

Arizona Criminal Justice Commission

Statistical Analysis Center Report

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State Criminal History Records Improvement: Arizona Felony Case Processing

2010

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State Criminal History Records Improvement: Arizona Felony Case Processing

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The Arizona Criminal Justice Commission would like to thank the staff at the Arizona Department of Public Safety for their help with providing the data necessary to carry out this project.

Project Overview

In 2009, the Arizona Statistical Analysis Center (AZSAC) of the Arizona Criminal Justice Commission (ACJC) received a grant award¹ from the Bureau of Justice Statistics (BJS) through the Justice Research & Statistics Association (JRSA) to investigate, collect, and analyze data available throughout Arizona related to felony case processing. Per the original grant proposal and subsequent project meetings, each state grant recipient is expected to give special attention to the data readily available within each state's criminal history record repository. Project analysts are also encouraged to utilize data from other sources in order to meet the project requirements.

Arizona Computerized Criminal History Repository

In order to better understand the felony case processing data supplied in this report, it is important to briefly review the structure of Arizona's criminal history record repository. The Arizona Computerized Criminal History (ACCH) is the state repository for all arrest and disposition criminal history record information collected across all criminal justice state agencies. Housed at the Arizona Department of Public Safety (AZDPS), the ACCH repository is an electronic warehouse of criminal justice information for all felony, DUI, aggravated domestic violence, and sexual offenses, pursuant to Arizona Revised Statute §41-1750 (see Appendix). Although these are the mandatory ACCH offenses, other offenses are voluntarily deposited in the ACCH repository as well. The ACCH is initially populated by information collected at the time of arrest. An arrest entry does not process without fingerprints being taken; thus, any citation arrest (i.e. cite and release for DUI, etc.) requires that the alleged offender submit to fingerprinting at a later date.

Once the prosecutor or the court disposes a case, the data from the final disposition is linked to the arrest data already in the ACCH. If for any reason an arrest leading to fingerprinting has not taken place, the subsequent disposition data will not be entered into the repository, and AZDPS renders the disposition back to the disposition agency for follow-up with law enforcement. Originating disposition agencies also have the ability to amend their dispositions, and as a result, override the disposition data previously available through the original disposition.

Previous Arizona Projects Utilizing Criminal History Records

The felony case processing project is the latest installment in a number of AZSAC projects employing the use of ACCH data provided by the AZDPS. AZSAC staff received multiple ACCH extracts to assess the timeliness, completeness, and overall quality of criminal history records throughout the state. The AZSAC published several reports and fact sheets addressing the quality of state criminal history records, and staff continues to work directly with the Access Integrity Unit at the AZDPS to provide valuable records quality data and information to the records auditors.

¹ Reference to JRSA Agreement Number AZ23-2009-001 awarded on February 23, 2009.

In the past, AZSAC staff requested additional data extracts to investigate sexual offender recidivism as well as to enhance existing data for the 2004 Arizona Homicide Study. In collaboration with researchers at Arizona State University, AZSAC staff merged data from the Arizona Department of Corrections with ACCH data from the AZDPS to conduct rearrest and reconviction recidivism analyses of sexual offenders released from the Arizona correctional system in 2001. A comprehensive sexual offender recidivism report was published in 2009 and is available on the ACJC web site. Staff at AZDPS recently provided the AZSAC with available criminal history record data for all offenders and victims of homicide in 2004. AZSAC staff continued to work with the data for a later supplement to the report, titled "Homicide in Arizona, 2004."

Finally, Arizona Revised Statute §41-2406 (see Appendix) mandates that the ACJC use criminal history record data to examine the reporting of sexual assault throughout Arizona. AZSAC staff established a data sharing agreement with the AZDPS to provide AZSAC with the appropriate annual extract for this reporting requirement. Staff at the ACJC has since institutionalized this report on an annual basis, and continuing improvements to the report add to the report's value to stakeholders.

Arizona Felony Case Processing Project

As a result of the annual data agreement with the AZDPS, the AZSAC requested a full "snapshot" of ACCH arrest and disposition data for the previous 10 years back in January 2009. Because of the relative proximity of the data request to the BJS/JRSA request for proposals, AZSAC staff proceeded with a proposal to investigate and analyze ACCH data as it pertains to felony case processing from the initial arrest through the sentencing/appeals process. More definitively, the felony case processing project assists the AZSAC in joining with the BJS and the JRSA to accomplish the following initiatives:

- 1) Exploring the feasibility of utilizing statistical analysis centers to provide criminal history data and analyses to produce national studies of felony case processing;
- 2) Analyze felony case processing in Arizona; and
- 3) Continue our identification and reporting of critical data quality issues in Arizona's criminal history record repository.

With these goals in mind, the AZSAC will provide equal emphasis on the methodology of the felony case processing project as on the data results within the report.

In addition to the following project report, the BJS and the JRSA are requesting the dataset containing all individuals indicted for a felony in 2006 as a project deliverable. After the initial project meeting in Washington, D.C., both BJS and JRSA project officials provided the state grantees with a codebook of variables to be included in the project dataset. The codebook of variables is modeled after the data elements captured through the State Court Processing Statistics (SCPS) program and the National Judicial Reporting Program (NJRP). After discussions in July among project officials and grantees regarding the lack of available indictment data, all parties agreed that the dataset should consist of all felony offenders (both arrested for a felony and/or later accused of a felony offense) who were subsequently arrested in 2006.

Methodology

The following section addresses the steps taken from the initial requesting of data for the felony case processing project up to the finalization of the dataset deliverable. The comprehensive Arizona codebook of variables provided in the Arizona dataset can be found in the Appendix section of this report.

Data Collection

As noted earlier, staff at the AZSAC requested a 10-year data extract of the ACCH repository from established contacts at the AZDPS in January 2009. Approximately in March, AZSAC staff received word from the records department at the AZDPS that an improved data request process replaced the procedure of requesting ACCH data previously used in January. AZSAC staff was also notified that personally identifiable information would not be included as part of the requested ACCH extract provided to the ACJC. Personally identifiable variables include the name, state identification number, and Social Security number of individuals found in the ACCH repository.

AZSAC staff fully complied with the new process and submitted a formal request for the ACCH data extract in March 2009. The agency received approval to use the extract for the felony case processing project in July 2009. The AZDPS approved the ACCH data extract for pick-up at the records department location at the end of September 2009.

Per discussions with the BJS and the JRSA in July 2009, all state grantees were asked to provide criminal history data for all felony offenders arrested in 2006. In an effort to provide the most complete dataset possible, AZSAC staff submitted a follow-up request in November 2009 to the AZDPS for entire rap sheet data of all 2006 arrested felony offenders, which included offenders arrested on misdemeanor charges later resulting in felony accusations. Using the 10-year extract provided in September, the masked state identification number, date of birth, sex, and gender variables of all 65,808 felony offenders arrested in 2006 were sent to the AZDPS for an ACCH rap sheet match. AZSAC staff discovered that the additional matching extract would also provide data on sentencing lengths that were not part of the original extract received in September.

As a result of the continued data collection effort, the AZSAC requested a no-cost extension of the project deadline from February 28, 2010 to May 31, 2010. The request was approved by the JRSA, and the project was extended. The AZDPS provided staff at the AZSAC with the second ACCH extract at the end of March 2010.

It must be noted that AZSAC staff did not collect all of the requested variables for the felony case processing dataset. Without personally identifiable information for each offender, the AZSAC did not have the ability to match data with other sources (i.e. Administrative Office of the Courts, etc.). As a result, staff relied on data made accessible through the two ACCH data extracts. These missing variables will be discussed more in-depth in the next section.

