

Arizona Criminal Justice Commission



Statistical Analysis Center Publication

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FY2016 Fill the Gap Report

2017

January

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EXECUTIVE SUMMARY

Throughout the 1990s, Arizona experienced a high volume of cases processed through its court system due to a growing population and increases in funding for law enforcement. To manage the upsurge of criminal cases, Senate Bill 1013 was enacted in 1999 to provide adequate resources for Arizona's case disposition process. The funds generated by Senate Bill 1013, also known as the Fill the Gap (FTG) legislation, were specifically introduced to fund county attorneys, indigent defense agencies, and the superior courts in their efforts to reduce case processing times throughout the state.

In addition to creating funds for the aforementioned stakeholders, Senate Bill 1013 assigned the responsibility of administering the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund to the Arizona Criminal Justice Commission (ACJC). On an annual basis, the ACJC not only distributes these monies to each county according to formulas established in the Arizona Revised Statutes (A.R.S. §41- 2409), but also reports on fund expenditures and progress toward improving criminal case processing.

Criminal case processing standards are established by Arizona Supreme Court Rule 8.2, requiring that felony cases (excluding capital cases and complex cases) reach adjudication within 180 days of arraignment for out of custody defendants, and 150 days for in-custody defendants. Exceptions to this rule include cases experiencing delays due to: 1) lengthy trial preparations, 2) the determination of a defendant's mental competency or disability, 3) an absent or incompetent defendant, 4) probable cause remanding, 5) disclosure time extensions, 6) trial calendar congestion, 7) a joinder of trials with another defendant, 8) setting a transfer hearing, and 9) the inability to take the accused into custody (see Appendix D). In cases that experience these time exclusions, the initial countdown to adjudication may be suspended and then resumed when said circumstances are resolved.

Due to past alterations to the general fund appropriations, \$800,100 of the Rural Aid to County Attorneys and Indigent Defense funds were redirected to the Attorney General budget to fund capital post-conviction prosecutions, and \$700,000 of the fund were redirected to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. As a result of these adjustments to the State FTG funding, indigent defense agencies did not receive monies from the State FTG fund. County attorneys were the only agencies to receive funds in FY2016 totaling \$934,450. The monies allocated to county attorneys during the fiscal year were less than the projected appropriation due to a decrease in fine, fee, and surcharge revenues received from the Criminal Justice Enhancement Fund (CJEF).

According to information provided by the county attorneys, a total of \$1,765,601.99 was expended during FY2016 on the following: salaries, fringe benefits, and overtime (\$1,734,826.61); contractual services (\$3,203.75); operating cost and supplies (\$1,585.35); equipment (\$12,019.34); case management software (\$13,143.52); and other expenses such as maintenance fees for equipment (\$823.42). The total amount expended during FY2016 is greater than the total amount allocated as most agencies began the fiscal year with a fund balance from previous allocations. No funds were spent of the \$594.59 carried over by indigent defense agencies during FY2016. Due to the amount of interest earned this fiscal year, indigent defense agencies will carry over a balance of \$601.37 into FY2017. County attorneys will carry over a balance of \$595,423.27 into FY2017 due to unexpended funds.

During FY2016, four agencies were unable to provide case processing statistics because their case management systems do not track the requested information. Furthermore, due to complications in identifying in-custody and out of custody defendant cases in data processing systems, in FY2016 agencies were asked to report on the percentage of felony cases adjudicated within 180 days, regardless of custody type. The 180 day marker was selected as the FTG reporting standard because this time frame is the longest period for felony cases (excluding capital cases and complex cases) to reach adjudication under the Supreme Court Rules of Criminal Procedure.

Of the 28 agencies who provided case processing statistics, twelve reported an increase in the percentage of felony cases adjudicated within 180 days from FY2015 to FY2016. Although these agencies experienced an increase in cases adjudicated, no agency was able to adjudicate 100% of in-custody and out of custody felony cases within 180 days. Some agencies reported that at least 85.0 percent of cases were resolved within the observed time frame. These agencies include the Public and Legal Defender's Offices in Cochise County, the County Attorney's Office and Superior Court in Greenlee County, as well as Maricopa County's Public Defense Services. These entities are the same five agencies who adjudicated at least 85.0 percent of cases within 180 days during FY2015. It is important to note that since statistics provided do not reflect the exact time limitations established, there is a possibility that county attorneys and indigent defense agencies are meeting either the 150 day or 180 day standard set forth by the Arizona Supreme Court Rules of Criminal Procedure.

Data were also compiled from the Arizona Computerized Criminal History (ACCH) Repository to provide an additional resource for analysis of improvements to case processing. The processing time frames recorded from the ACCH repository differ from the time frames established by the Arizona Supreme Court Rules of Criminal Procedure as information regarding date of arraignment is unavailable in the ACCH. However, ACCH data is recorded to examine trends from a data source in which information is obtained and analyzed in a consistent fashion. ACCH data revealed that 14 counties improved the percentage of felony cases processed within 180 days from arrest. ACCH data regarding cases processed within 150 days from arrest are unavailable due to the inability to identify in-custody and out of custody defendant cases in the repository.

After assessing data from each county and the ACCH repository, the ACJC recommends certain actions for improving case processing times throughout the state. These recommendations include:

- 1) agencies transfer to case management systems that have the ability to generate and track case processing statistics if current management system is unable to do so;
- 2) agencies continue to collaborate with other criminal justice entities and include plans to standardize definitions within data processing so that statistics are generated off of similar and comparable information;
- 3) additional resources are allocated to fund indigent defense services;
- 4) formal assessments are conducted for all agencies to identify specific areas in need of improvement; and
- 5) strategies to submit case processing information to statewide database systems are created to ensure the timely reporting of information.

INTRODUCTION

Arizona Senate Bill 1013, now known as State Fill the Gap (FTG) legislation, was passed into law in 1999. This bill was enacted to address the increasing number of cases processed through the court system and, in turn, provide supporting funds for three stakeholders (county attorneys, indigent defense agencies, and superior courts). These stakeholders receive State FTG funds from legislative appropriations, and from fine, fee, penalty, and surcharge revenues collected through the Criminal Justice Enhancement Fund (CJEF). These monies are distributed to each county based on an index computed from the county's current population and a three-year average of cases filed in each respective county's superior court (A.R.S. §41-2409).¹

As required by A.R.S. §41-2409, this report addresses the Arizona Criminal Justice Commission's statutory requirement to provide an explanation of the State FTG program, expenditures, and resulting improvements in case processing. While this report reflects the usage of the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund, this report does not contain information regarding the State Aid to Courts Fund as this account is not monitored by the ACJC. Information regarding the use of the State Aid to Courts Fund may be found in the Arizona Administrative Office of the Courts' (AOC) Fill the Gap Annual Report.

FILL THE GAP FUNDS LEGISLATION

Six Arizona Revised Statutes currently govern the collection, administration, and reporting of the State Fill the Gap funds; specifically: A.R.S. §11-539, A.R.S. §11-588, A.R.S. §12-102.02, A.R.S. §12-116.01, A.R.S. §41-2421 and A.R.S. §41-2409. The Arizona State Legislature established these statutes to ensure that Fill the Gap funds were generated and applied to supplement, not supplant, county funds for improving criminal case processing. These statutes are shown in their entirety in Appendix D.

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

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

¹ July 1, 2015 Population Estimates for Arizona's Counties, Incorporated Places and Unincorporated Balance of Counties. (2016, December 1). Retrieved from <https://population.az.gov/sites/default/files/documents/files/pop-estimates2015-04pla.pdf>.

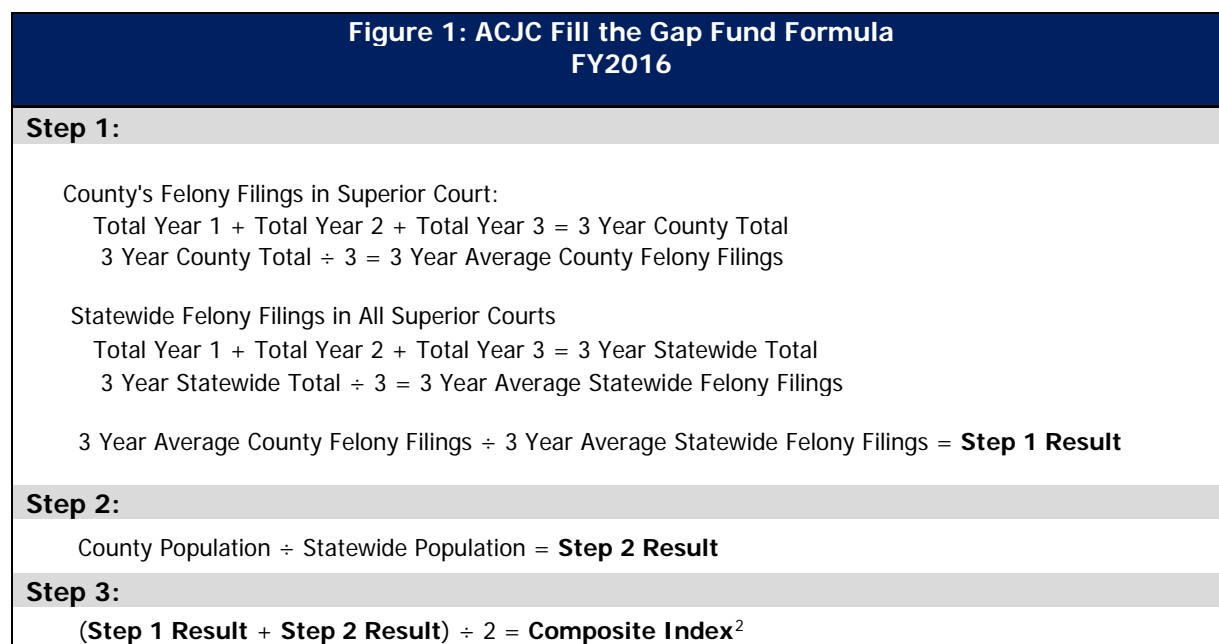
2000-2009 Intercensal Population Estimates for Arizona's Counties, Incorporated Places and Unincorporated Balance of Counties. (2016, December 1). Retrieved from <https://population.az.gov/population-estimates>.

In addition, as described in A.R.S. §12-116.01.B, a seven percent surcharge is also collected by county courts on all fines, penalties, and forfeitures relating to criminal offenses, traffic and vehicular violations, and game and fish Title 17 statute violations. Funds from the seven percent surcharge are distributed to the FTG accounts as follows (A.R.S. §41-2421):

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

The ACJC administers the monies designated for the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund, while the Arizona Supreme Court administers the State Aid to the Courts Fund. This report provides data and information regarding the funds administered exclusively by the ACJC. In FY2016, \$934,450.00 were allocated to the State Aid to County Attorneys Fund. The total monies awarded to county attorneys were less than the projected appropriation for FY2016 due to a decrease in fine, fee, and surcharge revenues received by the ACJC. No funds were allocated to the State Aid to Indigent Defense Fund due to legislative budget changes beginning in FY2011.

The ACJC-administered State FTG funds are distributed according to formulas established in A.R.S. §41-2409 (see Figure 1). Funds were distributed to the county attorneys based on each county's three-year average of felony case filings, and the county's annual population as reported by the Arizona Department of Administration. Due to monies awarded being less than the projected appropriation, each county experienced a 4.0% decrease in funding from FY2015 (see Appendix B).



² Composite Index used as a county multiplier across Fill the Gap Funds to determine county fund distribution.

