Time in Warrant Status, and Time in Special Actions</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	75%	72%	68.5%	71.92%
Percent of Felony Cases Adjudicated within 180 Days of Filing	88%	87%	86.5%	87.96%
Total Felony Cases Filed	40,286	42,081	40,760	38,862

### Maricopa County Indigent Defense

During FY2010, the Maricopa County Public Defender's Office expended Fill the Gap funds in multiple categories. First, the agency fully and partially funded salaries and ERE for nine attorney positions (one located in the Legal Defender's Office), one paralegal position, and one legal secretary position. Funds continued to support the IRIS project manager position. The Public Defender's Office allotted Fill the Gap funds toward contractual services for mapping and converting data from the TimeMatters system into the case management system, IRIS. Software was purchased to support the migration to the IRIS system and to maintain the temporary financial data system, CACE. The agency anticipates migrating CACE financial data into IRIS as the new case management system evolves. Finally, additional funds were spent on supplies, training, mileage, and financing for IRIS hardware.

Funding from Fill the Gap supported staff positions in charge of processing cases through specialty courts (i.e. early disposition courts and regional court centers) and processing of felony cases in general. These specialty courts expedited cases in an effort to reduce attorney workload and subsequent case withdrawals. The agency also continued to support the case management upgrade to better serve clients, improve daily functions, and integrate all departments into one case management system.

The agency continued to support exploration into cost-effective alternatives to incarceration, the creation of a specialty court for veterans, and the establishment of reentry initiatives all in an effort to reduce the demands on the criminal justice system.

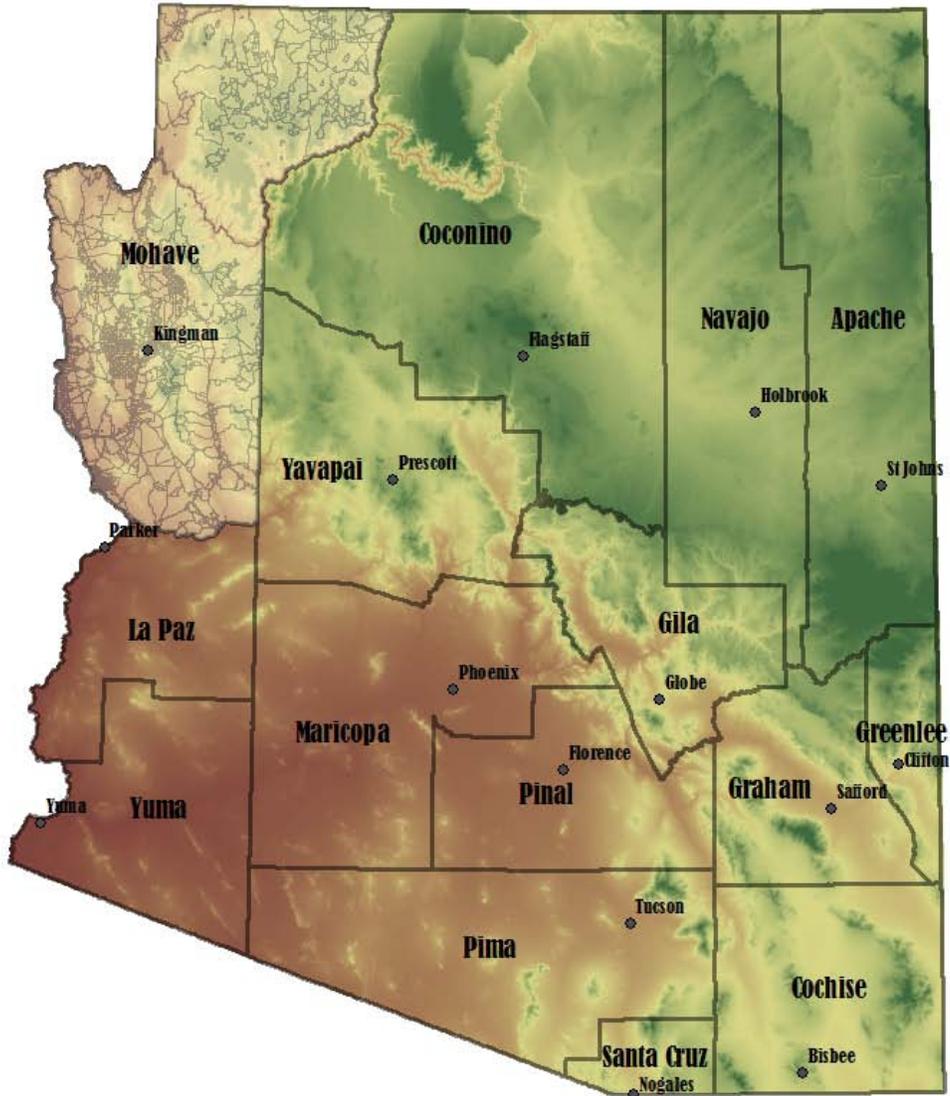
The public defender's office stated that any Fill the Gap funding not spent in FY2010 will go toward improvements of the case management system design, including the integration of contract counsel, legal advocate, and legal defender dependency data.

The Maricopa County Public Defender's Office reported that 88 percent of felony cases closed during FY2010 were adjudicated within 180 days of the arraignment/assignment date (Table 48). A total of 33,064 felony cases were filed during FY2010, a decrease in felony cases filed during previous fiscal years.

<b>Table 48: Felony Case Processing Statistics Maricopa County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Closed in FY2010 Except Appeals and Probation Violations</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Closed within 100 Days of Arraignment/Assignment	74.9%	74.3%	71.1%	78%
Percent of Felony Cases Closed within 180 Days of Arraignment/Assignment	87.8%	86.3%	83.5%	88%
Total Felony Cases Filed	37,357	39,513	36,997	33,064

<b>Table 49: Felony Case Processing Statistics Arizona Computerized Criminal History (ACCH) System Maricopa County FY2007-2009</b>			
<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.</i>			
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	265	249	284
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	29%	29%	24%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	59%	57%	50%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	39,311	46,103	55,044

# Mohave County



<b>2009 U.S. Census Population Estimate:</b>	194,825
<b>Estimated Population Growth 2000-2009:</b>	24.7%
<b>Percent of Arizona Population:</b>	3.0%
<b>County Seat:</b>	Kingman

## Fill the Gap Funding in Mohave County

In FY2010, the Mohave County Attorney's Office received a total of \$29,556.23 in Fill the Gap funds. The Mohave County Public Defender's Office received a total of \$16,752.06 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.4 percent, and funds for the Public Defender's Office decreased 62.7 percent.

<b>Table 50: Mohave County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Mohave County Attorney's Office	\$47,197	\$29,556	-37.4%
Mohave County Public Defender's Office	\$44,853	\$16,752	-62.7%

<b>Table 51: Mohave County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Mohave County Attorney's Office	\$0.00	\$29,556.23	\$29,556.23
Mohave County Public Defender's Office	\$0.00	\$16,752.06	\$16,752.06

\* As a result of the FY2010 Arizona budget shortfall, only a \$29,556.23 allocation of the total \$31,952.00 FY2010 fine revenue award was paid to the Mohave County Attorney's Office. A \$16,752.06 allocation of the total \$30,334.00 FY2010 fine revenue award was paid to the Mohave County Public Defender's Office.

<b>Table 52: Mohave County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Mohave County Attorney's Office	\$43,535	\$43,518	\$44,103	\$43,424	\$42,493	\$45,185	\$46,149	\$51,717	\$47,197	\$29,556
Mohave County Public Defender's Office	\$41,353	\$41,332	\$41,883	\$41,278	\$40,395	\$42,950	\$43,865	\$49,147	\$44,853	\$16,752

### Mohave County Attorney's Office

The Mohave County Attorney's Office utilized Fill the Gap funds in FY2010 to supplement \$15,972.02 in partial salaries and ERE for positions primarily in the Victim/Witness Program. Additional monies were devoted to information technology charges supporting the Fill the Gap funded employees. The County Attorney's Office also funded purchases of two printers and a scanner. Funds were used to gain access to AJACS, the case management system accessible through the Superior Court in Mohave County. These additional positions, equipment, and contractors continued to improve timely case processing and more efficient information sharing. Specifically, the scanner reduced the wait time for pre-sentence investigations, limiting the number of continuances. Without Fill the Gap funding, the County Attorney's Office reported that timely case processing would be compromised.

Mohave County Attorney's Office reported that 86 percent of FY2010 felony cases (including juveniles charged with felonies) were completed within 180 days of filing (Table 53). The county attorney's office also reported that a total of 1,991 felony cases were filed during the

fiscal year. The total number of felony cases filed at the County Attorney's Office decreased steadily since FY2008.

<b>Table 53: Felony Case Processing Statistics Mohave County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Adult and Juvenile Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	62%	69%	68%	66%
Percent of Felony Cases Adjudicated within 180 Days of Filing	85%	90%	85%	86%
Total Felony Cases Filed	1,850	2,647	2,281	1,991

### **Mohave County Indigent Defense**

In FY2010, the Mohave County Public Defender's Office used Fill the Gap funds to support the salary of one staff position to create an archiving system for all closed files at the Public Defender's Office. One desktop scanner was purchased for the archiving project. Additional expenditures were allocated for case law research through WestLaw as well as for management training, books, and the shredding of archived case files. The new digital case archiving system improved closed case accessibility and accuracy and cleared out 2,000 square feet of space at the office. As a result, the agency opened an additional indigent defense representation office to enhance services to courts and clients. Supervisory staff attended training to strengthen management skills and the case assignment process. The agency anticipated that training would lead to greater efficiency and productivity in case processing.

