

Arizona Criminal Justice Commission

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FY 2012 Fill the Gap Report

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PHILLIP STEVENSON, Ph.D.
Statistical Analysis Center
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EXECUTIVE SUMMARY

In 1999, the passage of Senate Bill 1013 assigned the Arizona Criminal Justice Commission (ACJC) the responsibility of distributing Fill the Gap (FTG) funds to the county attorneys and indigent defense agencies throughout the state. The formula for distributing Fill the Gap funds to each county is based on the average number of cases filed at the superior court over a three-year period and the population of each county. Along with the Commission's fiduciary responsibilities, A.R.S. §41-2409 requires ACJC to report on an annual basis each agency's progress toward improving criminal case processing.

In the 1990s, Arizona's growing population, in combination with increased 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 fund appropriations 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 outlined case processing standards for Arizona's courts. Supreme Court Rule 8.2 requires that cases (excluding capital cases and complex cases) are to be adjudicated within 180 days. Complex cases are given 270 days from arraignment to adjudication, and capital cases are given 730 days, or 24 months, from capital case filing to adjudication. According to Rule 8.5, a trial may be continued beyond the Rule 8.2 standard timeframe based on exceptional circumstances for either party. Also in Rule 8.4, there are a number of time exclusions in the case process that essentially "stop the clock" on time limitations. Such delays to the process include determining a defendant's mental competency, probable cause remanding, disclosure time extensions, trial calendar delays, certain joinder of trials, setting a transfer hearing, inability to take the accused into custody, etc.

General fund appropriations for the Rural Aid to County Attorneys and Indigent Defense programs were eliminated in FY2010, thus resulting in a loss of \$307,800 annually during FY2011 and FY2012. Also in FY2012, Fill the Gap fine distribution stayed at the same FY2011 level for all county attorneys totaling \$973,600. During the 2011 Arizona legislative session, FY2012 fine revenue funding for the indigent defense program was redirected to the Department of Public Safety to fund border enforcement. No Fill the Gap funds were appropriated for indigent defense in FY2012, thus eliminating funding for the indigent defense program for the year. Nonetheless, Fill the Gap funding allocations can be carried over to future fiscal years, thus indigent defense agencies may have had funds available in FY2012 for Fill the Gap expenditures, as reported in Table 96 of Appendix F.

From FY2011 to FY2012, prosecuting agencies experienced changes in Fill the Gap funds ranging from a decrease of seven percent in Yavapai County to an increase of 15.5 percent in Pinal County. As stated earlier, all general fund appropriations were eliminated and fine revenues were redirected for the indigent defense fund in FY2012. Also, the noticeable variations in funding changes across county attorney agencies from FY2011 to FY2012 is attributed to calculations in the funding formula, which uses population and felony filing averages. Detailed information regarding the funding formula is available on page five.

At the beginning of FY2013, the ACJC requested Fill the Gap 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 \$2,774,146.93 in expenditures reported in FY2012, \$1,871,094.18 was spent on salaries, \$308,139.93 was allotted for equipment, \$71,557.80 paid for contractual services, \$499,239.56 was spent on case management software, \$2,250.00 went toward coordination efforts, and \$21,865.46 funded "other" (i.e. research subscriptions, association membership dues, mailing costs, etc.) expenditures.

At the end of FY2012, all but one prosecuting agency reported case processing data that fell short of the standards set forth by the Arizona Supreme Court. The Graham County Attorney's Office did report adjudicating 100 percent of felony case filings within 180 days of the filing date. The case processing data reported by indigent defense agencies also fell short of the court standard of 100 percent adjudication within 180 days. A number of indigent defense agencies reported improvement in case processing times from FY2011 while others experienced the same percentage or a reduced percentage of cases meeting the court standard from FY2011 to FY2012. Unfortunately, a number of agencies remain unable to report case processing data because they do not have a case management system in place that provides for easy case tracking over time.

INTRODUCTION

In 1999, Arizona Senate Bill 1013 (SB 1013), which came to be known as Fill the Gap (FTG) legislation, was passed into law. SB 1013 created three funds to be used by three separate stakeholders in the court process to improve criminal case processing: county attorneys, public/indigent defense, and the courts. These three entities have received FTG funds 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 their county's superior court criminal case filings. The Arizona Criminal Justice Commission (ACJC) is responsible for administering the funds for the county attorneys and indigent defense agencies, annually reporting on how those funds are used and inquiring about "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. More recently, Arizona's U.S. Census population increased 22.9 percent from July 1, 2001 to July 1, 2011 and, at the same time, the number of felony case filings statewide increased from 43,462 to 49,166 (U.S. Census Bureau; Arizona Supreme Court's *Data Report*, 2001 and 2011). It was anticipated that with additional funding, criminal courts in each county would meet the case processing standards 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 addresses 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 Fill the Gap funded entities. Agencies were asked to complete the form and return them to ACJC. The reporting form captured Fill the Gap fund expenditures in FY2012, criminal case processing improvements resulting from the funding, case processing statistics, and comments on related issues that were encountered throughout the fiscal year. Data from the annual reporting forms were compiled and analyzed by county to identify common spending priorities, improvements in data gathering and reporting practices, and remaining case processing challenges that face the agencies.

In previous reports, agencies were asked to provide case processing statistics for felony cases using the date of arraignment as the date of filing and the 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 asks 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 the agencies to collect 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 in addition to their definitions for “filing” and “adjudication.” This provides ACJC with a better understanding of the types of cases included by local agencies with respect to their case processing statistics.

Arizona Computerized Criminal History (ACCH)

Each agency that received Fill the Gap funds was asked to provide case processing data in their annual reporting form. Information provided by these agencies allows case processing to be assessed over time at the agency level. However, data provided by the agencies are not comparable with each other, even within the same county, because of differences in the collection and reporting process. For this reason, SAC staff analyzed county case processing times using the information available in the Arizona Computerized Criminal History (ACCH) record system. ACCH data from the Arizona Department of Public Safety were not available for FY2012 data, but updates to previously reported fiscal years and the addition of FY2011 data were made for periods prior to the fiscal year.

Since the date that a felony charge is filed by the county attorney is not included in the ACCH database, the date of arrest was used as a proxy for the arraignment date. The date of case 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 case processing across counties using a uniform data source and methodology.

Only felony cases with both arrest and disposition information entered into ACCH were included in this analysis. Previous research has shown that more than 34 percent of calendar year 2009 arrest charges entered into the ACCH by December 31, 2010 were missing subsequent disposition information in the ACCH by the end of calendar year 2010. Similar percentages were discovered in prior calendar years.¹ The data in this report consists of all arrest counts leading to felony disposition charges (except for first-degree murder), 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, court dismissals, and findings of no responsibility by reason of insanity. 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 that aggregated data across multiple years was used to assess case processing times. All cases included in the FY2007 case processing analysis consisted of arrest charges from calendar years 1999 to 2006 that were finalized by disposition completion at some point in FY2007. All cases included in the FY2008 analysis included arrest charges from calendar years 2000 to 2007 that were finalized in FY2008. All cases included in the FY2009 analysis included arrest charges from 2001 to 2008 that were completed in FY2009. The same approach was conducted for FY2010 and FY2011 data.

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

¹ Bileski, Matt. *Timeliness and Completeness of Criminal History Records in Arizona Fact Sheet*, Arizona Criminal Justice Commission, http://www.azcjc.gov/ACJC.Web/Pubs/Home/Timeliness_and_Completeness_of_Criminal_History_Records_in_Arizona.pdf (January 2011).

jurisdictions the date of case dismissal that results from an offender successfully completing a diversion program is the date included in the system as the disposition date rather than the date that a defendant enters the diversion court process. For many jurisdictions, diversion programs are designed to take longer than the 180-day period in order to monitor compliance with the conditions associated with participation in the program.

Also important to note is that the ACCH analysis includes any and all time delays, including warrant status, court delays, trial continuances, etc., that by Arizona Supreme Court rules necessitate exclusion in the case processing time limitations. The addition of these delays must be acknowledged as another caveat to the case processing statistics available when analyzing charges in the ACCH.

While there are limitations to using ACCH data to analyze case processing times, this process does provide a uniform measure for each county. Thus, the ACCH tables can be used to gauge overall improvement in case processing in each county.

FILL THE GAP FUNDS LEGISLATION

The Arizona Legislature created the State Aid to County Attorneys Fund (A.R.S. §11-539), the State Aid to Indigent Defense Fund (A.R.S. §11-588), and the State Aid to the Courts Fund (A.R.S. §12-102.02) 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 is charged with administering the State Aid to County Attorneys Fund and the State Aid to Indigent Defense Fund while the Arizona Supreme Court administers the State Aid to the Courts Fund, and each agency reports on the progress of case processing made using these funds 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). The three statutes that establish each fund mandate that the funds be used for improving the processing of criminal cases and to supplement, rather than supplant, county funds. These statutes are shown in their entirety in Appendix D.

Fill the Gap funding is mandated by A.R.S. §41-2421 and A.R.S. §12-116.01. According to A.R.S. §41-2421, five percent of certain "filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures" collected at the state supreme court and appellate court is allocated to the Fill the Gap funds 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.

From A.R.S. §12-116.01.B, a seven percent surcharge is collected on all criminal fines, penalties and forfeitures, on traffic and vehicular penalties, fines and forfeitures, and on game and fish Title 17 statute violations. Funds from the seven percent surcharge 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 Department of Law for the processing of criminal cases;

- 14.29 percent to the Arizona Criminal Justice Commission for distribution to full service forensic crime laboratories; and
- 14.29 percent to the Arizona Supreme Court for allocation to the municipal courts.

ACJC administers the portions 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. The following report provides data and information regarding the funds administered exclusively by ACJC. Of the funds that ACJC administered in FY2012, 100 percent (\$973,600.00) was allocated to the State Aid to County Attorneys Fund while no funds were allocated to the State Aid to Indigent Defense Fund.

These funds are distributed by ACJC according to formulas set out in A.R.S. §41-2409. Earned interest is deposited into the accounts and is also utilized to support projects focused on improving felony case processing. ACJC must distribute the funds to county attorneys and indigent defense by September 1st of each year. Funds are distributed according to the following formula as directed in A.R.S. §41-2409:

1. Obtain the three-year average of the total felony filings in the county superior 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 FY2012	
Step 1:	
<i>County's Felony Filings in Superior Court:</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>Statewide Felony Filings in All Superior Courts:</i> Total Year 1 + Total Year 2 + Total Year 3 = 3 Year Statewide Total 3 Year Statewide Total ÷ 3 = 3 Year Average Statewide Felony Filings	
3 Year Average County Felony Filings ÷ 3 Year Average Statewide Felony Filings = Step 1 Result	
Step 2:	
County Population ÷ Statewide Population = Step 2 Result	
Step 3:	
(Step 1 Result + Step 2 Result) ÷ 2 = Composite Index^a	

^a Composite Index used as a county multiplier across Fill the Gap funds to determine county fund distribution.

In FY2012, county attorney agencies realized funding changes ranging from a decrease of seven percent to an increase of 15.5 percent from FY2011. This variation occurred as a direct result of the recalculation of the funding formula during FY2012. As noted earlier, indigent

defense agencies did not receive Fill the Gap funds in FY2012. Thus, all the defense agencies experienced a 100 percent decrease in funds compared to FY2011.

ARIZONA CASE TIMELINES

Case processing standards are established by the Arizona Supreme Court. Arizona Supreme Court Rules of Criminal Procedure sets the time limitations for trial cases. According to the A.R.S. Rules of Criminal Procedure Rule 8.2, the following case completion timelines are currently in place:

- 1) A maximum of 150 days from arraignment if the person is held in custody, with the exception of complex cases.
- 2) A maximum of 180 days from arraignment if the person is released from custody, except for complex cases.
- 3) A maximum of one year from arraignment for complex cases in which the indictment, information, or complaint is filed between December 1, 2002 and December 1, 2005. Subsequent cases are given a maximum of 270 days from arraignment if the person is charged with any of the following:
 - i) 1st degree murder, excluding capital cases;
 - ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication;
 - iii) Any complex cases as determined by a written factual finding by the court.
- 4) A maximum of 24 months from the date the state files a notice of intent to seek the death penalty for capital cases.

Exceptions to these time limitations include the following: cases with continuances due to extraordinary circumstances; and delays resulting from the defendant's absence or determination of mental competency, disclosure extensions, busy court calendars, trial joinders, and Rule 40 transfer hearings. Many agencies exclude first degree homicide and complex cases from their case processing statistics for this report. These cases are allowed between 270 and 730 days for case adjudication, thus the cases are not required to fall within the 180 day measurement. County ACCH data provided in this report excludes all first degree homicide charges, but does include any complex felony cases that are not first degree homicides.

REPORT LAYOUT

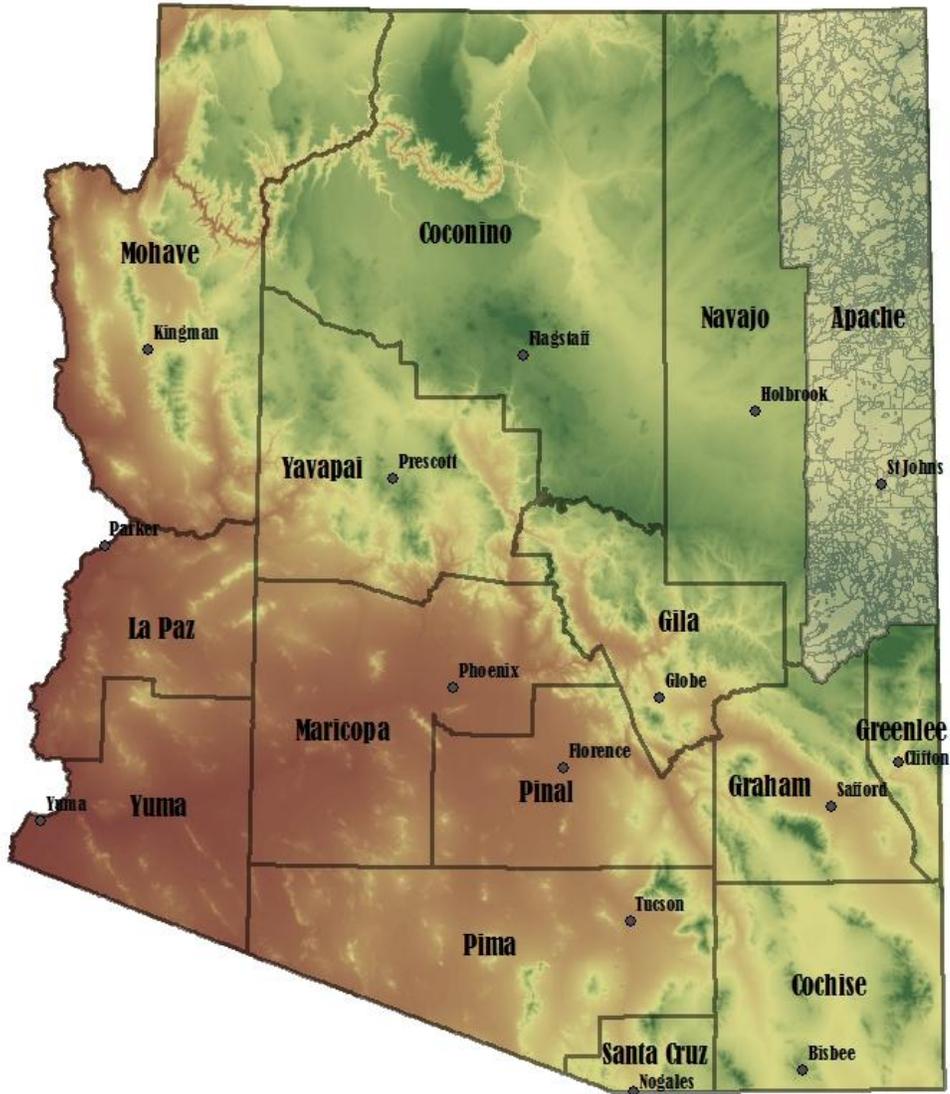
This report is organized by Arizona counties and the funded agencies. Each county section of this report begins with a brief summary of the county, followed by a financial breakdown of Fill the Gap allotments, a section summarizing how the county attorney used their funds, a section summarizing how indigent defense used any existing funds to improve case processing times, and the agency-specific and ACCH case processing statistics. In counties that do not have a dedicated public defender's office, the Superior Court in those counties administer indigent defense services.

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 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 is important to note that the date of arrest is used as a proxy for the case arraignment date in the ACCH tables, while local agencies typically use date of case filing to calculate case processing information. Some agencies also exclude certain cases and processing times that are included in the ACCH analysis (i.e., cases including warrant time, complex cases, etc.). The ACCH data does not contain the information needed to identify which charges are part of complex cases and which charges experienced delays or continuances in the case process.

Additional FY2012 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 summary list of Fill the Gap expenditures reported by all agencies during FY2012. Appendix C contains a list of the reported issues that positively or negatively affected case processing in FY2012. Appendix D includes the Arizona Revised Statutes relevant to the Fill the Gap Program. Appendix E and Appendix F itemize the monetary expenditures by county attorney offices and indigent defense agencies. Important to note is that indigent defense agencies reported expenditures in FY2012 resulting from funds carried over and made available from prior Fill the Gap funding cycles.

Apache County



2011 U.S. Census Population Estimate:	72,401
Estimated Population Growth 2001-2011:	6.7%
Percent of Arizona Population:	1.1%
County Seat:	St. Johns

Fill the Gap Funding in Apache County

In FY2012, the Apache County Attorney's Office received a total of \$7,596.00 in Fill the Gap funds. The Apache County Superior Court did not receive Fill the Gap funds in FY2012 for indigent defense services. Fill the Gap funding for the county attorney's office decreased 4.9 percent from FY2011 to FY2012.