ARIZONA CASE TIMELINES

Time limitations for case processing are established by the Arizona Supreme Court Rules of Criminal Procedure. According to Rule 8.2, cases (excluding complex and capital cases) involving felony defendants held in custody are given up to 150 days from arraignment to conclude, and cases involving out of custody felony defendants are given up to 180 days. All felony cases are expected to adhere to the standards set by the Arizona Supreme Court. Exceptions to this rule include cases that experience continuances due to exceptional circumstances where time calculations are temporarily suspended and then resumed when these circumstances are resolved. Cases are eligible for time calculation exclusions when continuances are granted due to:

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

As a result of potential complications in identifying in-custody verses out of custody defendant cases in data processing systems, in FY2016 agencies were asked to report on the percentage of felony cases adjudicated within 180 days regardless of custody type. The 180 day marker was selected as the FTG reporting standard because this time frame is the longest period for felony cases (excluding capital cases and complex cases) to reach adjudication under the Supreme Court Rules of Criminal Procedure. Data contained in this report reflect this adjusted time standard.

RESEARCH METHODS

The Arizona Criminal Justice Commission's Statistical Analysis Center (SAC) utilized an annual reporting form and financial report to capture State FTG expenditures, case processing statistics, and qualitative responses on any circumstances that improved or hindered case processing throughout the fiscal year. This form was developed by the SAC during the late 1990s and has experienced significant changes throughout the years. In FY2016, questions regarding potential causes for case continuances and the impact of FTG funding on agency operations were included to further assess factors influencing case processing. Information from the reporting documents was compiled and analyzed to identify common spending priorities, funding balances, improvements to processing, and any challenges faced by the agencies within each county.

It is important to note that case processing statistics may vary across counties, and between agencies within an individual county. This variation is due to agencies categorizing a case as filed or adjudicated in different ways. For instance, some agencies begin their time calculations from the date of indictment or the date in which an attorney is assigned to the case, while others will use the date of arraignment. Many agencies across the state also use unique case management systems to track case processing statistics, or operate on a case management

system that is not able to provide the requested statistics. These factors greatly limit the standardization and comparison of case processing statistics across the state.

Arizona Computerized Criminal History (ACCH)

Data captured by the agencies are often not comparable across agencies, and in some cases, not comparable across years because of adjustments made to the collection and reporting methods throughout the years. For this reason, SAC staff analyzed county case processing times using adjudicated felony charges (excluding first-degree homicide charges) available in the Arizona Computerized Criminal History (ACCH) repository, maintained by the Arizona Department of Public Safety (DPS).

Within the ACCH repository, cases were identified by the court case number and the county in which disposition court proceedings occurred. The earliest date of initial arrest for all charges included in a certain case was used as a proxy for the date of arraignment. The latest date of disposition (excluding appellate court dates) listed for a single case was used as the adjudication date. The earliest arrest date and latest disposition date were selected as proxies to capture all court activity for a single case. Case processing data received from the ACCH repository includes the following disposition findings: 1) guilty verdicts; 2) nolo contendere pleas; 3) pleas to other charges; 4) deferred sentencing; 5) deferred prosecution; 6) acquittals; 7) court dismissals; and 8) findings of no responsibility due to insanity. Any cases leading to appellate court findings are excluded from analysis since original court dates are overwritten by the appellate court dates in the ACCH repository.

Each fiscal year analyzed is standardized to include the previous ten years of arrest charges. For example, if a case was adjudicated in FY2010, the arrest charges that initiated the case may have occurred between calendar years 2000 to 2009. Previous research conducted by the SAC revealed that 44.3 percent of calendar year 2013 (January 1, 2013 – December 31, 2013) felony arrest charges entered into the ACCH by December 31, 2014 were missing subsequent disposition information.³ Therefore, standardizing the data is necessary to assure reliable measurement for trend analyses.

It is also important to note that data reported for FY2016 differs from data in previous reports because charges that were recorded under the same individual court case number for a particular defendant were aggregated to create one case. For example, if a defendant received five arrest charges during one arrest incident, these charges were aggregated to create one case instead five individual cases. This reconstruction of the data was completed to avoid analyzing duplicate information for situations in which multiple charges are applied to one case, and to provide more accurate information on the number of cases adjudicated in a given year. Additionally, the ACCH analyses do not identify statistics specifically for in-custody versus out of custody defendant cases, and do not account for time delays (e.g., warrant status, court delays, trial continuances, diversion, etc.) that should be excluded from case processing time measures per the rules set by the Arizona Supreme Court. While there are limitations to using ACCH data to analyze case processing times, the data do provide a uniform measurement tool for statistics relating to each county. Thus, the ACCH tables should be used as a conservative estimate to gauge overall changes in case processing times rather than an exact measurement of case processing timeframes.

³ Completeness of Criminal History Records in Arizona, CY 2004-2013. (2015, May). Retrieved from <http://www.azcjc.gov/ACJC.Web/Pubs/Home/Completeness%20of%20Criminal%20History%20Records%20in%20Arizona.pdf>.
2016 Fill the Gap Report

REPORT LAYOUT

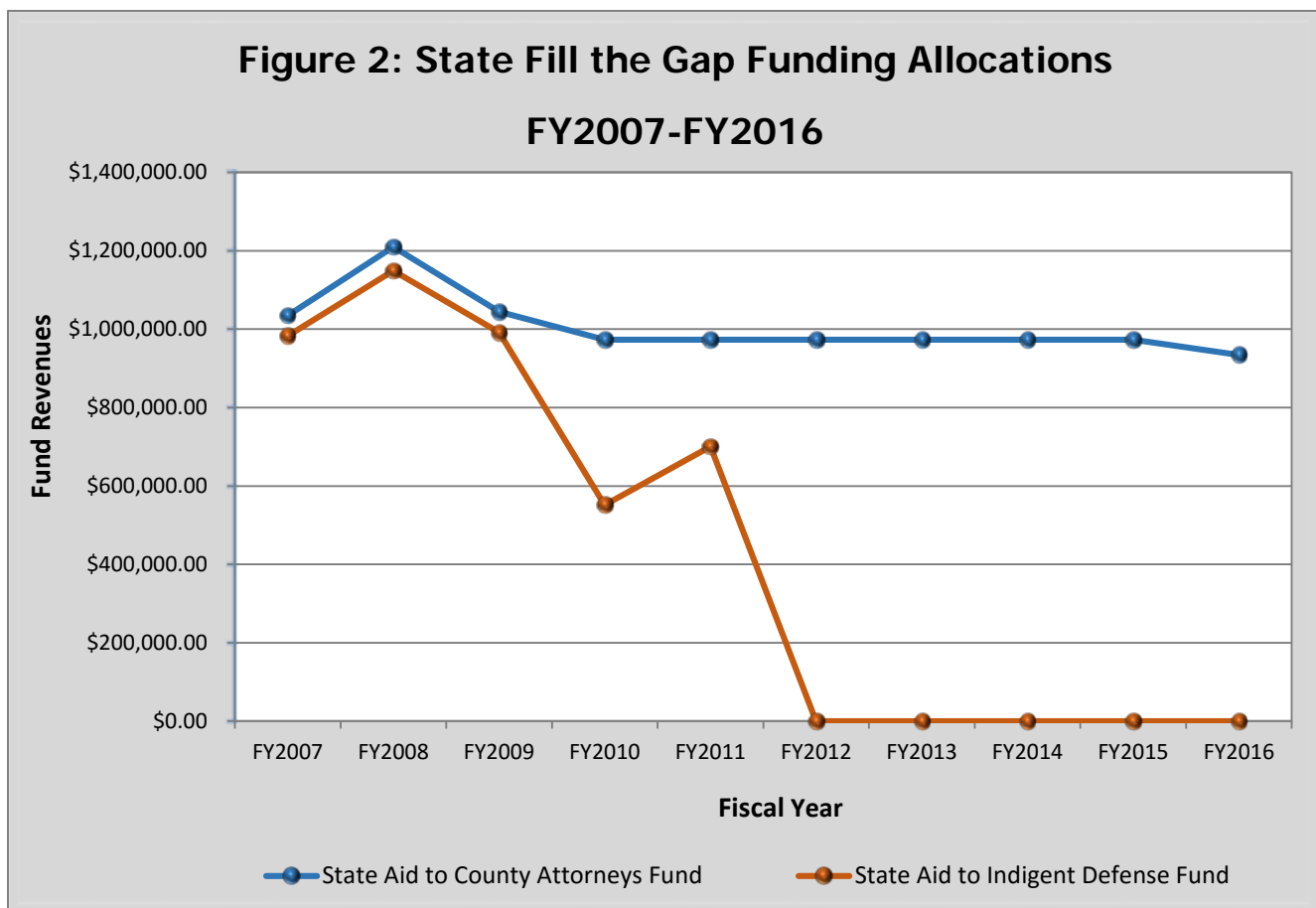
This report is organized into two sections, titled "State Fill the Gap Funding" and "ACCH Repository Data." The first section provides an overview of FY2016 funding from the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund. This overview is followed by county profiles which list brief summaries of balances, allocations, and expenditures to describe how each entity used existing funds to improve case processing times. County profiles also include self-reported case processing statistics and any comments regarding factors affecting case processing within a specific jurisdiction. The second section provides information on the data analyzed from the Arizona Computerized Criminal History (ACCH) Repository by the ACJC. ACCH data were analyzed to provide an additional resource for reviewing progress in reducing case processing times.

Appendix A provides a summary of current population estimates for each county as well as each county's estimated population growth. Appendix B provides a breakdown of fund balances, allocations, funds received, and expenditures by county attorney offices and indigent defense agencies. Appendix C provides a statewide summary list of State FTG expenditures reported during FY2016. Appendices D and E include the Arizona Revised Statutes and Arizona Supreme Court Rules relevant to the State FTG funds administered by the ACJC.

STATE FILL THE GAP FUNDING

History of Fill the Gap Funding

Funds generated by the Fill the Gap legislation were introduced in 2000 to provide support for county attorneys, indigent defense agencies, and superior courts who were tasked with improving case processing in the state. From fiscal years 2000 to 2009 both county attorneys and indigent defense agencies received funds generated through the Arizona General Fund and Criminal Justice Enhancement Fund (CJEF) to support case processing efforts. In FY2010, monies from the Arizona General Fund were eliminated from State FTG appropriations. Other budgetary cuts caused a reduction in the amount fine revenues that were allocated to the FTG funding accounts during this same fiscal year. Due to these budgetary adjustments, monies allocated from the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund decreased from FY2009 to FY2010 (see Figure 2). Moreover, during the 2011 Arizona legislative session, FY2012 fine revenue funds for the indigent defense program were redirected to fund other state efforts. Since this redirection of funds, indigent defense agencies have not received monies from the State Aid to Indigent Defense Fund.



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

^b Due to budgetary adjustments, monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

State Aid to County Attorneys Fund

In FY2016, allocations from the State Aid to County Attorneys Fund decreased by 4.0 percent from FY2015 due to a shortage in fine revenues collected through the CJEF. County attorney agencies received a total of \$934,450.00 in FY2016 State FTG funds, but only \$730,200.00 was made available during the fiscal year. The 4th quarter allocations were delayed due to the fine revenue shortage and a delayed receipt of funds by the ACJC. The table below lists the funding allocation changes for each county, and the following pages provide specific financial breakdowns of fund balances and expenditures during FY2016.

Table 1. State Fill the Gap Fund Allocation Changes for County Attorneys FY2015 – FY2016			
County	FY2015	FY2016	Difference
Apache	\$8,168	\$7,839	-4.0%
Cochise	\$16,460	\$15,798	-4.0%
Coconino	\$19,008	\$18,244	-4.0%
Gila	\$9,176	\$8,807	-4.0%
Graham	\$6,984	\$6,703	-4.0%
Greenlee	\$1,476	\$1,417	-4.0%
La Paz	\$3,776	\$3,624	-4.0%
Maricopa	\$608,072	\$583,621	-4.0%
Mohave	\$30,756	\$29,519	-4.0%
Navajo	\$17,496	\$16,793	-4.0%
Pima	\$129,960	\$124,735	-4.0%
Pinal	\$54,016	\$51,844	-4.0%
Santa Cruz	\$5,952	\$5,712	-4.0%
Yavapai	\$33,924	\$32,560	-4.0%
Yuma	\$28,376	\$27,234	-4.0%
Total	\$973,600	\$934,450	-4.0%

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

State Aid to Indigent Defense Fund

County courts and defense agencies did not receive monies from FY2016 Fill the Gap funding due to budgetary adjustments established in FY2011. In 2016, monies from the State Aid to Indigent Defense Fund were redirected to the Attorney General budget to fund capital post-conviction prosecutions, and to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. Three counties (Greenlee, Navajo, and Santa Cruz) carried over balances from FTG allocations distributed during previous fiscal years (see Appendix B). The following pages document specific financial information regarding the balances and expenditures for indigent defense agencies within Greenlee, Navajo, and Santa Cruz County. For those counties without fund balances, no expense-related information is reported.

