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***Swift, Fair Justice***

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## ***Swift, Fair Justice: FILL THE GAP***

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A statewide initiative to fill the case processing gap caused by the funding emphasis on the “front and back ends” of the criminal justice system — police officers and prisons — without corresponding increases for the “middle” of the system — the courts, clerks, prosecutors and public defenders.

Filling the gap will reduce the delay in the processing of cases, providing *greater public protection and swift, fair justice.*

# What's the Problem?

## The "Front End"

*Emphasis on the "front end" of the system has resulted in:*

- **More police officers:** federal and local funding initiatives between 1992 and 1996 have resulted in a 21% increase in the number of police officers on the streets in Arizona.
- **Increased arrests:** additional law enforcement officers have produced an overall corresponding increase of almost 25% in the statewide arrest rate for all offenses. The impact of increased law enforcement efforts is particularly evident in the arrest rate for drug offenses. Arrests in this category have risen dramatically, with increases ranging from approximately 99% in the small counties, 79% in the mid-sized counties and 34% in the two largest counties.
- **Additional demands:** new mandates, for example, victims' rights, juvenile justice reform, and truth in sentencing have placed increased demands on the criminal justice system. Cases are becoming more complex, with additional duties for those responsible for processing criminal cases through the system.

## The "Middle"

*Impact on the "middle part" of the system:*

- **Increase in criminal felony filings:** from 1992-1996, criminal felony filings statewide in the Superior Court increased more than 22%, with increases as high as 47% in some of the smaller counties.
- **More adult probationers:** In 1996 there were 41,772 adult felons on the street on supervised probation, an increase of more than 28% since 1992.
- **Increased case processing time:** despite improved productivity, judges, clerks and staff cannot keep up with the ongoing influx of additional cases. The length of time to process cases is increasing, resulting in an adverse impact on jail populations and threatening to cause a "shut down" of the processing of civil cases. For example, between 1991 and 1997, case processing time for 90% of the criminal cases in the Superior Court in Maricopa County increased by 95 days. In 1991, 90% of the criminal cases were handled within 195 days, by 1997 this increased to 290 days.

## The "Back End"

*Emphasis on the "back end" of the system has resulted in:*

- **More prison beds:** the Legislature has responded to the more than 40% growth from FY 1992-96 in the average daily prison population under the authority of the Department of Corrections by increasing the operational capacity of the state prisons by more than 6,600 beds.

## **Other Pressures**

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- **Population growth:** Arizona is one of the fastest growing states in the nation. From 1992 to 1996, the population increased by over 15%.
- **Expenditure and tax limitations:** constitutional provisions restrict the ability of the counties to adequately fund the criminal justice system. A number of the counties are currently at or near their limits.
- **Public expectations:** a recent survey indicates that Arizona citizens expect the timely handling of criminal cases to protect their safety and well-being. The survey also revealed that the overwhelming majority of the public believe it currently takes too long to process a case through the court system.

## **The Result**

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- **A system out of balance:** the focus on the front and back ends of the system, and the under funding of the middle part — that section which all cases must pass through — creates an imbalance in the Arizona criminal justice system, posing a threat to public safety.

## **No Relief in Sight**

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- All indications are that the pressures on the “middle part” of the criminal justice system will continue.
- Federal funding has been approved to place an additional 353 police officers on Arizona streets in the near future. State legislators are currently considering a plan to provide \$45 million in state funds for an additional 1,300 law enforcement officers.
- Conservative estimates indicate that the population of Arizona will increase by more than 16 % by the year 2002.
- An additional 1,800 prison beds have been opened, or will be opened in FY 1998. More than \$143 million has been authorized for the scheduled opening of an additional 4,150 beds by FY 2000.



## The Goal

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- **Prompt resolution of cases:** by the year 2002, process 90% of the criminal cases within 100 days and 99% within 180 days. *"Justice delayed is justice denied."*
- **Swift, fair justice is a critical public policy issue** because:
  - **It protects the public.** Many offenders accused of a crime are not detained awaiting trial, but rather, are released on bail to the community. Prompt resolution of cases will expedite the moving of guilty offenders from the community to incarceration or to an appropriate level of supervised probation.
  - **It aids in the prosecution of the guilty.** The ability to prove guilt declines with time as memories fade, witnesses move, evidence is lost, etc.
  - **It protects individual rights** by allowing an innocent citizen accused of a crime to resolve their case and return to normal life as quickly as possible.
  - **It helps deter crime.** If punishment is to have any deterrent effect, determination of guilt and imposition of consequences must take place as close in time to the actual criminal event as possible.

## The Plan — FILL THE GAP

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- **Provide new, ongoing funding in the form of state aid** to the "middle part" of the criminal justice system - prosecutors, public defenders, courts and clerks.
- **Reengineer the criminal justice system** to improve criminal case management.
- **Provide accountability.** Establish specific goals, measure progress and report to the Legislature and public on the success of the "Fill the Gap" effort.