Table 1: Apache County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Apache County Attorney's Office	\$7,986	\$7,596	-4.9%
Apache County Superior Court ^a	\$5,744	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 2: Apache County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Apache County Attorney's Office	\$0.00	\$7,596.00	\$7,596.00
Apache County Superior Court	\$0.00	\$0.00	\$0.00

Table 3: Apache County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Apache County Attorney's Office	\$12,554	\$13,115	\$12,930	\$12,237	\$13,786	\$14,131	\$15,471	\$13,108	\$8,251	\$7,986	\$7,596
Apache County Superior Court	\$11,923	\$12,455	\$12,292	\$11,634	\$13,104	\$13,432	\$14,703	\$12,457	\$4,677	\$5,744	\$0

Apache County Attorney's Office

During FY2012, the Apache County Attorney's Office continued to support a temporary secretary position using Fill the Gap funds. The secretary assisted the agency in a number of tasks (i.e. logging, tracking, gathering and organizing of felony cases) which included a number of legal secretary duties. The agency anticipates using any remaining FY2012 Fill the Gap funds to support this position in the future to help with projected increases in caseloads.

According to data provided by the Apache County Attorney's Office, 52.0 percent of FY2012 felony cases were adjudicated within 180 days of arraignment, or filing date (Table 4). The county attorney's office filed 440 felony cases during the fiscal year, which was an increase of nearly 40 percent from FY2011. The increase in felony cases was reported to be the reason for the decreased percentages of felony cases adjudicated within 180 days of arraignment from FY2011 to FY2012. Comparing data from FY2007 to FY2012 is not possible because warrants, probation revocations, and appeals were included in the FY2007 and FY2008 statistics. In contrast, the data from FY2009 excluded outstanding warrants. Despite a reduction in staff levels, the agency was also able to adjudicate 35 backlogged cases from prior years.

Table 4: Felony Case Processing Statistics Apache County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: All Adult Felony Cases Except Appeals, Probation Revocations, and Time on Warrant Status						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	40.0%	30.0%	38.0%	42.0%	39.0%	23.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	65.0%	58.0%	67.0%	65.0%	68.0%	52.0%
Total Felony Cases Filed	614	614	253	245	315	440

Apache County Indigent Defense

The Apache County Superior Court did not receive any FY2012 Fill the Gap funds, and the court reported a \$0.00 Fill the Gap fund balance at the beginning of the fiscal year. While the indigent defense allotment of Fill the Gap funds was swept in FY2012, local funding for Apache County indigent defense was also reduced by 6 percent.

Apache County Superior Court reported that 37.2 percent of felony cases were adjudicated within 100 days of filing and 67.6 percent were adjudicated within 180 days (Table 5). Adjudication percentages were not available in FY2010 and FY2011; however, the felony case filing total increased from 220 in FY2011 to 299 in FY2012, a 36 percent increase. Probation violation cases were excluded from the calculations in FY2012.

Table 5: Felony Case Processing Statistics Apache County Superior Court FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Filed in FY2012 Except for Warrant Status Cases, Cases Involving Appeals, Diversion Cases, Probation Violation Cases, and Cases of Mental Competency						
	FY2007^a	FY2008^a	FY2009^a	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	32.2%	28.3%	24.8%	No Data Provided	No Data Provided	37.2%
Percent of Felony Cases Adjudicated within 180 Days of Filing	66.3%	64.3%	51.6%	No Data Provided	No Data Provided	67.6%
Total Felony Cases Filed	363	357	213	No Data Provided	220	299

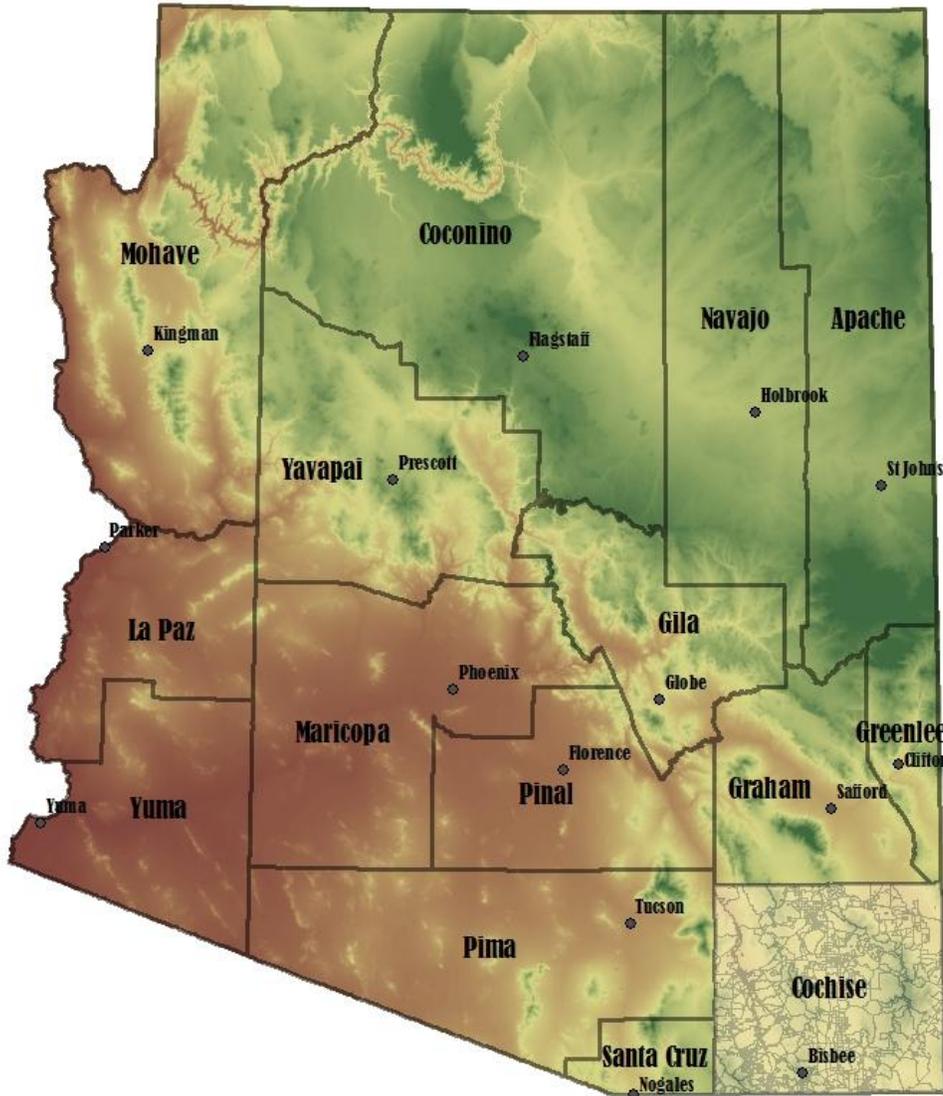
^a Probation violation cases were reportedly included in the FY2007 thru FY2009 data.

**Table 6: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Apache County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	176	204	273	227	181
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	20.2%	12.1%	8.4%	9.8%	27.0%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	51.7%	40.8%	24.9%	29.8%	50.0%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	638	701	675	1,105	488

Cochise County



2011 U.S. Census Population Estimate:	133,289
Estimated Population Growth 2001-2011:	12.2%
Percent of Arizona Population:	2.1%
County Seat:	Bisbee

Fill the Gap Funding in Cochise County

In FY2012, the Cochise County Attorney’s Office received a total of \$16,294.00 in Fill the Gap funds. The Cochise County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the County Attorney’s Office decreased 0.5 percent from FY2011 to FY2012.

Table 7: Cochise County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Cochise County Attorney’s Office	\$16,371	\$16,294	-0.5%
Cochise County Public Defender’s Office ^a	\$11,776	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 8: Cochise County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Cochise County Attorney’s Office	\$0.00	\$16,294.00	\$16,294.00
Cochise County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 9: Cochise County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Cochise County Attorney’s Office	\$25,455	\$26,436	\$27,148	\$28,380	\$30,431	\$29,517	\$30,802	\$26,292	\$16,518	\$16,371	\$16,294
Cochise County Public Defender’s Office	\$24,177	\$25,106	\$25,807	\$26,978	\$28,927	\$28,056	\$29,270	\$24,985	\$9,362	\$11,776	\$0

Cochise County Attorney’s Office

In FY2012, Fill the Gap funds were used at the Cochise County Attorney’s Office to cover the salaries of one attorney, one legal secretary, and one clerk position. According to the County Attorney’s Office, these positions would have been lost without the availability of Fill the Gap funds and were critical in maintaining the volume of cases for prosecution.

The Cochise County Attorney’s Office reported that 71.0 percent of felony cases were adjudicated within 180 days of filing during FY2012, a decrease from 78.0 percent reported in FY2011 (Table 10). Similarly, the percentage of felony cases adjudicated within 100 days of filing, or indictment, dropped from 64.0 percent in FY2011 to 54.0 percent in FY2012. The county attorney’s office also reported a nine percent decrease in felony cases filed from 859 in FY2011 to 781 in FY2012.

Table 10: Felony Case Processing Statistics Cochise County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: <i>Indicted or Direct Information Felony Cases Filed Which Closed in FY2012 Except Warrant and Adult Diversion Cases</i>						
	FY2007	FY2008	FY2009^a	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	22.0%	21.0%	48.0%	64.0%	54.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	57.0%	72.0%	76.0%	78.0%	71.0%
Total Felony Cases Filed	No Data Provided	704	758	827	859	781

^a Adult diversion cases were reportedly included in the FY2009 statistics.

Cochise County Indigent Defense

The Cochise County Public Defender's Office did not receive any FY2012 Fill the Gap funds, but the agency reported a balance of \$10,723.78 in Fill the Gap funds at the beginning of the fiscal year. The agency used existing Fill the Gap funds in FY2012 to support a database consultant for programming and optimal use of the agency's case tracking software. Funds were also used to upgrade and maintain the TimeMatters case tracking database. TimeMatters databases and software provide the agency with an efficient tracking mechanism for cases and case processing statistics. Also, the county public defender's office continued to collaborate with county agencies to support the early resolution court, which diverts cases headed for trial through an expedited plea agreement process.

The Cochise County Public Defender's Office reported that 91.0 percent of all felony cases from FY2012 were adjudicated within 180 days of arraignment, which matched the percentage from FY2011 (Table 11). The Cochise County Legal Defender's Department reported that 88.0 percent of felony cases were adjudicated within 180 days of filing, a decrease from 90.0 percent in FY2011 (Table 12). The County Public Defender's Office and the Legal Defender's Department reported 385 and 254 felony case filings, respectively, in FY2012. From FY2011 to FY2012, the total number of cases filed decreased by approximately five percent for the public defender's office and increased by four percent for the legal defender's office.

Table 11: Felony Case Processing Statistics Cochise County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: <i>Superior Court Felony Cases Concluded in FY2012 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, Some Jury Trials, and Failed Diversion Cases</i>						
	FY2007^a	FY2008^a	FY2009^b	FY2010^b	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	47.0%	65.0%	33.0%	58.0%	76.0%	70.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.0%	91.0%	87.0%	89.0%	91.0%	91.0%
Total Felony Cases Filed	319	238	362	395	404	385

^a All jury trials, failed diversion cases, and bench warrants were reportedly included in FY2007 and FY2008 statistics.

^b Failed diversion cases were included in FY2009 and FY2010 statistics.

**Table 12: Felony Case Processing Statistics
Cochise County Legal Defender's Department
FY2007-FY2012**

Cases Included in FY2012 Statistics: Superior Court Felony Cases Concluded in FY2012 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, Some Jury Trials, and Failed Diversion Cases

	FY2007^a	FY2008^a	FY2009^b	FY2010^b	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	49.0%	41.0%	20.0%	58.0%	69.0%	60.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75.0%	72.0%	71.0%	89.0%	90.0%	88.0%
Total Felony Cases Filed	176	124	123	223	245	254

^a All jury trials, failed diversion cases, and bench warrants were reportedly included in FY2007 and FY2008 statistics.

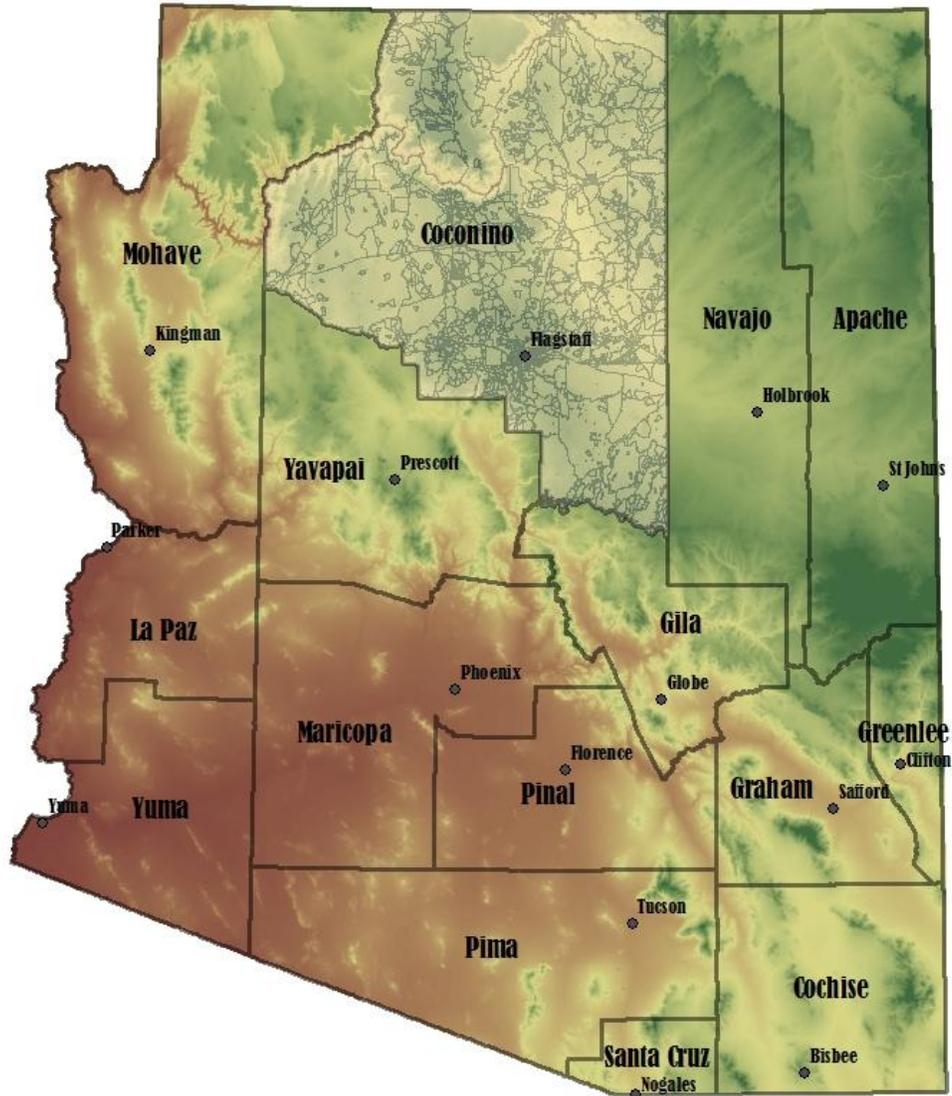
^b Failed diversion cases were included in FY2009 and FY2010 statistics.

**Table 13: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Cochise County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	119	119	179	187	172
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	47.1%	42.1%	11.7%	12.9%	31.5%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	65.2%	70.7%	51.1%	48.0%	53.3%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,666	777	789	1,167	1,806

Coconino County



2011 U.S. Census Population Estimate:	134,511
Estimated Population Growth 2001-2011:	13.7%
Percent of Arizona Population:	2.1%
County Seat:	Flagstaff

Fill the Gap Funding in Coconino County

In FY2012, the Coconino County Attorney’s Office received a total of \$18,562.00 in Fill the Gap funds. The Coconino County Superior Court did not receive Fill the Gap funds in FY2012 to support indigent defense services. Fill the gap funding for the county attorney’s office decreased 0.1 percent from FY2011 to FY2012.

Table 14: Coconino County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Coconino County Attorney’s Office	\$18,576	\$18,562	-0.1%
Coconino County Superior Court ^a	\$13,362	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 15: Coconino County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Coconino County Attorney’s Office	\$0.00	\$18,562.00	\$18,562.00
Coconino County Superior Court	\$0.00	\$0.00	\$0.00

Table 16: Coconino County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Coconino County Attorney’s Office	\$29,292	\$30,070	\$30,437	\$30,314	\$33,867	\$33,697	\$37,207	\$30,427	\$19,062	\$18,576	\$18,562
Coconino County Superior Court	\$27,821	\$28,557	\$28,934	\$28,817	\$32,191	\$32,029	\$35,358	\$28,914	\$10,804	\$13,362	\$0

Coconino County Attorney’s Office

The Coconino County Attorney’s Office utilized Fill the Gap funds in FY2012 to support one-fourth of the salary and benefits of a deputy county attorney. The funded deputy county attorney position helped to improve the agency’s case processing times and the processing of ongoing cases.

In FY2012, the Coconino County Attorney’s Office reported that 68.0 percent of felony cases were adjudicated within 180 days of the filing date, or arraignment date (Table 17). This is a decrease from 73.0 percent reported in FY2011. The agency reported that 1,082 felony cases were filed by the County Attorney’s Office in FY2012, which was a 12 percent increase in felony cases filed from FY2011.

Table 17: Felony Case Processing Statistics Coconino County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Arraigned in FY2012 Excluding Days on Warrant Status						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	60.0%	60.0%	59.0%	52.0%	44.0%	41.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	93.0%	87.0%	89.0%	78.0%	73.0%	68.0%
Total Felony Cases Filed	1,557	1,446	1,447	884	967	1,082

^a Appeals and technical violations were excluded in FY2007 and FY2008 statistics.

Coconino County Indigent Defense

The Coconino County Superior Court did not receive any FY2012 Fill the Gap funds, and the court reported a balance of \$0.00 in available Fill the Gap funds at the beginning of the fiscal year. Funds were used in the past to support the DUI/Drug Court's efforts at processing a portion of the participants through the expedited court system with the additional oversight of random urinalysis drug tests.

Coconino County Superior Court reported an increase from 68.0 percent in FY2011 to 73.0 percent in FY2012 in felony cases adjudicated within 180 days of filing (Table 18). The superior court reported a total of 723 felony cases filed in FY2012, which is a continuation of a decrease in the total number of filings since FY2008.