The AZDPS provided both of the ACCH extract files in a fixed-width ASCII text file format. AZSAC staff easily converted each file into an SPSS file format. The cases within each file were broken down by arrest count. One individual recorded a total of 120 arrest counts within a

single arrest, so it was decidedly impractical to restructure the two files in their entirety. Rather, unnecessary variables were stripped from the files, and the data from the two datasets were split into smaller datasets (arrest, historical, disposition, sentencing, and appeals datasets). These more manageable datasets each included the masked state identification number, date of birth, gender, and race variables in order to match the data back together at a later time.

AZSAC staff worked on each isolated dataset independently to compile the data down to a single offender per case. When restructuring (cases to variables) data from counts to arrests, a single variable—when not included as an identifier variable—is subsequently grouped into 120 unique variables. Restructuring the data from counts to individuals created a grouping of variables totaling 984 separate variables. Simply stated, one individual was arrested multiple times (26) in 2006 for a total of 984 unique arrest counts. AZSAC staff had no reasonable method of validating the data, thus the data provided by the AZDPS was used for the project on an “as is” basis.

Once the manageable datasets were individually flattened to one offender per case, researchers matched each dataset back to a master dataset by way of the masked state identifier number, the offender’s date of birth, gender and race.

Variable Availability Obstacles and Successes

First, the AZSAC was unable to capture all of the desired variables from the felony case processing project list. Because of the unavailability of personally identifiable information, the Arizona felony case processing dataset does not include the name, state identification number, and Federal Bureau of Investigation number of each defendant. Other demographic information on the offender—ethnicity, citizenship status, state residency, employment status, and monthly income—are not captured by the ACCH data. Related to the arrest data, AZSAC staff could not identify which of the most serious arrest charges were attempts. Arizona disposition forms² submitted for data entry into the ACCH repository do not include filing information, and as a result, the following variables are not included in the final dataset: date of filing, type of filing, filing charge offense codes, filing charges, filing charge categories, filing charges as attempts, defense attorney type, and trial type. A number of sentencing variables were also excluded from the dataset and the subsequent analysis. These variables include sentencing date, prison/jail minimum and maximum sentence lengths, suspended sentence lengths, probation sentence length, community service hours, fine amount, electronic monitoring, and treatment. Although staff did receive sentence length data, probation length data, and fine amount data in the second rap sheet extract, the estimated time required to sort through the qualitative responses for all 33,482 convicted offenders was not feasible because of project time constraints.

² Disposition forms are electronically or physically submitted to the Department of Public Safety and contain all decision information (i.e. not filed, acquitted, guilty, affirmed, etc.) including all sentencing and appeals information for criminal proceedings. A disposition is defined in Arizona Revised Statute §41-1750Y.8.

Second, there are additional variables that had to be modified based on data limitations within the ACCH data. AZSAC staff converted codebook variables referencing prior total minimum time spent in prison and jail into "Yes/No" dichotomous variables for prior prison or jail sentences imposed. Additionally, staff modified variables addressing the appeals process. Unlike the variables from the original felony case processing codebook, variables in the final Arizona felony case processing dataset attend to the final result of the appeals process and do not allude to cases currently in the process of appeal. Variables included in the dataset answer the total number of conviction charges affirmed, affirmed/remanded-resentenced, reversed-remanded, and reversed-conviction overturned. Unfortunately, cases currently going through the appeals process are not captured using this data because the original conviction disposition was not modified at the period the data was pulled. **NOTE:** Some convicted offenders in the dataset have been exonerated of all or part of the conviction charges.

Third, AZSAC staff included a number of variables not requested in the original felony case processing variable list. The following are the variables listed with a brief description explaining their purpose:

- TOTARREST – This variable provides the total number of arrests per offender in 2006. A total of 12,949 offenders were arrested more than once within the year.
- TOTMIS/
TOTFEL – These variables are included to provide a more enhanced understanding of the breakdown of misdemeanor and felony arrest counts.
- CHG#CODE – The variables provide the specific offense code for the most serious arrest charges/counts.
- CHG#CLASS – These variables provide the class type (felony or misdemeanor) for the most serious arrest charges/counts.
- FELCONVICT/
MISCONVICT – These variables are included to understand how many conviction charges are felonies compared to misdemeanors.
- INSANE[_TOT]/
NCPLEA[_TOT]
SENTDEF[_TOT] – These variables provide greater detail with respect to the conviction charges (i.e. guilty but insane, nolo contendere plea, deferred sentencing)
- DISPTYPE# – These variables help to indicate what disposition type resulted from the most serious conviction charges.
- CONVICT#CLASS – The variables identify the class type of the most serious conviction charges.
- RESTITUTION – This variable indicates whether an offender was sentenced to some form of restitution.

SENTSUS – This variable identifies offenders who have had part or all of their sentence suspended.

The previous variables were added to the dataset to provide a greater understanding of felony case processing.

Obstacles to Formatting Variables

The variables in the dataset can be classified as three types: 1) total amount; 2) indicator; and 3) ranking variables. Each type of variable came with its own set of challenges and methods in order to arrive at the computational solution. Depending on the variable, AZSAC staff experienced degrees of complexity when calculating total amount variables (i.e. total arrest charges, total conviction charges, prior felony arrests, prior misdemeanor arrests, etc.). Total charge variables simply required a numerical value of one assigned to each arrest count within variable X prior to restructuring of the file. Once the restructure into a one case per offender dataset took place, staff simply had to create syntax to compute the sum of grouped variables, for example X.1, X.2...X.984, into a charge variable. The end result was a total number of the charges within a single variable per offender.

Certain total amount variables, for instance the prior felony arrest variable, tended to be more complicated to format. The raw ACCH dataset originally provided a string variable, A, with 'F' equal to felony and 'M' equal to misdemeanor per arrest count. First, researchers created a dummy variable by recoding 'F' to 1 and 'M' to 0. Researchers then restructured the file from arrest counts to arrests. All resulting grouped A variables were then summed up to create a total felony counts variable, B. This variable was then recoded so that the following arguments were true:

If B >= 1, then B = 1000. (Felony Arrest)
If B = 0, then B = 1. (Misdemeanor Arrest)

Once this recode was complete, staff then restructured the file from arrests to one offender per case. Since no offender had more than 999 prior arrests, staff then added up all of the grouped B variables together into variable C. What resulted is a variable that looks like this:

Variable C
1001
3000
1010
2 ...etc...

Staff converted variable C into a string (A6) variable and replaced all spaces with '0's as seen here:

Variable C
001001
Felony Total → 003000
001010 ← Misdemeanor Total
000002 ...etc...

In order to extract the total number of felony arrests per offender, AZSAC researchers simply had to change the variable width from A6 to A3. For misdemeanor arrest totals, researchers utilized the more complex CHAR.SUBSTR expression and computed a new misdemeanor variable. Different variations of these methods were used to calculate all other total amount variables within the felony case processing dataset.

Indicator variables (i.e. sentencing types imposed, etc.) required slightly different types of solutions for variable formatting. When creating the simplest of indicator variables, in this case incarceration sentence imposed, staff began with the prison/jail sentence variable, A, in the raw ACCH dataset. Both values 'P' (indicating a prison sentence) and 'J' (indicating a jail sentence) were recoded to equal 1. Staff left all other values equal to zero or blank within the string variable and converted the variable A into a numeric dummy variable. The file was then restructured from charge count down to one offender per case. At this point, staff created an additional variable, B, in which all string values were equal to '0'.

Then, AZSAC staff created extensive recode syntax for the new B variable. Researchers intended the syntax to recode a '0' value to a '1' value only if the following expression was satisfied:

DO IF (A.1 > 0 or A.2 > 0 or A.3 > 0 or ... A.984 > 0.)

Once the syntax ran converting all grouped A variables into a dummy B variable, then staff had to define '1' as incarcerated and recode '0' to '2' with the '2' value equal to not incarcerated.

