



# Fill the Gap Report

Arizona Criminal Justice Commission

STATISTICS  
**2021**

# ARIZONA CRIMINAL JUSTICE COMMISSION



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## Executive Summary

[A.R.S. §41-2409](#) requires the Arizona Criminal Justice Commission (ACJC) to report annually on the expenditure of monies in the state aid to county attorneys, i.e., “Fill the Gap” (FTG) fund, and the progress made in achieving the goal of improved criminal case processing. This report includes fiscal year 2021 (FY2021) financial information and case processing statistics submitted by Arizona’s 15 county attorney offices. Additional analyses were conducted using Arizona Computerized Criminal History (ACCH) data from the Arizona Department of Public Safety.

### Financial Details

In FY2021, the ACJC disbursed \$685,959 in FTG payments to Arizona’s fifteen county attorney offices, a roughly 4 percent decrease from FY2020 (see [Table 1](#) on page 3 of the report). Agencies were asked to report the following information regarding FY2021 FTG funds:

- Beginning balance (possible if monies from the prior fiscal year went unspent)
- Amount received in each fiscal quarter
- Interest earned
- Total FTG expenditures by category

Eight counties reported a combined beginning balance of \$328,875.29 (see [Table 2](#), page 4).<sup>1</sup> Nine counties reported a combined \$306,723.85 in unexpended funds that will carry over into FY2022.<sup>2</sup> Maricopa County reported a negative beginning balance of \$35,487.87 and Pinal County reported a negative ending balance of \$58,409.20. County attorney offices reported \$768,504.33 in Fill the Gap funds that were expended as follows (see [Table 3](#), page 5, for more details):<sup>3</sup>

Category	Amount	Examples
Personnel	\$ 741,415.77	Salaries, fringe benefits, overtime
Contractual Services	\$ 23,534.11	Outside consultant services
Operating Expenses	\$ 964.14	Supplies, registration, training
Equipment	\$ 2,085.31	Case management software
Other	\$ 505.00	Telephone and internet
<b>Total</b>	<b>\$ 768,504.33</b>	

<sup>1</sup> Apache (\$36,971.66), Gila (\$24,365.79), Graham (\$19,240.12), Greenlee (\$89.00), La Paz (\$12,771.44), Navajo (\$18,618.05), Pima (\$212,531.23), and Santa Cruz (\$4,288.00) counties.

<sup>2</sup> Apache (\$44,597.66), Gila (\$33,951.73), Graham (\$20,863.38), Greenlee (\$1,280.46), La Paz (\$16,609.16), Maricopa (\$4,807.76), Navajo (\$11,808.52), Pima (\$167,660.99), and Santa Cruz (\$5,144.19) counties.

<sup>3</sup> The total amount of funds expended exceeded the total amount of FTG funds disbursed to county attorney offices by the ACJC because some counties began FY2021 with a positive fund balance.

## Case Processing Statistics

County attorney offices were also asked to report the total number of felony cases filed in FY2021 and the percentage of cases that were adjudicated within 180 days of filing:<sup>4</sup>

- Seven counties reported a decrease in the number of felony cases filed since FY2020.
- Five counties reported a greater percentage of felony cases adjudicated within 180 days in FY2021 than in FY2020.<sup>5</sup>
- Two counties, Cochise and Santa Cruz, were unable to provide complete case processing statistics because they do not track the number of cases adjudicated within 180 days.

See [Table 5](#) on page 9 of the report for more information.

## Arizona Computerized Criminal History Repository

The ability to compare case processing statistics between counties and within the same county over time when using agency-reported data is limited. Specifically, county attorney offices likely differ in how they collect and report case processing statistics, or may change their reporting practices between issuances of this report. Agency-reported statistics were therefore supplemented with ACCH data to provide a second, more consistent measure of felony case processing in each county over a five-year period.

- Analyses of ACCH data indicated that the percentage of felony cases adjudicated within 180 days of arrest increased in seven counties between FY2020 and FY2021 (see [Table 6](#), page 11).

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<sup>4</sup> The 180-day time limit was selected as the Fill the Gap reporting standard because this is the maximum case processing time allowed by the Arizona Supreme Court Rules of Criminal Procedure.

<sup>5</sup> Apache, Cochise, Gila, Graham, Mohave, Yavapai, and Yuma counties.