Table 18: Felony Case Processing Statistics Coconino County Superior Court FY2007-FY2012						
Cases Included in FY2012 Statistics: Criminal Cases Involving a Felony Charge						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	49.7%	50.0%	50.0%	49.0%	38.0%	40.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	82.3%	81.0%	85.0%	82.0%	68.0%	73.0%
Total Felony Cases Filed	1,066	1,151	1,070	986	851	723

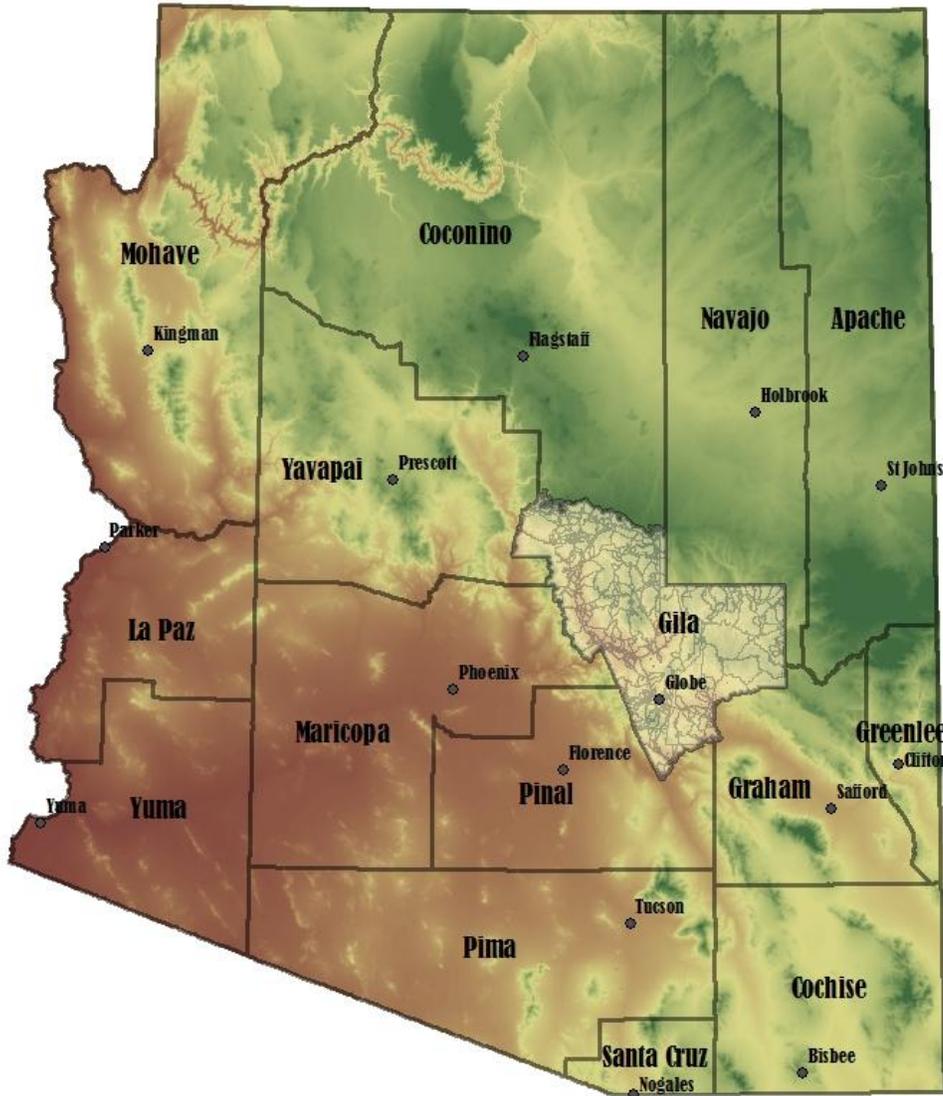
^a Warrant delays and mental health cases were excluded in FY2007 and FY2008 statistics.

**Table 19: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Coconino County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	205	224	228	254	278
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	17.0%	14.5%	14.7%	14.3%	9.2%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	42.0%	39.0%	36.5%	34.5%	24.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,830	2,455	2,192	1,494	1,763

Gila County



2011 U.S. Census Population Estimate:	53,144
Estimated Population Growth 2001-2011:	3.6%
Percent of Arizona Population:	0.8%
County Seat:	Globe

Fill the Gap Funding in Gila County

In FY2012, the Gila County Attorney's Office received a total of \$9,941.00 in Fill the Gap funds. Gila County Superior Court did not receive Fill the Gap funds to support indigent defense. Fill the Gap funding for the county attorney's office decreased 1.9 percent from FY2011 to FY2012.

Table 20: Gila County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Gila County Attorney's Office	\$10,130	\$9,941	-1.9%
Gila County Superior Court ^a	\$7,287	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 21: Gila County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Gila County Attorney's Office	\$0.00	\$9,941.00	\$9,941.00
Gila County Superior Court	\$0.00	\$0.00	\$0.00

Table 22: Gila County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Gila County Attorney's Office	\$21,082	\$21,076	\$20,105	\$17,995	\$18,647	\$17,813	\$18,319	\$16,134	\$10,074	\$10,130	\$9,941
Gila County Superior Court	\$20,023	\$20,016	\$19,111	\$17,012	\$17,724	\$16,932	\$17,409	\$15,333	\$5,710	\$7,287	\$0

Gila County Attorney's Office

In FY2012, the Gila County Attorney's Office spent Fill the Gap funds on one laptop computer, an additional fifteen desktop computers, one flat screen television, a DVD player, and software support and maintenance for the Judicial Dialog case management software. The county attorney's office also leased two computers and printers at the satellite locations of the Arizona Supreme Court located in Payson and Globe. The equipment and software provided improved case tracking ability at the agency, and the television and DVD player were for use in the courtroom. The leased computers maintained access to the Superior Court records promoting the timely processing of criminal cases. The leased equipment also provides attorneys with case minute entry copies not otherwise available. The county attorney's office reported that remaining FY2012 Fill the Gap funds will be used for equipment updates planned over the next three years.

The Gila County Attorney's Office reported that in FY2012 80.0 percent of felony cases were adjudicated within 180 days of filing or indictment (Table 23). In FY2012, the agency reported that 17.0 percent of cases were adjudicated within 100 days of filing. The county attorney's office filed a total of 308 felony cases during the fiscal year, a decrease of 49 percent in the total number of filings from FY2011.

Table 23: Felony Case Processing Statistics Gila County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Filed by Direct Information or Grand Jury Indictment Except Cases in Warrant Status and Deferred Prosecution/Diversion Status						
	FY2007^a	FY2008^a	FY2009^a	FY2010^b	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	88.0%	90.0%	78.0%	32.0%	17.0%	17.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	97.0%	97.0%	95.0%	90.0%	60.0%	80.0%
Total Felony Cases Filed	764	682	685	607	599	308

^a Cases in FY2007, FY2008 and FY2009 specifically excluded appeals, warrants, deferred cases, and homicides.

^b Cases in FY2010 only excluded petitions for probation revocation, appeals, and diversion cases.

Gila County Indigent Defense

The Gila County Superior Court did not receive any FY2012 Fill the Gap funds. Nonetheless, the agency reported an existing balance of \$169,038.06 in available Fill the Gap funds. The court did not make any FY2012 Fill the Gap expenditures with the existing funds, but the agency reported having plans to use some of the funds in FY2013 for contract attorneys needed for conflict cases, chairs to provide to defense attorneys and clients at the courthouse, and other needed equipment or software. The superior court reported an ending balance of \$171,601.73 in available Fill the Gap funds.

The Gila County Superior Court reported that approximately 56 percent of FY2012 felony cases were adjudicated within 180 days of filing (Table 24). The percentage of felony cases adjudicated within 100 days also decreased from just over 16 percent in FY2011 to nearly 14 percent in FY2012. The total number of felony cases filed decreased from 620 in FY2011 to 614 in FY2012.

Table 24: Felony Case Processing Statistics Gila County Superior Court FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Closed by Sentencing or Dismissal and Consolidated Cases						
	FY2007	FY2008	FY2009^a	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	16.4%	32.3%	31.6%	23.1%	16.2%	13.8%
Percent of Felony Cases Adjudicated within 180 Days of Filing	55.6%	70.5%	73.8%	65.4%	57.1%	56.2%
Total Felony Cases Filed	718	766	685	733	620	614

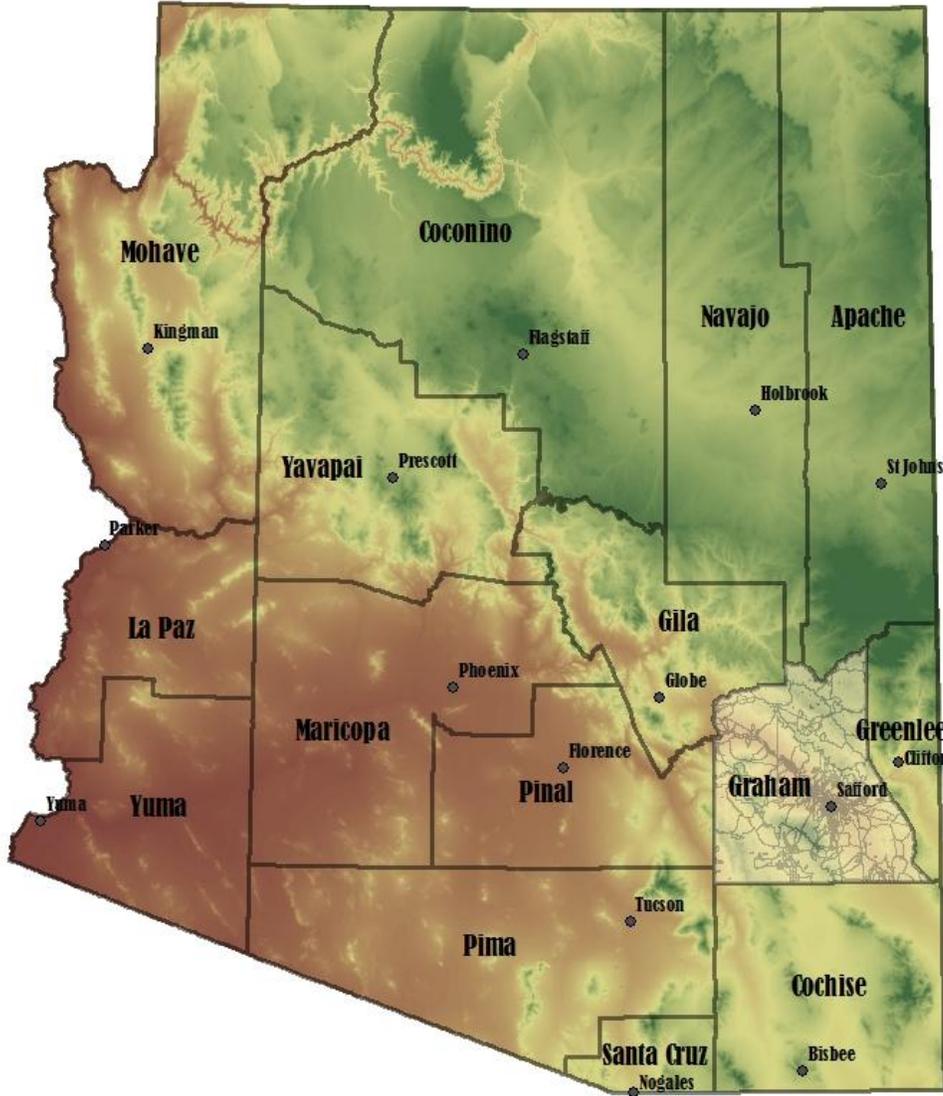
^a Cases in FY2009 excluded bench warrants, deferred prosecution time, Rule 11 cases, and special action cases.

**Table 25: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Gila County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	334	372	397	275	300
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	3.6%	1.9%	4.1%	7.9%	5.2%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	17.4%	9.7%	17.8%	27.1%	20.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	691	836	749	787	1,267

Graham County



2011 U.S. Census Population Estimate:	37,147
Estimated Population Growth 2001-2011:	11.4%
Percent of Arizona Population:	0.6%
County Seat:	Safford

Fill the Gap Funding in Graham County

In FY2012, the Graham County Attorney’s Office received a total of \$7,179.00 in Fill the Gap funds. The Graham County Superior Court did not receive Fill the Gap funds to support indigent defense. Fill the Gap funding for the county attorney’s office increased 3.7 percent from FY2011 to FY2012.

Table 26: Graham County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Graham County Attorney’s Office	\$6,923	\$7,179	3.7%
Graham County Superior Court ^a	\$4,979	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 27: Graham County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Graham County Attorney’s Office	\$0.00	\$7,179.00	\$7,179.00
Graham County Superior Court	\$0.00	\$0.00	\$0.00

Table 28: Graham County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Graham County Attorney’s Office	\$10,150	\$10,491	\$10,431	\$9,426	\$9,774	\$9,606	\$10,677	\$10,272	\$6,415	\$6,923	\$7,179
Graham County Superior Court	\$9,641	\$9,963	\$9,915	\$8,961	\$9,290	\$9,129	\$10,147	\$9,760	\$3,636	\$4,979	\$0

Graham County Attorney’s Office

The Graham County Attorney’s Office dedicated Fill the Gap funds in FY2012 to the purchasing of office equipment— including computers, printers, and digital recorders— as well as to the renewing of software maintenance and support. The county attorney’s office used funds to update the maintenance and support of LegalEdge, the county attorney’s case management software, and TimeMatters. The agency reported that Fill the Gap expenditures helped improve efficiencies throughout the agency during a period of increasing crimes occurring throughout the community. Maintaining the case management system also provided the agency with case tracking and statistical reporting capabilities.

For the second consecutive year, the county attorney’s office reported completing 100 percent of felony cases within 180 days of filing in FY2012 (Table 29). There were 427 felony cases filed within the fiscal year, and the number of felony case filings decreased by more than six percent from FY2011. It is important to note that in FY2011 the agency began pulling data from the agency’s case management system while prior years’ data were collected by the agency from the Administrative Office of the Courts.

Table 29: Felony Case Processing Statistics Graham County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Criminal Felony Cases Filed in the Justice Courts						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	36.1%	41.0%	39.6%	41.6%	51.0%	47.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.3%	73.0%	73.0%	76.4%	100.0%	100.0%
Total Felony Cases Filed	461	606	507	449	456	427

^a Cases in FY2007 and FY2008 excluded warrant and probation violation cases.

Graham County Indigent Defense

The Graham County Superior Court did not receive Fill the Gap funds in FY2012, and the agency's existing Fill the Gap fund balance was \$0.00. In the past, the funding available through Fill the Gap helped the superior court with indigent defense counsel. In FY2012, the entire indigent defense obligation was on the court budget.

The Graham County Superior Court was unable to provide case processing statistics for FY2012 because the data was not available through their case management system (Table 30). Nonetheless, the agency was able to report the number of felony cases filed, which totaled 433 in FY2012. This was a five percent decrease from FY2011 and an 18 percent decrease since FY2009.

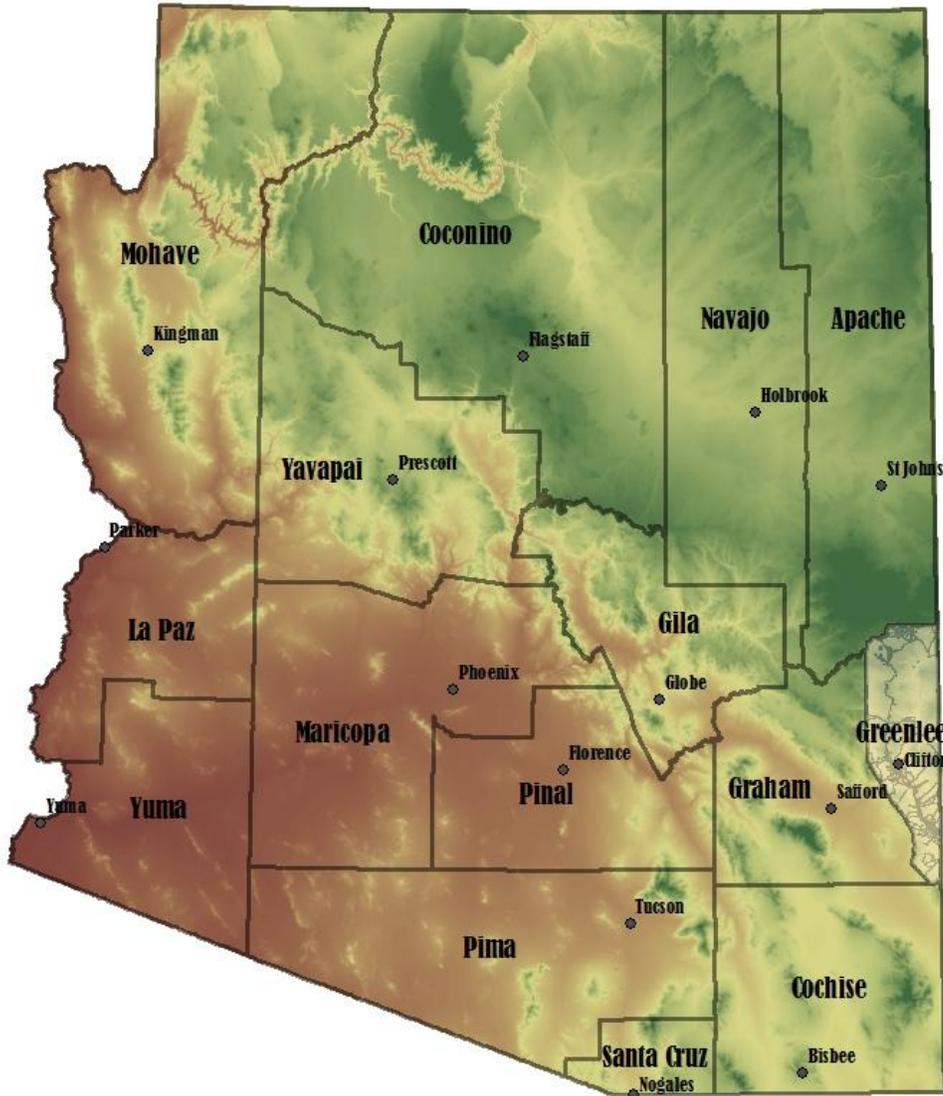
Table 30: Felony Case Processing Statistics Graham County Superior Court FY2007-FY2012						
Cases Included in FY2012 Statistics: All Criminal Felony Cases Filed						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	36.1%	40.9%	39.3%	41.6%	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.3%	73.0%	72.8%	76.4%	No Data Provided	No Data Provided
Total Felony Cases Filed	461	490	528	520	456	433

**Table 31: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Graham County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	202	211	250	252	263
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	10.1%	12.4%	8.9%	7.3%	9.0%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	40.7%	36.2%	27.5%	26.9%	28.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	437	607	777	754	830

Greenlee County



2011 U.S. Census Population Estimate:	8,606
Estimated Population Growth 2001-2011:	3.1%
Percent of Arizona Population:	0.1%
County Seat:	Clifton

Fill the Gap Funding in Greenlee County

In FY2012, the Greenlee County Attorney’s Office received a total of \$1,366.00 in Fill the Gap funds. The Greenlee County Superior Court did not receive Fill the Gap funds in FY2012 to support indigent defense. Fill the Gap funding for the county attorney’s office decreased 2.1 percent from FY2011 to FY2012.