The Public Defender's Office reported that 75 percent of internally assigned felony cases from FY2010 were completed within 180 days of filing (Table 54). The agency reported a total of 2,121 internally assigned felony cases filed during FY2010, while an additional 256 felony cases were sent to contract counsel. Data was not collected for cases assigned to contract counsel, thus the 256 cases are not included in Table 54. Because of recent changes to the case management systems within the county, the case processing data collection methods may have varied across the years. Data was collected from the Superior Court in FY2010, and the Public Defender's Office reported the possibility that case adjudication was defined as the sentencing minute order date and not the official sentencing date.

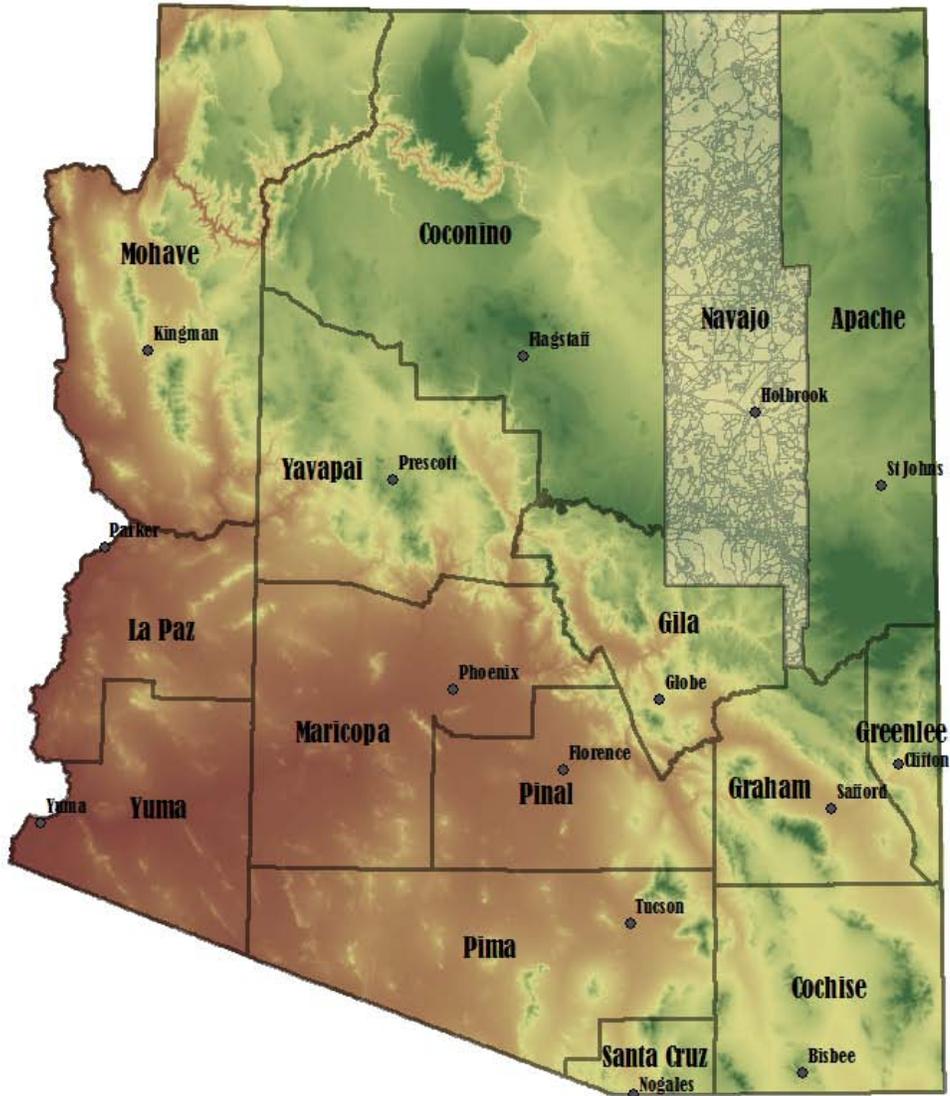
The Public Defender's Office expressed interest in working closely with the Administrative Office of the Courts to improve the data available in the agency's case management system. The agency suggested one resolution to allow exportation of certain fields from the Court's sentencing data dictionary to the case management system available at the Public Defender's Office.

<b>Table 54: Felony Case Processing Statistics Mohave County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Appointed Counsel in FY2010</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	50.7%	40%	No Data Provided	58%*
Percent of Felony Cases Adjudicated within 180 Days of Filing	85.7%	79%	No Data Provided	75%*
Total Felony Cases Filed	No Data Provided	824	No Data Provided	2,121*

\* The FY2010 data excludes 256 cases assigned to contract counsel for which data is not available.

<b>Table 55: Felony Case Processing Statistics Arizona Computerized Criminal History (ACCH) System Mohave County FY2007-2009</b>			
<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.</i>			
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	191	229	232
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	36%	25%	27%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	65%	53%	57%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,901	1,944	1,504

# Navajo County



<b>2009 U.S. Census Population Estimate:</b>	112,975
<b>Estimated Population Growth 2000-2009:</b>	15.4%
<b>Percent of Arizona Population:</b>	1.7%
<b>County Seat:</b>	Holbrook

## Fill the Gap Funding in Navajo County

In FY2010, the Navajo County Attorney's Office received a total of \$18,370.84 in Fill the Gap funds. The Navajo County Public Defender's Office received a total of \$10,412.87 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.5 percent, and funds for the Public Defender's Office decreased 62.7 percent.

<b>Table 56: Navajo County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Navajo County Attorney's Office	\$29,384	\$18,371	-37.5%
Navajo County Public Defender's Office	\$27,925	\$10,413	-62.7%

<b>Table 57: Navajo County Funding Breakdown FY2010</b>			
	FY2009 General Fund	FY2009 Fine Revenue*	FY2009 Total Allocated
Navajo County Attorney's Office	\$0.00	\$18,370.84	\$18,370.84
Navajo County Public Defender's Office	\$0.00	\$10,412.87	\$10,412.87

\* As a result of the FY2010 Arizona budget shortfall, only a \$18,370.84 allocation of the total \$19,861.00 FY2010 fine revenue award was paid to the Navajo County Attorney's Office. A \$10,412.87 allocation of the total \$18,855.00 FY2010 fine revenue award was paid to the Navajo County Public Defender's Office.

<b>Table 58: Navajo County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Navajo County Attorney's Office	\$25,138	\$26,231	\$27,377	\$27,407	\$25,888	\$28,828	\$28,338	\$31,553	\$29,384	\$18,371
Navajo County Public Defender's Office	\$23,877	\$24,913	\$25,999	\$26,052	\$24,607	\$27,402	\$26,936	\$29,985	\$27,925	\$10,413

### Navajo County Attorney's Office

The Navajo County Attorney's Office allotted Fill the Gap funds in FY2010 toward the partial salaries of an attorney and a temporary employee. The County Attorney's Office also dedicated funding to licenses for Microsoft Enterprise. The agency is planning to upgrade its current database system beginning in CY2011, and funded employees assisted in closing cases and cleaning up the current database in preparation for the transition. Licensed software kept the agency current on word processing software and support.

The County Attorney's Office completed 11 percent of FY2010 felony cases within 180 days of filing (Table 59). A total of 1,258 felony cases were filed at the Navajo County Attorney's Office in FY2010, a decrease in the total number of felony cases filed at the agency in FY2008 and FY2009. Despite these decreases in felony filings, the agency reported a continued increase in the number of serious felony cases.

<b>Table 59: Felony Case Processing Statistics Navajo County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Filed in FY2010</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	66%	88%	9%	8%
Percent of Felony Cases Adjudicated within 180 Days of Filing	73%	92%	16%	11%
Total Felony Cases Filed	1,006	1,798	1,635	1,258

### Navajo County Indigent Defense

During FY2010, the Navajo County Public Defender's Office utilized Fill the Gap funds to purchase case law research services from Westlaw and to make a payment on the new Justware case management system. Access to Westlaw provided attorneys with the necessary research tools to represent their clients, and the case management system will provide enhanced tracking of felony cases. The agency had to cut its operating budget significantly, and Fill the Gap funds helped to cover the costs of equipment necessary for improved case processing.

The Navajo Public Defender's Office reported that additional Fill the Gap funding will be used in future fiscal years to address subsequent case processing needs.