## Introduction

The Arizona Criminal Justice Commission (ACJC) is mandated by [A.R.S. §41-2409](#) to administer the state aid to county attorneys, i.e., “Fill the Gap” (FTG) fund.<sup>1</sup> As part of this requirement, the ACJC must report annually on the expenditure of FTG monies and the progress made in achieving the goal of improved criminal case processing. This report covers fiscal year (FY) 2021 FTG fund expenditures and case processing statistics for each of Arizona’s 15 county attorney offices.<sup>2</sup> Additional analyses were conducted using data from the Arizona Department of Public Safety’s Computerized Criminal History (ACCH) repository.

Four statutes govern the collection, administration, and reporting of FTG funds.<sup>3</sup> A.R.S. §11-539 specifies that the purpose of the FTG fund is to provide state aid to county attorneys for the processing of criminal cases. ACJC distributes state FTG funds to each county according to the composite index formula prescribed in §A.R.S. 41-2409, which takes into account the county’s three-year case filing average and its annual population as reported by the Arizona Department of Economic Security (see [Figure 1](#) below). In FY2021, the ACJC disbursed \$685,959 in FTG payments to Arizona’s fifteen county attorney offices (see [Table 1](#), page 3).

Figure 1: State Aid to County Attorneys Fund Distribution Formula per §A.R.S. 41-2409

<p><u>Step 1:</u></p> $\frac{\text{County 3-Year Average Superior Court Felony Filings}}{\text{Statewide 3-Year Average Superior Court Felony Filings}} = \text{Step 1 Result}$ <p><u>Step 2:</u></p> $\frac{\text{County Population}}{\text{State Population}} = \text{Step 2 Result}$ <p><u>Step 3:</u></p> $\frac{\text{Step 1 Result} + \text{Step 2 Result}}{2} = \text{Composite Index}$ <p><u>Step 4:</u></p> $\text{Composite Index} \times \text{Total FTG Fund Balance} = \text{County Total FTG distribution}$
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<sup>1</sup> A.R.S. §41-2409 also requires the ACJC to administer the state aid to indigent defense fund, but revenues from this fund were redirected by the Arizona Legislature every year between 2011 and 2021. As such, the current report only includes information about the state aid to county attorneys fund. Indigent defense fund expenditures will be included in this report once the ACJC resumes administering the fund in FY2022.

<sup>2</sup> Arizona fiscal year 2021 was July 1, 2020 to June 30, 2021.

<sup>3</sup> A.R.S. §11-539, A.R.S. §12-116.01, A.R.S. §41- 2409, and A.R.S. §41-2421.

The Arizona Rules of Criminal Procedure include case processing time limits for trying defendants.<sup>4</sup> Specifically, [Rule 8.2](#) states that all defendants held in custody must be tried within 150 days of arraignment (180 days if defendants are not in custody). These time limits do not apply to defendants in complex and/or capital cases, which are subject to their own time limits. Rules 8.4 and 8.5 specify types of delays that may either be excluded from the time limit computation or result in an extension.

## Report Overview

The ACJC used two sources of information to compile this report:

- 1) Agency-reported financial detail and case processing information: County attorney offices were asked to report their FTG balances (see [Table 2](#)) and expenditures (see [Table 3](#)), circumstances that improved or hindered case processing throughout the fiscal year (see [Table 4](#)), and the percentage of felony cases adjudicated within 180 days (regardless of custody type; see [Table 5](#)).
- 2) Arizona criminal history data: Differences in definitions, measurement, and case management systems limit the standardization and comparison of case processing statistics across the state. Agency-reported case processing statistics were therefore supplemented with data from the ACCH repository. Though not an exact measure of case processing times, ACCH data can be used as a standardized measure to compare case processing performance between counties and within the same county over time (see [Table 6](#)).<sup>5</sup>

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<sup>4</sup> Arizona Rules of Criminal Procedure. Arizona Supreme Court No. R-17-0002 (2017, August 31). Retrieved from <http://www.azcourts.gov/portals/20/2017%20rules/17-0002.pdf>.

<sup>5</sup> Analyses exclude first-degree homicide charges because these cases are not subject to the time limits established in the Arizona Supreme Court's Rules of Criminal Procedure (see previous footnote).