Table 32: Greenlee County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Greenlee County Attorney’s Office	\$1,395	\$1,366	-2.1%
Greenlee County Superior Court ^a	\$1,003	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 33: Greenlee County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Greenlee County Attorney’s Office	\$0.00	\$1,366.00	\$1,366.00
Greenlee County Superior Court	\$0.00	\$0.00	\$0.00

Table 34: Greenlee County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Greenlee County Attorney’s Office	\$2,141	\$2,305	\$2,443	\$2,436	\$2,415	\$2,147	\$2,334	\$2,124	\$1,328	\$1,395	\$1,366
Greenlee County Superior Court	\$2,033	\$2,189	\$2,322	\$2,315	\$2,296	\$2,039	\$2,218	\$2,019	\$753	\$1,003	\$0

Greenlee County Attorney’s Office

In FY2012, the Greenlee County Attorney’s Office directed Fill the Gap funds toward the purchase of various folders, paper, envelopes, note pads, staples and paper clips, writing utensils, labels, compact discs and DVD’s, and other office supplies for the continued support of the everyday functions of the office. The supplies keep all case materials organized and in an easily accessible arrangement.

The Greenlee County Attorney’s Office reported completing 88.0 percent of felony cases in FY2012 within 180 days of filing (Table 35). The agency also reported that 75.0 percent of felony cases were adjudicated within 100 days. The county attorney’s office reported a total of 122 felony cases filed during the fiscal year, an increase from 117 reported in FY2011. A number of data collection methods have been implemented over the six-year period, and the types of felony cases included in the statistics have changed often, as noted in Table 35.

**Table 35: Felony Case Processing Statistics
Greenlee County Attorney's Office
FY2007-FY2012**

Cases Included in FY2012 Statistics: All Felony Cases Filed by the County Attorney

	FY2007 ^a	FY2008 ^a	FY2009	FY2010 ^b	FY2011 ^b	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	89.0%	85.0%	98.0%	94.0%	84.0%	75.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	98.0%	96.0%	99.0%	99.0%	96.0%	88.0%
Total Felony Cases Filed	119	104	126	127	117	122

^a Cases in FY2007 and FY2008 excluded active warrant cases, appeals, revocations, and Rule 11 cases.

^b Cases in FY2010 and FY2011 excluded cases with active warrants.

Greenlee County Indigent Defense

Greenlee County Superior Court did not receive any Fill the Gap funds in FY2012, but the agency did report an existing balance of \$9,240.92. The agency did not use available funds in FY2012, and the agency plans to allocate 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 court's ending balance of Fill the Gap funds was \$9,519.68.

The superior court reported in FY2012 that 91.0 percent of all felony cases were adjudicated within 180 days of filing, an increase from FY2011 (Table 36). The percentage of felony cases adjudicated within 100 days also increased from 71.0 percent in FY2011 to 78.0 percent in FY2012. The superior court filed a total of 71 felony cases in FY2012, a decrease from the 82 felony cases filed in FY2011.

**Table 36: Felony Case Processing Statistics
Greenlee County Superior Court
FY2007-FY2012**

Cases Included in FY2012 Statistics: Felony Cases Leading to Sentencing Except Out-of-County Judge, Warrant Status, Interstate Compact, and Opened in Error Cases

	FY2007	FY2008	FY2009 ^a	FY2010 ^b	FY2011 ^b	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	No Data Provided	76.0%	72.0%	71.0%	78.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	95.0%	96.0%	87.0%	91.0%
Total Felony Cases Filed	No Data Provided	No Data Provided	91	75	82	71

^a FY2009 cases excluded courtesy supervision, interstate compact, dismissal, pending Rule 11, opened in error, and pending cases.

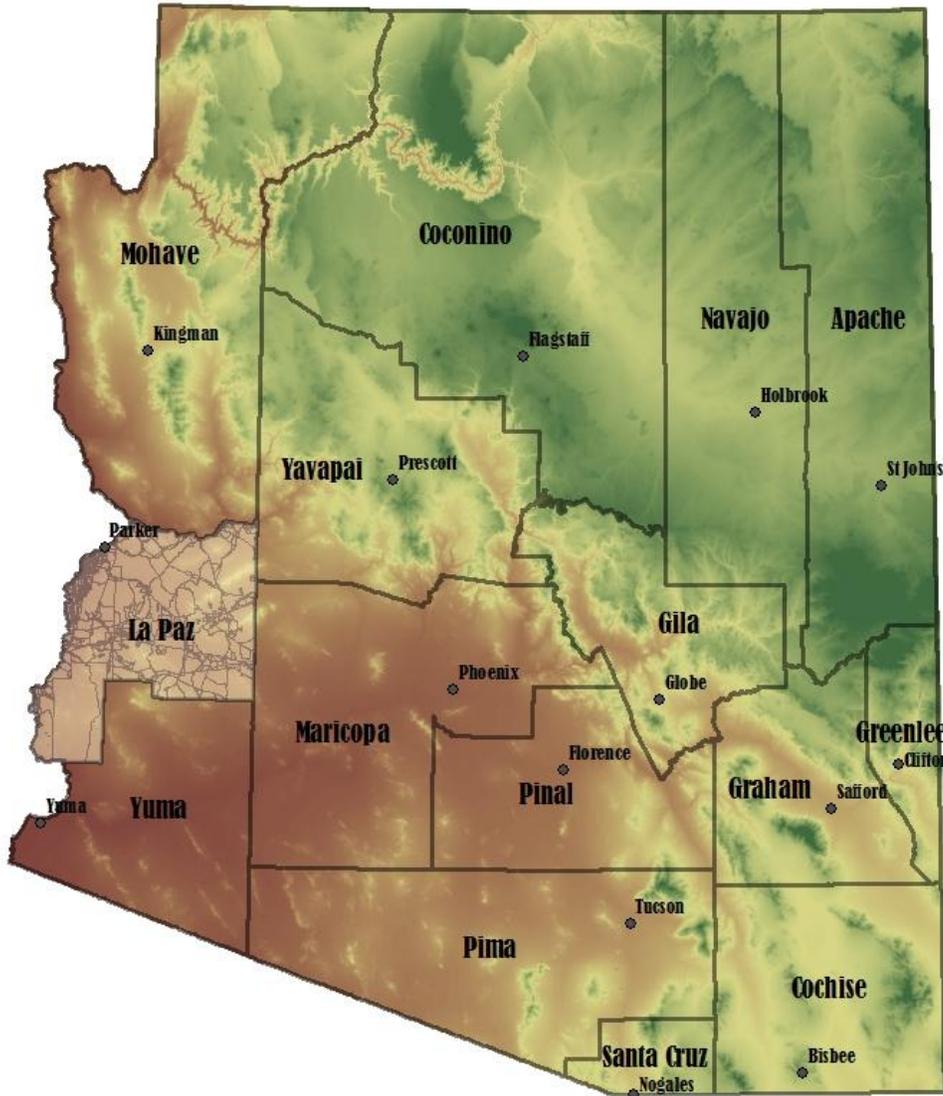
^b Cases in FY2010 and FY2011 included warrant status cases.

**Table 37: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Greenlee County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	122	149	101	136	331
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	30.1%	30.7%	48.2%	37.8%	16.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	73.7%	65.0%	75.2%	75.6%	29.8%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	156	137	141	172	473

La Paz County



2011 U.S. Census Population Estimate:	20,419
Estimated Population Growth 2001-2011:	4.3%
Percent of Arizona Population:	0.3%
County Seat:	Parker

Fill the Gap Funding in La Paz County

In FY2012, the La Paz County Attorney’s Office received a total of \$4,335.00 in Fill the Gap funds. The La Paz County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office increased 1.7 percent from FY2011 to FY2012.

Table 38: La Paz County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
La Paz County Attorney’s Office	\$4,263	\$4,335	1.7%
La Paz County Public Defender’s Office ^a	\$3,067	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 39: La Paz County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
La Paz County Attorney’s Office	\$0.00	\$4,335.00	\$4,335.00
La Paz County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 40: La Paz County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
La Paz County Attorney’s Office	\$7,412	\$7,478	\$7,628	\$8,350	\$9,442	\$9,513	\$10,150	\$7,256	\$4,521	\$4,263	\$4,335
La Paz County Public Defender’s Office	\$7,041	\$7,102	\$7,251	\$7,936	\$8,974	\$9,042	\$9,646	\$6,896	\$2,563	\$3,067	\$0

La Paz County Attorney’s Office

The La Paz County Attorney’s Office did not report any Fill the Gap expenditures during FY2012. The agency received a total of \$4,335 in FY2012 Fill the Gap funds and the agency plans to use these funds for case management software updates in the future to improve case processing and tracking capabilities.

The Superior Court continued to experience complications in collecting case adjudication statistics from its case management system (Table 41). The County Attorney’s Office was able to report a total of 203 felony cases filed in FY2012, a 36 percent decrease from FY2011.

Table 41: Felony Case Processing Statistics La Paz County Attorney's Office FY2007-FY2012						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	55.7%	22.6%	No Data Provided	No Data Provided	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	No Data Provided	No Data Provided
Total Felony Cases Filed	344	337	357	407	318	203

La Paz County Indigent Defense

The La Paz County Public Defender's Office did not receive Fill the Gap funds in FY2012, and the agency carried over a balance of \$150.00 from FY2011. In combination with other funds available, the public defender's office allocated the remaining Fill the Gap funds towards a TimeMatters case management software update. The TimeMatters system provides the agency with an improved and more efficient case management program.

The La Paz County Public Defender's Office was also unable to capture case processing data to calculate the number of days between filing and case adjudication (Table 42). The agency reported a total of 267 felony cases filed in FY2012 while a total of 318 felony cases were filed in FY2011.

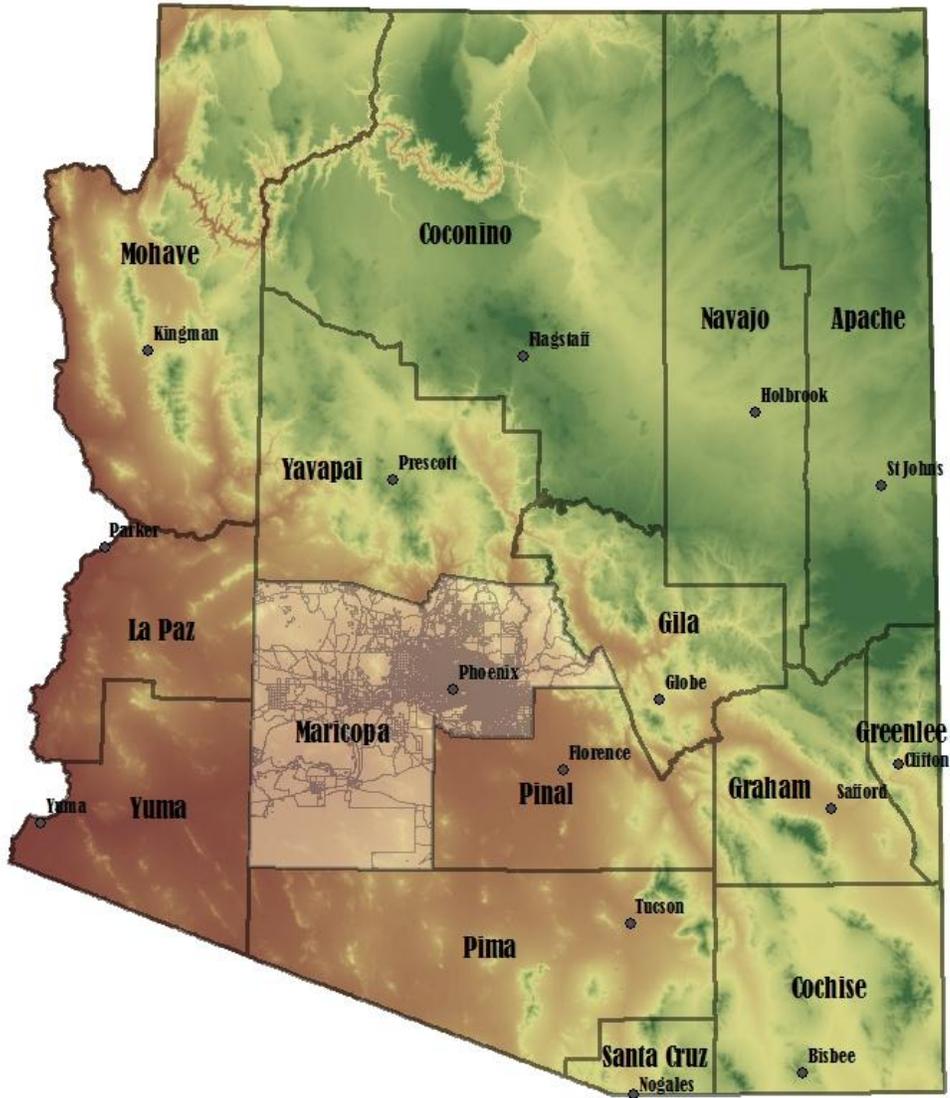
Table 42: Felony Case Processing Statistics La Paz County Public Defender's Office FY2007-FY2012						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	17.3%	22.6%	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	50.8%	42.9%	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	No Data Provided	336	369	No Data Provided	318	267

**Table 43: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
La Paz County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	304	312	242	213	198
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	7.5%	4.2%	12.2%	7.5%	15.4%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	28.0%	22.3%	29.7%	33.4%	46.9%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	615	310	458	467	416

Maricopa County



2011 U.S. Census Population Estimate:	3,880,244
Estimated Population Growth 2001-2011:	22.2%
Percent of Arizona Population:	59.9%
County Seat:	Phoenix

Fill the Gap Funding in Maricopa County

In FY2012, the Maricopa County Attorney’s Office received a total of \$621,285.00 in Fill the Gap funds. The Maricopa County Public Defender’s Office did not receive Fill the Gap funds in FY2012. From FY2011 to FY2012, Fill the Gap funding for the county attorney’s office decreased by 0.2 percent.

Table 44: Maricopa County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Maricopa County Attorney’s Office	\$622,453	\$621,285	-0.2%
Maricopa County Public Defender’s Office ^a	\$447,723	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 45: Maricopa County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Maricopa County Attorney’s Office	\$0.00	\$621,285.00	\$621,285.00
Maricopa County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 46: Maricopa County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Maricopa County Attorney’s Office	\$805,910	\$425,289	\$438,581	\$448,062	\$541,572	\$560,172	\$669,028	\$567,104	\$622,659	\$622,453	\$621,285
Maricopa County Public Defender’s Office	\$765,429	\$403,804	\$416,420	\$425,421	\$514,231	\$531,892	\$635,147	\$538,280	\$352,899	\$447,723	\$0

Maricopa County Attorney’s Office

Maricopa County Attorney’s Office allotted over \$527,000 of Fill the Gap funds in FY2012 for the support of staff positions at the pre-trial bureaus. 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 into the County Attorney Information System (CAIS).

Maricopa County Attorney’s Office reported that 86.3 percent of felony cases disposed in FY2012 were adjudicated within 180 days of the filing date, a decrease from 89.3 percent in FY2011. The percentage of felony cases adjudicated within 100 days also fell from 73.7 percent in FY2011 to 63.6 percent in FY2012. The total number of felony cases filed by the agency also fell from a total of 33,860 in FY2011 to 21,550 in FY2012, a decrease of 36 percent. The total number of felony cases filed by the county attorney’s office has been decreasing since FY2008.

Table 47: Felony Case Processing Statistics Maricopa County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: <i>Felony Cases Disposed in FY2012 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>						
	FY2007^a	FY2008^a	FY2009^a	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	75.0%	72.0%	68.5%	71.9%	73.7%	63.6%
Percent of Felony Cases Adjudicated within 180 Days of Filing	88.0%	87.0%	86.5%	88.0%	89.3%	86.3%
Total Felony Cases Filed	40,286	42,081	40,760	38,862	33,860	21,550

^a Cases in FY2007, FY2008 and FY2009 included conflict and purged cases.

Maricopa County Indigent Defense

During FY2012, the Maricopa County Public Defender's Office did not receive Fill the Gap funds, and the agency reported a state-funded Fill the Gap existing balance of \$0.00. The agency, in conjunction with the courts and prosecution, continued to explore cost-effective alternatives that promote reductions in recidivism. Specialty courts for veterans, the Regional Homeless Court, and the Continuity of Care Court helped to expedite a number of cases through the court process. The agency continued to support initiatives through its collaboration with other stakeholders.

The Maricopa County Public Defender's Office reported that approximately 86 percent of felony cases closed during FY2012 were adjudicated within 180 days of the arraignment date (Table 48). This was a slight increase from FY2011, but the percentage of cases closed within 100 days decreased from 75.5 percent in FY2011 to 74.2 percent in FY2012. A total of 31,036 felony cases were filed during FY2012, a continued decrease in felony cases filed since FY2008.