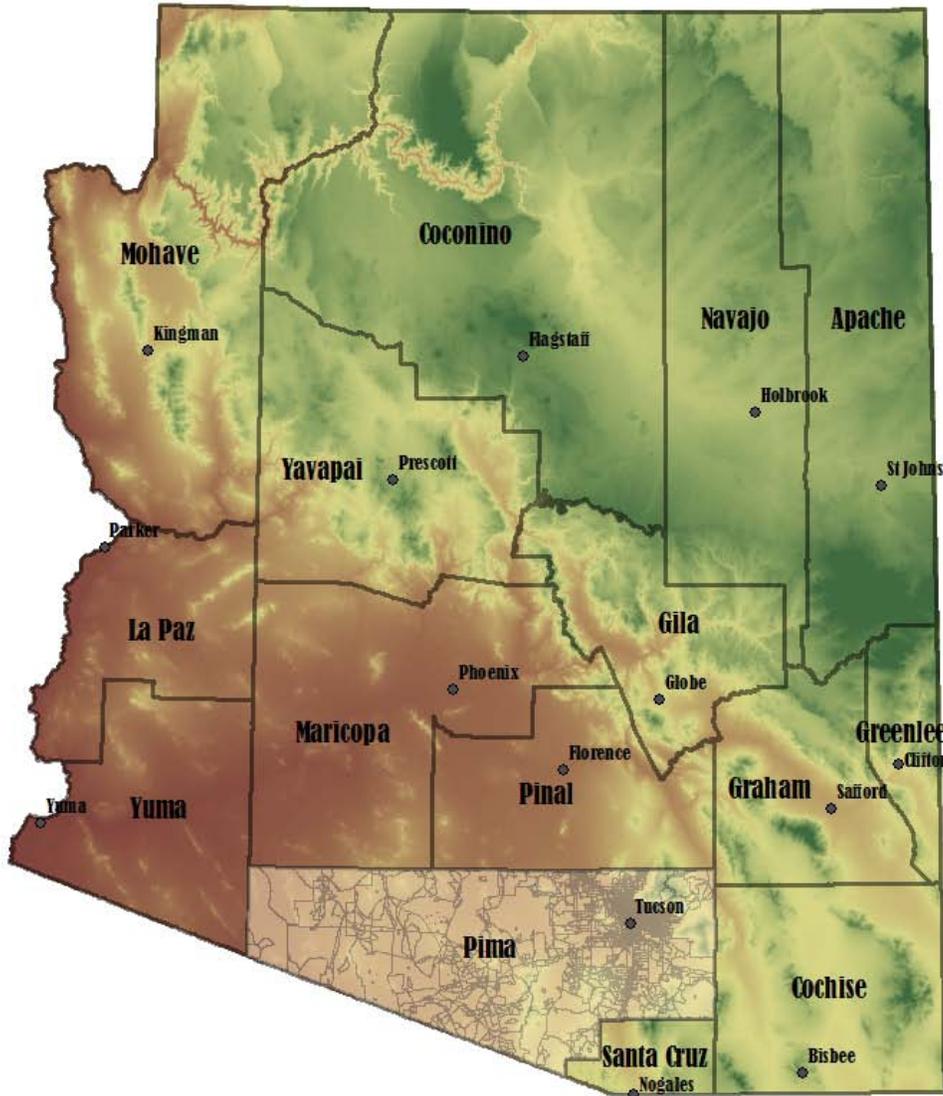
The Public Defender's Office adjudicated 98 percent of FY2010 felony cases within 180 days of filing, or defense counsel appointment date (Table 60). The agency reported a total of 1,073 felony cases filed in FY2010. The Legal Defender's Office adjudicated 82 percent of 399 felony cases filed in FY2010 (Table 61).

<b>Table 60: Felony Case Processing Statistics Navajo County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases with an Appointed Public Defender</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	33%	53%	85%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	50%	100%	98%
Total Felony Cases Filed	No Data Provided	522	538	1,073

<b>Table 61: Felony Case Processing Statistics Navajo County Legal Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases with an Appointed Legal Defender</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	77%	71%	No Data Provided	65%
Percent of Felony Cases Adjudicated within 180 Days of Filing	90%	88%	No Data Provided	82%
Total Felony Cases Filed	661	494	No Data Provided	399

<b>Table 62: Felony Case Processing Statistics Arizona Computerized Criminal History (ACCH) System Navajo County FY2007-2009</b>			
<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.</i>			
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	343	331	310
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	16%	15%	18%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	35%	35%	42%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,631	1,403	1,366

# Pima County



<b>2009 U.S. Census Population Estimate:</b>	1,020,200
<b>Estimated Population Growth 2000-2009:</b>	20.2%
<b>Percent of Arizona Population:</b>	15.5%
<b>County Seat:</b>	Tucson

## Fill the Gap Funding in Pima County

In FY2010, the Pima County Attorney's Office received a total of \$121,060.66 in Fill the Gap funds. The Pima County Public Defender's Office received a total of \$68,612.58 in Fill the Gap funds. Funds for the County Attorney's Office increased 9.8 percent from FY2009, and funds for the Public Defender's Office decreased 34.4 percent.

<b>Table 63: Pima County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Pima County Attorney's Office	\$110,260	\$121,061	+9.8%
Pima County Public Defender's Office	\$104,656	\$68,613	-34.4%

<b>Table 64: Pima County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Pima County Attorney's Office	\$0.00	\$121,060.66	\$121,060.66
Pima County Public Defender's Office	\$0.00	\$68,612.58	\$68,612.58

\* As a result of the FY2010 Arizona budget shortfall, only an \$121,060.66 allocation of the total \$130,871.00 FY2010 fine revenue award was paid to the Pima County Attorney's Office. A \$68,612.58 allocation of the total \$124,244.00 FY2010 fine revenue award was paid to the Pima County Public Defender's Office.

<b>Table 65: Pima County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Pima County Attorney's Office	\$180,040	\$188,127	\$99,271	\$99,376	\$90,432	\$106,073	\$110,401	\$133,092	\$110,260	\$121,061
Pima County Public Defender's Office	\$171,010	\$178,677	\$94,256	\$94,355	\$85,862	\$100,718	\$104,827	\$126,352	\$104,656	\$68,613

### Pima County Attorney's Office

During FY2010, the Pima County Attorney's Office used Fill the Gap funds to support the salaries and ERE of two prosecutors, two paralegals, one legal secretary, and one legal processing support position. Further, funds were allocated to the licensing and maintenance of laptops and computers through Dell Deep Freeze. The staff positions kept caseloads at a more manageable level and help to keep track of cases throughout the process. Staff supported by Fill the Gap funds managed caseload by assessing which cases should move to trial, and then tracking the progress of both non-trial and trial cases. As a result, prosecutors were better able to concentrate on court cases. The County Attorney's Office reported that remaining funds will continue to support this effort.

Pima County Attorney's Office reported in FY2010 that 74 percent of felony cases were adjudicated within 180 days of filing, or initial appearance date (Table 66). The agency also reported that 5,312 felony cases were filed during FY2010. The total number of felony case filings decreased when compared to the total in FY2009.

<b>Table 66: Felony Case Processing Statistics Pima County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Adjudicated</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	43%	42%	45%	41%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75%	75%	76%	74%
Total Felony Cases Filed	5,595	5,765	5,993	5,312

### **Pima County Indigent Defense**

The Pima County Public Defender's Office utilized Fill the Gap funds in FY2010 to support one staff assistant position, to make the first payment on the JustWare-Defender case management system and infrastructure, and to provide attorneys with Blackberry data service. The staff assistant worked on the case management system, information technology issues at the agency, and the maintenance of the jail video visitation system. The Public Defender's Office initiated the case management system implementation process by investing in the program this fiscal year. The JustWare-Defender infrastructure expenditures consisted of a new server with license, four terabytes of storage, cables, hubs, and connectors. Blackberry data services made remote communications and calendar access possible, thus limiting downtime and increasing productivity. Remaining Fill the Gap funds will be used toward the Blackberry data services and the implementation of the JustWare-Defender system.

The Public Defender's Office emphasized the establishment of an information technology professionals committee to encourage coordination of resources across county departments. As a result of the committee, wireless Internet access was available to prosecutors and defense counsel within the court rooms, the County Attorney disclosed information to the defense electronically, customized reports at the Superior Court were available electronically, and the County Attorney offered statute values to the Public Defender's Office electronically.

In FY2010, the Public Defender's Office reported that 74 percent of felony cases were completed within 180 days of the filing date (Table 67). The agency also reported a total of 5,312 felony cases filed during the fiscal year, a decrease from the total in FY2009.

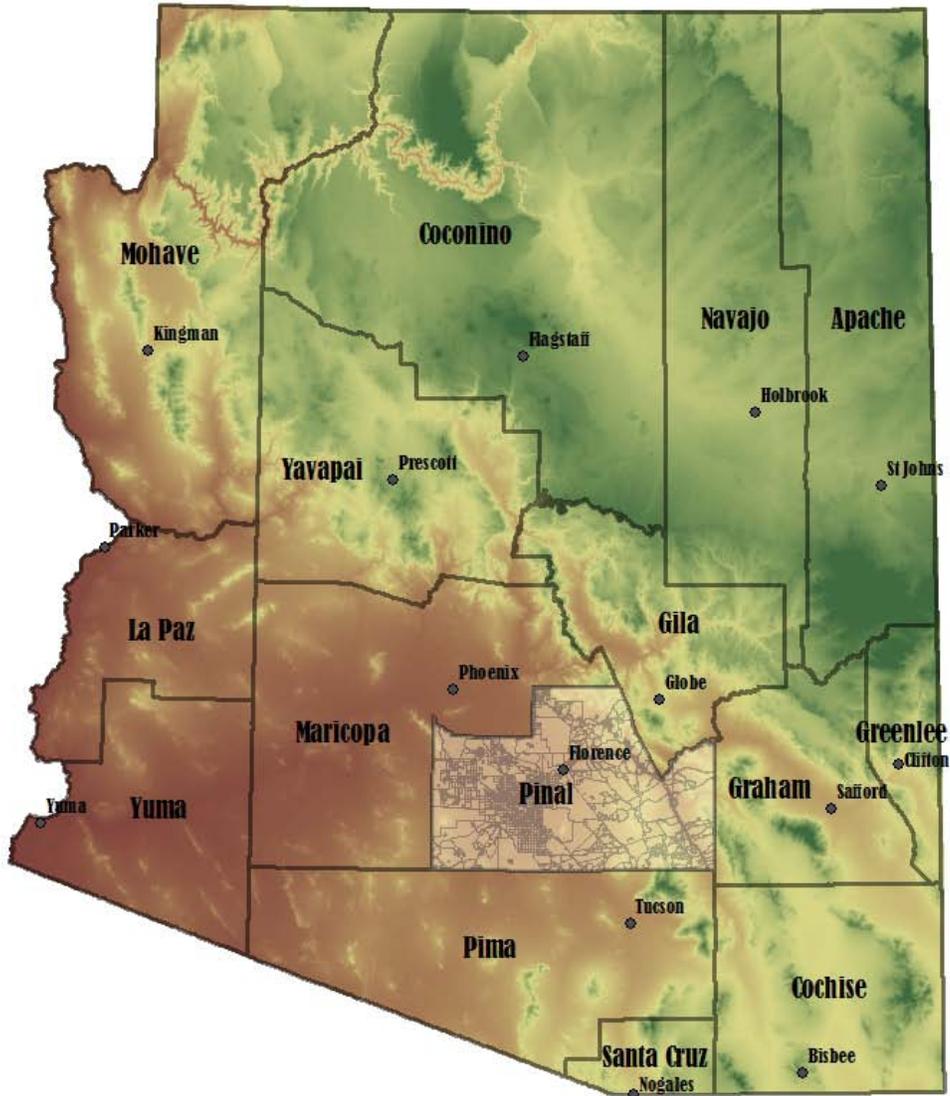
<b>Table 67: Felony Case Processing Statistics Pima County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Adjudicated</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	43%	42%	45%	41%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75%	76%	76%	74%
Total Felony Cases Filed	5,318	5,634	5,993	5,312