## FTG Financial Details

Table 1: Fill the Gap Payments by County

County	FY2020	FY2021	Difference
Apache	\$ 7,064.00	\$ 7,626.00	7.96%
Cochise	\$ 13,557.00	\$ 13,017.00	-3.98%
Coconino	\$ 15,140.00	\$ 15,886.00	4.93%
Gila	\$ 7,103.00	\$ 8,119.00	14.30%
Graham	\$ 4,919.00	\$ 4,450.00	-9.53%
Greenlee	\$ 1,212.00	\$ 1,262.00	4.13%
La Paz	\$ 3,464.00	\$ 4,048.00	16.86%
Maricopa	\$ 431,776.00	\$ 412,239.00	-4.52%
Mohave	\$ 24,261.00	\$ 26,209.00	8.03%
Navajo	\$ 12,643.00	\$ 13,625.00	7.77%
Pima	\$ 96,679.00	\$ 85,297.00	-11.77%
Pinal	\$ 45,634.00	\$ 42,890.00	-6.01%
Santa Cruz	\$ 4,288.00	\$ 3,261.00	-23.95%
Yavapai	\$ 28,153.00	\$ 30,865.00	9.63%
Yuma	\$ 20,436.00	\$ 17,165.00	-16.01%
<b>Total</b>	<b>\$ 716,329.00</b>	<b>\$ 685,959.00</b>	<b>-4.24%</b>



Table 2: FY2021 Reported Balances and Expenditures

County	Beginning Balance	Funds Received	Total Expenditures	Interest Earned	Ending Balance
Apache <sup>a</sup>	\$ 36,971.66	\$ 7,626.00	\$ -	\$ -	\$ 44,597.66
Cochise <sup>b</sup>	\$ -	\$ 67,275.00	\$ 41,454.35	\$ -	\$ -
Coconino	\$ -	\$ 15,886.00	\$ 15,886.00	\$ -	\$ -
Gila <sup>a,b</sup>	\$ 24,365.79	\$ 8,119.00	\$ -	\$ 1,466.94	\$ 33,951.73
Graham <sup>b</sup>	\$ 19,240.12	\$ 4,449.00	\$ 2,978.91	\$ 153.17	\$ 20,863.38
Greenlee	\$ 89.00	\$ 1,262.00	\$ 70.54	\$ -	\$ 1,280.46
La Paz <sup>a</sup>	\$ 12,771.44	\$ 4,048.00	\$ -	\$ 89.72	\$ 16,609.16
Maricopa	\$ (35,487.87)	\$ 412,239.00	\$ 372,998.34	\$ 1,054.97	\$ 4,807.76
Mohave	\$ -	\$ 26,209.00	\$ 26,209.00	\$ -	\$ -
Navajo <sup>b</sup>	\$ 18,618.05	\$ 16,495.00	\$ 23,534.11	\$ 229.58	\$ 11,808.52
Pima	\$ 212,531.23	\$ 85,297.00	\$ 133,639.07	\$ 3,471.83	\$ 167,660.99
Pinal	\$ -	\$ 42,890.00	\$ 101,299.20	\$ 1,466.94	\$ (58,409.20)
Santa Cruz <sup>a,b</sup>	\$ 4,288.00	\$ 3,261.00	\$ 2,404.81	\$ -	\$ 5,144.19
Yavapai	\$ -	\$ 30,865.00	\$ 30,865.00	\$ -	\$ -
Yuma	\$ -	\$ 17,165.00	\$ 17,165.00	\$ -	\$ -
<b>Total</b>	<b>\$ 293,387.42</b>	<b>\$ 743,086.00</b>	<b>\$ 768,504.33</b>	<b>\$ 7,933.15</b>	<b>\$ 306,723.85</b>

<sup>a</sup> County Attorney's Office did not report any fund expenditures in FY2021.

<sup>b</sup> County Attorney's Office reported amount of funds received differs from ACJC records.

Table 3: FY2021 Reported Expenditures by Category

County	Personnel	Contractual Services	Travel	Operating	Equipment	Other
Apache	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cochise	\$ 41,454.35	\$ -	\$ -	\$ -	\$ -	\$ -
Coconino	\$ 15,886.00	\$ -	\$ -	\$ -	\$ -	\$ -
Gila	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Graham	\$ -	\$ -	\$ -	\$ 893.60	\$ 2,085.31	\$ -
Greenlee	\$ -	\$ -	\$ -	\$ 70.54	\$ -	\$ -
La Paz	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Maricopa	\$ 372,998.34	\$ -	\$ -	\$ -	\$ -	\$ -
Mohave	\$ 26,209.00	\$ -	\$ -	\$ -	\$ -	\$ -
Navajo	\$ -	\$ 23,534.11	\$ -	\$ -	\$ -	\$ -
Pima	\$ 133,134.07	\$ -	\$ -	\$ -	\$ -	\$ 505.00
Pinal	\$ 101,299.20	\$ -	\$ -	\$ -	\$ -	\$ -
Santa Cruz	\$ 2,404.81	\$ -	\$ -	\$ -	\$ -	\$ -
Yavapai	\$ 30,865.00	\$ -	\$ -	\$ -	\$ -	\$ -
Yuma	\$ 17,165.00	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 741,415.77</b>	<b>\$ 23,534.11</b>	<b>\$ -</b>	<b>\$ 964.14</b>	<b>\$ 2,085.31</b>	<b>\$ 505.00</b>