Apache County

Apache County Attorney's Office

During FY2016, the Apache County Attorney's Office used state FTG funds to support a portion of the maintenance cost for a case management system, developed by Karpel Solutions (see Table 2). The County Attorney reported that this new case management system has aided in improving case processing times for felony cases and noted that this increase in efficiency is expected to continue in the future.

Table 2. Apache County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2016

	Beginning Balance	Funds Received ^a	Interest Earned	Fund Expenditures	Ending Balance
Apache County Attorney's Office	\$267.50	\$7,839.00	\$3.88	(\$1,000.00)	\$7,110.38

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received by the county after the close of the fiscal year.

When asked about any factors that have negatively affected case processing in Apache County, the County Attorney reported that requests for continuances from defense attorneys greatly impact case processing times. According to the County Attorney, defense attorneys request continuances in order to work on plea agreements, and to conduct defense interviews and investigations.

The reported percentage of felony case filings adjudicated within 180 days for the Apache County Attorney's Office increased from 66.0 percent in FY2015 to 77.0 percent in FY2016 (see Table 3). A total of 600 felony cases were filed in FY2016; an increase from the 393 cases during FY2015. In FY2016, the 180-day adjudication rate provided by the County Attorney excluded juvenile cases, probation violation revocations, and court case appeals. Since the types of felony cases included in the case processing statistics have changed over the years, data comparisons across fiscal years prior to FY2015 are not recommended.

Table 3. Apache County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Adult felony Cases Except Appeals and Probation Revocations.							
	FY2010 ^a	FY2011 ^a	FY2012 ^a	FY2013 ^a	FY2014 ^a	FY2015 ^b	FY2016 ^b
Percent of Felony Cases Adjudicated within 180 Days of Filing	65.0%	68.0%	52.0%	59.0%	50.0%	66.0%	77.0%
Total Felony Cases Filed	245	315	440	356	426	393	600

^a FY2010 through FY2014 cases also exclude time on warrant status.

^b FY2015 through FY2016 cases exclude juvenile cases, probation violation revocations, and case appeals.

Apache County Indigent Defense

The Apache County Superior Court did not receive FY2016 State FTG funds to provide additional support for indigent defense services, and the court carried over a zero balance from FY2015 (see Appendix B).

The Superior Court reported that efforts to clean up data entry at the court has provided better accuracy in statistical reporting, which has given staff the ability to closely monitor the progress of each case. The Apache County Superior Court noted that this increased ability to monitor cases assisted in quickly identifying any patterns or obstacles that prevent timely disposition of cases, and resolving those issues accordingly.

The Apache County Superior Court noted that a hindrance to improving case processing times for their jurisdiction derived from a lack of FTG funding for the Superior Court. The court reported that it has experienced an increase in criminal case filings and indigent defense costs but is operating on a budget similar to one established in 2009 due to lack of funding. The Superior Court mentioned that operating on a stagnant budget while experiencing an increase in service costs has greatly challenged staff's ability to maintain the established time standards. The court reported that many of the defense attorneys experience calendar conflicts due to having multiple case appointments, which are essential to provide comprehensive services for each case in their jurisdiction. The Superior Court reported that if funding were restored to support indigent defense services, its office would use the award to hire additional support staff to decrease the workload of current staff and allow more time to be expended on case reviews and case management. The Superior Court also noted that these funds would be used to pay for an increase in the number of working hours for an existing part-time judge, which would allow more flexibility in scheduling hearings for felony cases.

In FY2016, the Apache County Superior Court reported that 73.5 percent of felony cases were adjudicated within 180 days of filing (see Table 4). This was an increase from 67.5 percent reported in FY2015. Felony case filings also increased from 237 in FY2015 to 440 in FY2016.

**Table 4. Apache County Superior Court Felony Case Processing Statistics
FY2010-FY2016**

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Cases Included in FY2016 Statistics: All Felony Cases Filed Except for Warrant Status Cases, Cases Involving Appeals, Diversion Cases, Probation Violation Cases, and Cases of Mental Competency.							
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	67.6%	60.7%	73.8%	67.5%	73.5%
Total Felony Cases Filed	No Data Provided	220	229	271	275	237	440

Cochise County

Cochise County Attorney's Office

In FY2016, FTG funds were used by the Cochise County Attorney's Office to assist in paying salaries for essential personnel positions (see Table 5). According to the County Attorney, the current allocation of FTG funds has greatly impacted case processing for the office as this funding has allowed the County Attorney's Office to maintain staff positions despite budgetary cuts. The County Attorney's Office noted that without money from Fill the Gap, the office would lose vital positions required to operate functionally. The agency reported that potential loss of these vital staff positions would compromise the general staff's ability to adjudicate the high volume of cases experienced within the county in a timely manner.

The agency noted that another factor which has improved case processing times within their county is the Early Resolution Court (ERC) program. The office reported that by processing cases through the ERC, staff has been able to resolve approximately 80% of cases within two months of filing.

Table 5. Cochise County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Cochise County Attorney's Office	\$24,053.54	\$15,798.00	\$171.17	(\$5,183.10)	\$34,839.61

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The agency notes that many continuances experienced with felony cases derive from defense attorneys' need for additional time to prepare for a case, a trial conflict for the defense counsel, or defendants' request for a new lawyer. The County Attorney's Office reported that very few continuances are caused by calendar congestion.

In FY2016, the Cochise County Attorney's Office reported that 71.0 percent of felony cases were adjudicated within 180 days of filing. This percentage is an increase from 68.0 percent reported in FY2015 (see Table 6). The total number of felony cases filed has increased by 52.5 percent from 663 in FY2015 to 1,011 in FY2016. Due to changes in the types of felony cases included in the case processing statistics, comparisons between FY2016 data and prior fiscal years are not recommended.

Table 6. Cochise County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Adult and Juvenile Felony Cases.							
	FY2010 ^a	FY2011 ^a	FY2012 ^a	FY2013 ^a	FY2014 ^a	FY2015 ^a	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.0%	78.0%	71.0%	68.0%	71.0%	68.0%	71.0%
Total Felony Cases Filed	827	859	781	581	584	663	1,011

^a FY2010 through FY2015 Statistics include indicted or direct information felony cases filed except for Warrant and Adult Diversion Cases.

Cochise County Indigent Defense

The Cochise County Public Defender's Office and Legal Defender's Department did not receive FY2016 state FTG funds, and both agencies carried over a zero balance from FY2015 (see Appendix B). The agencies reported that the Early Resolution Court (ERC) program has allowed for improvements in case processing by reducing the length of time it takes to reach adjudication. The Public Defender also noted that participation in the Cochise County Criminal Justice Task Force has positively affected case processing times as this task force concentrates on improving relations and efficiency among county criminal justice agencies. When asked about negative impacts to case processing, the agencies noted that the lack of funding for indigent defense has hampered the ability to dedicate resources to programs aimed at reducing case processing times or to hire additional staff to reduce caseloads. The agencies noted that if funds were restored for indigent defense services, these monies would be used to fund additional positions that are essential to support legal staff positions and increase efficiency in case processing.

The Cochise County Public Defender's Office reported that 91.0 percent of all felony cases in FY2016 were adjudicated within 180 days of arraignment, a decrease from the 94.0 percent reported in FY2015 (see Table 7). The total number of felony cases filed increased from 270 in FY2015 to 374 in FY2016. It is important to note that the types of felony cases included in the case processing statistics have changed within the seven-year period reported. Thus, comparisons including FY2010 data are not encouraged.

Table 7. Cochise County Public Defender's Office Felony Case Processing Statistics

FY2010-FY2016

Cases Included in FY2016 Statistics: Superior Court Felony Cases Concluded in FY2016 Except for Bench Warrants, Adult Diversion, Withdrawals and Juvenile Cases.

	FY2010 ^a	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	89.0%	91.0%	91.0%	91.0%	91.0%	94.0%	91.0%
Total Felony Cases Filed	395	404	385	233	265	270	374

^a Failed diversion cases were included in FY2010 statistics.

The Cochise County Legal Defender's Department reported in FY2016 that 89.0 percent of felony cases were adjudicated within 180 days of filing, a decrease from the percentage reported in FY2015 (see Table 8). The Legal Defender's Department experienced an increase in felony case filings from 230 in FY2015 to 309 in FY2016. Due to changes in the types of felony cases included in the case processing statistics within the seven-year period, comparisons including FY2010 data are not encouraged.

Table 8. Cochise County Legal Defender's Office Felony Case Processing Statistics

FY2010-FY2016

Cases Included in FY2016 Statistics: Superior Court Felony Cases Concluded in FY2016 Except for Bench Warrants, Adult Diversion, Withdrawals and Juvenile Cases.

	FY2010 ^a	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	89.0%	90.0%	88.0%	92.0%	93.0%	93.0%	89.0%
Total Felony Cases Filed	233	245	254	200	210	230	309

^a Failed diversion cases were included in FY2010 statistics.

Coconino County

Coconino County Attorney's Office

The Coconino County Attorney's Office utilized FTG funds in FY2016 to support the partial salaries of one deputy county attorney position and one legal assistant position (see Table 9). The office reported that the FTG funds have allowed for timely charging of the cases filed with the office, which has positively impacted their case processing. The County Attorney's Office notes that staff continue to participate in the Criminal Justice Coordinating Council and the Felony Task Force, which have positively impacted other factors that are beyond the agency's control and affect case processing time.

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Coconino County Attorney's Office	\$0.00	\$18,244.00	\$0.00	(\$18,244.00)	\$0.00

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

Despite efforts to improve case processing, the agency identified some factors that negatively impact case processing time, including the lack of coordination among court divisions; management of individual division's calendars; defense counsel delays; and continuances due to pending lab results, medical records, victim input, and other reasons.

In FY2016, the Coconino County Attorney's Office reported that 55.0 percent of felony cases were adjudicated within 180 days of the filing date (see Table 10). This percentage reported in FY2016 is a slight increase from the 51.0 percent reported in FY2015. Felony cases filed decreased from 735 filings reported in FY2015 to 661 filings reported in FY2016.

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Cases Included in FY2016 Statistics: All Felony Cases Arraigned in FY2016 Excluding Days on Warrant Status.							
Percent of Felony Cases Adjudicated within 180 Days of Filing	78.0%	73.0%	68.0%	52.0%	50.0%	51.0%	55.0%
Total Felony Cases Filed	884	967	1082	805	978	735	661

Coconino County Indigent Defense

The Coconino County Superior Court did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The Superior Court noted that the work completed by Coconino County's Felony Task Force has continued to positively impact case processing within the county. The court noted that this positive impact is due to the team meeting regularly in order to identify and resolve issues within case processing. The Superior Court also noted a number of factors negatively impacting case processing, including the time it takes to consolidate multiple cases into one case when defendants have additional charges, cases being processed at limited jurisdiction courts, and the increased complexity of Superior Court felony cases requiring longer judicial times.

The Coconino County Superior Court reported a decrease in felony cases adjudicated within 180 days of filing from 70.0 percent in FY2015 to 65.0 percent in FY2016 (see Table 11). The Superior Court also observed a recent decrease in the total number of case filings from 1,030 in FY2015 to 988 in FY2016.