**Table 68: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Pima County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	231	244	282
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	20%	19%	18%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	54%	53%	50%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	12,053	11,015	9,150

# Pinal County



<b>2009 U.S. Census Population Estimate:</b>	340,962
<b>Estimated Population Growth 2000-2009:</b>	88.1%
<b>Percent of Arizona Population:</b>	5.2%
<b>County Seat:</b>	Florence

## Fill the Gap Funding in Pinal County

In FY2010, the Pinal County Attorney's Office received a total of \$40,667.74 in Fill the Gap funds. The Pinal County Public Defender's Office received a total of \$23,050.13 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.2 percent, and funds for the Public Defender's Office decreased 62.6 percent.

<b>Table 69: Pinal County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Pinal County Attorney's Office	\$64,769	\$40,668	-37.2%
Pinal County Public Defender's Office	\$61,552	\$23,050	-62.6%

<b>Table 70: Pinal County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Pinal County Attorney's Office	\$0.00	\$40,667.74	\$40,667.74
Pinal County Public Defender's Office	\$0.00	\$23,050.13	\$23,050.13

\* As a result of the FY2010 Arizona budget shortfall, only a \$40,667.74 allocation of the total \$43,965.00 FY2010 fine revenue award was paid to the Pinal County Attorney's Office. A \$23,050.13 allocation of the total \$41,739.00 FY2010 fine revenue award was paid to the Pinal County Public Defender's Office.

<b>Table 71: Pinal County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Pinal County Attorney's Office	\$43,256	\$44,647	\$44,679	\$44,744	\$46,850	\$51,926	\$57,175	\$69,562	\$64,769	\$40,668
Pinal County Public Defender's Office	\$41,087	\$42,404	\$42,431	\$42,535	\$44,537	\$49,357	\$54,346	\$66,105	\$61,552	\$23,050

### Pinal County Attorney's Office

The Pinal County Attorney's Office spent Fill the Gap funds on the salary and ERE of one legal secretary position. The staff position continued to support improved case processing and time management at the agency. Due to decreased Fill the Gap funds, the County Attorney's Office had to supplement the salary of the legal secretary after all Fill the Gap funds were expended. The County Attorney's Office expressed the importance of maintaining this position for timely case processing, especially for cases assigned to the Early Disposition Court.

The Pinal County Attorney's Office adjudicated 57 percent of FY2010 felony cases within 180 days of the filing date (Table 72). A total of 1,915 felony cases were filed during the fiscal year. The total number of felony cases filed at the County Attorney's Office in FY2010 increased from FY2009.

<b>Table 72: Felony Case Processing Statistics Pinal County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Closed in FY2010</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	17%	20%	18%	36%
Percent of Felony Cases Adjudicated within 180 Days of Filing	53%	55%	31%	57%
Total Felony Cases Filed	1,965	2,272	1,606	1,915

### **Pinal County Indigent Defense**

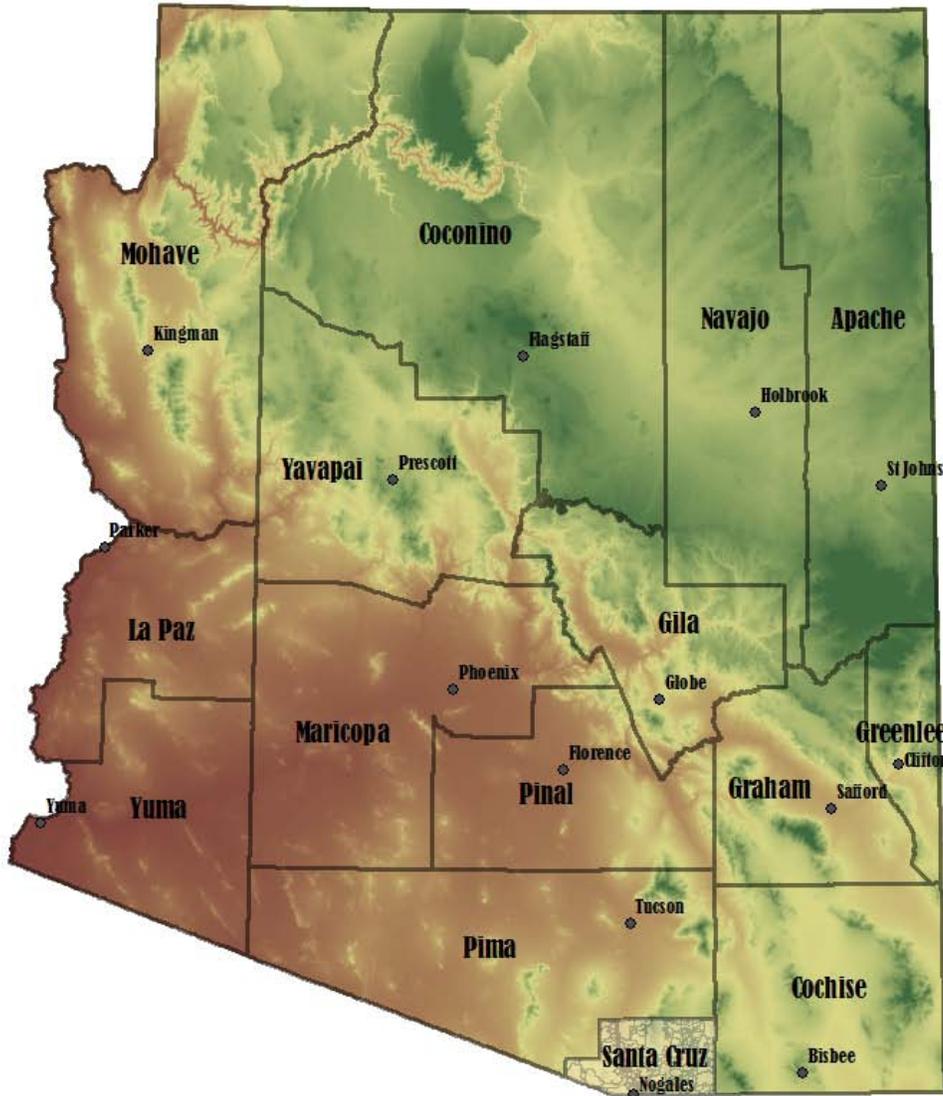
In FY2010, the Pinal County Public Defender's Office directed Fill the Gap funds to support the partial salary of one attorney. The Public Defender's Office reported being understaffed in FY2010, and the Fill the Gap funds proved useful in maintaining the presence of the attorney position. The attorney helped the agency manage a larger caseload, and the implementation of the Early Disposition Court in FY2010 added in improving case processing.

In FY2010, 86 percent of felony cases filed in FY2010 at the Public Defender's Office was adjudicated within 180 days of the filing date (Table 73). A total of 2,426 felony cases were filed during FY2010, a substantial increase in the number of reported felony case filings from FY2009.

<b>Table 73: Felony Case Processing Statistics Pinal County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2009 Statistics: All Adult Felony Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	40.26%	34%	68%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	58.08%	69%	86%
Total Felony Cases Filed	3,230	2,316	1,990	2,426

<b>Table 74: Felony Case Processing Statistics                      Arizona Computerized Criminal History (ACCH) System                      Pinal County                      FY2007-2009</b>			
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.</i>			
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	274	296	305
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	11%	14%	14%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	43%	39%	43%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,414	2,189	2,106

# Santa Cruz County



<b>2009 U.S. Census Population Estimate:</b>	43,771
<b>Estimated Population Growth 2000-2009:</b>	13.6%
<b>Percent of Arizona Population:</b>	0.7%
<b>County Seat:</b>	Nogales

### Fill the Gap Funding in Santa Cruz County

In FY2010, the Santa Cruz County Attorney's Office received a total of \$6,071.39 in Fill the Gap funds. The Santa Cruz County Superior Court received a total of \$3,441.52 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.3 percent, and funds for the Superior Court decreased 62.6 percent.

<b>Table 75: Santa Cruz County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Santa Cruz County Attorney's Office	\$9,677	\$6,071	-37.3%
Santa Cruz County Superior Court	\$9,197	\$3,442	-62.6%

<b>Table 76: Santa Cruz County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Santa Cruz County Attorney's Office	\$0.00	\$6,071.39	\$6,071.39
Santa Cruz County Superior Court	\$0.00	\$3,441.52	\$3,441.52

\* As a result of the FY2010 Arizona budget shortfall, only a \$6,071.39 allocation of the total \$6,564.00 FY2010 fine revenue award was paid to the Santa Cruz County Attorney's Office. A \$3,441.52 allocation of the total \$6,232.00 FY2010 fine revenue award was paid to the Santa Cruz County Superior Court.