## Criminal Case Processing Results

To assess the progress made in achieving the goal of improved criminal case processing, county attorney offices were asked to report how FTG funds improved case processing in their jurisdictions as well as any factors that positively or negatively impacted case processing times (see [Table 4](#)). Agencies were also asked to report select felony case processing statistics. [Table 5](#) displays each county's reported total number of felony cases and the percentage of cases adjudicated within 180 days for FY2017 through FY2021.

Table 4: Reported positive and negative case processing factors

County	Funds Used for	Positive Impacts	Negative Impacts
Apache	No funds expended	New e-filing system	Closures and delays due to COVID-19
	FY2022 funds expected to be used on new technology		
Cochise	Personnel-related expenses	New case management system	None reported
Coconino	Support for legal assistant position	Coconino County Felony Task Force	COVID-19
			Increase in the number of offenses being referred by law enforcement
Gila	No funds expended.	Access to information (e.g., law enforcement data and court minute entries)	Delays in obtaining requested information from law enforcement
	FY2022 funds expected to be used on new desktop and laptop computers.		
Graham	Copy machine maintenance and software licenses.	New Early Disposition Court allows preliminary hearings to be waived and for arraignments and plea changes to be completed in the same day.	Delays due to COVID-19
	Remaining funds anticipated to be used for case management system maintenance and new office equipment		
Greenlee	Operating expenses	New electronic case management system	COVID-19
	Remaining funds will be used for new desks		
La Paz	No funds expended	Renewed effort in law enforcement training leading to more complete reports and made it easier to gather relevant evidence	COVID-19
	Plan to use funds for salaries, professional services, and software upgrades		
Maricopa	Nine legal support positions	Electronic case submissions and information sharing	Not all law enforcement agencies submit cases electronically

Table 4: Reported positive and negative case processing factors (continued)

County	Funds Used for	Positive Impacts	Negative Impacts
Mohave	Salaries and fringe benefits for one prosecutor and one certified licensed student practitioner	Early successes and efficiencies with the resumption of jury trials	Staff retention and hiring struggles
Navajo	Case management software	Provision of plea deals at the preliminary hearing level to reduce caseloads and processing times	Increased caseloads and budget constraints that prohibit the hiring of additional attorneys
Pima	Salaries, fringe benefits, and overtime costs	Collaboration with other criminal justice agencies to identify innovative ways to use technology to increase efficiency within each agency and improve communication between agencies	High per capita crime rate, including a 10% increase in homicide rate, has resulted in a large overall caseload
Pinal	Two staff positions	Improved communication with law enforcement agencies; diligence in collecting necessary case information from other agencies	Two-business day deadline to determine charges
Santa Cruz	Temporary office assistant position. Remaining funds will be used for future temporary assistant positions.	Hiring of temporary office assistants	None reported
Yavapai	Salaries for one investigator and two litigation specialists	Yavapai County Early Disposition Court and continued benefits from its case management system	Delays due to COVID-19
Yuma	Salaries for one investigator and two legal secretaries	FTG-funded investigator and increased collaboration between law enforcement, courts, and the attorney's office, leading to faster responses to information requests	Jury trial delays due to COVID-19, delays in Victim's Rights compliance, Rule 11's and competency restoration, and deferred prosecution in treatment court