**Table 11. Coconino County Superior Court Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Criminal Cases Involving a Felony Charge.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	82.0%	68.0%	73.0%	66.0%	68.0%	70.0%	65.0%
Total Felony Cases Filed	986	851	723	906	924	1,030	988

Gila County

Gila County Attorney's Office

The Gila County Attorney's Office expended State FTG funds to purchase necessary office equipment including a scanner and desktop computers. The County Attorney's Office noted that the remaining funds will most likely be expended to purchase a new case management system during the next few months. The office reports that the availability of FTG funds has enhanced the staff's ability to track case processing and purchase necessary equipment to plan for and manage cases throughout the year. Additionally, the Gila County Attorney's Office acknowledged that collaboration with law enforcement agencies and the courts have positively impacted case processing times as these relations facilitated the distribution of reports, court minute entries, and evidentiary materials.

Table 12. Gila County Superior Court Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Gila County Superior Court	\$64,390.51	\$8,807.00	\$251.61	(\$9,697.09)	\$63,752.03

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The Gila County Attorney's Office reported an increase in the 180-day adjudication rate from 65.0 percent in FY2015 to 70.0 percent in FY2016 (see Table 13). The County Attorney's office noted that this rate decrease could be the result of staff shortages and/or operating on an outdated case management system, which has negatively impacted how the office functions. The County Attorney's Office filed a total of 644 felony cases during FY2016, an increase of 25.8 percent from 512 reported in FY2015.

Table 13. Gila County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY 2016 Excluding Days on Warrant Status or Days Excluded By the Court for Delays.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	90.0%	60.0%	80.0%	83.0%	79.0%	65.0%	70.0%
Total Felony Cases Filed	607	599	308	447	344	512	644

Gila County Indigent Defense

The Gila County Superior Court did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The Superior Court reported that its early case disposition program, which requires collaboration with the Defense Bar and County Attorney, has become an asset for improving case processing as this program allows for faster processing of certain low-level, non-victim related felony cases. The court also reported that monthly trial meetings are conducted in their county to address scheduling conflicts and identify special management of cases that have not been completed within appropriate timeframes.

The Superior Court commented that there are certain events that have negatively impacted case processing in their jurisdiction. For instance, cases experiencing continuances due to delays in completing witness interviews or plea negotiations were noted as a fairly common occurrence. The Superior Court also reported that a new judge was introduced during the last fiscal year, which caused some delays in case processing. Delays were experienced because some cases were reassigned to avoid conflicts of interest since the new judge was previously associated with the County Attorney's office.

The Gila County Superior Court reported a 40.5 percent increase in the 180-day felony case adjudication rate from 37 percent in FY2015 to 52.0 percent in FY2016 (see Table 14). The court reported minimal change in the total number of cases filed from FY2015 to FY2016.

**Table 14. Gila County Superior Court Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases Adjudicated by Sentencing, Dismissal and Consolidated Cases.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	65.4%	57.1%	56.2%	53.7%	47.3%	37.0%	52.0%
Total Felony Cases Filed	733	620	614	562	461	651	650

Graham County

Graham County Attorney's Office

The Graham County Attorney's Office used a portion of the available funds to pay the maintenance fee for the agency's Time Matters Case Management System. This case management system was identified as essential to the agency because it allows for staff to operate in an efficient manner. Representatives from the Graham County Attorney's Office noted that receiving and utilizing the FTG funds are crucial for the office to continue operating in an effective manner.

The County Attorney's Office noted that collaborating with other agencies have greatly impacted case processing. The office reports that collaborating with other agencies has allowed for defense attorneys to receive necessary disclosures in a timely manner, and arranging plea agreements which allow for defendants' cases to be arraigned at a quicker rate.

Table 15. Graham County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Graham County Superior Court	\$11,877.94	\$6,703.00	\$53.26	(\$4,579.19)	\$14,055.01

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

According to the County Attorney's office, continuances due to conflicts in defense attorney's schedules and delays in law enforcement testimonies have negatively affected case processing in Graham County. The County Attorney's Office acknowledged that the courts have rescheduled hearings to accommodate attorney schedules, which has alleviated this issue to some degree.

The percentage of felony cases adjudicated within 180 days of filing in FY2016 was 72.2 percent, a 24.5 percent increase from the percentage reported in FY2015 (see Table 16). Filings on felony cases increased from the 390 filings during FY2015 to 435 during FY2016. It is important to note that in FY2011 the agency began pulling filing data from the agency's case management system, while prior years' data were collected from the Arizona Administrative Office of the Courts.

Table 16. Graham County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in the Superior Court.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.4%	100.0%	100.0%	67.0%	72.0%	58.0%	72.2%
Total Felony Cases Filed	449	456	427	391	406	390	435

Graham County Indigent Defense

The Graham County Superior Court did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B). The Superior Court did not respond to questions regarding case processing for their jurisdiction but previously reported that the lack of state funding had placed a burden on the county to redirect resources for other functions to the indigent defense counsel in order to provide necessary services. The agency noted that any future funding would be used to provide quality legal services to defendants in the court system and to improve caseload efficiency.

The Graham County Superior Court did not provide case processing information for FY2016. In FY2015, the court reported that 69.0 percent of felony cases were adjudicated within 180 days, and the number of felony cases filed was 411 (see Table 17). The Graham County Superior Court was unable to provide case processing statistics from FY2011 to FY2013 because these data were not available in their case management system.

**Table 17. Graham County Superior Court Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: Criminal Felony Cases Filed in Superior Court.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.4%	No Data Provided	No Data Provided	No Data Provided	72.0%	69.0%	No Data Provided
Total Felony Cases Filed	520	456	433	447	406	411	No Data Provided

Greenlee County

Greenlee County Attorney's Office

In FY2016, the Greenlee County Attorney's Office spent available funds on office supplies such as DVDs and thumb drives to aid in the transition from paper files to electronic files (see Table 18). The County Attorney's Office reported that staff recently began transforming the way cases are filed and handled in hopes to improve efficiency. The agency also noted that obtaining reports from law enforcement and accessing cases through the new electronic format has improved efforts in case processing. The agency reported that a quicker response rate from law enforcement when attorneys are requesting follow-up information may reduce processing times for cases.

Table 18. Greenlee County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Greenlee County Attorney's Office	\$0.00	\$1,417.00	\$0.00	(\$1,250.35)	\$166.65

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The Greenlee County Attorney's Office reported adjudicating 94.0 percent of felony cases in FY2016 within 180 days of filing, matching the 94.0 percent reported in FY2015 (see Table 19). A total of 127 felony cases were filed by the County Attorney's Office during FY2016, similar to the 124 cases reported in FY2015. Comparisons over the full seven year period are not recommended as data for FY2010 and FY2011 exclude cases that are not excluded in recent fiscal year data.

Table 19. Greenlee County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed by the County Attorney.							
	FY2010 ^a	FY2011 ^a	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	99.0%	96.0%	88.0%	69.0%	83.0%	94.0%	94.0%
Total Felony Cases Filed	127	117	122	118	170	124	127

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

Greenlee County Indigent Defense

In 2016, the Greenlee County Superior Court did not receive State FTG funds but reported a beginning balance of \$74.40 due to funds received in previous years (see Table 20). The Superior Court did not expend any funds and reported that these funds are being reserved for use in the event that monies are once again distributed for indigent defense attorneys from the State FTG program. The court noted that if funds were made available, the current balance and future disbursements would be used to pay for indigent defense attorneys.

Table 20. Greenlee County Superior Court Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Greenlee County Superior Court	\$74.40	\$0.00	\$0.12	(\$0.00)	\$74.52

The Superior Court commented that firm trial dates and limited continuances during cases assisted in improving processing times throughout the last few years. However, the court reported that the presence of only one superior court judge has caused some issues with processing criminal cases in the past. The court explained that when a "Change of Judge" is filed the court must account for time to hire a new judge from another county and schedule cases around the new judge's schedule; which negatively impacts case processing times.

In FY2016, 98.0 percent of all felony cases were reported as adjudicated within 180 days of filing (see Table 21). A total of 109 felony cases were filed during the fiscal year. Similar to the County Attorney data, the data collection parameters used by the court to obtain these statistics have changed over the years. Thus, comparisons across fiscal years are not recommended.

Table 21. Greenlee County Superior Court Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: Felony Cases Leading to Sentencing or Dismissal Except for Out-of-County Judge, Warrant Status, and Other Pending Cases.							
	FY2010 ^a	FY2011 ^a	FY2012 ^b	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	96.0%	87.0%	91.0%	99.0%	94.0%	99.0%	98.0%
Total Felony Cases Filed	75	82	71	70	101	105	109

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

^b FY2012 cases excluded interstate compact, out-of-county judge, warrant status, and opened in error cases.

La Paz County

La Paz County Attorney's Office

The La Paz County Attorney's Office used State FTG funds to pay annual fees for their Time Matters Case Management System and to train staff on this system. The agency mentioned that the distribution of FTG funds enabled the office to continue updating their case management system, which allowed staff to operate more efficiently.

When asked to report on positive impacts to case processing, the County Attorney's Office noted that the presence of a more reliable reporting system in the court has increased the awareness of issues within case processing. Receiving these reports and obtaining more reliable data also allowed for increased productivity within the jurisdiction.

Table 22. La Paz County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
La Paz County Attorney's Office	\$11,055.49	\$3,624.00	\$26.55	(\$3,203.75)	\$11,502.29

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The County Attorney's Office did not identify any factors that negatively influenced case processing times during FY2016, and reported that continuances for their cases are not common.

In FY2016, 52.0 percent of felony cases were adjudicated within 180 days of filing, an increase from 50.0 percent reported in FY2015 (see Table 23). The agency also reported an increase in felony cases filed from 261 in FY2015 to 324 in FY2016. Prior to the transition to a new case management system, the County Attorney's Office was unable to report case processing statistics between FY2010 and FY2013.

Table 23. La Paz County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY 2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	No Data Provided	No Data Provided	74.0%	50.0%	52.0%
Total Felony Cases Filed	407	318	203	229	264	261	324

La Paz County Indigent Defense

The La Paz County Public Defender's Office did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The Public Defender explained that lack of State FTG funds resulted in difficulties in providing training for new support staff. The agency also listed other negative impacts to case processing including; 1) changes in attorney staff; 2) late, untimely, and delayed disclosures from the County Attorney's Office; 3) prosecution being unprepared; and 4) delays in witness interviews by the prosecution. Case continuances were also noted as an issue for the jurisdiction. According to the Public Defender's Office, continuances were experienced due to pre-trial motion practice, employee turn-over in the Public Defender's Office, and the aforementioned issues.

The Public Defender's office noted that collaborative efforts with the La Paz County Sheriff's Department positively affected case processing by expediting the communication between defendants and their counsel. This increased communication has allowed the defense counsel to quickly assist their clients throughout the case.

The La Paz County Public Defender's Office reported that 52.0 percent of felony cases in FY2016 were adjudicated within 180 days, an increase from the 50.0 percent reported in FY2015 (see Table 24). The agency recorded a total of 283 felony cases filed in FY2016, an increase from the 177 cases filed in FY2015.

**Table 24. La Paz Public Defender's Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	No Data Provided	No Data Provided	83.0%	50.0%	52.0%
Total Felony Cases Filed	No Data Provided	318	267	276	264	177	283

Maricopa County

Maricopa County Attorney's Office

The Maricopa County Attorney's Office utilized FTG funds during FY2016 to support salaries, overtime and benefits for various staff positions at the agency. The office reported that FTG funds benefit the agency because the agency is able to fund supportive staff positions that ensure the timely filing of criminal cases. The County Attorney's Office noted that with continued funding they hope to 1) process out of custody cases within 30 days of the date that the office receives a submittal, 2) process out of custody submittals before defendants are released from custody for other charges, 3) reduce the amount of time to finalize a charging decision, and 4) process cases in a quicker manner to lessen caseloads so that Preliminary and Diversion Bureau staff have more time to prepare files for court.