Calculating the specific sentence imposed, known as the SENT3 variable, involved adding multiple steps to the data cleaning process. Using the same recode techniques as in the previous indicator variable example, dummy string (A1) variables were created for prison, jail, probation, fine, and other conditions variables. The next step was to concatenate all five of these dummy variables in the exact order of highest to lowest (prison, jail, probation, fine, and other conditions) into the SENT3 variable. The resulting variable listed a series of five '0's and '1's per case.

Then, AZSAC staff recoded these string values based on the following coding scheme:

101??/111??	= 1 (Prison plus probation)	00100	= 6 (Probation only)
100??/110??	= 2 (Prison no probation)	0001?	= 7 (Fine only)
011??	= 3 (Jail plus probation)	00001	= 8 (Other)
010??	= 4 (Jail no probation)		
00111/00101	= 5 (Probation plus other conditions)		

All other sentencing variables used some variation of these two methods to meet the standard format found in the original felony case processing dataset codebook.

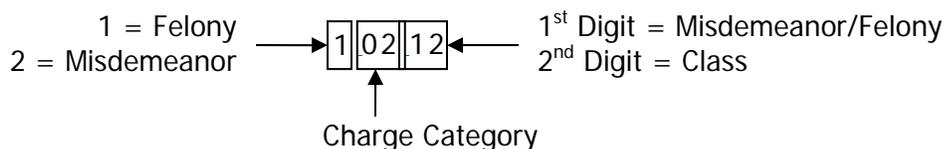
Finally, AZSAC staff experienced the greatest difficulty in calculating the ranking variables (i.e. date of arrest, most serious arrest charges, date of disposition, disposition type, most serious conviction charges, etc.). Researchers spent a large period of the project identifying the most serious arrest and conviction charges. Because all arrest and conviction charges are provided in

the ACCH raw data, AZSAC staff needed to categorize and rank order more than 1,000 unique offense codes for analysis.

The first step in rank ordering the offense codes was to consolidate the codes into the charge categories provided in both the original codebook and the Arizona felony case processing dataset codebook (see Appendix). At the beginning of 2010, AZSAC staff reached out to Scottsdale Police Department to inquire about an Arizona Revised Statute (ARS) offense code to Uniform Crime Reporting (UCR) code conversion chart. Only days later, the contact at the Scottsdale Police Department provided AZSAC staff with an Excel spreadsheet of conversions from ARS codes to UCR codes, which were similarly categorized when comparing to the project charge categories. Nonetheless, staff spent a number of days validating the conversions, completing any missing conversions, and making adjustments for optimal alignment with the project's charge categories. A supplemental dataset of all relevant offense code conversions will be included with this project's deliverables.

AZSAC researchers took the next step of researching the highest offense class for each of the more than 1,000 offense codes in the dataset. The raw ACCH dataset only provided data identifying whether the arrest or conviction count (or charge) was a felony or misdemeanor. In order to strengthen the recognition of the two most serious arrest charges, staff read each offense code statute to capture the most serious offense class (i.e. class six felony, class two misdemeanor, etc.) for the unique offense codes, excluding any conditional influences on the class. Conditional influences comprised of the age of the victim, weapon used, repeat offenders, and others that tend to increase the class assigned to the offense. It is important to note that the offense classes discussed in this paragraph are estimated classifications and are not the official classifications delegated to each offense code found in the ACCH data.

Now that AZSAC researchers have the official ACCH offense type (felony or misdemeanor), the charge category, and the estimated offense type and class for each offense code, staff proceeded to concatenate these variables together to create a rank order code variable for the ACCH offense codes. The following is an example of a felony rape offense estimated as a class 2 felony according to the Arizona statutes:

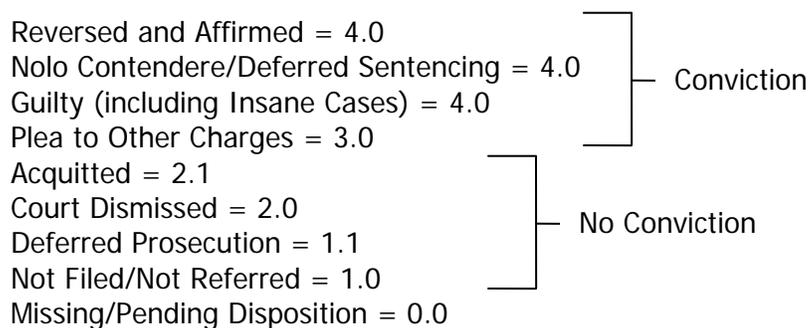


Looking at this example, it is apparent that the code rank ordered the ACCH offense type first, the charge category second, and the estimated offense class third when the entire concatenated variable was sorted in ascending order.

AZSAC researchers took the final step to identify the most serious charges by creating a syntax recoding offense codes into a rank order code variable (A), sorting the rank order code variable into ascending order, and restructuring the file from arrest/conviction charges to one offender per case. By doing so, project researchers created a group of A variables, and the first two variables, A.1 and A.2 within the grouping, contained the most serious rank order codes.

Researchers kept additional variables, for instance the date of offense variable, as part of the dataset prior to this final step so that the subsequent step would also uncover the date the most serious arrest offense crime took place.

Formatting another rank order variable, disposition type, involved sorting out the highest disposition code for each offender in the dataset. AZSAC researchers adopted a simple approach to create this variable. All disposition codes, per charge, were assigned to the following recodes:



Once these recodes were assigned to each disposition code, researchers sorted the disposition variable in descending order, effectively aligning conviction dispositions at the top and non-conviction/pending/missing dispositions at the bottom of the file. When the dataset was restructured from charges into one offender per case, the highest disposition was listed in the first variable within the grouped disposition variables. Staff adjusted the values according to the requirements placed on the DISPTYPE variable in the original felony case processing dataset codebook.

AZSAC staff also carefully selected certain dates using the ranking method. When calculating the arrest date, researchers attempted to capture the earliest arrest date throughout 2006. In order to do so, the researchers first sorted the arrest date variable in ascending order. Then, a restructure of the dataset from charges to offenders created a group of arrest date variables. Exactly as was seen with the other ranking methods, the earliest arrest date filtered into the first variable in the grouped data variables.

AZSAC researchers uncovered one final complication in the data when compiling prior criminal history variables. The second ACCH extract consisted of all rap sheet data for each offender, including arrest counts from 2006 to 2010. Several of these 2006 arrests were misdemeanor arrests and did not require inclusion in the felony case processing dataset. However, researchers looked to include the criminal history data in the prior history variables. As a result, the earliest arrest date from the felony case processing dataset had to be excluded from the second dataset along with all subsequent arrests prior to the merging of the two files. Despite the cumbersome process, AZSAC staff separated these arrests out of the criminal history file and deleted them from the analysis.

Obstacles in Merging Smaller Datasets

SAC staff found the merging of smaller, more manageable datasets to be uncomplicated with one exception. When processing the second ACCH rap sheet extract, the AZDPS returned a

different masked state identification number, and AZSAC researchers had to take additional steps to link the data back to the other felony case processing data files. The masked state identification number was a key unique identifier for uniting all offender datasets. Fortunately, AZSAC staff applied its own unique identifier to each arrest count; thus, staff matched the original ACJC data match request file to the resulting ACCH rap sheet file and added the original masked state identification number, date of birth, gender, and race variables.