<b>Table 77: Santa Cruz County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Santa Cruz County Attorney's Office	\$8,741	\$8,483	\$8,799	\$8,705	\$8,885	\$9,438	\$9,801	\$10,722	\$9,677	\$6,071
Santa Cruz County Superior Court	\$8,302	\$8,057	\$8,356	\$8,274	\$8,447	\$8,971	\$9,317	\$10,189	\$9,197	\$3,442

### Santa Cruz County Attorney's Office

In FY2010, Santa Cruz County Attorney's Office used Fill the Gap funds to hire temporary part-time office clerks. The clerks provided additional assistance to legal clerks with managing cases and opening and closing case files for the agency. Additional FY2010 funds will be used toward hiring part-time office clerks in future fiscal years.

The County Attorney's Office currently does not have the case tracking capabilities to provide the case processing data requested (Table 78). As noted in prior Fill the Gap reports, the agency intends to transition to a new case management system in the near future.

<b>Table 78: Felony Case Processing Statistics Santa Cruz County Attorney's Office FY2007-FY2010</b>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	No Data Provided	No Data Provided	No Data Provided	No Data Provided

### Santa Cruz County Indigent Defense

Santa Cruz County Superior Court reported spending Fill the Gap funding in FY2010 on contractual services to provide indigent defense counsel to qualifying defendants of criminal cases. Reductions in the county budget compelled the Superior Court to allocate available Fill the Gap funds for qualified defense attorneys.

The Superior Court reported that 42 percent of FY2010 felony cases were completed within 180 days of filing (Table 79). The agency also reported that a total of 309 felony cases were filed during the fiscal year. The total number of felony cases filed at the Superior Court decreased slightly from FY2009.

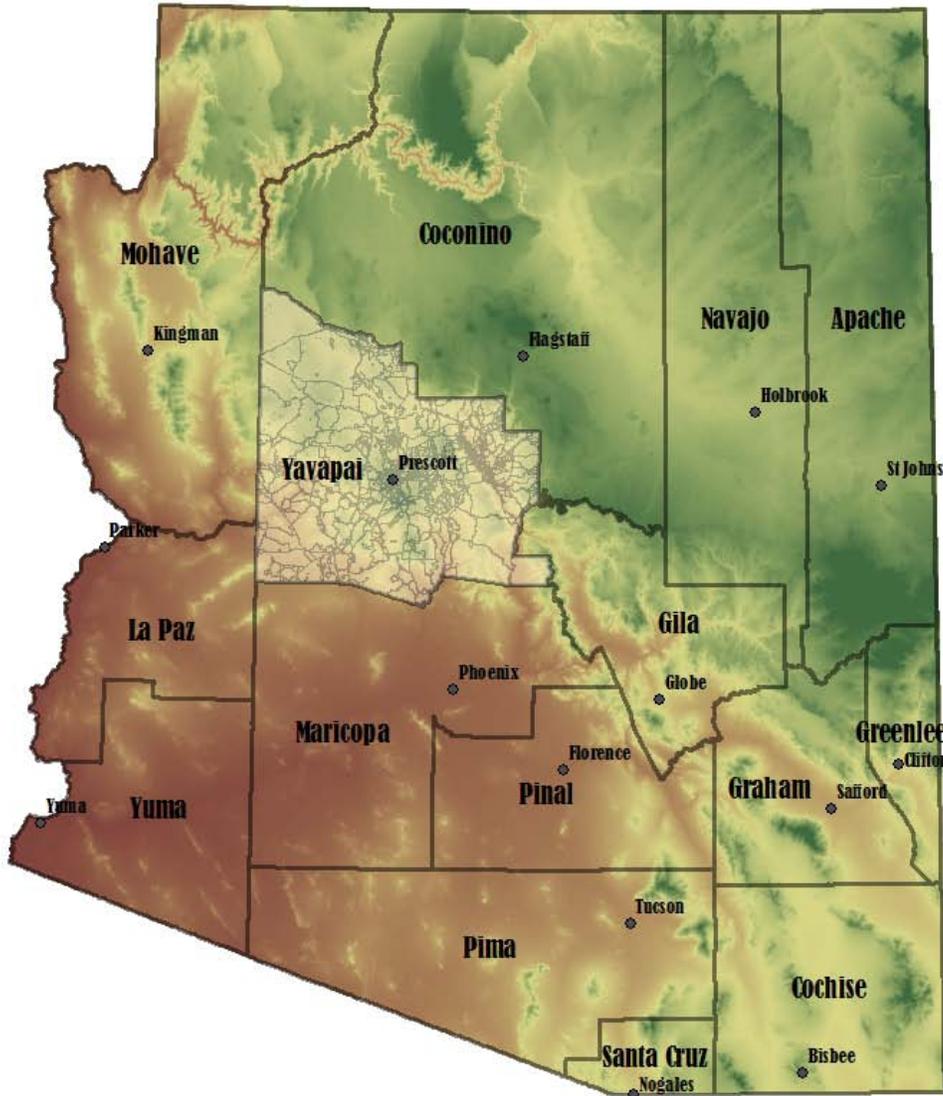
<b>Table 79: Felony Case Processing Statistics Santa Cruz County Superior Court FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	38.1%	38.0%	No Data Provided	24%
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.3%	69.6%	No Data Provided	42%
Total Felony Cases Filed	339	297	311	309

**Table 80: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Santa Cruz County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	389	246	284
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	15%	25%	27%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	33%	48%	54%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,079	801	630

# Yavapai County



<b>2009 U.S. Census Population Estimate:</b>	215,686
<b>Estimated Population Growth 2000-2009:</b>	27.7%
<b>Percent of Arizona Population:</b>	3.3%
<b>County Seat:</b>	Prescott

## Fill the Gap Funding in Yavapai County

In FY2010, the Yavapai County Attorney's Office received a total of \$40,842.39 in Fill the Gap funds. The Yavapai County Public Defender's Office received a total of \$23,147.99 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.6 percent, and funds for the Public Defender's Office decreased 62.8 percent.

<b>Table 81: Yavapai County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Yavapai County Attorney's Office	\$65,431	\$40,842	-37.6%
Yavapai County Public Defender's Office	\$62,179	\$23,148	-62.8%

<b>Table 82: Yavapai County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Yavapai County Attorney's Office	\$0.00	\$40,842.39	\$40,842.39
Yavapai County Public Defender's Office	\$0.00	\$23,147.99	\$23,147.99

\* As a result of the FY2010 Arizona budget shortfall, only a \$40,842.39 allocation of the total \$44,153.00 FY2010 fine revenue award was paid to the Yavapai County Attorney's Office. A \$23,147.99 allocation of the total \$41,917.00 FY2010 fine revenue award was paid to the Yavapai County Public Defender's Office.

<b>Table 83: Yavapai County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Yavapai County Attorney's Office	\$41,765	\$44,641	\$46,245	\$48,078	\$51,322	\$58,499	\$60,766	\$68,851	\$65,431	\$40,842
Yavapai County Public Defender's Office	\$39,761	\$42,398	\$43,919	\$45,705	\$48,787	\$55,605	\$57,759	\$65,429	\$62,179	\$23,148

## Yavapai County Attorney's Office

During FY2010, the Yavapai County Attorney's Office allotted Fill the Gap funds for staff positions. Fill the Gap funds continue to support their involvement in the Early Disposition Court, also supported by the Superior Court and Indigent Defense. The Early Disposition Court focuses on expediting felony cases through the court process and reducing caseloads for attorneys working cases at the conventional courts.

The Yavapai County Court Administration Office was unable to provide case processing statistics as a result of the new case management system implemented in September 2009. The County Attorney's Office was able to provide a total of 2,105 felony cases filed during FY2010. The total number of felony cases filed decreased each fiscal year since FY2007.

<b>Table 84: Felony Case Processing Statistics Yavapai County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Filed</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	No Data Provided	69%	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	84%	No Data Provided
Total Felony Cases Filed	3,162	2,914	2,453	2,105

### Yavapai County Indigent Defense

In FY2010, the Yavapai County Public Defender's Office used Fill the Gap funds to support the juvenile attorney position. As a result of reduced county funds, Fill the Gap funds were critical in FY2010 in order to sustain funding for this staff position. The juvenile attorney assisted in preserving the current felony case processing times.

The Yavapai County Public Defender's Office reported that approximately 80 percent of all FY2010 felony cases were completed within 180 days of filing (Table 85). A total of 2,510 felony cases were filed by the Public Defender's Office during this fiscal year. The total number of FY2010 felony case filings decreased from the total reported in FY2009. The agency acknowledged that variations in the data may exist as a result of the transition to in-house data collection in FY2010.