The County Attorney's Office acknowledged that that staff's working relationship and communication with law enforcement agencies has enabled the office to process a large volume of case submittals quickly. According to staff representatives, the Maricopa County Attorney's Office was able to process and file hundreds of cases each week. However, the agency noted that meeting deadlines set by criminal statute and rules of criminal procedure while having an immense volume of cases has continued to be a challenge for the office.

Table 25. Maricopa County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Maricopa County Attorney's Office	\$1,092,333.48	\$583,621.00	\$1,346.45	(\$1,505,622.62)	\$171,678.31

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

^b Beginning Balance is a larger amount than the reported ending balance for FY2015 as the FY2015 4th Quarter Allocation was not captured as an encumbrance in the FY2015 FTG report.

The Maricopa County Attorney's Office reported that 82.1 percent of felony cases filed in FY2016 were adjudicated within 180 days. This is an increase from the 79.1 percent of cases reported in FY2015. The number of felony cases filed by the County Attorney increased by 2.7 percent from 30,909 in FY2015 to 31,731 in FY2016. Prior to FY2015, the County Attorney consistently reported a 180-day adjudication rate at 85.0 percent or higher.

Table 26. Maricopa County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Cases Included in FY2016 Statistics: Felony Cases Disposed in FY2015 Except Homicides, Highly Complex Cases, Appeals, Conflicts, Purged Cases, Probation Violations, Post-Convictions, Diversion Time, Time Spent in Rule 11 Proceedings, Time in Warrant Status, and Time in Special Actions.							
Percent of Felony Cases Adjudicated within 180 Days of Filing	88.0%	89.3%	86.3%	85.0%	85.0%	79.1%	82.1%
Total Felony Cases Filed	38,862	33,860	21,550	20,226	20,226	30,909	31,731

Maricopa County Indigent Defense

The Maricopa County Public Defense Services did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The agency noted that if allocations were distributed to their agency, the office would use the funds to hire new staff to reduce current caseloads, to purchase technological resources for the management of body camera video evidence, and to update technological resources for web-based remote access and mobile computing tools. The Public Defense Services reported that while it is unclear what specific impacts these efforts would have in improving case processing times, the office believed that the effects would allow staff to be more efficient.

The Public Defender's Office continued to participate in meetings regarding case processing and case resolution with other criminal court stakeholders such as judicial officers, the probation department, court staff, and the prosecutor's office. These meetings, along with the strong training program for defense attorneys and the addition of six Mentor Supervisor positions at the office, were all reported as influential factors in improving case processing. When asked about negative impacts, the agency commented that plea policies by the prosecution inhibit efforts to resolve cases in a timely manner. The office also noted that resistance in providing law enforcement body camera footage and lengthy litigation procedures to obtain critical discovery information have also prolonged processing times.

The Maricopa County Public Defense Services reported that 85.5 percent of 24,068 felony cases were adjudicated within 180 days of the arraignment date (see Table 27). It is important to note that the agency excluded cases with non-terminal disposition findings beginning in FY2014. In FY2016, appeals and probation violations were also excluded in the data provided. Due to these changes in the types of felony cases included in the case processing statistics, comparisons across fiscal years are not recommended.

**Table 27. Maricopa County Public Defense Services Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: Felony Cases Closed in FY2016 Except Appeals, Probation Violations, and Non-Terminal Disposition Cases.							
	FY2010	FY2011	FY2012	FY2013	FY2014^a	FY2015	FY2016^b
Percent of Felony Cases Adjudicated within 180 Days of Filing	86.3%	86.2%	86.3%	86.1%	80.2%	85.3%	85.5%
Total Felony Cases Filed	33,064	31,270	31,036	30,245	25,234	24,377	24,068

^a FY2014 is the first year when cases resulting in non-terminal disposition findings were reportedly excluded from the statistics.

^b FY2016 is the first year where appeals and probation violation cases were excluded from the statistics.

Mohave County

Mohave County Attorney's Office

The Mohave County Attorney's Office used FTG funding to support the salary of a temporary position to help with technical aspects of trial preparations. The agency noted that funding resources for this position were recently eliminated, and a temporary position was created to ensure that essential technical support was provided to attorneys. The agency reported that this position is essential for the creation of crime scene diagrams, audio/video clips, presentations, and much more. The County Attorney also mentioned that the FTG funds were used to pay a small portion of the salary for a prosecuting attorney.

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Mohave County Attorney's Office	\$0.00	\$29,519.00	\$0.00	(\$29,519.00)	\$0.00

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

According to the County Attorney's Office, case processing was positively affected by receiving disclosures for cases in a timely manner. Case processing was negatively impacted by the rising number of co-defendant cases, the length of time in assigning defense attorneys to individuals in co-defendant cases, and the presence of more challenging cases such as riot cases from the state prison. The County Attorney's Office also noted that continuances were granted due to scheduling conflicts with defense attorneys from other jurisdictions that are assigned to cases in Mohave County. Scheduling delays in court also delayed case processing due to a large number of trials set.

The Mohave County Attorney's Office reported an increase in the 180-day adjudication rate for all adult and juvenile felony case filings from 78.0 percent in FY2015 to 82.6 percent in FY2016 (see Table 29). The number of felony cases filed rose from 2,344 in FY2015 to 2,646 in FY2016.

Cases Included in FY2016 Statistics: All Felony Adult and Juvenile Cases.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	86.0%	87.0%	83.0%	76.0%	77.0%	78.0%	82.6%
Total Felony Cases Filed	1,991	2,163	2,141	2,337	2,418	2,344	2,646

Mohave County Indigent Defense

The Mohave County Public Defender’s Office and Legal Defender did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The Legal Defender’s Office commented that if funds were distributed for defense services, those funds would be used for training efforts for staff and the purchasing of necessary equipment and software. The Public Defender’s Office did not respond to questions regarding case processing for their jurisdiction. In prior years, the agency reported that the quality of their staff and staff’s ability to manage high caseloads were positive factors in improving case processing. The Legal Defender acknowledged that case processing times for the office have largely remained the same as in previous years. A storage of staff within the office and the length of time it takes to receive plea offers or disclosures from the County Attorney were noted as negative impacts to case processing times.

The Mohave County Public Defender’s Office has not been able to obtain the requested statistics from local and state case management systems since FY2011. The Legal Defender’s Office was able to provide a total number of felony cases filed and the percentage of felony cases adjudicated within 180 days of filing for FY2016 (see Table 30). It is important to note that a number of data collection methods have been implemented over the seven-year period, and the types of felony cases included in the case processing statistics have changed over time. Thus, comparisons across fiscal years are not recommended.

**Table 30. Mohave County Public/Legal Defender’s Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases Filed and Assigned to the Public/Legal Defender in FY2016.							
	FY2010^a	FY2011	FY2012	FY2013^b	FY2014	FY2015	FY2016^b
Percent of Felony Cases Adjudicated within 180 Days of Filing	75.0%	No Data Provided	No Data Provided	No Data Provided	No Data Provided	No Data Provided	73.0%
Total Felony Cases Filed	2,121	No Data Provided	3,852	1,112	2,273	2,175	590

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

^b Information for FY2013 and FY2016 were reported by the Mohave County Legal Defender’s Office. Other years’ statistics reported by the Public Defender’s Office.

Navajo County

Navajo County Attorney's Office

The Navajo County Attorney's Office spent FY2016 funds on an annual payment for necessary management and communication software. The agency acknowledged that the ability to have up-to-date software provides needed support to staff to ensure productivity in the office. The ability for the software to provide lines of communication with outside agencies and the hiring of new staff were also noted as benefits for the agency.

Table 31. Navajo County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Navajo County Attorney's Office	\$0.00	\$16,793.00	\$22.62	(\$15,352.04)	\$2,166.58

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The Navajo County Attorney's Office noted that the increase in more complex cases has created a backlog for the agency as these cases require lengthy prosecution. Defense attorneys requesting continuances and other delays in court processing were also noted as negative impacts to case resolution times.

In FY2016, the County Attorney's Office reported that 62.0 percent of felony cases filed were adjudicated within 180 days of filing, an increase from 34.0 percent in FY2015 (see Table 32). A total of 1,580 felony cases were filed by the Navajo County Attorney's Office in FY2016. This is an increase from the 1,087 cases filed in FY2015.

Table 32. Navajo County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	11.0%	9.0%	9.9%	32.0%	32.0%	34.0%	62.0%
Total Felony Cases Filed	1,258	1,266	1,295	1,156	1,166	1,087	1,580

Navajo County Indigent Defense

The Navajo County Legal Defender's Office did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B). The Navajo County Public Defender's Office did not receive FY2016 funding, but the agency did carry over a balance of \$494.70 from FY2015 (see Table 33). This balance was not expended during FY2016 as the Public Defender's Office is saving these funds in case additional State FTG funds are allocated for defense costs. The agency plans to use existing funds to purchase necessary equipment for investigative services.

Table 33. Navajo County Public/Legal Defender's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Navajo County Public/Legal Defender's Office	\$494.70	\$0.00	\$2.70	(\$0.00)	\$497.40

The Public Defender's Office noted that cases are quickly resolved when the County Attorney's Office is able to provide complete disclosures and plea offers early in the case. The agency is hoping to obtain the same case management system the County Attorney's Office utilizes to improve the efficiency of sending and receiving necessary disclosure materials. High caseloads, attorney turnover, and issues with outdated equipment were noted as aspects negatively impacting processing times for the office. According to the Public Defender's Office, delays due to prosecutor's lack of timely disclosures and plea offers also negatively affect case processing times within the jurisdiction.

The Public Defender's Office reported that 1,174 felony cases were filed during FY2016 (see Table 34). The agency was unable to report on the percentage of cases adjudicated within 180 days because their current case management system does not produce these statistics.

Table 34. Navajo County Public Defender's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	91.0%	95.0%	88.0%	89.0%	83.0%	84.0%	Data Not Available
Total Felony Cases Filed	1,254	823	1,359	1,067	1,360	1,264	1,174

The Legal Defender's Office did not provide information regarding case processing statistics, but previously report that 87.0 percent of 583 cases were adjudicated within 180 days for FY2015 (see Table 35). The Legal Defender did not comment on factors influencing case processing times, but previously noted that lack of State FTG funds impacted the agency's budget and daily functions. It is important to note that petitions to revoke probation cases were included in FY2012 statistics for the office. Thus, comparisons to FY2012 data are not recommended.

Table 35. Navajo County Legal Defender's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in FY2016.							
	FY2010	FY2011	FY2012 ^a	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	82.0%	79.0%	81.0%	81.0%	83.0%	87.0%	No Data Provided
Total Felony Cases Filed	399	335	490	540	593	583	No Data Provided

^a Petitions to revoke probation cases were included in FY2012 statistics.

Pima County

Pima County Attorney's Office

In FY2016, the Pima County Attorney's Office used the available funds to cover salary and benefits costs for legal and support staff at the agency (see Table 36). The office noted that FTG funds allowed for improvements to their case management system in order to handle increasing caseloads. The agency also reported that the remaining funds are planned to support future technological improvements for their case management system, and to purchase necessary equipment and software upgrades.

Table 36. Pima County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pima County Attorney's Office	\$211,855.94	\$124,735.00	\$3,901.60	(\$59,528.18)	\$280,964.36

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The agency identified heightened crime rates, increases in reported arrests, prosecutor turnover, and the multitude of cases resulting from violent offenses as barriers to improving case processing. According to the Pima County Attorney's Office, continuances within cases were also experienced due to scheduling conflicts. One positive aspect was the agency's continued participation and leadership in the Justice Partners group. This group focuses on enhancing prosecution services through interagency collaboration and the use of innovative technological resources.

The Pima County Attorney's Office reported that felony cases adjudicated within 180 days of filing increased from 70.0 percent in FY2014 to 75.0 percent of adjudicated cases in FY2016 (see Table 37). The office also reported a total of 5,539 felony cases filed. This is a slight decrease from the 5,621 cases filed in FY2015.