Quality of the Arizona Computerized Criminal History Data

As discussed earlier, the AZSAC continues to work on a variety of projects employing the use of data from the ACCH repository, including the felony case processing project. The ACCH repository provides AZSAC staff with an excellent opportunity to electronically access a rich dataset of statewide criminal justice information. Although the repository is invaluable to researchers across the criminal justice realm, it is still very important to address the data quality issues that arise from using the information. Despite vast improvements in timeliness and completeness of criminal history record data over the years, the data from the felony case processing project shows that 16,501 (25 percent) felony offenders have pending or missing disposition(s) for all 2006 arrest charges as of September 2009. Of the remaining 49,307 felony offenders with disposition data, a total of 14,795 (30 percent) offenders did not have disposition data available for at least one 2006 arrest charge. The Arizona Administrative Office of the Courts has set a 180-day disposition time limit³ for all felony offenses, excluding all complex and first degree homicide cases, and these pending/missing dispositions are well beyond the 180-day limit. Either these disposition cases are still pending in court, or the dispositions have not made their way into the ACCH repository more than two years after the initial arrest. Also, the ACCH data is inherently missing some misdemeanor offenses that are not required for inclusion in the ACCH, pursuant to Arizona Revised Statute §41-1750.

Another data quality issue was recently brought to the attention of project researchers during the course of this project. The AZDPS informed the AZSAC that offender records are purged from the ACCH repository upon notification that the individual has deceased. Between the original ACCH extract received in September of 2009 and the second ACCH rap sheet extract received in March 2010, a total of 67 felony offenders arrested in 2006 passed away and their criminal history records were purged. This not only affects the arrest and conviction historical data for the project, it also means that a large number of felony offenders from 2006 may not be accounted for in the felony case processing dataset.

Lastly, AZSAC staff has no method of correcting data provided in the AZDPS extracts. Data is collected independently from hundreds of law enforcement, prosecutor, and court agencies, and any type of follow-up with each agency is a labor-intensive task. Not to mention, the AZSAC did not have personally identifiable information in order to bridge these cases to third-party data sources.

³ See *16A Arizona Revised Statutes Rules Criminal Procedure, Rule 8.2.*

Lessons Learned

During this attempt to understand more about felony cases processed throughout Arizona, the AZSAC staff gained tremendous insight into the full potential of data available from the ACCH repository. Despite setbacks during the course of the project, researchers compiled a valuable dataset of 65,808 felony offenders arrested in 2006, including a total of 59 variables, to closely examine felony cases in Arizona. The following recommendations are provided for any state interested in exploring this type of project:

- 1) A statistical analysis center must have working knowledge of the contents within their state's criminal history record repository. The research team should make sure that all desired data and information is available in an efficient and timely fashion, preferably in electronic format.
- 2) If all desired data is not available within the state's repository, researchers should exhaust other data sources throughout the state in order to fill the void in the data collection process. To do so, the research team must confirm that matching unique identifiers are provided across all data sources so that the fragmented data can be linked case by case.
- 3) All researchers involved in the data merging and flattening process must have solid skills in working with the analytical tools (i.e. SPSS, etc.) being used for the project. Expertise in working with large data files and complex syntax is highly recommended.
- 4) If the center does not already have a tool to convert statute offense codes into more manageable charge categories (i.e. UCR codes), contact local law enforcement agencies and inquire about the availability of a table or spreadsheet that converts offense codes into UCR-type codes. This tool will save time when attempting to identify the most serious arrest and conviction charges.

By keeping mindful of the preceding recommendations, all state statistical analysis centers will be able to minimize the complications for data collection and analysis of felony cases processed within their state. Nonetheless, each center should carefully take into account any additional concerns unique to their state's network of criminal justice data when carrying out this project.

Analysis of Felony Cases Processed in Arizona

Researchers at the AZSAC analyzed arrest and disposition data from the ACCH repository for all Arizona felony offenders arrested in 2006. More specifically, the data includes offenders arrested for a felony in 2006 as well as offenders later accused of a felony but arrested on misdemeanor charges in 2006. Of the 65,808 felony offenders arrested, 19.7 percent were arrested more than once in 2006. It is not possible for staff to calculate the number of unique indictments resulting from the multiple arrests of these offenders in 2006, so all available disposition data ensuing from the 2006 arrests are consolidated in the analyses.

Offender Profile

According to Table 1, more than 80 percent of felony offenders arrested in 2006 were male. A total of 55,904 offenders (85.0 percent) were White/Caucasian, followed by black offenders making up 9.6 percent. American Indian/Alaskan Native offenders made up 4.7 percent of the total felony offenders arrested in 2006, and only 0.4 percent of offenders were Asian/Pacific Islander. The median age for felony offenders on the earliest 2006 arrest date was 29 years of age, and although the ACCH does not collect juvenile criminal history data, 654 offenders were under the age of 18 at the time of the arrest. One in every three felony offenders arrested in 2006 was between the ages of 18 and 24.

Table 1. Demographics of Felony Offenders Arrested 2006		
	Total Offenders	Percentage of Total
<i>Gender</i>		
Male	53,000	80.5%
Female	12,808	19.5%
<i>Race</i>		
White/Caucasian	55,904	85.0%
Black	6,348	9.6%
Asian/Pacific Islander	296	0.4%
American Indian/Alaskan Native	3,115	4.7%
Undetermined	145	0.2%
<i>Age (Median = 29)</i>		
Under 18	654	1.0%
18 to 24	21,902	33.3%
25 to 34	20,829	31.7%
35 and Over	22,423	34.1%
Total Offenders Arrested	65,808	100%

More than 33 percent of all felony offenders arrested in 2006 had no prior history of a felony or misdemeanor offense. Nearly half of all of the offenders (49.8 percent) did not record a felony arrest prior to their 2006 arrest. A lower percentage of offenders, 45.1 percent, were not in the ACCH for a prior misdemeanor arrest (Table 2). Nearly one-third of all 2006 felony offenders were arrested multiple times prior to 2006 for a felony offense. Table 2 also shows that a higher percentage of offenders (38.0 percent) have records for multiple misdemeanor arrests prior to the 2006 felony offense arrest.

Turning attention to prior convictions, 28.6 percent of 2006 felony offenders were convicted of at least one previous felony charge. Furthermore, 45.9 percent of offenders received at least one misdemeanor conviction prior to the 2006 felony offense arrest. Both 71.4 percent and 54.0 percent of offenders had no prior felony or misdemeanor convictions recorded in the ACCH, respectively.

Table 2. Criminal History of Felony Offenders Arrested 2006		
	Total Offenders*	Percentage of Total*
<i>Prior Felony Arrest Data</i>		
No Prior Felony Arrests	32,792	49.8%
One Prior Felony Arrest	11,288	17.2%
Two or More Prior Felony Arrests	21,661	32.9%
<i>Prior Misdemeanor Arrest Data</i>		
No Prior Misdemeanor Arrests	29,697	45.1%
One Prior Misdemeanor Arrest	11,043	16.8%
Two or More Prior Misdemeanor Arrests	25,001	38.0%
<i>Prior Felony Conviction Data**</i>		
No Prior Felony Convictions	46,959	71.4%
One Prior Felony Conviction	10,696	16.3%
Two or More Prior Felony Convictions	8,086	12.3%
<i>Prior Misdemeanor Conviction Data**</i>		
No Prior Misdemeanor Convictions	35,560	54.0%
One Prior Misdemeanor Conviction	12,522	19.0%
Two or More Prior Misdemeanor Convictions	17,659	26.8%
<i>Prior Incarceration Data</i>		
Prior Prison Sentence	7,622	11.6%
Prior Jail Sentence	25,592	38.9%
Total Offenders Arrested	65,808	100%

* A total of 67 arrested offenders are excluded from the criminal history data due to death and subsequent purging of ACCH records. These offenders are excluded from the Table 2 percentages and totals.