<b>Table 85: Felony Case Processing Statistics Yavapai County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Excluding Capital Murder, Bench Warrant, Rule 11, and Probation Violation Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010*</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	72%	68%	69%	64.08%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87%	85%	84%	79.89%
Total Felony Cases Filed	2,868	2,647	2,686	2,510

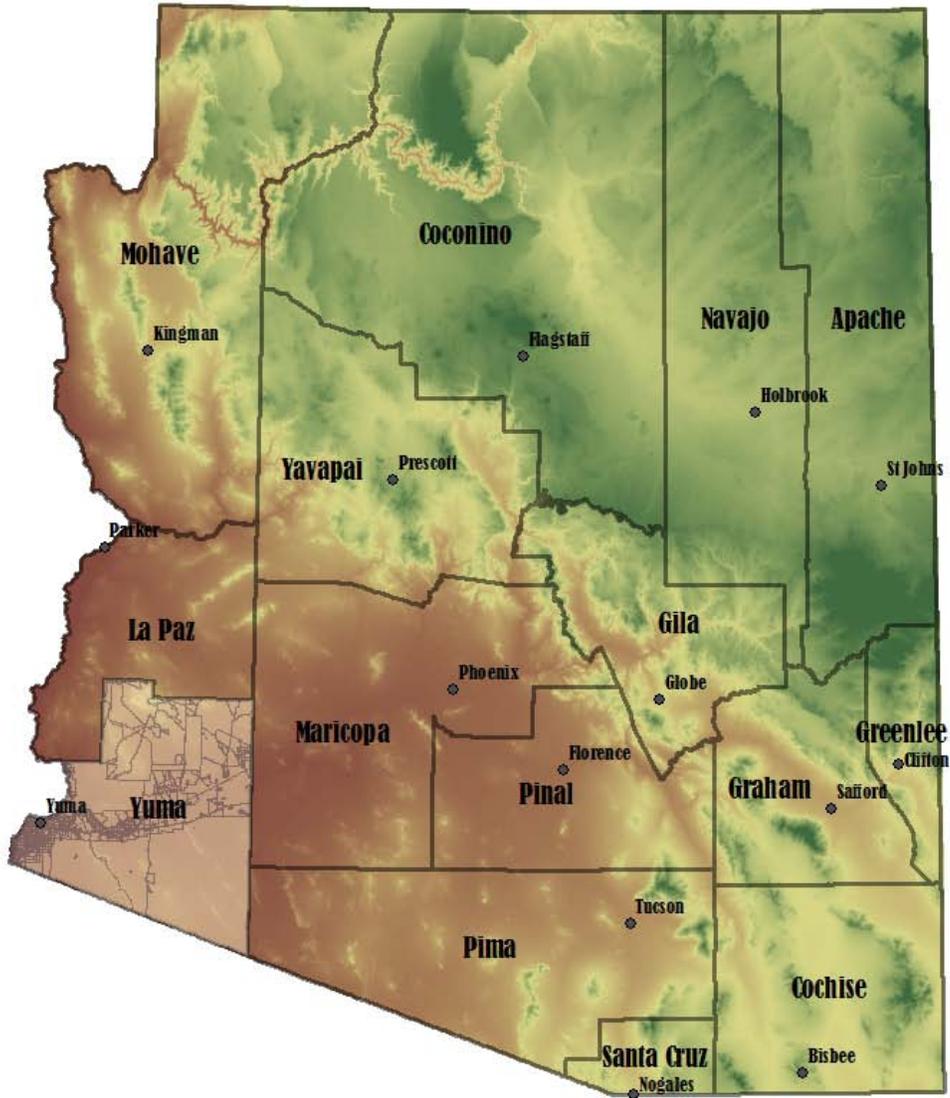
\* Data were provided by the Yavapai County Public Defender's Office. Previous fiscal years' data were submitted by the Administrative Office of the Courts.

**Table 86: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Yavapai County  
FY2007-2009**

***Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	177	188	194
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	42%	40%	46%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	65%	63%	67%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	3,610	4,637	5,193

# Yuma County



<b>2009 U.S. Census Population Estimate:</b>	196,972
<b>Estimated Population Growth 2000-2009:</b>	22.6%
<b>Percent of Arizona Population:</b>	3.0%
<b>County Seat:</b>	Yuma

### Fill the Gap Funding in Yuma County

In FY2010, the Yuma County Attorney's Office received a total of \$28,194.32 in Fill the Gap funds. The Yuma County Public Defender's Office received a total of \$15,979.69 in Fill the Gap funds. Both agencies experienced a sizeable decrease in funds from the previous fiscal year. Funds for the County Attorney's Office decreased 37.3 percent, and funds for the Public Defender's Office decreased 62.6 percent.

<b>Table 87: Yuma County Fill the Gap Funding FY2009 – FY2010</b>			
	FY2009	FY2010	Difference
Yuma County Attorney's Office	\$44,997	\$28,194	-37.3%
Yuma County Public Defender's Office	\$42,761	\$15,980	-62.6%

<b>Table 88: Yuma County Funding Breakdown FY2010</b>			
	FY2010 General Fund	FY2010 Fine Revenue*	FY2010 Total Allocated
Yuma County Attorney's Office	\$0.00	\$28,194.32	\$28,194.32
Yuma County Public Defender's Office	\$0.00	\$15,979.69	\$15,979.69

\* As a result of the FY2010 Arizona budget shortfall, only a \$28,194.32 allocation of the total \$30,480.00 FY2010 fine revenue award was paid to the Yuma County Attorney's Office. A \$15,979.69 allocation of the total \$28,936.00 FY2010 fine revenue award was paid to the Yuma County Public Defender's Office.

<b>Table 89: Yuma County Fill the Gap Funding FY2001 – FY2010</b>										
	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Yuma County Attorney's Office	\$42,493	\$43,498	\$43,766	\$42,763	\$41,230	\$45,617	\$45,974	\$50,715	\$44,997	\$28,194
Yuma County Public Defender's Office	\$40,362	\$41,313	\$41,564	\$40,649	\$39,191	\$43,360	\$43,699	\$48,195	\$42,761	\$15,980

### Yuma County Attorney's Office

In FY2010, the Yuma County Attorney's Office directed Fill the Gap funds toward the salary of an investigator position. The County Attorney's Office reported that Fill the Gap funding for staff assisted in timely case processing. Additional staff helped account for voluminous disclosure requirements and strict deadlines.

The County Attorney's Office reported a 68 percent completion rate of FY2010 felony cases filed within 180 days of filing (Table 90). A total of 1,701 felony cases were filed during FY2010. This total is a decrease from the total number of felony cases filed at the County Attorney's Office in FY2009.

<b>Table 90: Felony Case Processing Statistics Yuma County Attorney's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases Filed in FY2010 Except Probation Violations, Juvenile Cases, and Extraditions</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	50%	39%	29%	30%
Percent of Felony Cases Adjudicated within 180 Days of Filing	80%	76%	72%	68%
Total Felony Cases Filed	1,827	1,815	1,838	1,701

### Yuma County Indigent Defense

During FY2010, the Yuma County Public Defender's Office allocated Fill the Gap funds to partially cover the salary of a capital attorney position. The Public Defender's Office reportedly improved their ability to process the agency's cases despite handling increasing numbers of serious cases in FY2010.

The Public Defender's Office reported that 73 percent of felony cases from FY2010 were completed within 180 days of filing (Table 91). The agency reported a total of 940 felony cases filed during FY2010, a decrease from the total number of felony cases filed by the Public Defender's Office in FY2009.

<b>Table 91: Felony Case Processing Statistics Yuma County Public Defender's Office FY2007-FY2010</b>				
<i>Cases Included in FY2010 Statistics: Felony Cases</i>				
	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	59%	51%	26%	38%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87%	72%	55%	73%
Total Felony Cases Filed	500	693	971	940

**Table 92: Felony Case Processing Statistics  
Arizona Computerized Criminal History (ACCH) System  
Yuma County  
FY2007-2009**

*Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, and court dismissals.*

	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Average Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	186	237	220
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	29%	23%	17%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	64%	62%	53%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,324	2,642	2,674

## **CONCLUSION AND RECOMMENDATIONS**

Funding for FY2010 Fill the Gap decreased for all recipients, except for the Maricopa County Attorney's Office and the Pima County Attorney's Office, due to the state's budget shortfall. At the beginning of FY2010, agencies were initially awarded a total of \$2,051,700.00 in fine revenue funds, but only \$1,525,392.63 in funds were available by the end of the fiscal year. In addition, the State Legislature cut the general fund allotment to the Fill the Gap funded agencies in FY2010. Most prosecuting agencies experienced a decline in funding ranging between 37.1 and 37.7 percent compared to FY2009. The prosecuting agencies in Maricopa and Pima Counties experienced an increase (9.8 percent) in funding during FY2010 because these agencies were never allocated general funds through the Fill the Gap legislation. Indigent defense agencies faced heavier cuts to Fill the Gap Funds in FY2010. Pima and Maricopa Counties' indigent defense agencies received 34.4 percent less in funds while all other indigent defense agencies sustained cuts between 62.5 and 62.8 percent in Fill the Gap funds.

At the present, the majority of agencies have yet to meet the requirements set forth by the Arizona Supreme Court. Several agencies are well below the standard of completing 90 percent of felony cases within 100 days and 99 percent of felony cases within 180 days. Agencies have reported the following events as effecting case processing: reductions in funding and budgets, failure of the defendant to appear and court continuances, increased volume of serious cases, failure to coordinate with other agencies involved in the case process, and staffing reductions (Additional reported events effecting case processing can be found in Appendix C). Nonetheless, agencies reported that without Fill the Gap funds, case processing statistics would not be at the level they have reached today.

### *ACCH Data*

SAC researchers analyzed the Arizona Computerized Criminal History (ACCH) records to provide standardized measures of case processing by county. Because the filing date is not recorded in the ACCH records, the date of arrest was used along with the disposition completion date. The data includes all arrest counts resulting in a felony case disposition (except for first-degree homicide cases) during the fiscal year (FY2007 to FY2009) resulting in a guilty verdict, nolo contendere plea, plea to other charges, deferred sentencing, deferred prosecution, acquittal, and court dismissal. All charges resolved in appellate court were excluded from the analysis. Although each charge was given 180 days for disposition completion, the disposition data for several counts (especially in FY2009) may not have had sufficient time to populate the ACCH with complete data. These cases with missing disposition data are not captured in the ACCH analysis. Nonetheless, the same data methodology was used across all counties.