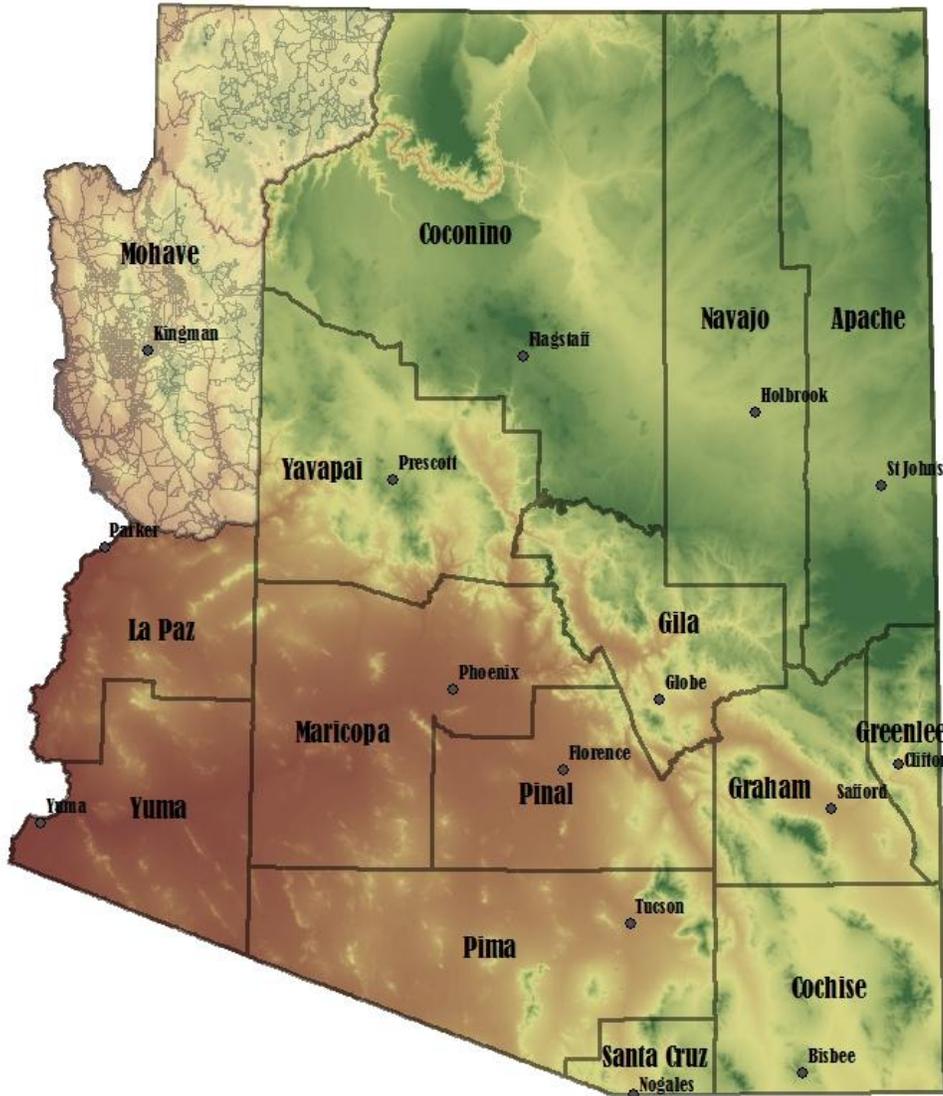
Table 48: Felony Case Processing Statistics Maricopa County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: <i>Felony Cases Closed in FY2012 Except Appeals and Probation Violations</i>						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Closed within 100 Days of Arraignment/Assignment	74.9%	74.3%	71.1%	75.2%	75.5%	74.2%
Percent of Felony Cases Closed within 180 Days of Arraignment/Assignment	87.8%	86.3%	83.5%	86.3%	86.2%	86.3%
Total Felony Cases Filed	37,357	39,513	36,997	33,064	31,270	31,036

**Table 49: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Maricopa County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	150	160	176	175	182
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	29.4%	28.4%	24.4%	26.4%	26.8%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	59.5%	56.9%	51.4%	51.7%	49.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	38,742	45,701	53,146	49,224	48,200

Mohave County



2011 U.S. Census Population Estimate:	202,351
Estimated Population Growth 2001-2011:	26.2%
Percent of Arizona Population:	3.1%
County Seat:	Kingman

Fill the Gap Funding in Mohave County

In FY2012, the Mohave County Attorney’s Office received a total of \$27,510.00 in Fill the Gap funds. The Mohave County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office decreased 4.3 percent from FY2011 to FY2012.

Table 50: Mohave County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Mohave County Attorney’s Office	\$28,737	\$27,510	-4.3%
Mohave County Public Defender’s Office ^a	\$20,671	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 51: Mohave County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Mohave County Attorney’s Office	\$0.00	\$27,510.00	\$27,510.00
Mohave County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 52: Mohave County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Mohave County Attorney’s Office	\$43,518	\$44,103	\$43,424	\$42,493	\$45,185	\$46,149	\$51,717	\$47,197	\$29,556	\$28,737	\$27,510
Mohave County Public Defender’s Office	\$41,332	\$41,883	\$41,278	\$40,395	\$42,950	\$43,865	\$49,147	\$44,853	\$16,752	\$20,671	\$0

Mohave County Attorney’s Office

The Mohave County Attorney’s Office devoted FY2012 Fill the Gap funding to the partial salaries of non-general fund employees also partially supported through other grants. The funded employees at the agency are involved in orders of protection assistance, helping prosecutors with cases through adjudication, notifying victims, and providing prosecutors with necessary restitution information.

In FY2012, the Mohave County Attorney’s Office reported that 83.0 percent of felony cases (including cases involving juvenile defendants) were completed within 180 days of filing, a decrease from 87.0 percent in FY2011 (Table 53). Despite this decrease, the percentage of felony cases adjudicated within 100 days increased from 64.0 percent in FY2011 to 68.0 percent in FY2012. The county attorney’s office also reported that a total of 2,141 felony cases were filed during the fiscal year, which was a one percent decrease from FY2011.

Table 53: Felony Case Processing Statistics Mohave County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: All Felony Adult and Juvenile Cases						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	62.0%	69.0%	68.0%	66.0%	64.0%	68.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	85.0%	90.0%	85.0%	86.0%	87.0%	83.0%
Total Felony Cases Filed	1,850	2,647	2,281	1,991	2,163	2,141

Mohave County Indigent Defense

In FY2012, the Mohave County Public Defender's Office did not receive Fill the Gap funds, but the agency carried over a balance of \$23,603.00 from FY2011. The agency allocated a portion of the existing balance for the following: attendance at two conferences and one seminar; vehicle and aircraft expenses for casework; renewal of memberships in the NLADA, the National Board of Trial Lawyers, the National Defender Investigator Association, and the National Notary Association; renewal of subscriptions for law books; purchase of office supplies; and the use of supporting software for transcription services. As a result of the cuts to Fill the Gap funding, the public defender's office allocated the remaining Fill the Gap funds for only critical expenditures that would help maintain current case processing levels. The agency ended FY2012 with \$20,345.70 in existing Fill the Gap funds.

The public defender's office was unable to obtain the requested case processing statistics from the local and state case management systems for FY2012 (Table 54). The office was able to report that their caseload included 3,852 felony cases that were filed in FY2012.

Table 54: Felony Case Processing Statistics Mohave County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Appointed Counsel in FY2012						
	FY2007	FY2008	FY2009	FY2010^a	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	50.7%	40.0%	No Data Provided	58.0%	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	85.7%	79.0%	No Data Provided	75.0%	No Data Provided	No Data Provided
Total Felony Cases Filed	No Data Provided	824	No Data Provided	2,121	No Data Provided	3,852

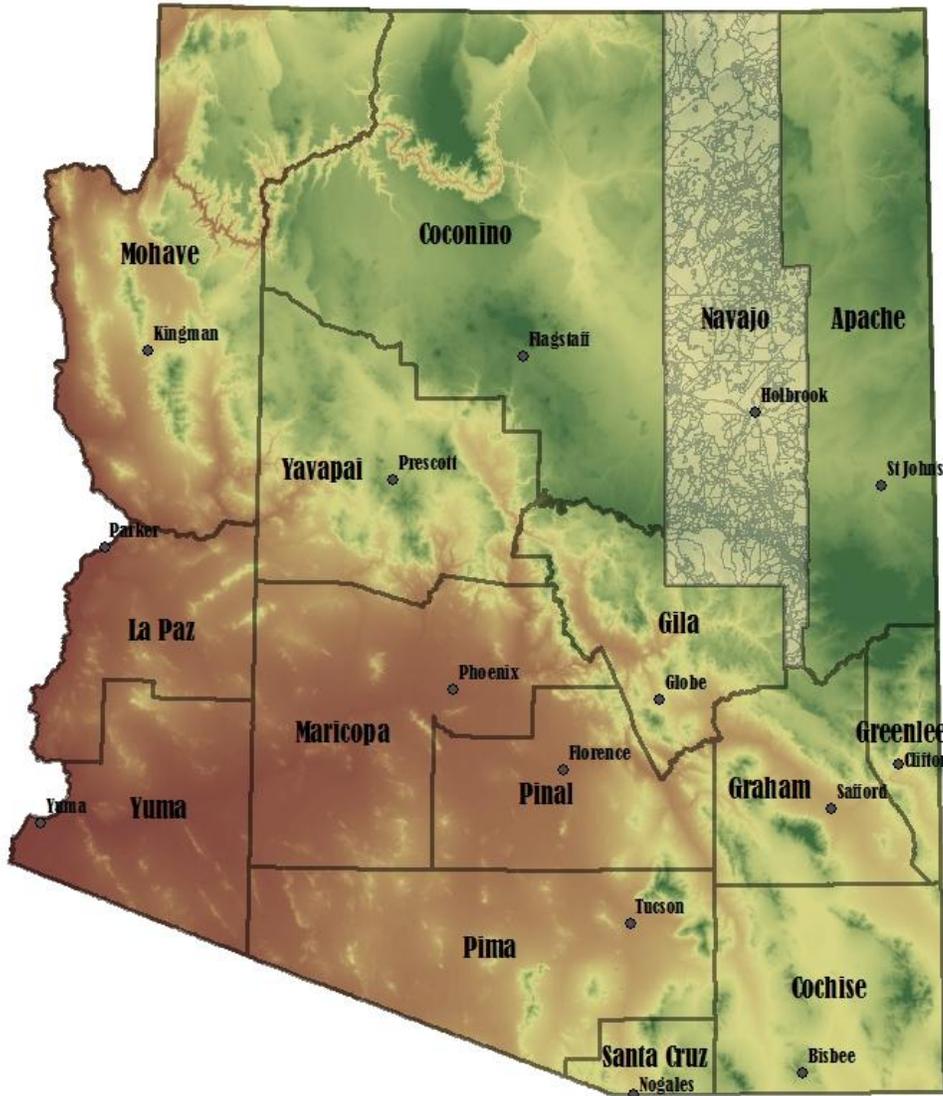
^a The FY2010 data excludes 256 cases assigned to contract counsel for which data is not available.

**Table 55: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Mohave County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	138	171	155	152	160
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	35.7%	24.6%	27.5%	30.2%	30.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	64.9%	54.0%	57.3%	60.1%	59.9%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,904	1,963	1,547	1,883	2,019

Navajo County



2011 U.S. Census Population Estimate:	107,398
Estimated Population Growth 2001-2011:	9.8%
Percent of Arizona Population:	1.7%
County Seat:	Holbrook

Fill the Gap Funding in Navajo County

In FY2012, the Navajo County Attorney’s Office received a total of \$17,246.00 in Fill the Gap funds. The Navajo County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office decreased 5.5 percent from FY2011 to FY2012.

Table 56: Navajo County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Navajo County Attorney’s Office	\$18,256	\$17,246	-5.5%
Navajo County Public Defender’s Office ^a	\$13,131	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 57: Navajo County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Navajo County Attorney’s Office	\$0.00	\$17,246.00	\$17,246.00
Navajo County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 58: Navajo County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Navajo County Attorney’s Office	\$26,231	\$27,377	\$27,407	\$25,888	\$28,828	\$28,338	\$31,553	\$29,384	\$18,371	\$18,256	\$17,246
Navajo County Public Defender’s Office	\$24,913	\$25,999	\$26,052	\$24,607	\$27,402	\$26,936	\$29,985	\$27,925	\$10,413	\$13,131	\$0

Navajo County Attorney’s Office

The Navajo County Attorney’s Office allotted Fill the Gap funds in FY2012 toward a law clerk position, and to purchase external hard drives, three webcam-enabled monitors, contractual services for software support and maintenance, and Microsoft Enterprise software. The agency reported that the law clerk provided research services to attorneys, the hard drives supplied electronic storage for scanned old case files, and the monitors equipped the attorneys with video conferencing capability to limit travel. The County Attorney’s Office also continued to dedicate funding to licenses for Microsoft Enterprise.

The county attorney’s office reported that 9.9 percent of FY2012 felony cases were adjudicated within 180 days of filing, which was a small increase from FY2011 (Table 59). Felony cases adjudicated within 100 days also increased slightly from FY2011 levels to 6.2 percent in FY2012. A total of 1,295 felony cases were filed by the Navajo County Attorney’s Office in FY2012, a small increase in the total number of felony cases filed by the agency in FY2011.

Table 59: Felony Case Processing Statistics Navajo County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Filed in FY2012						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	66.0%	88.0%	9.0%	8.0%	6.0%	6.2%
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.0%	92.0%	16.0%	11.0%	9.0%	9.9%
Total Felony Cases Filed	1,006	1,798	1,635	1,258	1,266	1,295

^a The FY2007 and FY2008 data excluded appeals, warrant cases, and violations.

Navajo County Indigent Defense

During FY2012, the Navajo County Legal Defender's Office did not receive Fill the Gap funds, but the department carried over a balance of \$8,881.03 from FY2011. The department used a portion of the existing funds for support of Microsoft Enterprise and the services of a psychologist for client evaluations. The Navajo County Public Defender's Office also did not receive FY2012 funding, and the department carried over a balance of \$5,838.93 in Fill the Gap funds from FY2011. The public defender's office used available funds for signature stamps, an office laptop, copies of case records, travel expenses, trial transcripts, and an expert review of records. The public defender's office used the computer for greater work mobility between office locations, and the office used the stamp for expedition of expert witness fees. The legal defender's office and the public defender's office ended FY2012 with remaining Fill the Gap balances of \$6,781.00 and \$1,156.32, respectively.

The public defender's office reported that 88 percent of felony cases adjudicated in FY2012 were completed within 180 days of filing, or appointment date (Table 60). This was a decrease from FY2011 and the percentage of felony cases adjudicated within 100 days also decreased from FY2011 to FY2012. The agency reported a total of 1,359 felony cases filed in FY2012 on their caseloads, an increase of 65 percent from FY2011. The Legal Defender's Office reported 81.0 percent of felony cases filed adjudicated within 180 days during FY2012 (Table 61). The agency also reported that 67.0 percent of felony cases were adjudicated within 100 days in FY2012. The legal defender's office reported 490 felony cases filed in FY2012 on their caseloads.

Table 60: Felony Case Processing Statistics Navajo County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases with an Appointed Public Defender during FY2012						
	FY2007	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	33.0%	53.0%	75.0%	87.0%	62.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	50.0%	100.0%	91.0%	95.0%	88.0%
Total Felony Cases Filed	No Data Provided	522	538	1,254	823	1,359

^a The FY2008 data excluded probation violations, Rule 32 petitions, appeals, extraditions, juvenile cases, mental health cases, and cases from the drug court.

**Table 61: Felony Case Processing Statistics
Navajo County Legal Defender's Office
FY2007-FY2012**

Cases Included in FY2012 Statistics: *Felony Cases with an Appointed Legal Defender during FY2012 and Petition to Revoke Probation Cases*

	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012^a
Percent of Felony Cases Adjudicated within 100 Days of Filing	77.0%	71.0%	No Data Provided	65.0%	64.0%	67.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	90.0%	88.0%	No Data Provided	82.0%	79.0%	81.0%
Total Felony Cases Filed	661	494	No Data Provided	399	335	490

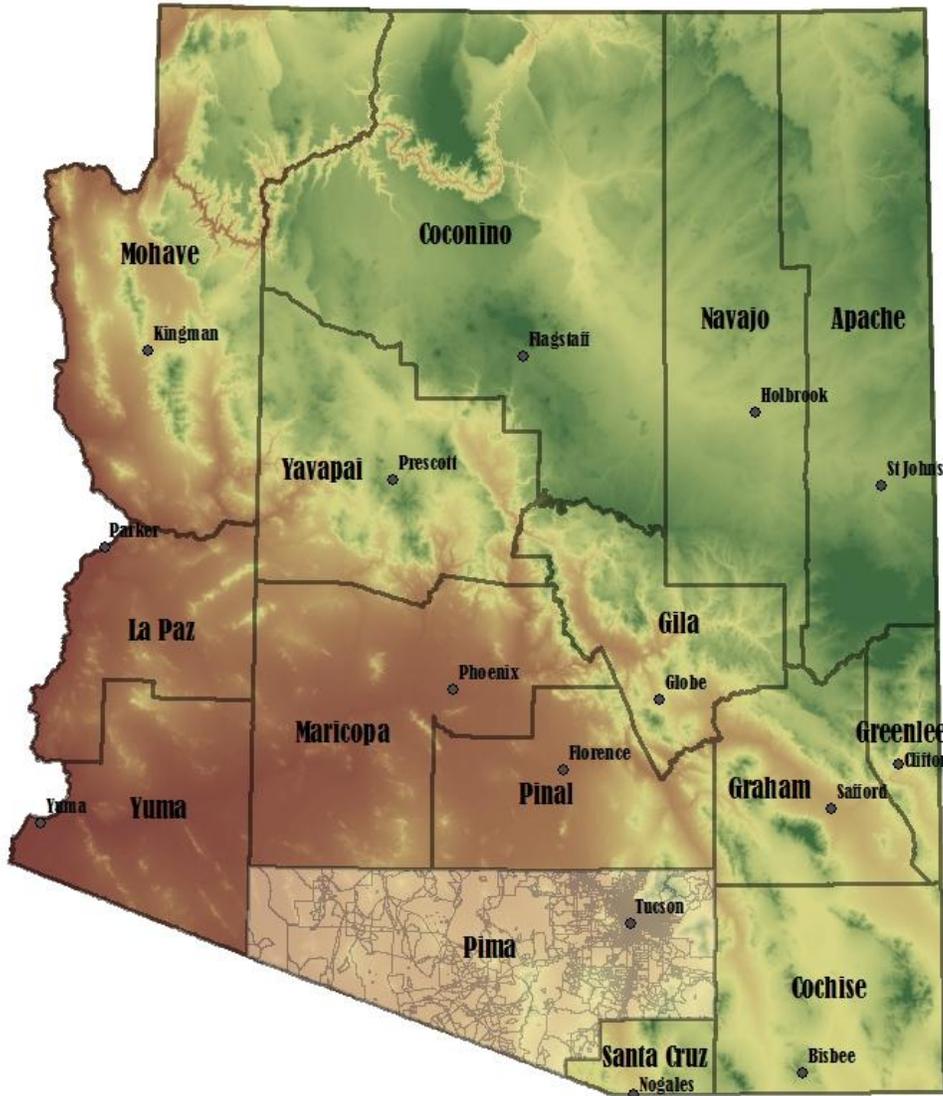
^a The inclusion of petition to revoke probation cases took place in FY2012.