** Convictions are calculated as one conviction per arrest.

Looking again at Table 2, only 11.6 percent of 2006 felony offenders received a prison sentence as a result of a prior conviction. The table shows that the percentage more than triples for offenders receiving a prior jail sentence. The totals and percentages in Table 2 do not account for the 67 deceased offenders excluded from the second ACCH rap sheet extract. When the AZDPS receives notice of a deceased offender, all criminal history records linked to the individual are purged from the ACCH repository.

Offense Distribution

Several felony offenders arrested in 2006 were arrested multiple times during that same year. In fact, 14.7 percent of the offenders were arrested twice for a felony offense (or misdemeanor offense leading to a felony accusation) while five percent of offenders were arrested for three or more arrests involving a felony offense in 2006 (Table 3). The mean number of felony offense arrests per offender in 2006 stands at 1.3.

Table 3. Arrest Data for All Felony Offenders 2006		
	Total Offenders	Percentage of Total
<i>Total 2006 Arrests (Mean = 1.3 Arrests)</i>		
One Arrest in 2006	52,859	80.3%
Two Arrests in 2006	9,684	14.7%
Three or More Arrests in 2006	3,265	5.0%
<i>Most Serious 2006 Arrest Charge</i>		
Violent Offense	12,310	18.7%
Property Offense	15,372	23.4%
Drug Offense	23,080	35.1%
Public-Disorder Offense	15,045	22.9%
Unknown Offense	1	0.0%
Total Offenders Arrested	65,808	100%

According to Table 3, the greatest number (23,080) of felony offenders was arrested for drug offense charges. Property offenses came after drug offenses at 23.4 percent, followed by public-disorder offenses at 22.9 percent and violent offenses at 18.7 percent. One local offense code could not be converted into a category, thus it stands as the only unknown arrest charge. Some of the more serious arrest charges may be misdemeanor arrests later found to lead to a felony accusation, thus explaining some of the lesser offenses still making the list of most serious charges.

Unfortunately, the ACCH data extract does not contain any filing information. No data is available at this time for AZSAC staff to report charge categories for felony indictment filings.

Case Disposition

Table 4 shows that nearly 51 percent of felony offenders arrested in 2006 were convicted as a result of the 2006 arrest charges brought against them. Only 0.2 percent were found not guilty of the 2006 arrest charges, 8.6 percent had their charges dismissed in court, prosecution deferred charges against 1.0 percent of offenders, and 14.2 percent of offenders did not have any charges filed or referred by the prosecution. The remaining 25.1 percent of offenders had no record of a disposition in the ACCH for all felony offense arrests in 2006. Although there is the possibility these cases may still be pending in court, it is just as reasonable to assume that these final dispositions never made their way into the ACCH repository.

The disposition convictions are further broken down in Table 4, and the results show that very few resulted in insanity cases, nolo contendere pleas, deferred sentencing cases, and pleas to other charges. The large majority of convictions resulted from a standard guilty plea or a finding of guilt by a trial judge or jury.

Table 4. Disposition Data for Felony Offenders 2006		
	Total Offenders	Percentage of Total
<i>Highest Disposition from 2006 Arrest Charges</i>		
Guilty, Plea or Trial	33,473	50.9%
<i>Guilty, but Insane</i>	14	0.0%
<i>Nolo Contendere Plea</i>	155	0.2%
<i>Deferred Sentencing</i>	11	0.0%
Guilty, Plea to Other Charges	9	0.0%
Acquitted, Not Guilty	162	0.2%
Court Dismissed	5,687	8.6%
Deferred Prosecution	644	1.0%
Not Filed or Referred for Prosecution	9,332	14.2%
Pending or Missing Disposition	16,501	25.1%
Total Offenders Arrested	65,808	100%
<i>Types of Conviction Charges within Cases</i>		
Includes Felony Charge(s)	25,326	75.6%
Misdemeanor Charge(s) Only	8,156	24.4%
<i>Most Serious 2006 Conviction Charge</i>		
Violent Offense	5,608	16.7%
Property Offense	7,739	23.1%
Drug Offense	7,646	22.8%
Public-Disorder Offense	12,489	37.3%
Total Offenders Convicted	33,482	100%

Looking at the 33,482 convicted offenders in Table 4, it is important to note that 24.4 percent of offenders were not convicted on the felony charge(s) for which they were arrested back in 2006. More than 75 percent did, however, receive at least one felony conviction charge resulting from the 2006 arrests. Public-disorder offenses made up the highest total of conviction charges at 37.3 percent. Property offenses were again second in the list of categories with 23.1 percent of offenders, followed by drug offenses at 22.8 percent and violent offenses at 16.7 percent.

Sentencing of Convicted Offenders

Table 5 ranks the highest sentence imposed on each convicted offender. The largest percentage of convicted offenders received a probation sentence (37.2 percent). A prison sentence was imposed on 30.4 percent of convicted offenders while 29.8 percent of convicted offenders were given a jail sentence. A fine was the highest sentence for 2.3 percent of offenders, and 0.3 percent of convicted offenders received another unspecified sentence. Twelve offenders are missing sentencing data or did not receive a sentence outlined in the ACCH.

Convicted offenders were also assigned to other sentences besides those described previously. Greater than 20 percent of offenders were sentenced to community service (see Table 5). Only 43 offenders (0.1 percent) received some form of a restitution sentence, and 52.9 percent of offenders had part or their entire sentence suspended.

Table 5. Sentencing Data for Convicted Offenders 2006		
	Total Offenders	Percentage of Total
<i>Highest Conviction Sentences Imposed</i>		
Prison, plus Probation	6,236	18.6%
Prison, no Probation	3,940	11.8%
Jail, plus Probation	9,038	27.0%
Jail, no Probation	930	2.8%
Probation, plus Other Conditions	12,003	35.8%
Probation Only	461	1.4%
Fine Only	763	2.3%
Other Sentence	99	0.3%
Missing Data/No Sentence	12	0.0%
<i>Additional Sentences Imposed</i>		
Community Service	6,879	20.5%
Restitution	43	0.1%
Other Sentence	17,592	52.5%
Suspended Sentence (All/Partial)	17,725	52.9%
Total Offenders Convicted	33,482	100%

Some offenders without a resulting conviction were still assigned to probation or another unspecified sentence. A total of 36 percent of non-convicted offenders with at least one arrest charge resulting in disposition information were put on probation as a result of their 2006 arrest offenses. A smaller percentage of non-convicted offenders, 21 percent, were given other sentencing.

Post-Conviction Results

Although the percentages are insignificant, a number of convicted offenders appealed their convictions, and the data is provided in Table 6. A total of 297 offenders appealed at least one conviction charge, and the charge(s) was affirmed. Three offenders appealed with similar results, in which the conviction charge(s) was affirmed/remanded-resentenced. Ten offenders were able to reverse-remand their conviction charge(s) while only three were able to overturn at least one conviction charge. The ACCH data does not contain information for conviction cases still pending in the appeals process.

Table 6. Post-Conviction Data for Convicted Offenders 2006		
	Total Offenders	Percentage of Total
<i>Results through Court of Appeals</i>		
One or More Convictions Affirmed	297	0.9%
One or More Convictions Affirmed/Remanded-Resentenced	3	0.0%
One or More Convictions Reversed-Remanded	10	0.0%
One or More Convictions Reversed-Conviction Overturned	3	0.0%
Total Offenders Convicted	33,482	100%

Discussion

The AZSAC received funding in February 2009 from the BJS through the JRSA to investigate data available within Arizona's criminal history record repository regarding all felony cases processed in 2006. Originally, the project coordinators requested that data be captured on all felony offenders indicted during calendar year 2006. After some discussion between BJS/JRSA and project grantees, the request changed to all felony offenders arrested in calendar year 2006. Indictment data is not available in the Arizona Computerized Criminal History (ACCH) repository, thus deeming the project unfeasible unless data collection of felony offenders arrested in 2006 was approved.