Table 37. Pima County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases that were filed or adjudicated within FY2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	74.0%	72.0%	64.0%	60.0%	75.0%	70.0%	75.0%
Total Felony Cases Filed	5,312	4,401	5,114	5,469	6,057	5,621	5,539

Pima County Indigent Defense

The Pima County Public Defense Services did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The agency noted that if funds were restored for indigent defense services, the funds would be used to contract with a database programmer to create communication systems that would allow for data exchanges with local courts.

The agency reported that issues in plea policies and proposals, the lack of discretion from deputy county attorneys, trial quotas for deputy county attorneys, and unresponsive prosecutors have negatively impacted the processing of cases. The Public Defense Services Office mentioned that the collaboration with justice agencies and the MacArthur Foundation have positively impacted case processing in their jurisdiction. The efficiency of the Public Defender's Intake Team, receipt of electronic disclosures from the County Attorney, and increased visitation with defendants were also noted as significant factors in improving case processing.

The Pima County Public Defense Services reported that 75.0 percent of felony cases were adjudicated within 180 days of the filing date, an increase from 43.0 percent reported in FY2015. The Public Defense Services also reported that 5,539 cases were filed during FY2016, a decrease from 5,704 cases filed during FY2015 (see Table 38).

**Table 38. Pima County Public Defense Services Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases Filed with the Pima County Superior Court.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	74.0%	72.0%	40.0%	71.0%	75.0%	43.0%	75.0%
Total Felony Cases Filed	5,312	4,783	4,944	5,469	6,294	5,704	5,539

Pinal County

Pinal County Attorney's Office

In FY2016, the Pinal County Attorney's Office paid for wages and related expenses for two legal secretary positions with FTG funds (see Table 39). Both legal secretary positions were noted as essential for the office as these positions prepare cases for charging, ensure motions and documents are filed in a timely manner, and manage case files through adjudication. The agency mentioned that without these funds, case processing at the office would be negatively impacted.

According to the County Attorney's Office, case processing has benefitted from improved relations with law enforcement agencies, pretrial services, and jail administration staff. These improved relations have contributed to the timely receipt of necessary reports and information for cases assigned to the agency.

Table 39. Pinal County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pinal County Attorney's Office	\$0.00	\$51,844.00	\$118.39	(\$51,962.59)	\$0.00

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The agency noted that delays in receiving police reports continue to occur, which may result in the release of certain defendants whom the office would prefer to be detained in jail. This circumstance was mentioned as a negative impact to case processing as it causes staff to refocus their time and efforts towards resolving this issue, which delays progress with other assignments.

The Pinal County Attorney's Office reported in FY2016 that 56.3 percent of felony cases were adjudicated within 180 days of filing, a decrease from 60.0 percent reported in FY2015 (see Table 40). The total number of felony cases filed rose from 1,258 in FY2015 to 4,005 in FY2016.

Table 40. Pinal County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: Felony Cases Adjudicated in FY2016.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	57.0%	68.0%	70.0%	61.0%	58.0%	60.0%	56.3%
Total Felony Cases Filed	1,915	2,469	2,473	2,013	2,672	1,258	4,005

Pinal County Indigent Defense

The Pinal County Public Defender's Office did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

Since no funding was available, the office was unable to hire additional staff to improve case processing. If future funds were made available, the office reported that these funds would be used to hire additional staff for assistance in concluding cases. The agency noted that funds would also be used to pay for upgrades to their current case management software.

The continued utilization of the Early Disposition Court (EDC) and collaboration with the County Attorney's Office and the Adult Probation Office were noted as having positive influences on felony case processing. The agency also mentioned that staff turnover at the County Attorney's Office, the loss of key personnel from the Public Defender's Office, and the need to staff an additional Drug Court impeded case processing in FY2016. The agency noted that these factors reduced the time attorneys had to handle felony cases, and required the agency to accrue additional costs for mileage expenses.

The Public Defender's Office reported an decrease of 8.2 percent in felony cases filed from 4,518 in FY2015 to 4,146 in FY2016 (see Table 41). The agency was unable to report an exact percentage of felony cases adjudicated within 180 days of filing, but did report an approximation of 60 percent.

**Table 41. Pinal County Public Defender's Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Adult Felony Cases Including Probation Violation Cases and Early Disposition Cases.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	86.0%	86.0%	84.4%	61.0%	61.0%	Data Not Available	Approx. 60.0%
Total Felony Cases Filed	2,426	3,511	2,768	2,103	3,206	4,518	4,146

Santa Cruz

Santa Cruz County Attorney's Office

In FY2016, the Santa Cruz County Attorney's Office utilized FTG funds to partially fund a temporary office assistant position (see Table 42). This position's responsibilities include opening new cases referred to the agency and ensuring that subsequent pending charges are included in the correct case files. Staff from the agency noted that the remaining funds will be expended to hire future temporary assistant positions to ensure productivity in the office.

Table 42. Santa Cruz County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Santa Cruz County Attorney's	\$4,142.13	\$5,712.00	\$0.00	(\$666.08)	\$9,188.05

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

According to the office, the hiring of temporary legal assistants and clerks is essential since these positions allow legal staff to have the time to prepare and submit materials such as disclosures, motions, and complaints. The agency reported that a negative impact to case processing is continuances within cases. Plea negotiations and scheduling conflicts were noted as the main sources of continuances.

The County Attorney's Office continued to experience complications with its case management system and the collection of case processing statistics (see Table 43). Thus, the office has not reported case processing statistics from FY2010-FY2016.

Table 43. Santa Cruz County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available
Total Felony Cases Filed	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available

Santa Cruz County Indigent Defense

The Santa Cruz County Superior Court did not receive FTG funds in FY2016, but did carry over a \$25.49 balance from FY2015. The court did not expend any of the remaining funds since the court is using these funds to keep their financial account active. The Superior Court reported that if future funds become available for defense services, funds in this account will be used to compensate defense counsel positions.

Table 44. Santa Cruz County Superior Court Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Santa Cruz County Superior Court	\$25.49	\$0.00	\$3.96	(\$0.00)	\$29.45

The court acknowledged that statewide time standards for superior courts have created increased awareness of the time delays and case processing times for cases. This increased awareness has enabled staff to identify issues affecting the processing of cases, and work toward resolving those issues. The Superior Court also mentioned that data cleaning within the AJACS system has also improved case processing results. Continuances due to the lack of preparation for court hearings by defense attorneys and the County Attorney were noted as factors negatively affecting case resolution.

The Superior Court reported that 213 felony cases were filed during FY2016, and 71.0 percent of those cases were adjudicated within 180 days of filing (see Table 45). Due to the types of felony cases included in the case processing statistics changing over the last two fiscal years, comparisons between FY2016 data and prior fiscal years are not recommended.

Table 45. Santa Cruz County Superior Court Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Adjudicated in FY2016.							
	FY2010 ^a	FY2011 ^a	FY2012 ^a	FY2013 ^a	FY2014 ^a	FY2015 ^a	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	42.0%	37.0%	39.0%	45.0%	45.0%	74.0%	71.0%
Total Felony Cases Filed	309	199	217	270	234	238	213

^a FY2010 to FY2015 statistics include felony cases filed at the superior court regardless of pending indigent defense counsel assignment.

Yavapai County

Yavapai County Attorney's Office

The Yavapai County Attorney's Office used the available funds to support approximately half the cost of an entry-level attorney position (see Table 46). State FTG funds continued to support the agency's participation in the Early Disposition Court (EDC), which has improved case processing times as well as caseloads for felony prosecutors. The EDC involves a coordinated effort from justice agencies within Yavapai County to expedite the resolution of felony cases while being mindful of victims' rights. The office also noted that continued participation in the Criminal Justice Coordinating Committee (CJCC) has improved general operations in the criminal justice process.

Table 46. Yavapai County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yavapai County Attorney's Office	\$0.00	\$32,560.00	\$0.00	(\$32,560.00)	\$0.00

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The County Attorney's Office noted factors delaying criminal case processing include a limited number of judges available for jury trials, and current court rules requiring a probable cause hearing within ten days of the defendant's initial appearance. The agency mentioned that extending the ten-day requirement may reduce delays in processing by allowing enough time for defense attorneys to meet with clients prior to the first EDC hearing. When asked about reasons for continuances, the County Attorney noted that continuances occur due to: 1) additional charges being added to a case, 2) the extended time it takes parties to work on non-trial resolutions, 3) the need to transfer a case to a private attorney due to a defendant's request for a private attorney, and 4) scheduling conflicts for defendants or defense attorneys.

In FY2016, 83.6 percent of 2,286 felony cases filed were adjudicated within 180 days of filing (see Table 47). Prior to FY2016, the types of felony cases included in the case processing statistics excluded capital murder cases, bench warrants, and time under Rule 11 restoration. Thus, comparisons across fiscal years are not recommended.

Table 47. Yavapai County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: All Felony Cases Filed in the Yavapai County Court Administration Office.							
	FY2010 ^a	FY2011 ^a	FY2012 ^a	FY2013 ^a	FY2014 ^a	FY2015 ^a	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	No Data Provided	No Data Provided	No Data Provided	78.0%	82.0%	83.6%
Total Felony Cases Filed	2,105	1,837	1,980	1,783	1,780	2,038	2,286

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

Yavapai County Indigent Defense

The Yavapai County Public Defender's Office did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The office reported that the County Attorney recently began using electronic resources to submit discoveries to defense counsel. According to the Public Defender, this change reduced the length of time it takes counsel to receive discovery materials. The Public Defender mentioned that participation in the EDC has allowed for cases to be resolved quickly when possible.

Communication gaps between local justice agencies were noted as a factor impeding prompt processing times within the jurisdiction, and plea policies were mentioned as also impacting the length of time it takes to resolve a case. The agency also reported that continuances occurred due to late disclosures, newly discovered evidence, and overloaded court calendars.

The Yavapai County Public Defender's Office reported that 83.0 percent of felony cases filed were adjudicated within 180 days (see Table 48). The total number of felony case filed in FY2016 was 2,447. Unfortunately, data provided in fiscal years FY2010 through FY2015 differ from data reported during other fiscal years due to the types of felony cases excluded in the statistics. For instance, FY2016 data includes all felony cases while prior years excluded certain cases such as capital murder cases. As a result, data comparisons for the information listed are discouraged.

**Table 48. Yavapai County Public Defender's Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases Excluding Appeals.							
	FY2010	FY2011^a	FY2012^b	FY2013	FY2014	FY2015^a	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	79.9%	76.7%	81.3%	85.0%	83.1%	79.0%	83.0%
Total Felony Cases Filed	2,510	2,245	2,321	2,090	2,283	2,512	2,447

^a FY2011, FY2012, and FY2015 cases excluded capital murder, bench warrant, Rule 11, and probation violation cases.

^b CY2012 cases were for calendar year 2012.

Yuma County

Yuma County Attorney's Office

The Yuma County Attorney's Office directed the available funds to cover a portion of the salary for one investigator (see Table 49). This staff position provided support as needed to avoid delays due to locating witnesses, serving subpoenas, contacting witnesses for interviews, and other vital functions that allow for quick processing of cases. The County Attorney noted that the presence of this investigator position is a primary factor for the improvement of case processing times within the agency.

Table 49. Yuma County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2016

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yuma County Attorney's Office	\$0.00	\$27,234.00	\$0.00	\$27,234.00	\$0.00

^a Funds Received is the actual payment made to each county from the FY2016 fund. The 4th Quarter Allocation was received after the close of the fiscal year.

The County Attorney's Office mentioned that the growing preference to refer cases to specialty courts was one factor that affected case processing statistics. The County Attorney notes that specialty courts within the Superior Court contain deferred prosecution components that delay adjudication hearings and resolution of cases. These delays create challenges for the County Attorney to resolve cases in an appropriate time frame.

The County Attorney's Office noted that this is the fourth consecutive year that felony filings have decreased for their jurisdiction. In FY2016, a total number of 1,301 cases were filed, a decrease from the 1,407 filed in FY2015. The percentage of cases that were adjudicated within 180 days also decreased from 76.0 percent in FY2015 to 73.0 percent in FY2016 (see Table 50).