**Table 62: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Navajo County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.*

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	297	260	217	239	252
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	14.3%	14.6%	17.3%	15.8%	17.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	32.5%	34.3%	42.3%	38.8%	37.8%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,815	1,413	1,406	1,144	797

Pima County



2011 U.S. Census Population Estimate:	989,569
Estimated Population Growth 2001-2011:	15.2%
Percent of Arizona Population:	15.3%
County Seat:	Tucson

Fill the Gap Funding in Pima County

In FY2012, the Pima County Attorney’s Office received a total of \$122,912.00 in Fill the Gap funds. The Pima County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office increased 0.1 percent from FY2011 to FY2012.

Table 63: Pima County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Pima County Attorney’s Office	\$122,825	\$122,912	0.1%
Pima County Public Defender’s Office ^a	\$88,346	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 64: Pima County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Pima County Attorney’s Office	\$0.00	\$122,912.00	\$122,912.00
Pima County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 65: Pima County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Pima County Attorney’s Office	\$188,127	\$99,271	\$99,376	\$90,432	\$106,073	\$110,401	\$133,092	\$110,260	\$121,061	\$122,825	\$122,912
Pima County Public Defender’s Office	\$178,677	\$94,256	\$94,355	\$85,862	\$100,718	\$104,827	\$126,352	\$104,656	\$68,613	\$88,346	\$0

Pima County Attorney’s Office

During FY2012, the Pima County Attorney’s Office used Fill the Gap funds to partially support the salaries of two prosecutors, two paralegals, one legal secretary, and one legal processing support position. Additional Fill the Gap funds were allocated for attorney bar dues. Staff supported by Fill the Gap funds managed caseloads by assessing which cases should move to trial and disposing of the non-trial cases. Legal assistants worked at preparing both non-trial and trial cases for the prosecutors. The agency identified high prosecutor turnover, increasing caseloads, and other criminal justice issues as challenges to improved case processing.

Pima County Attorney’s Office reported that 64.0 percent of felony cases were adjudicated within 180 days of filing, or arraignment date, in FY2012 (Table 66). This was a decrease from 72.0 percent of felony cases adjudicated within 180 days in FY2011. Alternately, the percentage of felony cases adjudicated within 100 days was reported to have increased from 37.0 percent in FY2011 to 45.0 percent in FY2012. The agency also reported that 5,114 felony cases were filed during FY2012, an increase of 16 percent from FY2011.

Table 66: Felony Case Processing Statistics Pima County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Adjudicated						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	43.0%	42.0%	45.0%	41.0%	37.0%	45.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75.0%	75.0%	76.0%	74.0%	72.0%	64.0%
Total Felony Cases Filed	5,595	5,765	5,993	5,312	4,401	5,114

^a FY2007 and FY2008 cases excluded some Rule 8 and Rule 11 cases.

Pima County Indigent Defense

The Pima County Public Defender's Office did not receive any FY2012 Fill the Gap funds, and the agency reported a \$0.00 Fill the Gap fund balance at the beginning of the fiscal year. The public defender's office used all of the previous years' funds to implement its JustWare case management system. The agency reported that if Fill the Gap funds were restored, the office would be able to update the software, create new management reports, and provide tablets to attorneys for the office's mobile applications.

In FY2012, the public defender's office reported that 40.0 percent of felony case filings were adjudicated within 180 days of the filing date, which is a significant decrease from the 72.0 percent of cases reported in FY2011 (Table 67). The percentage adjudicated within 100 days also fell from 37.0 percent in FY2011 to 29.0 percent in FY2012. The agency reported a total of 4,944 felony cases filed during the fiscal year, a three percent increase from the total number of felony cases filed in FY2011.

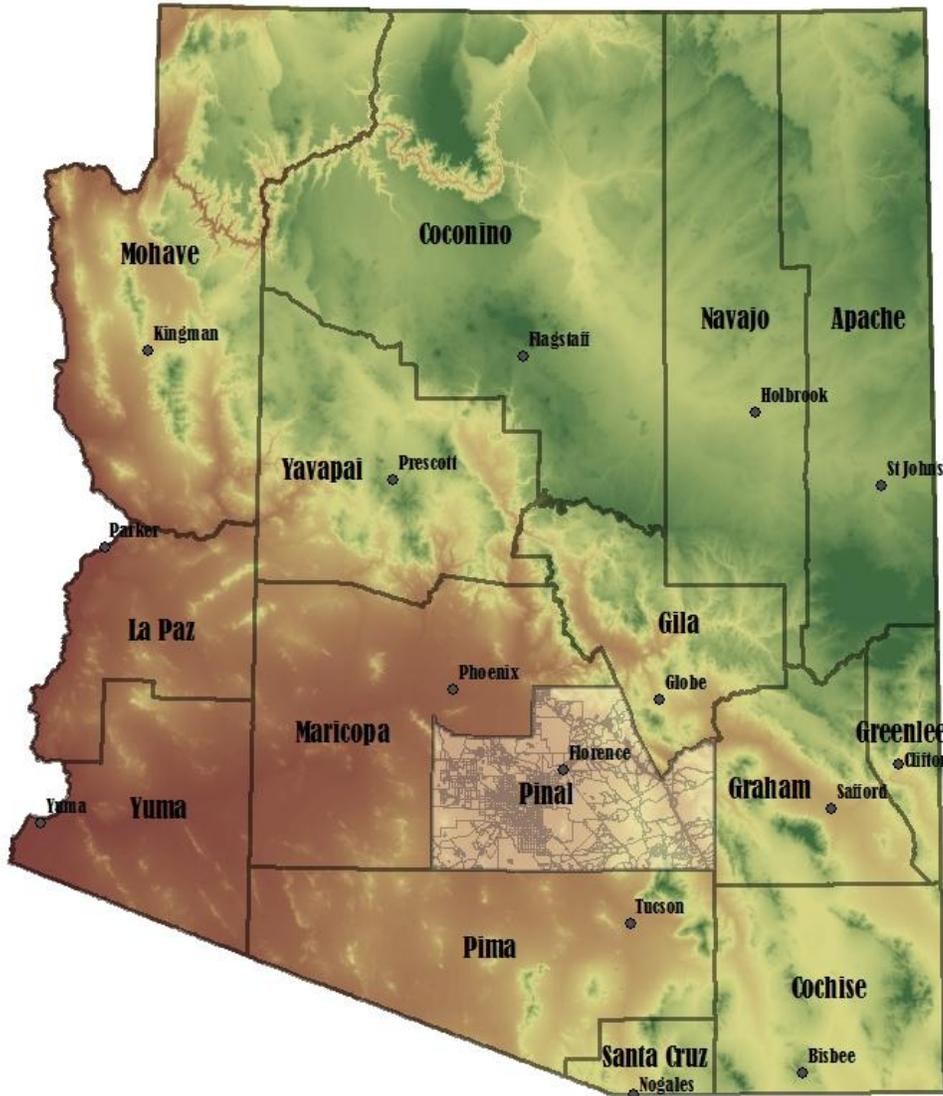
Table 67: Felony Case Processing Statistics Pima County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: All Felony Cases Adjudicated						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	43.0%	42.0%	45.0%	41.0%	37.0%	29.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75.0%	76.0%	76.0%	74.0%	72.0%	40.0%
Total Felony Cases Filed	5,318	5,634	5,993	5,312	4,783	4,944

**Table 68: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Pima County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	167	170	167	168	179
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	20.4%	19.6%	19.1%	17.2%	14.1%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	53.4%	53.1%	53.7%	53.2%	50.3%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	12,056	11,044	10,365	10,932	11,262

Pinal County



2011 U.S. Census Population Estimate:	382,992
Estimated Population Growth 2001-2011:	104.0%
Percent of Arizona Population:	5.9%
County Seat:	Florence

Fill the Gap Funding in Pinal County

In FY2012, the Pinal County Attorney’s Office received a total of \$46,982.00 in Fill the Gap funds. The Pinal County Public Defender’s Office did not receive Fill the Gap funds in FY2012. From FY2011 to FY2012, Fill the Gap funding for the county attorney’s office increased by 15.5 percent.

Table 69: Pinal County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Pinal County Attorney’s Office	\$40,692	\$46,982	15.5%
Pinal County Public Defender’s Office ^a	\$29,269	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 70: Pinal County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Pinal County Attorney’s Office	\$0.00	\$46,982.00	\$46,982.00
Pinal County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 71: Pinal County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Pinal County Attorney’s Office	\$44,647	\$44,679	\$44,744	\$46,850	\$51,926	\$57,175	\$69,562	\$64,769	\$40,668	\$40,692	\$46,982
Pinal County Public Defender’s Office	\$42,404	\$42,431	\$42,535	\$44,537	\$49,357	\$54,346	\$66,105	\$61,552	\$23,050	\$29,269	\$0

Pinal County Attorney’s Office

The Pinal County Attorney’s Office spent FY2012 Fill the Gap funds on the salary of one legal secretary position. The legal secretary position continued to provide assistance with the processing of high profile and expedited cases. The county attorney’s office expressed the high priority of maintaining this position for timely case processing.

The Pinal County Attorney’s Office reported that 70.0 percent of FY2012 felony cases were adjudicated within 180 days of the filing date, which was a small increase from FY2011 (Table 72). The percentage of felony cases adjudicated within 100 days of filing also increased from FY2011 to 54.0 percent in FY2012. A total of 2,473 felony cases were filed during the fiscal year. The total number of felony cases filed by the county attorney’s office in FY2012 increased by four cases from FY2011.

Table 72: Felony Case Processing Statistics Pinal County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Adjudicated in FY2012						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	17.0%	20.0%	18.0%	36.0%	52.0%	54.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	53.0%	55.0%	31.0%	57.0%	68.0%	70.0%
Total Felony Cases Filed	1,965	2,272	1,606	1,915	2,469	2,473

Pinal County Indigent Defense

During FY2012, the Pinal County Public Defender's Office did not receive Fill the Gap funds and the agency reported a \$0.00 fund balance and no expenditures made during FY2012.

The public defender's office reported a small decrease in the percentage of felony cases that were adjudicated within 180 days of filing, or appointment, from 86.0 percent in FY2011 to 84.4 percent in FY2012 (Table 73). Alternately, the agency reported an increase in the percentage of cases adjudicated within 100 days from 69.2 percent to 75.4 percent over the same period. The public defender's office also reported that 2,768 felony cases were filed at the agency in FY2012, a 21.2 percent decrease from FY2011.

Table 73: Felony Case Processing Statistics Pinal County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: All Felony Adult Cases with an Appointed Public Defender Including Early Dismissals, Referrals for Misdemeanor Prosecution, and Turn Down Cases						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	40.3%	34.0%	68.0%	69.2%	75.4%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	58.1%	69.0%	86.0%	86.0%	84.4%
Total Felony Cases Filed	3,230	2,316	1,990	2,426	3,511	2,768

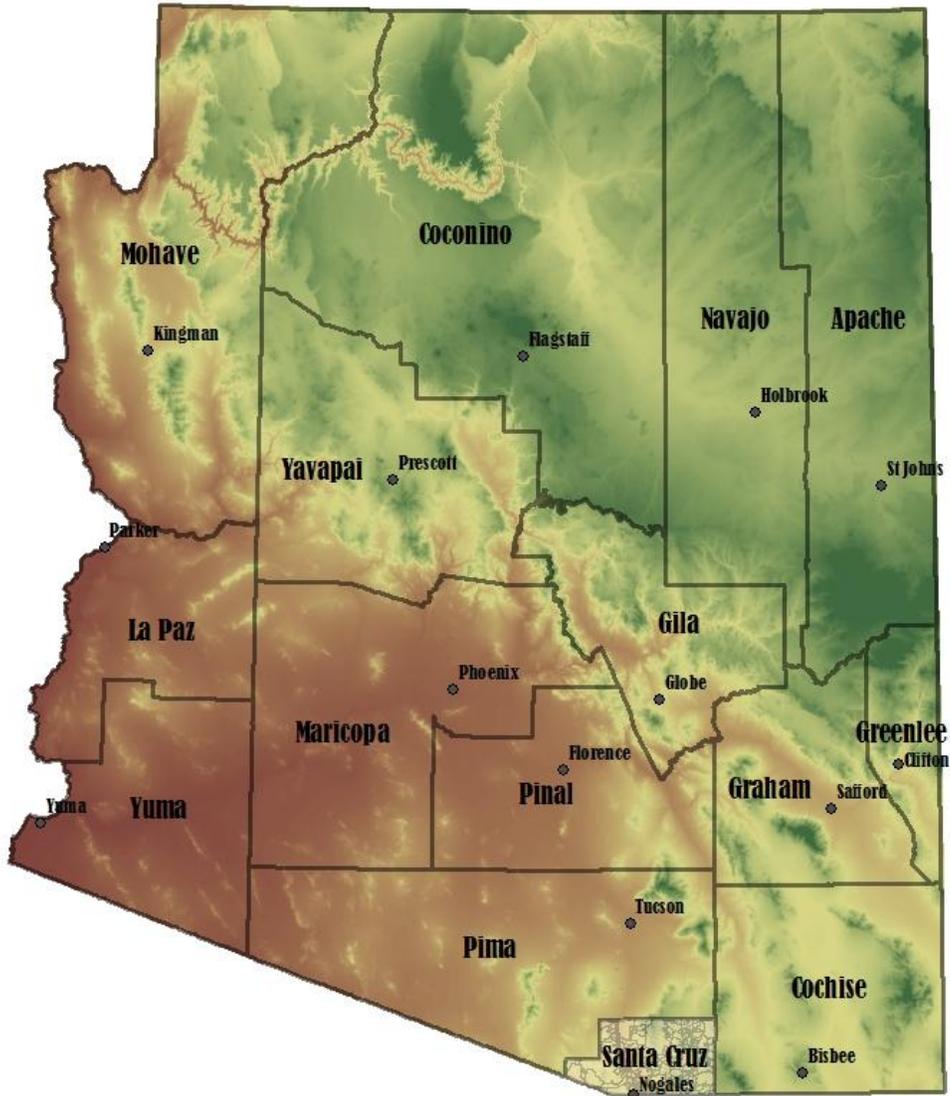
^a FY2007 and FY2008 cases excluded appeals, mental health cases, diversion cases, probation violations, and extraditions.

**Table 74: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Pinal County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	204	209	208	164	186
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	10.6%	13.4%	14.2%	17.5%	19.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	42.6%	39.6%	43.3%	55.2%	47.1%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,399	2,198	2,167	2,658	2,644

Santa Cruz County



2011 U.S. Census Population Estimate:	47,676
Estimated Population Growth 2001-2011:	21.4%
Percent of Arizona Population:	0.7%
County Seat:	Nogales

Fill the Gap Funding in Santa Cruz County

In FY2012, the Santa Cruz County Attorney’s Office received a total of \$5,887.00 in Fill the Gap funds. The Santa Cruz County Superior Court did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office decreased 0.6 percent from FY2011 to FY2012.

Table 75: Santa Cruz County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Santa Cruz County Attorney’s Office	\$5,853	\$5,887	0.6%
Santa Cruz County Superior Court ^a	\$4,210	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 76: Santa Cruz County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Santa Cruz County Attorney’s Office	\$0.00	\$5,887.00	\$5,887.00
Santa Cruz County Superior Court	\$0.00	\$0.00	\$0.00

Table 77: Santa Cruz County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Santa Cruz County Attorney’s Office	\$8,483	\$8,799	\$8,705	\$8,885	\$9,438	\$9,801	\$10,722	\$9,677	\$6,071	\$5,853	\$5,887
Santa Cruz County Superior Court	\$8,057	\$8,356	\$8,274	\$8,447	\$8,971	\$9,317	\$10,189	\$9,197	\$3,442	\$4,210	\$0

Santa Cruz County Attorney’s Office

In FY2012, the Santa Cruz County Attorney’s Office spent a portion of available Fill the Gap funds to support two temporary office assistant positions. These positions assisted the agency with case processing from filing through the entire justice system process. The temporary positions enabled permanent staff to focus on preparing documents for criminal cases. Future Fill the Gap funds will continue to support positions such as these temporary office assistant positions. The agency reported a current Fill the Gap fund balance of \$9,366.79.

The County Attorney’s Office currently does not have the case tracking capabilities to provide the case processing data requested (Table 78). Prior Fill the Gap reports note the agency’s intention to transition to a new case management system in the future.

Table 78: Felony Case Processing Statistics Santa Cruz County Attorney's Office FY2007-FY2012						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided					
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided					
Total Felony Cases Filed	No Data Provided					

Santa Cruz County Indigent Defense

The Santa Cruz County Superior Court did not receive any FY2012 Fill the Gap funds, and the agency reported a \$6,714.23 Fill the Gap fund balance at the beginning of the fiscal year. Despite the availability of funds, the superior court did not spend existing Fill the Gap funds because the fund balance was not sufficient to support a project. The court's final FY2012 Fill the Gap balance was \$6,983.19.

The Superior Court reported that 39.0 percent of FY2012 felony case filings were completed within 180 days of filing, representing a two percent increase from FY2011 (Table 79). The percentage adjudicated within 100 days also increased from 21.0 percent in FY2011 to 23.0 percent in FY2012. The agency reported that a total of 217 felony cases on their caseload were filed at the superior court during the fiscal year. The total number of felony cases filed increased by nine percent from FY2011.