AZSAC staff originally requested a 10-year ACCH extract from AZDPS that could be used for the felony case processing project in January 2009. Once the 10-year extract became available to AZSAC staff, a second ACCH rap sheet extract was requested from the AZDPS in November of 2009 to capture prior criminal history data and sentencing lengths. Due to the continued data collection effort, the project had to be extended from February 28 - May 31, 2010. The AZDPS provided the second extract request at the end of March.

Per prior discussions with AZDPS, AZSAC researchers did not receive personally identifiable data in the project's ACCH extracts. Without these variables, researchers could not link the ACCH data to other data sources from across the state. Staff had to rely solely on information provided in the ACCH extracts to complete the felony case processing project.

Once all data requests became available, the AZSAC staff completed the felony case processing dataset in addition to other project deliverables. Researchers successfully flattened both ACCH extract files from charge-level data files into files containing one felony offender (N=65,808) per case. A total of 59 variables are furnished in the final felony case processing dataset.

Analysis of all felony offenders arrested in 2006 gives researchers a better understanding of felony case processing in Arizona. The majority of offenders were White males between the ages of 18 and 34. Two out of every three offenders were arrested at least once prior to the 2006 felony offense arrest, and more than 11 percent received a prior prison sentence while approximately 39 percent received a prior jail sentence. Nearly 20 percent of felony offenders were arrested more than once for a felony offense in 2006, and more than 35 percent of offenders were arrested for a drug offense, followed by property (23 percent), public-disorder (23 percent), and violent (19 percent) offenses.

A total of 33,473 offenders were convicted on a 2006 arrest charge (nine plead guilty to other charges). Three in four convicted offenders were convicted on at least one felony charge. More than 37 percent of offenders were convicted on a public-disorder charge, followed by property, drug, and violent charges in that order. Over 30 percent of offenders were sentenced to prison, almost 30 percent received a jail sentence, and more than 37 percent were not incarcerated but did receive a probation sentence. Only 313 convicted offenders recorded an appeals result in the ACCH, and 13 offenders successfully reversed at least one conviction charge.

APPENDIX

Arizona Revised Statutes

41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

A. The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.
2. Collect information concerning the number and nature of offenses known to have been committed in this state and of the legal steps taken in connection with these offenses, such other information that is useful in the study of crime and in the administration of criminal justice and all other information deemed necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.
3. Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.
4. Cooperate with the central state repositories in other states and with the appropriate agency of the federal government in the exchange of information pertinent to violators of the law.
5. Ensure the rapid exchange of information concerning the commission of crime and the detection of violators of the law among the criminal justice agencies of other states and of the federal government.
6. Furnish assistance to peace officers throughout this state in crime scene investigation for the detection of latent fingerprints and in the comparison of latent fingerprints.
7. Conduct periodic operational audits of the central state repository and of a representative sample of other agencies that contribute records to or receive criminal justice information from the central state repository or through the Arizona criminal justice information system.
8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.
9. Aid and encourage coordination and cooperation among criminal justice agencies through the statewide and interstate exchange of criminal justice information.
10. Provide training and proficiency testing on the use of criminal justice information to agencies receiving information from the central state repository or through the Arizona criminal justice information system.
11. Operate and maintain the Arizona automated fingerprint identification system established pursuant to section 41-2411.
12. Provide criminal history record information to the fingerprinting division for the purpose of screening applicants for fingerprint clearance cards.

B. The director may establish guidelines for the submission and retention of criminal justice information as deemed useful for the study or prevention of crime and for the administration of criminal justice.

C. The chief officers of criminal justice agencies of this state or its political subdivisions shall provide to the central state repository fingerprints and information concerning personal identification data, descriptions, crimes for which persons are arrested, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as criminal defendants for felony offenses or offenses involving domestic violence as defined in section 13-3601 or violations of title 13, chapter 14 or title 28, chapter 4 that have occurred in this state.

D. The chief officers of law enforcement agencies of this state or its political subdivisions shall provide to the department such information as necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.

E. The chief officers of criminal justice agencies of this state or its political subdivisions shall comply with the training and proficiency testing guidelines as required by the department to comply with the federal national crime information center mandates.

F. The chief officers of criminal justice agencies of this state or its political subdivisions also shall provide to the department information concerning crimes that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.

G. The director shall authorize the exchange of criminal justice information between the central state repository, or through the Arizona criminal justice information system, whether directly or through any intermediary, only as follows:

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees.

2. With any noncriminal justice agency pursuant to a statute, ordinance or executive order that specifically authorizes the noncriminal justice agency to receive criminal history record information for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers, on submission of the subject's fingerprints and the prescribed fee. Each statute, ordinance, or executive order that authorizes noncriminal justice agencies to receive criminal history record information for these purposes shall identify the specific categories of licensees, employees, contract employees or volunteers, and shall require that fingerprints of the specified individuals be submitted in conjunction with such requests for criminal history record information.

3. With the board of fingerprinting for the purpose of conducting good cause exceptions pursuant to section 41-619.55.

4. With any individual for any lawful purpose on submission of the subject of record's fingerprints and the prescribed fee.

5. With the governor, if the governor elects to become actively involved in the investigation of criminal activity or the administration of criminal justice in accordance with the governor's constitutional duty to ensure that the laws are faithfully executed or as needed to carry out the other responsibilities of the governor's office.

6. With regional computer centers that maintain authorized computer-to-computer interfaces with the department, that are criminal justice agencies or under the management control of a criminal justice agency and that are established by a statute, ordinance or executive order to provide automated data processing services to criminal justice agencies specifically for the purposes of the administration of criminal justice or evaluating the fitness of regional computer center employees who have access to the Arizona criminal justice information system and the national crime information center system.

7. With an individual who asserts a belief that criminal history record information relating to the individual is maintained by an agency or in an information system in this state that is subject to this section. On submission of fingerprints, the individual may review this information for the purpose of determining its accuracy and completeness by making application to the agency operating the system. Rules adopted under this section shall include provisions for administrative review and necessary correction of any inaccurate or incomplete information. The review and challenge process authorized by this paragraph is limited to criminal history record information.

8. With individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement if the agreement specifically authorizes access to data, limits the use of data to purposes for which given and ensures the security and confidentiality of the data consistent with this section.

9. With individuals and agencies for the express purpose of research, evaluative or statistical activities pursuant to an agreement with a criminal justice agency if the agreement specifically authorizes access to data, limits the use of data to research, evaluative or statistical purposes and ensures the confidentiality and security of the data consistent with this section.

10. With the auditor general for audit purposes.

11. With central state repositories of other states for noncriminal justice purposes for dissemination in accordance with the laws of those states.

12. On submission of the fingerprint card, with the department of economic security to provide criminal history record information on prospective adoptive parents for the purpose of conducting the preadoption certification investigation under title 8, chapter 1, article 1 if the department of economic security is conducting the investigation, or with an agency or a person appointed by the court, if the agency or person is conducting the investigation. Information received under this paragraph shall only be used for the purposes of the preadoption certification investigation.

13. With the department of economic security and the superior court for the purpose of evaluating the fitness of custodians or prospective custodians of juveniles, including parents, relatives and prospective guardians. Information received under this paragraph shall only be used for the purposes of that evaluation. The information shall be provided on submission of either:

(a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

14. On submission of a fingerprint card, provide criminal history record information to the superior court for the purpose of evaluating the fitness of investigators appointed under section 14-5303 or 14-5407, or guardians appointed under section 14-5206.

15. With the supreme court to provide criminal history record information on prospective fiduciaries pursuant to section 14-5651.

16. With the department of juvenile corrections to provide criminal history record information pursuant to section 41-2814.