Table 5: County-Reported Felony Case Processing Statistics

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	La Paz	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma
<b>FY2017<sup>a</sup></b>															
Adjudicated (%)	47.0%	-	-	-	-	-	-	-	-	31.0%	-	-	-	-	76.0%
Felony Cases Filed	721	882	676	560	492	127	375	29,151	2,626	1,398	5,774	3,401	-	2,348	1,417
<b>FY2018</b>															
Adjudicated (%)	36.0%	-	48.0%	19.6%	67.0%	94.0%	50.0%	-	44.1%	32.0%	-	46.4%	-	81.2%	73.0%
Felony Cases Filed	727	858	827	560	422	112	364	31,569	2,980	1,548	5,951	2,874	-	2,253	1,455
<b>FY2019</b>															
Adjudicated (%)	36.0%	-	38.0%	24.8%	63.0%	92.0%	40.3%	78.0%	43.5%	24.0%	67.0%	55.1%	-	80.3%	33.0%
Felony Cases Filed	727	1,461	935	606	319	164	386	34,810	2,820	1,760	6,449	2,740	-	2,159	1,391
<b>FY2020</b>															
Adjudicated (%)	24.5%	-	72.0%	24.8%	72.0%	71.0%	40.3%	76.3%	57.2%	25.0%	63.0%	42.0%	-	82.1%	36.0%
Felony Cases Filed	436	946	221	606	330	118	345	27,659	2,360	1,689	5,378	2,555	-	2,097	1,236
<b>FY2021</b>															
Adjudicated (%)	57.0%	-	56.0%	50.0%	84.0%	48.0%	23.0%	67.0%	54.0%	26.0%	38.0%	48.0%	-	82.0%	80.0%
Felony Cases Filed	420	1,198	1,131	412	354	128	181	22,995	2,526	1,577	4,288	2,473	432	2,421	1,437

<sup>a</sup> Due to changes in report methodology, comparisons should not be made between FY2017 case processing statistics and prior years.  
 - Data are either unknown or unavailable.

## ACCH Analysis

ACCH data was used to supplement the case processing statistics reported by county attorney offices. The ACCH provides a uniform measure of case processing times and allows for comparisons to be made both between counties and within the same county over time, something that cannot necessarily be done with agency-reported data. Specifically, county attorney offices likely differ in how they collect and report case processing statistics, or may change these reporting practices between issuances of this report. Results from the ACCH analysis are presented in [Table 6](#).

There are some limitations to using ACCH data to analyze case processing times. The ACCH data to which the ACJC has access includes arrest dates, not arraignment dates, and does not distinguish between in-custody and out-of-custody defendants, who have different case processing time limits (150 and 180 days, respectively; see [page 3](#)). Consequently, case processing time for the purpose of this analysis was defined as the time between the arrest date and the date of disposition. Additionally, since custody type is not specified within the ACJC's ACCH data, 180 days was used as the case processing time limit. Readers are therefore advised that the results of this analysis should be viewed as an estimate of trends in each county, rather than exact case processing results.

Table 6: ACCH Felony Case Processing Statistics

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	La Paz	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma
<b>FY2017</b>															
Median Days	93	134	413	159	240	150	179	211	143	83	154	179	175	113	153
Adjudicated (%)	74.4%	62.9%	12.3%	57.9%	36.8%	57.1%	50.3%	42.7%	59.5%	75.8%	56.0%	50.9%	56.8%	60.9%	64.7%
Total Adjudicated	87	78	24	22	111	16	81	8,542	748	25	126	29	63	471	242
<b>FY2018</b>															
Median Days	169	157	378	334	228.5	173	271	212	168	138	203	110	236	121	156
Adjudicated (%)	54.0%	56.1%	15.2%	33.3%	34.0%	54.8%	28.2%	42.7%	53.6%	52.3%	43.5%	67.8%	41.7%	57.5%	60.3%
Total Adjudicated	34	87	52	15	81	17	61	9,271	907	23	345	175	90	507	255
<b>FY2019</b>															
Median Days	216	152.5	395.5	326	268	190	243	217	222	208	160	131	200	129	150
Adjudicated (%)	42.9%	53.9%	13.3%	31.4%	29.1%	46.4%	31.8%	42.2%	40.2%	49.2%	56.1%	61.4%	45.9%	58.3%	62.1%
Total Adjudicated	106	260	92	38	76	32	112	10,338	870	61	1,059	819	134	995	308
<b>FY2020</b>															
Median Days	206	175	420	397.5	239.5	241	259	203	208	111	189	150.5	221.5	183	166
Adjudicated (%)	42.5%	50.5%	11.1%	25.5%	33.2%	32.3%	30.4%	45.5%	43.3%	61.2%	47.3%	56.6%	44.9%	49.6%	56.8%
Total Adjudicated	65	243	145	26	113	32	52	11,249	967	52	1,302	966	97	592	421
<b>FY2021</b>															
Median Days	193	150	535	414	228	322	329	365	202	119	239	178	177	94	151
Adjudicated (%)	48.8%	57.4%	7.9%	30.6%	39.2%	18.9%	15.7%	24.4%	44.3%	41.2%	31.3%	50.6%	36.7%	62.7%	58.1%
Total Adjudicated	412	765	832	36	370	106	115	24,616	1,628	119	1,300	1,881	117	1,731	1,053





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