Table 79: Felony Case Processing Statistics Santa Cruz County Superior Court FY2007-FY2012						
<i>Cases Included in FY2012 Statistics: All Felony Cases</i>						
	FY2007	FY2008	FY2009^a	FY2010^a	FY2011^a	FY2012^a
Percent of Felony Cases Adjudicated within 100 Days of Filing	38.1%	38.0%	No Data Provided	24.0%	21.0%	23.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.3%	69.6%	No Data Provided	42.0%	37.0%	39.0%
Total Felony Cases Filed	339	297	311	309	199	217

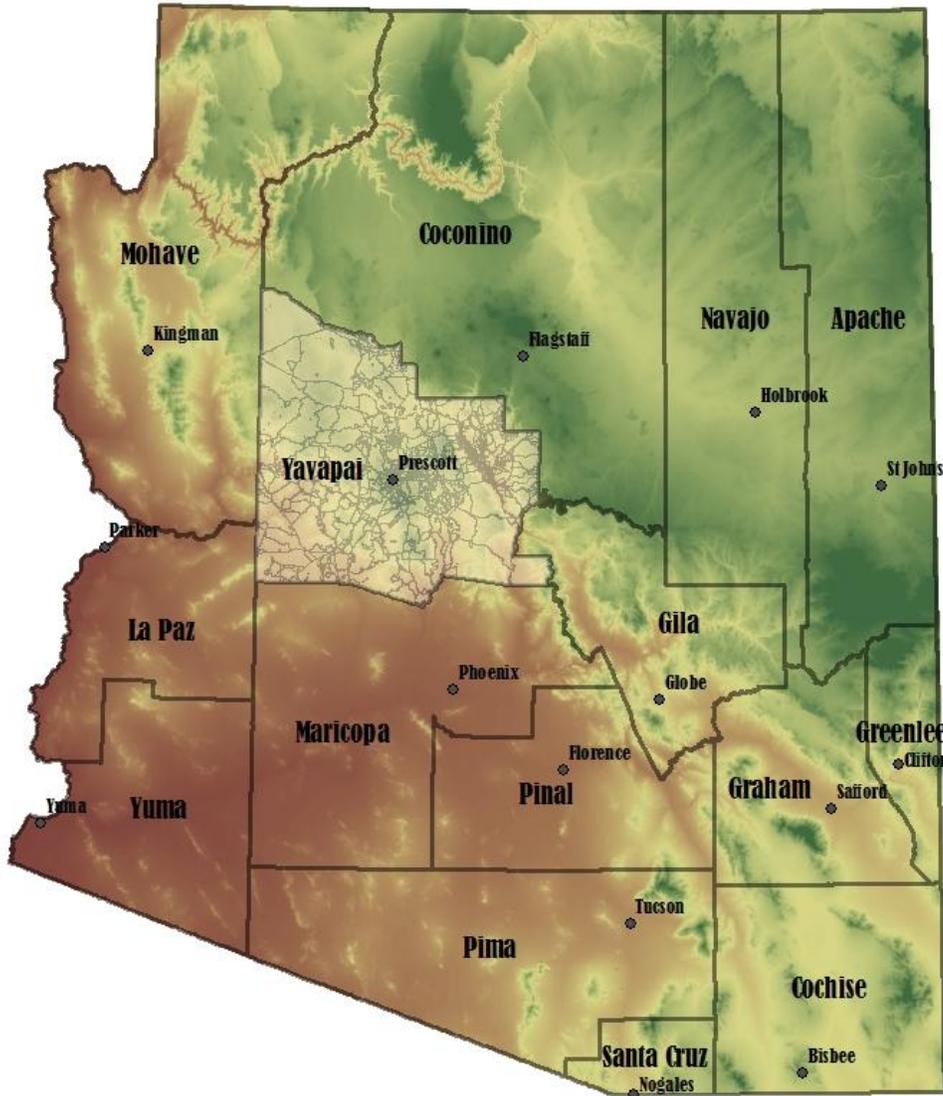
^a Felony cases include all cases filed at the superior court whether indigent defense counsel has been assigned or not.

**Table 80: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Santa Cruz County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	302	186	166	174	244
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	14.7%	26.2%	26.9%	22.8%	21.2%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	33.2%	48.9%	54.1%	50.7%	37.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,068	794	651	769	486

Yavapai County



2011 U.S. Census Population Estimate:	211,888
Estimated Population Growth 2001-2011:	22.7%
Percent of Arizona Population:	3.3%
County Seat:	Prescott

Fill the Gap Funding in Yavapai County

In FY2012, the Yavapai County Attorney’s Office received a total of \$37,419.00 in Fill the Gap funds. The Yavapai County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office decreased 7.0 percent from FY2011 to FY2012.

Table 81: Yavapai County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Yavapai County Attorney’s Office	\$40,255	\$37,419	-7.0%
Yavapai County Public Defender’s Office ^a	\$28,955	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 82: Yavapai County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Yavapai County Attorney’s Office	\$0.00	\$37,419.00	\$37,419.00
Yavapai County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 83: Yavapai County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Yavapai County Attorney’s Office	\$44,641	\$46,245	\$48,078	\$51,322	\$58,499	\$60,766	\$68,851	\$65,431	\$40,842	\$40,255	\$37,419
Yavapai County Public Defender’s Office	\$42,398	\$43,919	\$45,705	\$48,787	\$55,605	\$57,759	\$65,429	\$62,179	\$23,148	\$28,955	\$0

Yavapai County Attorney’s Office

During FY2012, the Yavapai County Attorney’s Office used Fill the Gap funds for staff salary. Fill the Gap funds continued to support their involvement in the Early Disposition Court, which is 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. Any FY2012 Fill the Gap funds are planned to be spent on staff salary in FY2013.

The Yavapai County Court Administration Office was again unable to provide case processing statistics as a result of the new case management system implemented in September 2009. The County Attorney’s Office reported that 1,980 felony cases were filed during FY2012. The total number of cases in FY2012 increased by nearly eight percent from the total reported in FY2011.

Table 84: Felony Case Processing Statistics Yavapai County Attorney's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Filed during FY2012						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	No Data Provided	69.0%	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	84.0%	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	3,162	2,914	2,453	2,105	1,837	1,980

^a FY2007 and FY2008 cases excluded appeals and technical violations.

Yavapai County Indigent Defense

In FY2012, the Yavapai County Public Defender's Office did not receive Fill the Gap funds, but the agency did report an existing Fill the Gap balance of \$220,862.44 carried over from FY2011. The agency used available funds to support a temporary attorney position and a partial records clerk position. The public defender's office limited the use of available funds in order to assure funding availability in future fiscal years, and the lack of funds in FY2012 had an effect on the trial attorney presence. The office expressed that greater case processing improvements would have been realized had the agency received Fill the Gap funds in FY2012. The agency's Fill the Gap ending balance was \$257,636.53.

The Yavapai County Public Defender's Office reported that approximately 81 percent of all FY2012 felony case filings were adjudicated within 180 days of filing (Table 85). This was an increase from 76.7 percent reported in FY2011. In FY2012, 65.0 percent of felony cases were adjudicated within 100 days. The total number of felony case filings increased from 2,245 cases in FY2011 to 2,321 cases in FY2012. The agency reported that the FY2012 number of cases includes contract cases; however, the percentages of cases adjudicated do not take contract cases into account.

Table 85: Felony Case Processing Statistics Yavapai County Public Defender's Office FY2007-FY2012						
Cases Included in FY2012 Statistics: Felony Cases Excluding Capital Murder, Bench Warrant, Rule 11, and Probation Violation Cases						
	FY2007^a	FY2008^a	FY2009^b	FY2010^c	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	72.0%	68.0%	69.0%	64.1%	61.7%	65.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87.0%	85.0%	84.0%	79.9%	76.7%	81.3%
Total Felony Cases Filed	2,868	2,647	2,686	2,510	2,245	2,321

^a FY2007 and FY2008 cases excluded appeals, warrants, and probation violations.

^b FY2009 cases included all felony cases.

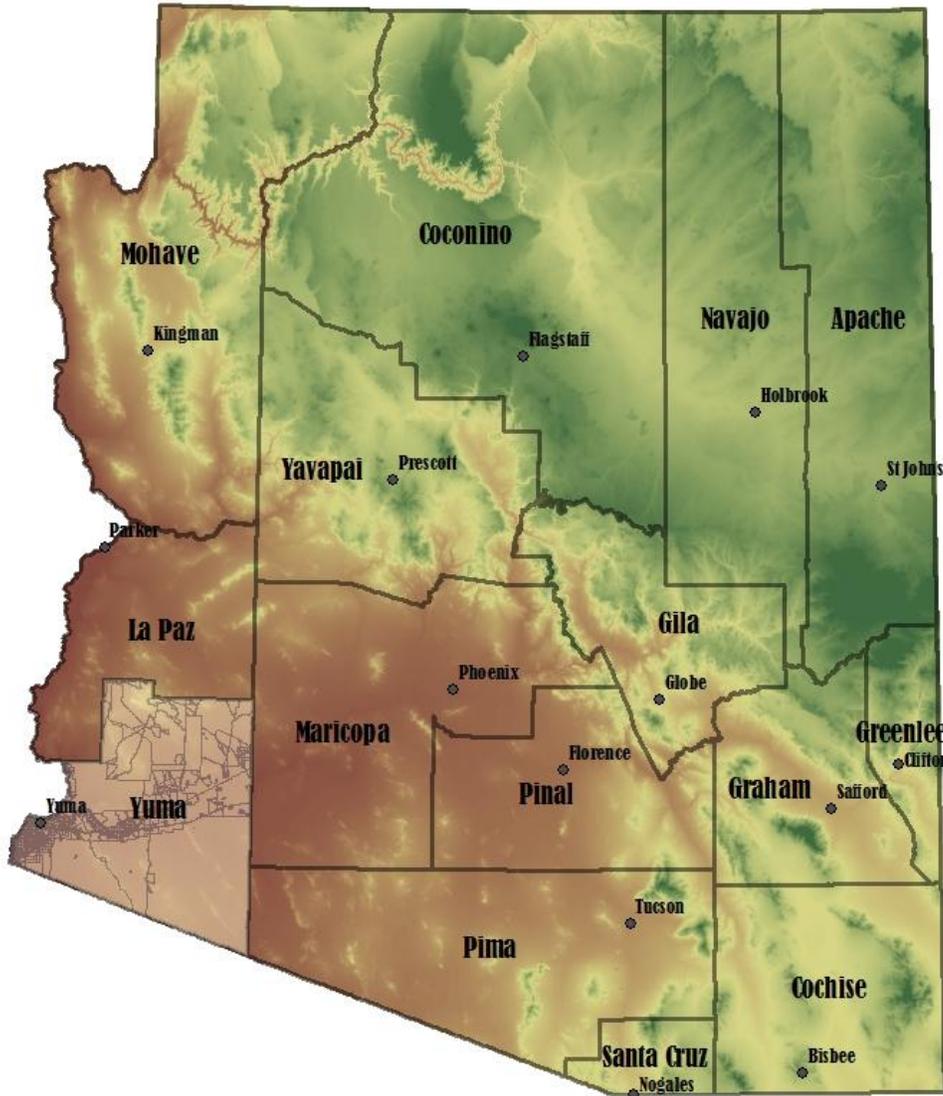
^c Data were provided by the Yavapai County Public Defender's Office in FY2010. Data from prior fiscal years were submitted by the Administrative Office of the Courts.

**Table 86: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Yavapai County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	131	134	107	124	123
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	41.4%	40.3%	46.8%	43.5%	43.1%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	64.3%	63.0%	67.8%	63.2%	66.6%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	3,612	4,646	5,197	3,775	3,471

Yuma County



2011 U.S. Census Population Estimate:	200,870
Estimated Population Growth 2001-2011:	23.3%
Percent of Arizona Population:	3.1%
County Seat:	Yuma

Fill the Gap Funding in Yuma County

In FY2012, the Yuma County Attorney’s Office received a total of \$29,086.00 in Fill the Gap funds. The Yuma County Public Defender’s Office did not receive Fill the Gap funds in FY2012. Fill the Gap funding for the county attorney’s office increased 0.7 percent from FY2011 to FY2012.

Table 87: Yuma County Fill the Gap Funding FY2011 – FY2012			
	FY2011	FY2012	Difference
Yuma County Attorney’s Office	\$28,885	\$29,086	0.7%
Yuma County Public Defender’s Office ^a	\$20,777	\$0	-100.0%

^a Fill the Gap funding was not allocated for indigent defense services in FY2012.

Table 88: Yuma County Funding Breakdown FY2012			
	FY2012 General Fund	FY2012 Fine Revenue	FY2012 Total Allocated
Yuma County Attorney’s Office	\$0.00	\$29,086.00	\$29,086.00
Yuma County Public Defender’s Office	\$0.00	\$0.00	\$0.00

Table 89: Yuma County Fill the Gap Funding FY2002 – FY2012											
	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Yuma County Attorney’s Office	\$43,498	\$43,766	\$42,763	\$41,230	\$45,617	\$45,974	\$50,715	\$44,997	\$28,194	\$28,885	\$29,086
Yuma County Public Defender’s Office	\$41,313	\$41,564	\$40,649	\$39,191	\$43,360	\$43,699	\$48,195	\$42,761	\$15,980	\$20,777	\$0

Yuma County Attorney’s Office

In FY2012, the Yuma County Attorney’s Office directed Fill the Gap funds toward the salary of an investigator position. The additional staff position helped the office maintain its case disclosure requirements and timely case processing.

The County Attorney’s Office reported that 67.0 percent of felony cases were adjudicated within 180 days of filing in FY2012, which was a small decrease from FY2011 (Table 90). The percentage of felony cases adjudicated within 100 days also decreased to 26.0 percent in FY2012. A total of 1,355 felony cases were filed during FY2012. This total is a 20 percent decrease from the number of felony cases filed by the county attorney’s office in FY2011.

Table 90: Felony Case Processing Statistics Yuma County Attorney's Office FY2007-FY2012						
<i>Cases Included in FY2012 Statistics: Felony Cases Filed in FY2012 Except Probation Violations, Juvenile Cases, and Extraditions</i>						
	FY2007^a	FY2008^a	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	50.0%	39.0%	29.0%	30.0%	27.0%	26.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	80.0%	76.0%	72.0%	68.0%	70.0%	67.0%
Total Felony Cases Filed	1,827	1,815	1,838	1,701	1,691	1,355

^a FY2007 and FY2008 cases excluded appeals, warrants, extraditions, juvenile cases, and probation violations.

Yuma County Indigent Defense

During FY2012, the Yuma County Public Defender's Office did not receive Fill the Gap funds, and the agency reported an existing Fill the Gap balance of \$0.00.

The public defender's office reported that 65.0 percent of felony case filings were adjudicated within 180 days of filing in FY2012 (Table 91). This represented a 4 percent decrease from FY2011. The percentage of felony cases adjudicated within 100 days also decreased to 28.0 percent in FY2012. The agency reported a total of 958 felony cases filed during FY2012, which is a five percent increase from the number of felony cases filed in FY2011.

Table 91: Felony Case Processing Statistics Yuma County Public Defender's Office FY2007-FY2012						
<i>Cases Included in FY2012 Statistics: All Felony Cases</i>						
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Percent of Felony Cases Adjudicated within 100 Days of Filing	59.0%	51.0%	26.0%	38.0%	29.0%	28.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87.0%	72.0%	55.0%	73.0%	69.0%	65.0%
Total Felony Cases Filed	500	693	971	940	908	958

**Table 92: Felony Case Processing Statistics
Arizona Computerized Criminal History (ACCH) System
Yuma County
FY2007-2011**

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, court dismissals, and findings of no responsibility by reason of insanity.

	FY2007	FY2008	FY2009	FY2010	FY2011
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	143	148	172	183	180
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	28.6%	22.7%	16.4%	14.3%	13.0%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	63.3%	61.9%	53.2%	49.0%	50.2%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,312	2,569	2,564	3,076	2,985

CONCLUSION AND RECOMMENDATIONS

Funding for the FY2012 Fill the Gap Program remained the same from FY2011 for the county attorney recipients and the allocation of funding to indigent defense agencies was swept in FY2012. Additionally, fiscal year 2012 was the third consecutive year when both the general fund allotment was eliminated and a portion of fine revenue was swept or redirected. Compared to FY2011 funds, fine revenues remained the same for the county attorney's fund in FY2012, but \$700,300 in fine revenue was redirected from the indigent defense fund through fund sweeps in FY2012. Arizona's 15 county attorneys' offices experienced a change in funding levels from FY2011 ranging from a decrease of seven percent in Yavapai County to an increase of 15.5 percent in Pinal County in FY2012. These funding level changes are directly related to updates in the funding formula calculations. Meanwhile, all indigent defense agencies experienced a 100 percent decrease in funds from FY2011 due to the redirect of funds to the Public Safety Equipment Fund.

At the present, the majority of agencies have yet to meet the requirements set forth by the Arizona Supreme Court. Several agencies are below the standard of completing felony cases (excluding complex cases and cases seeking the death penalty) within 180 days of filing. One agency did report processing 100 percent of its felony cases filed within 180 days in FY2011 and FY2012. Agencies have reported the following events as negatively affecting case processing: reductions in funding and budgets, increased volume of felony cases leading to increased caseloads, the shortcomings of a number of case management systems, and staffing reductions combined with hiring freezes (Additional reported events affecting case processing can be found in Appendix C). A number of county prosecuting agencies reported that the available FY2012 Fill the Gap funds were essential for their case processing efforts.

ACCH Data

To complement the case processing data submitted by Fill the Gap funded agencies, 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 as a proxy for filing date. The ACCH data in this report included all arrest charges leading to a felony case disposition (with the exception of first degree homicide cases) from fiscal year FY2007 to FY2011 and resulting in a guilty verdict, nolo contendere plea, plea to other charges, deferred sentencing, deferred prosecution, acquittal, court dismissal, or a finding of no responsibility by reason of insanity. All charges later resolved in appellate court were excluded from the analysis. In addition, information on felony case delays and court continuance times are not available in the ACCH data, so these timeframes could not be excluded from the ACCH case processing measures. Although each charge was given 180 days for disposition completion, missing disposition data for several charges (especially in FY2011) may result from insufficient time to populate the ACCH. The cases with missing disposition data are excluded from the ACCH analysis. Nonetheless, the same data methodology was used across all counties to allow for comparability across counties.