17. On submission of the fingerprint card, provide criminal history record information to the Arizona peace officer standards and training board or a board certified law enforcement academy to evaluate the fitness of prospective cadets.

18. With the internet sex offender web site database established pursuant to section 13-3827.

19. With licensees of the United States nuclear regulatory commission for the purpose of determining whether an individual should be granted unescorted access to the protected area of a commercial nuclear generating station on submission of the subject of record's fingerprints and the prescribed fee.

20. With the state board of education for the purpose of evaluating the fitness of a certificated teacher or administrator or an applicant for a teaching or an administrative certificate provided that the state board of education or its employees or agents have reasonable suspicion that the certificated person engaged in conduct that would be a criminal violation of the laws of this state or was involved in immoral or unprofessional conduct or that the applicant engaged in conduct that would warrant disciplinary action if the applicant were certificated at the time of the alleged conduct. The information shall be provided on the submission of either:

(a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

21. With each school district and charter school in this state. The state board of education and the state board for charter schools shall provide the department of public safety with a current list of e-mail addresses for each school district and charter school in this state and shall periodically provide the department of public safety with updated e-mail addresses. If the department of public safety is notified that a person who is required to have a fingerprint clearance card to be employed by or to engage in volunteer activities at a school district or charter school has been arrested for or convicted of an offense listed in section 41-1758.03, subsection B or has been arrested for or convicted of an offense that amounts to unprofessional conduct under section 15-550, the department of public safety shall notify each school district and charter school in this state that the person's fingerprint clearance card has been suspended or revoked.

22. With the child protective services division of the department of economic security as provided by law, which currently is the Adam Walsh child protection and safety act of 2006 (42 United States Code section 16961), for the purposes of investigating or responding to reports of child abuse, neglect or exploitation. Information received pursuant to this paragraph from the national crime information center, the interstate identification index and the Arizona criminal justice information system network shall only be used for the purposes of investigating or responding as prescribed in this paragraph. The information shall be provided on submission to the department of public safety of either:

(a) The fingerprints of the person being investigated.

- (b) The name, date of birth and social security number of the person.
- H. The director shall adopt rules necessary to execute this section.
- I. The director, in the manner prescribed by law, shall remove and destroy records that the director determines are no longer of value in the detection or prevention of crime.
- J. The director shall establish a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes. An additional fee may be charged by the department for state noncriminal justice fingerprint processing. Fees submitted to the department for state noncriminal justice fingerprint processing are not refundable.
- K. The director shall establish a fee in an amount necessary to cover the cost of processing copies of department reports, eight by ten inch black and white photographs or eight by ten inch color photographs of traffic accident scenes.
- L. Except as provided in subsection O of this section, each agency authorized by this section may charge a fee, in addition to any other fees prescribed by law, in an amount necessary to cover the cost of state and federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes.
- M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to support the department's noncriminal justice fingerprint processing duties reverts to the state general fund.
- N. A records processing fund is established for the purpose of separately accounting for the collection and payment of fees for department reports and photographs of traffic accident scenes processed by the department. Monies collected for this purpose shall be credited to the fund and shall be used by the department in support of functions related to providing copies of department reports and photographs. At the end of each fiscal year, any balance in the fund not required for support of the functions related to providing copies of department reports and photographs reverts to the state general fund.
- O. The department of economic security may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by law for employees and volunteers of the department, guardians pursuant to section 46-134, subsection A, paragraph 15, the licensing of foster parents or the certification of adoptive parents.
- P. The director shall adopt rules that provide for:
1. The collection and disposition of fees pursuant to this section.
 2. The refusal of service to those agencies that are delinquent in paying these fees.
- Q. The director shall ensure that the following limitations are observed regarding dissemination of criminal justice information obtained from the central state repository or through the Arizona criminal justice information system:
1. Any criminal justice agency that obtains criminal justice information from the central state repository or through the Arizona criminal justice information system assumes responsibility for the security of the information and shall not secondarily disseminate this information to any individual or agency not authorized to receive this information directly from the central state repository or originating agency.
 2. Dissemination to an authorized agency or individual may be accomplished by a criminal justice agency only if the dissemination is for criminal justice purposes in connection with the prescribed duties of the agency and not in violation of this section.
 3. Criminal history record information disseminated to noncriminal justice agencies or to individuals shall be used only for the purposes for which it was given. Secondary dissemination is prohibited unless otherwise authorized by law.
 4. The existence or nonexistence of criminal history record information shall not be confirmed to any individual or agency not authorized to receive the information itself.

5. Criminal history record information to be released for noncriminal justice purposes to agencies of other states shall only be released to the central state repositories of those states for dissemination in accordance with the laws of those states.

6. Criminal history record information shall be released to noncriminal justice agencies of the federal government pursuant to the terms of the federal security clearance information act (P.L. 99-169).

R. This section and the rules adopted under this section apply to all agencies and individuals collecting, storing or disseminating criminal justice information processed by manual or automated operations if the collection, storage or dissemination is funded in whole or in part with monies made available by the law enforcement assistance administration after July 1, 1973, pursuant to title I of the crime control act of 1973, and to all agencies that interact with or receive criminal justice information from or through the central state repository and through the Arizona criminal justice information system.

S. This section does not apply to criminal history record information contained in:

1. Posters, arrest warrants, announcements or lists for identifying or apprehending fugitives or wanted persons.

2. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if these records are organized on a chronological basis.

3. Transcripts or records of judicial proceedings if released by a court or legislative or administrative proceedings.

4. Announcements of executive clemency or pardon.

5. Computer databases, other than the Arizona criminal justice information system, that are specifically designed for community notification of an offender's presence in the community pursuant to section 13-3825 or for public informational purposes authorized by section 13-3827.

T. Nothing in this section prevents a criminal justice agency from disclosing to the public criminal history record information that is reasonably contemporaneous to the event for which an individual is currently within the criminal justice system, including information noted on traffic accident reports concerning citations, blood alcohol tests or arrests made in connection with the traffic accident being investigated.

U. In order to ensure that complete and accurate criminal history record information is maintained and disseminated by the central state repository:

1. The arresting authority shall take legible ten-print fingerprints of all persons who are arrested for offenses listed in subsection C of this section including persons who are arrested and released pursuant to section 13-3903, subsection C. The arresting authority may transfer an arrestee to a booking agency for ten-print fingerprinting. The arresting authority or booking agency shall obtain a process control number and provide to the person fingerprinted a document that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court.

2. The mandatory fingerprint compliance form shall contain the following information:

(a) Whether ten-print fingerprints have been obtained from the person.

(b) Whether a process control number was obtained.

(c) The offense or offenses for which the process control number was obtained.

(d) Any report number of the arresting authority.

(e) Instructions on reporting for ten-print fingerprinting, including available times and locations for reporting for ten-print fingerprinting.

(f) Instructions that direct the person to provide the form to the court at the person's next court appearance.

3. Within ten days after a person is fingerprinted, the arresting authority or agency that took the fingerprints shall forward the fingerprints to the department in the manner or form required by the department.

4. On the issuance of a summons for a defendant who is charged with an offense listed in subsection C of this section, the summons shall direct the defendant to provide ten-print fingerprints to the appropriate law enforcement agency.

5. At the initial appearance or on the arraignment of a summoned defendant who is charged with an offense listed in subsection C of this section, if the person does not present a completed mandatory fingerprint compliance form to the court or if the court has not received the process control number, the

court shall order that within twenty calendar days the defendant be ten-print fingerprinted at a designated time and place by the appropriate law enforcement agency.

6. If the defendant fails to present a completed mandatory fingerprint compliance form or if the court has not received the process control number, the court, on its own motion, may remand the defendant into custody for ten-print fingerprinting. If otherwise eligible for release, the defendant shall be released from custody after being ten-print fingerprinted.