Table 50. Yuma County Attorney's Office Felony Case Processing Statistics FY2010-FY2016

Cases Included in FY2016 Statistics: Felony Cases Filed in FY016 Except Probation Violations, Juvenile Cases, and Extraditions.

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	68.0%	70.0%	67.0%	66.0%	72.0%	76.0%	73.0%
Total Felony Cases Filed	1,701	1,691	1,355	1,903	1,679	1,407	1,301

Yuma County Indigent Defense

The Yuma County Public Defender's Office did not receive State FTG funds, and did not carry over a balance from FY2015 to FY2016 (see Appendix B).

The agency commented that receiving funds for defense services would enable their office to enhance attorney retention and reduce case processing times by having more experienced attorneys staffed within the agency. Staff at the Public Defender's Office mentioned that major issues impacting case processing included scheduling conflicts and difficulties in case management. The agency did not report any factors that positively impacted case processing.

In FY2016, the Yuma County Public Defender's Office reported a decrease in felony cases adjudicated within 180 days of filing from 39.0 percent reported in FY2015 to 17.0 percent in FY2016 (see Table 51). The agency reported a 73.2 percent increase in felony cases filed from 941 in FY2014 to 1,628 in FY2016.

**Table 51. Yuma County Public Defender's Office Felony Case Processing Statistics
FY2010-FY2016**

Cases Included in FY2016 Statistics: All Felony Cases.							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.0%	69.0%	65.0%	67.0%	79.0%	39.0%	17.0%
Total Felony Cases Filed	940	908	958	920	941	1,558	1,628

ACCH REPOSITORY DATA

To capture data that may be comparable across years, the ACJC SAC analyzed case processing times through data housed in the Arizona Computerized Criminal History (ACCH) repository. This repository is maintained by the Arizona Department of Public Safety (DPS), and is designed to be the central repository for all criminal arrest and disposition information recorded in the state. The ACCH was used to identify the percentage of felony cases adjudicated within 180 days of arrest during FY2010 to FY2016. First-degree homicide charges were excluded from the data set since these cases are not subject to the standardized time frame established in the Arizona Supreme Court Rules of Criminal Procedure. Data recorded in this report also differs from previous reports as data for this report were ran by criminal case instead of individual arrest charges (see Research Methods).

It is important to note that low numbers reported for FY2016 may be due to outstanding case findings still to be entered into the ACCH, or cases that were entered into the ACCH after the July 2016 data extract from the repository. Furthermore, data received from the ACCH reflect a different timeline than the standard set out by the Supreme Court Rules of Criminal Procedure. As such, information contained in each chart should not be viewed as an exact measurement of case processing timeframes, but rather a means to examine trends from a data source in which information is obtained and analyzed in a consistent fashion.

The following pages document ACCH data for the State of Arizona and its individual counties.

ACCH Case Processing Statistics for the State of Arizona

According to data compiled from the ACCH, the State of Arizona has experienced a 15.9 percent decrease in the percentage of felony cases adjudicated within 180 days of arrest from FY2010 to FY2016 (see Table 52). There was no change in the percentage of felony cases adjudicated within this timeframe from FY2015 to FY2016. As of July 2016, the ACCH data also reveal that the median number of days to felony adjudications has increased throughout the years.

**Table 52. Statewide Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁴
FY2010-2016**

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	157	164	167	178	177	188	188
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	57.4%	55.1%	53.8%	50.6%	50.9%	48.3%	48.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	32,535	31,627	30,876	31,988	28,672	30,666	31,594

⁴ Cases Included in Analysis: All cases leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in 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.

Apache County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Apache County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 109 days. The percentage of felony cases adjudicated within 180 days of arrest rose from 45.0 percent in FY2010 to 72.3 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 240 in FY2010 to 173 in FY2016 (see Table 53).

Table 53. Apache County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁵ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	209.5	152.5	181.5	187.5	153	163	109
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	45.0%	60.4%	49.5%	44.2%	59.9%	54.9%	72.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	240	154	204	294	197	51	173

Cochise County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Cochise County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 151 days. The percentage of felony cases adjudicated within 180 days of arrest rose from 52.4 percent in FY2010 to 56.8 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 376 in FY2010 to 449 in FY2016 (see Table 54).

Table 54. Cochise County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁶ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	174.5	156.5	158	212	201	182	151
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	52.4%	57.2%	57.7%	42.8%	47.2%	49.9%	56.8%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	376	486	433	341	318	351	449

⁵ Ibid

⁶ Ibid

Coconino County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Coconino County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 329 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 37.8 percent in FY2010 to 23.5 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 678 in FY2010 to 456 in FY2016 (see Table 55).

Table 55. Coconino County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁷ FY2010-2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	237.5	251	238	251	310	345	329
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	37.8%	31.6%	40.2%	33.1%	28.0%	23.0%	23.5%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	678	658	540	619	436	570	456

Gila County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Gila County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 586.5 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 27.2 percent in FY2010 to 19.7 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 335 in FY2010 to 132 in FY2016 (see Table 56).

Table 56. Gila County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁸ FY2010-2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	274	300	303.5	292	286.5	377	586.5
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	27.2%	21.6%	22.6%	21.0%	20.9%	20.9%	19.7%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	335	527	544	590	516	483	132

⁷ Ibid

⁸ Ibid

Graham County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Graham County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 282 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 33.8 percent in FY2010 to 28.5 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 284 in FY2010 to 375 in FY2016 (see Table 57).

Table 57. Graham County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁹ FY2010-2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	228	231.5	235	222	236	262	282
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	33.8%	37.1%	36.5%	40.8%	36.8%	32.3%	28.5%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	284	302	222	311	133	334	375

Greenlee County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Greenlee County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 136 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 79.5 percent in FY2010 to 52.3 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 73 in FY2010 to 107 in FY2016 (see Table 58).

Table 58. Greenlee County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁰ FY2010-2016

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	77	113	97	148	118	135	136
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	79.5%	67.7%	76.3%	68.7%	74.2%	60.5%	52.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	73	99	80	67	120	147	107

⁹ Ibid

¹⁰ Ibid

La Paz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for La Paz County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 195 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 33.3 percent in FY2010 to 47.6 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 225 in FY2010 to 271 in FY2016 (see Table 59).

**Table 59. La Paz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹¹
FY2010-2016**

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	217	173	220	198	177	216	195
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	33.3%	51.4%	38.7%	42.0%	52.3%	39.4%	47.6%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	225	173	163	181	218	269	271

Maricopa County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Maricopa County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 202 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 58.6 percent in FY2010 to 45.2 percent in FY2016. The total number of cases resulting in felony adjudications in Maricopa County was 22,807 in FY2016 (see Table 60).

**Table 60. Maricopa County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹²
FY2010-2016**

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	152	162	170	180	191	205	202
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	58.6%	55.9%	53.0%	50.2%	47.5%	44.2%	45.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	22,357	21,057	20,611	20,786	18,259	19,034	22,807

¹¹ Ibid

¹² Ibid

Mohave County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Mohave County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 149 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 68.4 percent in FY2010 to 60.1 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 990 in FY2010 to 1,568 in FY2016 (see Table 61).

Table 61. Mohave County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹³ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	119	124	141	148	139	132	149
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	68.4%	66.2%	63.4%	60.9%	61.6%	61.6%	60.1%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	990	920	931	1,177	1,291	1,333	1,568

Navajo County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Navajo County in FY2016 was 212 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 42.1 percent in FY2010 to 44.2 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 363 in FY2010 to 269 in FY2016 (see Table 62).

Table 62. Navajo County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁴ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	215	207	242	207.5	191	196	212
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	42.1%	45.1%	40.9%	42.9%	47.8%	47.2%	44.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	363	288	225	352	297	489	269

¹³ Ibid

¹⁴ Ibid

Pima County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pima County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 146 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 58.0 percent in FY2010 to 61.9 percent in FY2016. The total number of cases resulting in felony adjudications in Pima County was 2,588 in FY2016 (see Table 63).

Table 63. Pima County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁵ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	156	162	166	174	152	152	146
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	58.0%	56.2%	55.1%	51.6%	59.4%	59.1%	61.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	2,708	3,542	3,545	4,304	4,255	4,462	2,588

Pinal County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pinal County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 225 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 55.0 percent in FY2010 to 45.3 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 1,016 in FY2010 to 95 in FY2016 (see Table 64).

Table 64. Pinal County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁶ FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	165.5	198	92	98.5	234	248.5	225
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	55.0%	44.2%	70.0%	64.7%	43.8%	32.1%	45.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	1,016	834	830	892	89	218	95

¹⁵ Ibid

¹⁶ Ibid

Santa Cruz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Santa Cruz County has increased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 160 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 57.8 percent in FY2010 to 55.2 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 344 in FY2010 to 181 in FY2016 (see Table 65).

Table 65. Santa Cruz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁷							
FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	147.5	220	160	197	168	151	160
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	57.8%	40.4%	55.3%	46.7%	53.0%	59.6%	55.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	344	225	199	332	319	275	181

Yavapai County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yavapai County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 97 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 66.8 percent in FY2010 to 64.3 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications increased from 1,271 in FY2010 to 1,575 in FY2016 (see Table 66).

Table 66. Yavapai County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁸							
FY2010-2016							
	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	107	111	116	121	111	91	97
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	66.8%	69.9%	65.8%	63.6%	66.0%	66.5%	64.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	1,271	1,162	1,240	1,392	1,692	1,890	1,575

¹⁷ Ibid

¹⁸ Ibid

Yuma County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yuma County has decreased over the seven year period. In FY2016, the median number of days from arrest to adjudication was 150.5 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 54.5 percent in FY2010 to 62.2 percent in FY2016. Over the same period, the number of cases resulting in felony adjudications decreased from 1,243 in FY2010 to 548 in FY2016 (see Table 67).

**Table 67. Yuma County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁹
FY2010-2016**

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	167	166	162	159	140	159	150.5
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	54.5%	57.0%	59.0%	58.2%	69.9%	61.2%	62.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	1,243	1,220	1,106	347	531	760	548

¹⁹ Ibid

CONCLUSION AND RECOMMENDATIONS

In FY2016, county attorneys received a total of \$934,450.00 in State Fill the Gap (FTG) funds through revenues collected by the Arizona Criminal Justice Commission. This amount is 4.0 percent less than previous allocations due to a shortage of fine, fee, and surcharge revenues collected through the Criminal Justice Enhancement Fund (CJEF). Due to a delay in the receipt of the 4th Quarter revenues during FY2016, county attorneys received a total of \$204,250.00 after the end of the fiscal year. Indigent defense agencies did not receive funds during FY2016, and have not received State FTG funds since FY2012. Through previous balances and current awards, county attorneys expended a total of \$1,765,601.99 on salaries for current and/or temporary staff positions, office equipment and supplies, and maintenance costs for case management systems and other crucial office equipment. Indigent defense agencies did not expend any funds carried over from previous fiscal years in anticipation that future funding will be allocated for defense services. Indigent defense agencies noted that if future funding was made available, the agencies would expend funds to hire additional staff positions and purchase necessary software or office equipment that would improve case processing operations within their jurisdictions.

In regards to the adjusted case processing time frame selected by the ACJC SAC, no agency reported adjudicating 100% of eligible felony cases within 180 days of filing. Furthermore, data from the Arizona Computerized Criminal History (ACCH) repository reveal that as of July 2016, only 48.3 percent of 31,594 cases adjudicated in Arizona during FY2016 were finalized within 180 days of arrest. Many agencies acknowledged a number of factors that have negatively affected case processing, including: 1) limited resources to pay for operating costs and staff positions, 2) increased caseloads for attorneys due to high employee turnover, 3) outdated operating systems (e.g. paper-based systems versus electronic-based systems), 4) excessive delays and continuances throughout the criminal justice system, 5) weak relations between, and the lack of coordination among, criminal justice agencies which cause conflicts in receiving necessary case materials (e.g. disclosures, plea agreements) in a timely manner, 6) delays in law enforcement reporting and follow-up in court cases, 7) the increased number of co-defendant cases, 8) reassignment of cases due to conflicts of interest, and 9) harsh plea agreement policies that delay case resolution.