The percentage of arrest counts leading to felony dispositions within 180 days of the arrest date fell from 51.2 percent in FY2010 to 49.2 percent in FY2011 across Arizona. Alternately, the percentage of felony charges adjudicated within 100 days stayed level at 24.0 percent from FY2010 to FY2011. A total of 79,465 and 78,938 felony charges were completed in Arizona

during FY2010 and FY2011, respectively. At the county level, the ACCH data revealed significant variation in the percentages of arrest charges for which final case disposition was obtained within 180 days. Multiple agencies showed improvement in case processing times while other agencies showed no change or declines in case processing times from FY2010 to FY2011. Reduced funding and attorney caseloads are two plausible explanations for some counties lacking improvement.

Recommendations

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

- Guidelines should be created detailing appropriate expenditures for Fill the Gap funds with an emphasis on activities that have a direct impact on case processing times. At the present time, there is no guidance as to how Fill the Gap funds should or should not be used. Present legislation does not adequately outline expenditures that are accepted as being valid uses of Fill the Gap funds to reduce case processing times.
- Future funding levels should remain consistent with the levels established prior to FY2009 by reinstating the general fund contribution and the indigent defense fine revenue allotment of the Fill the Gap funds. The reinstatement of general fund appropriations and the elimination of fine revenue sweeps or redirects for all county prosecuting and indigent defense agencies will ensure a renewed investment in improving case processing.
- Each agency should develop long-term strategic plans to reduce case processing times, 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 learn from some of the successes from other counties. 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 FY2012, county attorneys' offices received \$973,600.00 from fine surcharges but did not receive general fund appropriations for a Fill the Gap program total of \$973,600.00.

Table 93: County Attorney Fill the Gap Funding FY2012			
	General Fund Appropriations	Fine Revenue	Total Fill the Gap Revenues
Apache County Attorney	\$0.00	\$7,596.00	\$7,596.00
Cochise County Attorney	\$0.00	\$16,294.00	\$16,294.00
Coconino County Attorney	\$0.00	\$18,562.00	\$18,562.00
Gila County Attorney	\$0.00	\$9,941.00	\$9,941.00
Graham County Attorney	\$0.00	\$7,179.00	\$7,179.00
Greenlee County Attorney	\$0.00	\$1,366.00	\$1,366.00
La Paz County Attorney	\$0.00	\$4,335.00	\$4,335.00
Maricopa County Attorney	\$0.00	\$621,285.00	\$621,285.00
Mohave County Attorney	\$0.00	\$27,510.00	\$27,510.00
Navajo County Attorney	\$0.00	\$17,246.00	\$17,246.00
Pima County Attorney	\$0.00	\$122,912.00	\$122,912.00
Pinal County Attorney	\$0.00	\$46,982.00	\$46,982.00
Santa Cruz County Attorney	\$0.00	\$5,887.00	\$5,887.00
Yavapai County Attorney	\$0.00	\$37,419.00	\$37,419.00
Yuma County Attorney	\$0.00	\$29,086.00	\$29,086.00
County Attorney Total	\$0.00	\$973,600.00	\$973,600.00

In FY2012, indigent defense agencies received no general fund appropriations and no fine revenues.

Table 94: Indigent Defense Fill the Gap Funding FY2012			
	General Fund Appropriations	Fine Revenue	Total Fill the Gap Revenues
Apache County Superior Court	\$0.00	\$0.00	\$0.00
Cochise County Public Defender	\$0.00	\$0.00	\$0.00
Coconino County Superior Court	\$0.00	\$0.00	\$0.00
Gila County Superior Court	\$0.00	\$0.00	\$0.00
Graham County Superior Court	\$0.00	\$0.00	\$0.00
Greenlee County Superior Court	\$0.00	\$0.00	\$0.00
La Paz County Public Defender	\$0.00	\$0.00	\$0.00
Maricopa County Public Defender	\$0.00	\$0.00	\$0.00
Mohave County Public Defender	\$0.00	\$0.00	\$0.00
Navajo County Public Defender	\$0.00	\$0.00	\$0.00
Pima County Public Defender	\$0.00	\$0.00	\$0.00
Pinal County Public Defender	\$0.00	\$0.00	\$0.00
Santa Cruz County Superior Court	\$0.00	\$0.00	\$0.00
Yavapai County Public Defender	\$0.00	\$0.00	\$0.00
Yuma County Public Defender	\$0.00	\$0.00	\$0.00
Indigent Defense Total	\$0.00	\$0.00	\$0.00

APPENDIX B: Summary of the Use of Fill the Gap Funds in FY2012

Staff Salary and Contractual Services

- Attorney positions to reduce the case load of 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
- Attorney and support positions at expedited disposition courts reducing the number of felony cases going to trial at the superior courts
- Agency investigator positions
- Overtime hours worked by staff
- Project manager hired to oversee the process of maintaining a new case management system
- Contract with a consultant to work with case tracking software
- Contract with a psychologist for client evaluations.

Equipment and Software

- Computers, printers, monitors (some with built-in webcams), external hard drives, and servers with transceivers for improved case processing
- Office equipment including digital recorders
- Office supplies including file folders, paper, writing instruments, various note pads, compact discs and DVDs, labels, envelopes, staples, paper clips, and a signature stamp
- Flat screen television and DVD player for use in courtroom cases
- Office software used to improve daily functions (i.e., Microsoft Enterprise).

Case Management Systems

- Upgrade, maintenance, licensing, and/or support of case management software
- Leasing computers and printers with the Arizona Supreme Court to access minute entries and court records
- Hardware and software purchases toward the case management program.

Training and Travel Expenses

- Witness interview travel expenses
- Expert witness travel expenses
- Attorney and staff mileage and vehicle/aircraft costs
- Attendance at seminars and conferences for educational purposes.

Other Expenditures

- Defense attorney loan repayment
- Legal books and subscriptions for case law research in specialized areas
- Dues for the attorney bar, NLADA membership, and other professional associations
- Performance awards for staff
- Transcription software
- Transcripts, records reviews, and copies of specific cases.

APPENDIX C: Reported Events Positively and Negatively Affecting Case Processing

Positive Events

- Specialty courts (i.e. early resolution courts, regional court centers, etc.) that expedite the court process for qualifying offenses.
- Decreases in criminal case filings leading to reduced case loads.
- Support staff (full and part-time) that assist attorneys and full-time staff throughout the case process by preparing data, filings, and statements and performing other office duties.
- A review of outstanding bench warrant cases and the dismissal of cases that were beyond the statute of limitations.
- Ongoing meetings with early disposition court participating agencies to discuss ways to make the specialty court more efficient.
- Reducing the number of continuances and the moving of trial dates approved by the court.
- Ongoing meetings among indigent defense, prosecution, and the court for priority assignment to cases and additional case processing discussions.
- A special case list for older cases requiring additional attention. Prosecution, the court, and defense attorneys focused their attention on these cases.
- Digital case submittal process.
- Reduced numbers of law enforcement officers in one county lowered the number of case submissions to the attorney's office.
- A case management system that helps improve case processing results.
- Improved efficiencies at one county attorney agency helped avoid having to add to current staffing levels even in light of increasing caseloads.
- The adjudication of a significant number of cases over one year old.

Negative Events

- Cuts to Fill the Gap and county budget reductions
- One defense agency lacked the necessary Fill the Gap funds to supplement costs, and these costs must now be covered by other funds previously used for other needs.
- Increase in felony cases filed that has increased caseloads for the attorneys and courts.
- County processes and policies are impacting business-related functions (i.e., filling vacant positions, etc.).
- Agencies with staff vacancies often due to hiring freezes, reduced resources, and/or high attorney and support staff turnover.
- Excessive delays, motions and continuances that slow 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 laws increased processing times by heightening penalties and requiring attorneys to obtain knowledge in immigration consequences of criminal proceedings.
- Prosecuting attorneys' plea agreements that are not drafted in time for the hearings.

Negative Events (Continued)

- Difficulties in attending various hearings held across two distant locations within the county.
- Transport orders and holds from jails and prisons in other jurisdictions slow down case processing.
- Justice courts that 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.
- Regional court centers that are taking on more serious cases, thus limiting the number of cases that can be handled at the center.
- Difficulties resulting from the court's management of division calendars and the lack of coordination among the divisions and newly appointed judges.
- One indigent defense agency cited the county's lack of consideration toward alternative treatments for defendants (i.e. home treatment and halfway houses) as having an effect on case processing levels.
- Conflict checks, case management, and overflow statistics that impacted case processing.
- Defense attorneys that are not prepared resulting in the delay of cases.
- Limited jurisdiction courts that are processing less complex cases, thus leaving a higher percentage of complex cases up to the county agencies. This extended the length of time spent per case by attorneys and the judges.
- Increasing numbers of complex/serious cases.
- More crime and an increasing law enforcement presence leading to larger case loads.
- Late dismissals and deferred prosecutions complicated case processing.
- New charges added to a case that is close to resolution resulting in delays in case processing.
- The lack of expert witness availability and appropriate storage space.
- An increase in murder cases that greatly affect workloads.
- One defense agency found that continuances were necessary in order to appropriately schedule cases requiring the presence of a court reporter. The court recently cut back on the scheduled availability of court reporters.
- A high percentage of drug cases that required large amounts of time for processing.
- A superior court that is split in two divisions increasing the difficulty of tracking court dates for cases going to trial.
- Recent court decisions that underscore the need for the recording of plea bargains rejected in expedited cases. Attorneys must now attend to the documentation of these cases.
- Logistical issues when moving to a new physical location.
- A newly-appointed judge that has made changes to the case assignments across the court divisions.
- A need for additional judicial officers. The current judicial officers are working above 100 percent capacity.
- An insufficient number of attorneys due to loss of funding, increasing reliance on contracted private attorneys.
- The large number of case management hearings that consumed the attorneys' schedules and limited their availability for other duties.

Negative Events (Continued)

- Prosecutors were often unavailable at the early disposition courts, thus resulting in continuances.

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.

12-102.02. State aid to the courts fund

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

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

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

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

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

E. All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

F. Monies in the state aid to the courts fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general

fund monies appropriated to the fund may be spent without further legislative appropriation.

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

12-116.01. Surcharges; fund deposits

A. In addition to any penalty provided by law, a surcharge 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 penalty provided by law, a surcharge 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 penalty provided by law, a surcharge 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 surcharge prescribed in this section for forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the surcharge pursuant to subsection H of this section. If bail, bond or deposit is returned, the surcharge made pursuant to this article shall also be returned.

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

F. The judge may waive all or part of the civil penalty, fine, forfeiture and surcharge, 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 surcharges 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 surcharge is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

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

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

I. The appropriate authorities specified in subsection H of this section shall transmit the forty-seven per cent surcharge prescribed in subsection A of this section and the remittance report as required in subsection H 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.

J. The appropriate authorities specified in subsection H of this section shall transmit the seven per cent surcharge prescribed in subsection B of this section and the remittance report as required in subsection H 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.

K. The appropriate authorities specified in subsection H of this section shall transmit the surcharge prescribed in subsection C of this section and the remittance report as required in subsection H 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.

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

41-2409. State aid; administration

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

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

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

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

1. The three year average of the total felony filings in the superior court in the county divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

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

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

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

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

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

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.
2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.
3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.49 per cent to the department of law for the processing of criminal cases.

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

D. The supreme court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C of this section.

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

1. 21.61 per cent for the purposes specified in section 11-539.
2. 20.53 per cent for the purposes specified in section 11-588.
3. 57.37 per cent to the local courts assistance fund established by section 12-102.03.
4. 0.49 per cent to the state treasurer for transmittal to the department of law for the processing of criminal cases.

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

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

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

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

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

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

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

2. 14.66 per cent to the state aid to indigent defense fund established by section 11-588.
3. 40.97 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.35 per cent to the department of law for the processing of criminal cases.
5. 14.29 per cent to the Arizona criminal justice commission for distribution to state, county and municipal law enforcement full service forensic crime laboratories pursuant to rules adopted by the Arizona criminal justice commission.
6. 14.29 per cent to the supreme court for allocation to the municipal courts pursuant to subsection K of this section.

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

Rule 8.2. Time limits

a. General. Subject to the provisions of Rule 8.4, every person against whom an indictment, information or complaint is filed shall be tried by the court having jurisdiction of the offense within the following time periods:

(1) Defendants in Custody. 150 days from arraignment if the person is held in custody, except as provided in subsection (a), paragraph (3) of this section.

(2) Defendants Released From Custody. 180 days from arraignment if the person is released under Rule 7, except as provided in subsection (a), paragraph (3) of this section.

(3). Complex Cases. One year from arraignment for cases in which the indictment, information or complaint is filed between December 1, 2002 and December 1, 2005, and for subsequent cases 270 days from arraignment if the person is charged with any of the following:

- (i) 1st Degree Murder, except as provided in paragraph (a)(4) of this rule,
- (ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication,
- (iii) Any complex cases as determined by a written factual finding by the court.

(4). Capital Cases. Twenty-four months from the date the state files a notice of intent to seek the death penalty pursuant to Rule 15.1(i).

b. Waiver of Appearance at Arraignment. If a person has waived an appearance at arraignment pursuant to Rule 14.2, the date of the arraignment held without the defendant's presence shall be considered the arraignment date for purposes of subsection (a), paragraphs (1), (2), (3), and (4) of this rule.

c. New Trial. A trial ordered after a mistrial or upon a motion for a new trial shall commence within 60 days of the entry of the order of the court. A trial ordered upon the reversal of a judgment by an appellate court shall commence within 90 days of the service of the mandate of the Appellate Court.

d. Extension of Time Limits. These time limits may be extended pursuant to Rule 8.5.

e. Trial Dates. In all superior court cases except those in which Rule 8 has been suspended pursuant to Rule 8.1(e), the court shall, either at the time of arraignment in superior court or at a pretrial conference, set a trial date for a time certain.

Rule 8.4. Excluded periods

The following periods shall be excluded from the computation of the time limits set forth in Rules 8.2 and 8.3:

a. Delays occasioned by or on behalf of the defendant, including, but not limited to, delays caused by an examination and hearing to determine competency or intellectual disability, the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona.

b. Delays resulting from a remand for new probable cause determination under Rules 5.5 or 12.9.

c. Delays resulting from extension of the time for disclosure under Rule 15.6.

d. Delays necessitated by congestion of the trial calendar, but only when the congestion is attributable to extraordinary circumstances, in which case the presiding judge shall promptly apply to the Chief Justice of the Arizona Supreme Court for suspension of any of the Rules of Criminal Procedure.

e. Delays resulting from continuances in accordance with Rule 8.5, but only for the time periods prescribed therein.

f. Delays resulting from joinder for trial with another defendant as to whom the time limits have not run when there is good cause for denying severance. In all other cases, severance should be granted to preserve the applicable time limits.

g. Delays resulting from the setting of a transfer hearing pursuant to Rule 40 of these rules.

Rule 8.5. Continuances

a. Form of Motion. A continuance of a trial may be granted on the motion of a party. Any motion must be in writing and state with specificity the reason(s) justifying the continuance.

b. Grounds for Motion. A continuance of any trial date shall be granted only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to

serve the interests of justice. In ruling on a motion for continuance, the court shall consider the rights of the defendant and any victim to a speedy disposition of the case. If a continuance is granted, the court shall state the specific reasons for the continuance on the record.

c. Other Continuances. No further continuances shall be granted except as provided in Rules 8.1(e), 8.2(e) and 8.4 (d).

APPENDIX E: State Aid to County Attorney Expenditures by County

Table 95: State Aid to County Attorney Expenditures by County FY2012							
	Staff Salary	Equipment Purchases	Contractual Services	Case Management Software	Coordination Efforts	Other	Total Expended
Apache	\$9,082.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,082.50
Cochise	\$151,985.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$151,985.01
Coconino	\$18,562.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,562.00
Gila	\$0.00	\$17,462.13	\$0.00	\$1,454.99	\$2,250.00	\$0.00	\$21,167.12
Graham	\$0.00	\$4,605.98	\$0.00	\$2,605.60	\$0.00	\$0.00	\$7,211.58
Greenlee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,366.00	\$1,366.00
La Paz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Maricopa	\$527,212.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$527,212.57
Mohave	\$27,510.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$27,510.00
Navajo	\$4,006.18	\$4,046.24	\$16,366.20	\$0.00	\$0.00	\$9,857.34	\$34,275.96
Pima	\$54,616.20	\$0.00	\$0.00	\$0.00	\$0.00	\$775.00	\$55,391.20
Pinal	\$46,982.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46,982.00
Santa Cruz	\$3,921.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,921.42
Yavapai	\$31,999.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,999.23
Yuma	\$29,086.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$29,086.00
State Total	\$904,963.11	\$26,114.35	\$16,366.20	\$4,060.59	\$2,250.00	\$11,998.34	\$965,752.59

APPENDIX F: State Aid to Indigent Defense Expenditures by County

Table 96: State Aid to Indigent Defense Expenditures by County FY2012							
	Staff Salary	Equipment Purchases	Contractual Services	Case Management Software	Coordination Efforts	Other	Total Expended
Apache	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cochise	\$0.00	\$0.00	\$3,069.81	\$7,653.97	\$0.00	\$0.00	\$10,723.78
Coconino	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gila	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Graham	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Greenlee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
La Paz	\$0.00	\$0.00	\$0.00	\$150.00	\$0.00	\$0.00	\$150.00
Maricopa	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mohave	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,257.30	\$3,257.30
Navajo	\$0.00	\$1,587.52	\$2,100.03	\$0.00	\$0.00	\$3,095.09	\$6,782.64
Pima	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pinal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Santa Cruz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yavapai	\$41,266.27	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$41,266.27
Yuma	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Total	\$41,266.27	\$1,587.52	\$5,169.84	\$7,803.97	\$ 0.00	\$6,352.39	\$62,179.99

Note: Indigent defense agencies used Fill the Gap funds carried over from prior fiscal year allocations for the expenditures reported in Table 96.