The percentage of arrest counts leading to felony dispositions within 180 days of the arrest date fell from 54 percent in FY2008 to 50 percent in FY2009 across Arizona counties. A total of 76,467 and 83,149 felony charges were completed in Arizona counties during FY2008 and FY2009, respectively. Arizona counties varied in ACCH case processing numbers. Multiple agencies showed improvement in case processing while other agencies showed no change or declines in case processing. Increases in felony filings and reduced funding are two plausible explanations for several counties lacking improvement.

*Recommendations*

To move forward with improving case processing times and documenting progress made, several recommendations are suggested:

- The Legislature should create guidelines detailing appropriate expenditures for Fill the Gap funds. Present legislation does not adequately outline expenditures that are most effective in reducing case processing times.
- Future funding levels should remain consistent with the levels established prior to FY2009. Each agency should develop long-term strategic plans, including coordination with other agencies using Fill the Gap funds, rather than using funds to fill the immediate needs of each agency.
- Each county should have the capacity to report consistent and comparable case processing statistics. If this information is not readily available from the courts, case management system capabilities need to be implemented at the agency level so that case processing statistics can be easily provided. Each agency within the county should make a collaborative effort to standardize definitions and data processing within their respective case management systems.
- Counties that have not reported progress in improving case processing times should look at some of the successes from other counties, such as Early Disposition Courts and DUI/Drug Courts. Coordination among agencies within the county is also advantageous in identifying current gaps in case processing as well as resources available across agencies.

## APPENDIX A: Arizona Fill the Gap Funding

In FY2010, county attorneys' offices received a total of \$0.00 from general fund appropriations, and \$973,592.63 from fine surcharges, for a total of \$973,592.63.

<b>Table 93: County Attorney Fill the Gap Funding FY2010</b>			
	<b>General Fund Appropriations</b>	<b>Fine Revenue*</b>	<b>Total Fill the Gap Revenues</b>
Apache County Attorney	\$0.00	\$8,251.27	\$8,251.27
Cochise County Attorney	\$0.00	\$16,517.90	\$16,517.90
Coconino County Attorney	\$0.00	\$19,062.03	\$19,062.03
Gila County Attorney	\$0.00	\$10,074.38	\$10,074.38
Graham County Attorney	\$0.00	\$6,415.41	\$6,415.41
Greenlee County Attorney	\$0.00	\$1,327.70	\$1,327.70
La Paz County Attorney	\$0.00	\$4,521.40	\$4,521.40
Maricopa County Attorney	\$0.00	\$622,658.97	\$622,658.97
Mohave County Attorney	\$0.00	\$29,556.23	\$29,556.23
Navajo County Attorney	\$0.00	\$18,370.84	\$18,370.84
Pima County Attorney	\$0.00	\$121,060.66	\$121,060.66
Pinal County Attorney	\$0.00	\$40,667.74	\$40,667.74
Santa Cruz County Attorney	\$0.00	\$6,071.39	\$6,071.39
Yavapai County Attorney	\$0.00	\$40,842.39	\$40,842.39
Yuma County Attorney	\$0.00	\$28,194.32	\$28,194.32
<b>County Attorney Total</b>	<b>\$0.00</b>	<b>\$973,592.63</b>	<b>\$973,592.63</b>

\* As a result of the FY2010 Arizona budget shortfall, only a \$973,592.63 allocation of the total \$1,052,500.00 FY2010 fine revenue award was paid to the county attorneys' agencies.

In FY2010, indigent defense agencies received a total of \$0.00 from general fund appropriations, and \$551,800.00 from fine surcharges, for a total of \$551,800.00.

<b>Table 94: Indigent Defense Fill the Gap Funding FY2010</b>			
	<b>General Fund Appropriations</b>	<b>Fine Revenue*</b>	<b>Total Fill the Gap Revenues</b>
Apache County Superior Court	\$0.00	\$4,676.74	\$4,676.74
Cochise County Public Defender	\$0.00	\$9,361.88	\$9,361.88
Coconino County Superior Court	\$0.00	\$10,803.65	\$10,803.65
Gila County Superior Court	\$0.00	\$5,710.13	\$5,710.13
Graham County Superior Court	\$0.00	\$3,636.35	\$3,636.35
Greenlee County Superior Court	\$0.00	\$752.82	\$752.82
La Paz County Public Defender	\$0.00	\$2,562.83	\$2,562.83
Maricopa County Public Defender	\$0.00	\$352,898.76	\$352,898.76
Mohave County Public Defender	\$0.00	\$16,752.06	\$16,752.06
Navajo County Public Defender	\$0.00	\$10,412.87	\$10,412.87
Pima County Public Defender	\$0.00	\$68,612.58	\$68,612.58
Pinal County Public Defender	\$0.00	\$23,050.13	\$23,050.13
Santa Cruz County Superior Court	\$0.00	\$3,441.52	\$3,441.52
Yavapai County Public Defender	\$0.00	\$23,147.99	\$23,147.99
Yuma County Public Defender	\$0.00	\$15,979.69	\$15,979.69
<b>Indigent Defense Total</b>	<b>\$0.00</b>	<b>\$551,800.00</b>	<b>\$551,800.00</b>

\* As a result of the FY2010 Arizona budget shortfall, only a \$551,800.00 allocation of the total \$999,200.00 FY2010 fine revenue award was paid to the indigent defense agencies.

## **APPENDIX B: Summary of the Use of Fill the Gap Funds in FY2010**

### Staff Salary and Contractual Services

- Attorney positions were funded to reduce the case load on other attorneys in charge of felony cases and to improve case processing
- Support staff positions assisting attorneys in the tracking, organizing, and prosecution of felony cases
- Contract with local attorneys to provide indigent defense services
- Attorney and support positions at expedited disposition courts assist in reducing the number of felony cases going to trial at the superior courts
- Project manager hired to oversee the process of migrating to a new case management system
- Staff positions in the victim/witness programs limit continuances by notifying victims of court hearings
- Support staff position hired to archive closed files for speedy retrieval and reference
- Reimbursed county general fund for staff salary and benefits of positions dedicated to improving efficiencies in case processing
- Hired a consultant to work with case tracking software
- Hiring contractors to map and convert data into the case management system
- Part-time office clerks hired to help open, manage, and close case files.

### Equipment and Software

- Purchased computers, monitors, printers/scanners, phones and other equipment to enhance case tracking
- New cubicles and workstations improve the work environment leading to greater productivity
- A scanner was purchased to produce timely pre-sentence investigations
- Additional office equipment including backup data tapes and batteries, monitors, fax machines, transcription kits, digital recorders and other supplies
- Office software used to improve daily functions (i.e. Roxio, Microsoft, SQL, etc.)
- Business communications/data services provide agencies with a means to communicate throughout the agency as well as with clients and the courts
- Notary stamps to expedite the process of notarizing documents and to reduce client failures-to-appear
- Licensing and maintenance of laptops and computers.

### Special Courts

- Assisted the DUI/Drug Court with funding random drug testing (contractual).

### Case Management Systems

- Upgrade, maintenance and/or support of case tracking software
- Leases computers and printers at the Superior Court to access minute entries and case management systems
- Hardware and software purchases toward the case management program.

Training and Travel Expenses

- Training and mileage provided to attorneys, management and staff
- Attendance at seminars and conferences for educational purposes.

Other Expenditures

- Data processing fees (equipment)
- Access to online case law research services (i.e. Westlaw)
- Legal books and subscriptions for case law research in specialized areas
- Information technology charges are paid to support the work of Fill the Gap funded positions
- Appropriate shredding of case files according to requirements established by the Arizona State Library, Archives and Public Records.

## **APPENDIX C: Reported Events Positively and Negatively Affecting Case Processing**

### Positive Events

- Agencies reported improved case processing along with positive feedback from law enforcement and victims regarding specialty courts (i.e. early disposition courts, regional court centers, etc.) dedicated to expediting the court process for qualifying felony offenses.
- A new county attorney set out to resolve the backlog of cases at the agency, and the agency reported a large reduction in older, unresolved cases.
- Criminal case filings have declined at multiple agencies, and the agencies attributed improvements in case processing to the reduced case loads.
- Support staff (full and part-time) assisted attorneys and clerks throughout the case process.
- Records digitization at a defense agency simplified the case retrieval process.
- One agency used a copier/scanner to send discovery information electronically and prepare paperwork for motions, pleadings, and plea agreements.
- One county attorney reviewed outstanding bench warrant cases and dismissed those cases beyond the statute of limitations.
- One county agency continued to meet with early disposition participating agencies to discuss ways in making the specialty court more efficient.
- One agency distributed monthly missing data reports to support staff for updating in the case management system.
- One court rarely grants continuances and moves trial dates.
- One agency reported improvement in the timeliness of charging cases.
- A video conferencing system at a public defender's office provided a mechanism to contact clients without leaving the office.
- One agency had a central location for the processing of all daily minute entries.
- A county court holds monthly meetings with the defense and prosecution to determine case priority.
- One county attorney's office worked closely with law enforcement agencies to encourage coordination of information technology and electronic data systems.
- Electronic access to closed cases and folder tracking capabilities at one agency helped in day-to-day case activities.
- One county agency had a special case list for older cases requiring additional attention. Prosecution, the court, and defense attorneys had access to the list.
- One public defender agency had more experienced attorneys on staff, while another public defender agency experienced less turnover in staff, thus limiting the need for contract attorneys.
- The agencies within one county (including the courts) improved the digital record transfer process for assignment and information purposes.

### Negative Events

- Defendants failed to appear for arraignments and court dates (especially out-of-state defendants), and these cases were stalled in the warrant process.
- Cuts to Fill the Gap, federal funding reductions for prosecution programs, and county budget reductions forced agencies to continue providing quality services with less funding, resources, and staff.