In order to move forward with identifying operational gaps and improving case processing times within Arizona, the following steps are recommended by the ACJC:

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

- ❖ Both county attorneys and indigent defense agencies noted that funding resources are essential for sustaining the efficacy of legal operations within their offices. It is recommended that funding resources be made available for indigent defense services to provide support for case processing and staffing costs throughout Arizona. This additional resource will aid indigent defense agencies' attempts to improve operational functions that affect case processing times (e.g. transferring to electronic collection systems from paper-based systems, hiring additional staff to assist in processing cases).
- ❖ A statewide needs assessment should be conducted for each county attorney's office and indigent defense agency by a third party entity. This assessment should specifically highlight the strengths and needs of each agency, and identify specific areas in need of improvement that may be negatively impacting case processing. After this assessment is completed, it is recommended that each county develop long-term strategic plans to reduce case processing times within their respective jurisdictions through resolving these identified issues. Development of such plans should be a collaborative process among county attorneys, defense agencies, courts, and law enforcement agencies present within each county if applicable.
- ❖ State agencies should have the ability to gather complete and comparable information regarding criminal case processing times. Currently, the Arizona Computerized Criminal History (ACCH) repository is used by the ACJC to supplement agency case processing statistics, and provide an estimate of changes in criminal case processing. Although this repository contains valuable data used to assess trends in case processing from arrest to adjudication, criminal history information within the ACCH is not always complete. The ACJC recommends that all counties develop policies and procedures to ensure that all arrest and disposition information for cases filed within their jurisdiction are submitted to the ACCH in a timely manner and reviewed for accuracy.

APPENDIX A: Arizona County Population Estimates

Table 68. Arizona 2015 Population Estimates

County	2015 Population Estimate ^{ab}	Percent of Arizona Population	Population Growth (2010-2015)
Apache	72,215	1.1%	1.0%
Cochise	129,112	1.9%	-1.7%
Coconino	141,602	2.1%	5.3%
Gila	54,406	0.8%	1.5%
Graham	38,475	0.6%	3.4%
Greenlee	10,555	0.2%	25.1%
La Paz	21,183	0.3%	3.4%
Maricopa	4,076,438	60.3%	6.8%
Mohave	205,716	3.0%	2.8%
Navajo	109,671	1.6%	2.1%
Pima	1,009,371	14.9%	3.0%
Pinal	406,468	6.0%	8.2%
Santa Cruz	50,270	0.7%	6.0%
Yavapai	217,778	3.2%	3.2%
Yuma	214,991	3.2%	9.8%
State	6,758,251	100.0%	5.7%

^a Population estimates as of July 1, 2015.

^b Population estimates were collected from reports produced by the Arizona Department of Administration.

APPENDIX B: State Fill the Gap Funding Allocation Changes

**Table 69. . State Fill the Gap Funding Allocation Changes
FY2007 – FY2016**

Funding Accounts	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
State Aid to County Attorneys	\$1,035,200.00	\$1,210,200.00	\$1,044,432.69	\$973,593.63	\$973,600.00	\$973,600.00	\$973,600.00	\$973,600.00	\$973,600.00	\$934,450.00
State Aid to Indigent Defense	\$983,300.00	\$1,149,300.00	\$991,767.13	\$551,800.00	\$700,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

^a The allocation amount reported refers to the total amount of State FTG funds distributed to counties from FY2007 to FY2016.

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

^c Monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

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

Table 70. State Aid to County Attorney Fill the Gap Balance Detail FY2016

	Beginning Balance	Fund Allocation^a	Funds Received^{bc}	Interest Earned	Fund Expenditures	Ending Balance
Apache County Attorney	\$267.50	\$8,168.00	\$7,839.00	\$3.88	(\$1,000.00)	\$7,110.38
Cochise County Attorney	\$24,053.54	\$16,460.00	\$15,798.00	\$171.17	(\$5,183.10)	\$34,839.61
Coconino County Attorney	\$0.00	\$19,008.00	\$18,244.00	\$0.00	(\$18,244.00)	\$0.00
Gila County Attorney	\$64,390.51	\$9,176.00	\$8,807.00	\$251.61	(\$9,697.09)	\$63,752.03
Graham County Attorney	\$11,877.94	\$6,984.00	\$6,703.00	\$53.26	(\$4,579.19)	\$14,055.01
Greenlee County Attorney	\$0.00	\$1,476.00	\$1,417.00	\$0.00	(\$1,250.35)	\$166.65
La Paz County Attorney	\$11,055.49	\$3,776.00	\$3,624.00	\$26.55	(\$3,203.75)	\$11,502.29
Maricopa County Attorney	\$1,092,333.48	\$608,072.00	\$583,621.00	\$1,346.45	(\$1,505,622.62)	\$171,678.31
Mohave County Attorney	\$0.00	\$30,756.00	\$29,519.00	\$0.00	(\$29,519.00)	\$0.00
Navajo County Attorney	\$0.00	\$17,496.00	\$16,793.00	\$22.62	(\$15,352.04)	\$1,463.58
Pima County Attorney	\$211,855.94	\$129,960.00	\$124,735.00	\$3,901.60	(\$59,528.18)	\$280,964.36
Pinal County Attorney	\$0.00	\$54,016.00	\$51,844.00	\$118.39	(\$51,962.59)	\$0.00
Santa Cruz County Attorney	\$4,142.13	\$5,952.00	\$5,712.00	\$0.00	(\$666.08)	\$9,188.05
Yavapai County Attorney	\$0.00	\$33,924.00	\$32,560.00	\$0.00	(\$32,560.00)	\$0.00
Yuma County Attorney	\$0.00	\$28,376.00	\$27,234.00	\$0.00	(\$27,234.00)	\$0.00
County Attorney Total	\$1,419,976.53	\$973,600.00	\$934,450.00	\$5,895.53	(\$1,765,601.99)	\$595,423.27

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

^b Funds received is the actual payment made to each county from the FY2016 fiscal year allocations. This amount includes the FY2016 4th quarter funds received after the fiscal year due to revenue delays.

^c Agencies encumbered the 4th Quarter allocation during FY2016 in anticipation of receipt of funds.

Table 71. State Aid to County Attorney Fill the Gap Expenditures by County FY2016

	Salary/Fringe / Overtime	Contractual Services	Travel	Operating/ Supplies	Equipment Purchases	Case Management Software	Other	Total
Apache	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00
Cochise	\$5,183.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,183.10
Coconino	\$18,244.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,244.00
Gila	\$0.00	\$0.00	\$0.00	\$0.00	\$9,697.09	\$0.00	\$0.00	\$9,697.09
Graham	\$0.00	\$0.00	\$0.00	\$0.00	\$2,322.25	\$1,433.52	\$823.42	\$4,579.19
Greenlee	\$0.00	\$0.00	\$0.00	\$1,250.35	\$0.00	\$0.00	\$0.00	\$1,250.35
La Paz	\$0.00	\$3,203.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,203.75
Maricopa	\$1,505,622.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,505,622.62
Mohave	\$29,519.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$29,519.00
Navajo	\$15,352.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,352.04
Pima	\$48,483.18	\$0.00	\$0.00	\$335.00	\$0.00	\$10,710.00	\$0.00	\$59,528.18
Pinal	\$51,962.59	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$51,962.59
Santa Cruz	\$666.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$666.08
Yavapai	\$32,560.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$32,560.00
Yuma	\$27,234.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$27,234.00
Total	\$1,734,826.61	\$3,203.75	\$0.00	\$1,585.35	\$12,019.34	\$13,143.52	\$823.42	\$1,765,601.99

Table 72. Indigent Defense State Fill the Gap Balance Detail FY2016

	Beginning Balance	Fund Allocation	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Apache County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Cochise County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Coconino County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Gila County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Graham County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Greenlee County Superior Court	\$74.40	\$0.00	\$0.00	\$0.12	0.00	\$74.52
La Paz County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Maricopa County Public Defense Services	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Mohave County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Navajo County Public Defender	\$494.70	\$0.00	\$0.00	\$2.70	0.00	\$497.40
Pima County Public Defense Services	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Pinal County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Santa Cruz County Superior Court	\$25.49	\$0.00	\$0.00	\$3.96	0.00	\$29.45
Yavapai County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Yuma County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00
Indigent Defense Total	\$594.59	\$0.00	\$0.00	\$6.78	0.00	\$601.37

Table 73. State Aid to Indigent Defense Fill the Gap Expenditures by County FY2016

	Salary/Fringe / Overtime	Contractual Services	Travel	Operating/ Supplies	Equipment Purchases	Case Management Software	Other	Total
Apache	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cochise	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Coconino	\$0.00	\$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	\$0.00
Graham	\$0.00	\$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	\$0.00
La Paz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Maricopa	\$0.00	\$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	\$0.00	\$0.00	\$0.00
Navajo	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pima	\$0.00	\$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	\$0.00
Santa Cruz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yavapai	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yuma	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

APPENDIX D: Summary of the Use of ACJC Fill the Gap Funds in FY2016

Staff Salary and Contractual Services

- Attorney positions that are essential to provide legal services and reduce other attorney caseloads.
- Legal assistant positions that support attorneys in tracking felony cases and organizing materials for court hearings.
- Two legal secretary positions that support attorneys in organizing case files and other duties as needed.
- One temporary office assistant position that assisted in opening new cases and ensuring files have all necessary information including any new charges.
- One temporary technical position to create crime scene diagrams and other necessary materials for trial.
- One investigator position.
- Salaries for other essential legal and support office staff.

Equipment, Software, Supplies and Other Operating Expenses

- Office equipment, including one scanner and new desk top computers.
- Office supplies such as DVDs and thumb drives to aid in the transition from paper files to electronic files.
- Office software used to improve daily functions (i.e., Microsoft Enterprise).

Case Management Systems

- Maintenance cost for case management systems.
- Annual fees for case management systems.

Other Expenditures

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

APPENDIX E: Arizona Revised Statutes Authorizing Fill the Gap Funding

11-539. State aid to county attorneys fund

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

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

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

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

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

11-588. State aid to indigent defense fund

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

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

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

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

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

12-102.02. State aid to the courts fund

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

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

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

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

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

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

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

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

12-116.01. Surcharges: 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.

APPENDIX F: Arizona Supreme Court Rules Outlining Court Case Processing

Rule 8.1. Priorities in scheduling criminal cases

- a. **Priority of Criminal Trials.** The trial of criminal cases shall have priority over the trial of civil cases. Any scheduling conflicts will be resolved in accordance with Rule 5(j), Uniform Rules of Practice.
- b. **Preferences.** The trial of defendants in custody and defendants whose pretrial liberty may present unusual risks shall be given preference over other criminal cases.
- c. **Duty of Prosecutor.** The prosecutor shall advise the court of facts relevant to determining the order of cases on the calendar.
- d. **Duty of Defense Counsel.** The defendant's counsel shall advise the court of the impending expiration of time limits in the defendant's case. Failure to do so may result in sanctions and should be considered by the court in determining whether to dismiss an action with prejudice pursuant to Rule 8.6.
- e. **Extraordinary Cases.** Within twenty-five days after the arraignment in Superior Court either party may apply in writing to the court for a hearing to establish extraordinary circumstances requiring the suspension of Rule 8 in a particular case. Within five days of the receipt of the application the court shall hold the hearing and make findings of fact. The findings shall be immediately transmitted to the Chief Justice who may approve or decline to approve them. Upon approval of the findings by the Chief Justice, they shall be returned to the trial court where upon motion of either party the trial court may suspend the provisions of Rule 8 and reset the trial date for a time certain.

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 are 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. If a finding by the court that the defendant is competent or has been restored to competency or is no longer absent occurs within 30 days of the time limits set forth in Rules 8.2 and 8.3, an additional period of 30 days is excluded from the computation of the time limits.

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).