Negative Events (Continued)

- Better communication between prosecutors and indigent defense would improve case processing.
- County processes and policies impacted the time required to implement change.
- Agencies had staff vacancies and high attorney and support staff turnover that negatively impacted prompt case processing.
- Increasing caseloads presented problems to attorneys and support staff.
- The appropriate talent to implement the case management system was limited.
- Sentencing continuances delay the adjudication process at the courts.
- Several court decisions, such as *Apprendi vs. New Jersey*, *Ring vs. Arizona*, and *Blakely vs. Washington*, along with Arizona's Rule 15, played a role in longer case processing times.
- Changes in immigration issues increased processing times by heightening penalties and requiring attorneys to obtain knowledge in immigration consequences of criminal proceedings.
- Plea agreements were not drafted in time for the hearings.
- One agency reported difficulties in attending various hearings held across two distant locations within the county.
- One county's justice courts are delayed 30 to 90 days from the complaint to the arraignment date, and the courts are failing to provide attorneys with arraignment data in a timely fashion.
- One defense agency noted that a reduction of cases actually led to a case backlog as prosecutors had time to take more cases to trial.
- Although interest in expediting felony court cases outside of the Superior Court existed, one prosecutor office only expedited serious crimes through regional centers thus increasing the total caseload at the trial courts.
- One agency reported difficulties resulting from the court's management of division calendars, lack of coordination among the divisions, and judge turnover.
- One public defender reported that prosecutors limit the latitude allowed in the early disposition process.
- One indigent defense agency reported that consideration of alternative treatments (i.e. home and halfway house treatment) would enhance case processing.
- One agency cited conflict checks and overflow statistics as impacting case processing.
- Management has yet to fully support technology that improves departmental operations and to comprehend the need for management information and useful tools for end-users.
- One agency reported a lack of systemic resources for the prosecution, the courts and the defense.
- One defense agency expressed a need for improved docket management at the courts and linked changes to the courts' case management system to untimely minute orders, calendars and court documents.
- One county attorney was unable to serve indictments, thus delaying the arraignment process.
- Two judge posts were vacant (one due to illness) at a county court.
- One county reported a large number of trial cases and lengthy trials leading to high case processing times and continuances in other cases.
- One specialty court processed fewer cases than in prior years resulting from a reduction in cases approved under new sentencing guidelines.

Negative Events (Continued)

- One county's total number of serious felony and complex cases increased resulting in longer prosecution and investigation times.
- One agency lacked expert witness availability and appropriate storage space.
- One agency reported that penalties were excessive for the low level crimes committed and further complicated the timely processing of the cases.
- A small public defender office faced an increase in murder cases greatly affecting their workload.
- Fill the Gap fund reductions prevented one agency from purchasing useful case management software and media software to support daily functions.

## **APPENDIX D: 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.

**12-102.01. Criminal case processing and enforcement improvement fund**

- A. The criminal case processing and enforcement improvement fund is established consisting of monies appropriated to the fund. The purpose of the fund is to improve the processing of criminal cases in the superior court and the justice courts and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.
- B. The supreme court shall administer the fund. The supreme court shall allocate monies in the fund to counties for the planning and implementation of collaborative projects that are designed to improve the processing of criminal cases and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures. At a minimum, each project shall involve the county attorney, county public defender, county legal defender, county contract indigent defense counsel, superior court, clerk of the superior court, county manager and justice courts in the county. Additional criminal justice entities may also be included in the project.
- C. To be eligible for funding, pursuant to this section, a county shall submit to the supreme court a plan that demonstrates how the county attorney, county public defender, county legal defender, county contract indigent defense counsel, superior court including the clerk of the superior court, justice courts and other identified criminal justice entities will work together collaboratively to both:
  - 1. Identify current problems with criminal case processing and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.
  - 2. Identify possible solutions and efficiencies to improve the case processing time and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.
- D. By January 8 of each year, the supreme court shall report to the governor, the legislature, each county board of supervisors, the joint legislative budget committee and the Arizona criminal justice commission on the progress of the criminal case processing projects and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures. The county attorney, indigent defense counsel and county board of supervisors in each county and the attorney general shall assist the supreme court in preparing the report by providing information relevant to the report. This information may be combined into one report with the information required pursuant to section 12-102.02, subsection D.
- E. 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 and the state to improve the processing of criminal cases and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.
- F. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and are subject to 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.

**12-102.02. 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. Assessments; fund deposits**

- A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of forty-seven per cent 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 other penalty assessment provided by law, an additional penalty assessment shall be levied in an amount of seven per cent 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 other penalty assessment provided by law, an additional penalty assessment shall be levied through December 31, 2011 in an amount of seven per cent, and beginning January 1, 2012 in an amount of six per cent, 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 assessment 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 assessment pursuant to subsection G of this section. If bail, bond or deposit is returned, the assessment made pursuant to this article shall also be returned.
- E. After addition of the penalty assessment, the courts may round the total amount due to the nearest one-quarter dollar.
- F. The judge may waive all or part of the civil penalty, fine, forfeiture and penalty assessment, except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge may waive only all or part of the penalty assessments prescribed by subsections A, B and C of this section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty, fine, forfeiture and penalty assessment is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of the total amount due.

- G. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the assessments collected pursuant to subsections A, B, C and D of this section and a remittance report of the fines, civil penalties and assessments collected pursuant to subsections A, B, C and D of this section to the county treasurer, except that municipal courts shall transmit the assessments and the remittance report of the fines, civil penalties and assessments to the city treasurer.
- H. The appropriate authorities specified in subsection G of this section shall transmit the forty-seven per cent penalty assessment 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 per cent penalty assessment 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 penalty assessment 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 Arizona deoxyribonucleic acid identification system fund established by section 41-2419.
- 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 penalty assessment 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 C, 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 C 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.
- 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 penalty assessments 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 penalty assessments 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 E: State Aid to County Attorney Expenditures by County**

<b>Table 95: State Aid to County Attorney Expenditures by County FY2010</b>							
	Staff Salary	Equipment Purchases	Contractual Services	Case Management Software	Coordination Efforts	Other	Total Expended
Apache	\$3,886.11	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,886.11
Cochise	\$158,986.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$158,986.32
Coconino	\$19,062.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,062.00
Gila	\$0.00	\$2,033.26	\$0.00	\$1,385.70	\$2,250.00	\$0.00	\$5,668.96
Graham	\$0.00	\$5,863.29	\$0.00	\$552.00	\$0.00	\$0.00	\$6,415.29
Greenlee	\$1,328.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,328.00
La Paz	\$34,827.14	\$7,133.84	\$17,095.72	\$493.21	\$0.00	\$36,150.65	\$95,700.56
Maricopa	\$316,769.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$316,769.00
Mohave	\$15,927.02	\$2,207.40	\$750.00	\$0.00	\$0.00	\$48,334.00	\$67,218.42
Navajo	\$4,936.98	\$0.00	\$0.00	\$0.00	\$0.00	\$11,352.00	\$16,288.98
Pima	\$57,842.08	\$288.44	\$0.00	\$0.00	\$0.00	\$0.00	\$58,130.52
Pinal	\$43,404.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$43,404.21
Santa Cruz	\$3,698.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,698.62
Yavapai	\$40,842.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,842.00
Yuma	\$28,194.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$28,194.32
<b>State Total</b>	<b>\$729,703.80</b>	<b>\$17,526.23</b>	<b>\$17,845.72</b>	<b>\$2,430.91</b>	<b>\$2,250.00</b>	<b>\$95,836.65</b>	<b>\$865,593.31</b>

**APPENDIX F: State Aid to Indigent Defense Expenditures by County**

<b>Table 96: State Aid to Indigent Defense Expenditures by County FY2010</b>							
	Staff Salary	Equipment Purchases	Contractual Services	Case Management Software	Coordination Efforts	Other	Total Expended
Apache	\$0.00	\$0.00	\$4,727.20	\$0.00	\$0.00	\$0.00	\$4,727.20
Cochise	\$5,000.00	\$0.00	\$2,175.00	\$5,040.00	\$0.00	\$0.00	\$12,215.00
Coconino	\$0.00	\$0.00	\$10,804.00	\$0.00	\$0.00	\$0.00	\$10,804.00
Gila	\$0.00	\$0.00	\$0.00	\$2,100.00	\$0.00	\$0.00	\$2,100.00
Graham	\$0.00	\$0.00	\$4,304.32	\$0.00	\$0.00	\$0.00	\$4,304.32
Greenlee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
La Paz	\$0.00	\$3,113.17	\$3,037.50	\$0.00	\$0.00	\$0.00	\$6,150.67
Maricopa	\$945,459.87	\$0.00	\$51,853.40	\$30,997.88	\$0.00	\$7,428.58	\$1,035,739.73
Mohave	\$41,965.29	\$419.53	\$12,087.34	\$0.00	\$0.00	\$1,191.80	\$55,663.96
Navajo	\$0.00	\$0.00	\$3,867.95	\$2,961.56	\$0.00	\$0.00	\$6,829.51
Pima	\$28,631.00	\$60,406.00	\$33,921.00	\$71,550.00	\$0.00	\$0.00	\$194,508.00
Pinal	\$23,050.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,050.00
Santa Cruz	\$0.00	\$0.00	\$81,007.50	\$0.00	\$0.00	\$0.00	\$81,007.50
Yavapai	\$27,392.82	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$27,392.82
Yuma	\$15,980.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,980.00
<b>State Total</b>	<b>\$1,087,478.98</b>	<b>\$63,938.70</b>	<b>\$207,785.21</b>	<b>\$112,649.44</b>	<b>\$0.00</b>	<b>\$8,620.38</b>	<b>\$1,480,472.71</b>