7. In every criminal case in which the defendant is incarcerated or fingerprinted as a result of the charge, an originating law enforcement agency or prosecutor, within forty days of the disposition, shall advise the central state repository of all dispositions concerning the termination of criminal proceedings against an individual arrested for an offense specified in subsection C of this section. This information shall be submitted on a form or in a manner required by the department.

8. Dispositions resulting from formal proceedings in a court having jurisdiction in a criminal action against an individual who is arrested for an offense specified in subsection C of this section or section 8-341, subsection V shall be reported to the central state repository within forty days of the date of the disposition. This information shall be submitted on a form or in a manner specified by rules approved by the supreme court.

9. The state department of corrections or the department of juvenile corrections, within forty days, shall advise the central state repository that it has assumed supervision of a person convicted of an offense specified in subsection C of this section or section 8-341, subsection V. The state department of corrections or the department of juvenile corrections shall also report dispositions that occur thereafter to the central state repository within forty days of the date of the dispositions. This information shall be submitted on a form or in a manner required by the department of public safety.

10. Each criminal justice agency shall query the central state repository before dissemination of any criminal history record information to ensure the completeness of the information. Inquiries shall be made before any dissemination except in those cases in which time is of the essence and the repository is technically incapable of responding within the necessary time period. If time is of the essence, the inquiry shall still be made and the response shall be provided as soon as possible.

V. The director shall adopt rules specifying that any agency that collects, stores or disseminates criminal justice information that is subject to this section shall establish effective security measures to protect the information from unauthorized access, disclosure, modification or dissemination. The rules shall include reasonable safeguards to protect the affected information systems from fire, flood, wind, theft, sabotage or other natural or man-made hazards or disasters.

W. The department shall make available to agencies that contribute to, or receive criminal justice information from, the central state repository or through the Arizona criminal justice information system a continuing training program in the proper methods for collecting, storing and disseminating information in compliance with this section.

X. Nothing in this section creates a cause of action or a right to bring an action including an action based on discrimination due to sexual orientation.

Y. For the purposes of this section:

1. "Administration of criminal justice" means performance of the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision or rehabilitation of criminal offenders. Administration of criminal justice includes enforcement of criminal traffic offenses and civil traffic violations, including parking violations, when performed by a criminal justice agency. Administration of criminal justice also includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

2. "Administrative records" means records that contain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and that are designed to furnish information to protect the rights of this state and of persons directly affected by the agency's activities.

3. "Arizona criminal justice information system" or "system" means the statewide information system managed by the director for the collection, processing, preservation, dissemination and exchange of criminal justice information and includes the electronic equipment, facilities, procedures and agreements necessary to exchange this information.

4. "Central state repository" means the central location within the department for the collection, storage and dissemination of Arizona criminal history records and related criminal justice information.
5. "Criminal history record information" and "criminal history record" means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments and other formal criminal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Criminal history record information and criminal history record do not include identification information to the extent that the information does not indicate involvement of the individual in the criminal justice system or information relating to juveniles unless they have been adjudicated as adults.
6. "Criminal justice agency" means either:
 - (a) A court at any governmental level with criminal or equivalent jurisdiction, including courts of any foreign sovereignty duly recognized by the federal government.
 - (b) A government agency or subunit of a government agency that is specifically authorized to perform as its principal function the administration of criminal justice pursuant to a statute, ordinance or executive order and that allocates more than fifty per cent of its annual budget to the administration of criminal justice. This subdivision includes agencies of any foreign sovereignty duly recognized by the federal government.
7. "Criminal justice information" means information that is collected by criminal justice agencies and that is needed for the performance of their legally authorized and required functions, such as criminal history record information, citation information, stolen property information, traffic accident reports, wanted persons information and system network log searches. Criminal justice information does not include the administrative records of a criminal justice agency.
8. "Disposition" means information disclosing that a decision has been made not to bring criminal charges or that criminal proceedings have been concluded or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of an appellate review of criminal proceedings or executive clemency.
9. "Dissemination" means the written, oral or electronic communication or transfer of criminal justice information to individuals and agencies other than the criminal justice agency that maintains the information. Dissemination includes the act of confirming the existence or nonexistence of criminal justice information.
10. "Management control":
 - (a) Means the authority to set and enforce:
 - (i) Priorities regarding development and operation of criminal justice information systems and programs.
 - (ii) Standards for the selection, supervision and termination of personnel involved in the development of criminal justice information systems and programs and in the collection, maintenance, analysis and dissemination of criminal justice information.
 - (iii) Policies governing the operation of computers, circuits and telecommunications terminals used to process criminal justice information to the extent that the equipment is used to process, store or transmit criminal justice information.
 - (b) Includes the supervision of equipment, systems design, programming and operating procedures necessary for the development and implementation of automated criminal justice information systems.
11. "Process control number" means the Arizona automated fingerprint identification system number that attaches to each arrest event at the time of fingerprinting and that is assigned to the arrest fingerprint card, disposition form and other pertinent documents.
12. "Secondary dissemination" means the dissemination of criminal justice information from an individual or agency that originally obtained the information from the central state repository or through the Arizona criminal justice information system to another individual or agency.
13. "Sexual orientation" means consensual homosexuality or heterosexuality.
14. "Subject of record" means the person who is the primary subject of a criminal justice record.

41-2406. Sexual assault records; reports

A. The department of public safety shall provide a copy of each applicable disposition reporting form relating to sexual assaults pursuant to section 13-1406 and false reporting of sexual assault pursuant to section 13-2907.03 to the Arizona criminal justice commission.

B. The Arizona criminal justice commission shall maintain the following records regarding sexual assaults pursuant to section 13-1406 and false reporting of sexual assault pursuant to section 13-2907.03 that are submitted to the commission by the department of public safety:

1. The number of police reports that are filed.
2. The number of charges that are filed and what charges are filed.
3. The number of convictions that are obtained.
4. The sentences that are imposed for each conviction.

C. For the purposes of subsection A of this section, the records shall identify the total number of police reports, charges, convictions and sentences for all sexual assaults and the number of police reports, charges, convictions and sentences for those sexual assaults that involved a spouse. For those sexual assaults that involved a spouse, the report shall identify whether the victim and the victim's spouse were estranged. The records shall also identify the total number of police reports, charges, convictions and sentences for all false reports that relate to sexual assault of a spouse pursuant to section 13-2907.03.

D. The commission shall annually submit the report required by subsection B of this section to the governor, the president of the senate and the speaker of the house of representatives and shall provide a copy of this report to the secretary of state and the director of the Arizona state library, archives and public records. The commission may submit this report electronically.

Final Arizona Felony Case Processing Dataset Codebook

List of Variables

Name	Description	Format	Values
DOB	Offender Date of Birth	mmddyyyy	None
GENDER	Offender Gender	F1	1 Male 2 Female
RACE	Offender Race	F1	1 White 2 Black 3 American Indian/Alaskan Native 4 Asian-Pacific Islander 8 Undetermined
PRIORFEL	Number of Prior Felony Arrests	F3	None
PRIORMIS	Number of Prior Misdemeanor Arrests	F3	None
FELCONV	Number of Prior Felony Convictions (One Per Arrest)	F3	None
MISCONV	Number of Misdemeanor Convictions (One Per Arrest)	F3	None
PPRISON	Prior Prison Sentence Imposed	F1	1 Incarcerated 2 Not Incarcerated 9 Missing Data
PJAIL	Prior Jail Sentence Imposed	F1	1 Incarcerated 2 Not Incarcerated 9 Missing Data
CRIME	Date of Crime for Most Serious Arrest Charge	mmddyyyy	None
ARREST	Date of Earliest 2006 Arrest	mmddyyyy	None
TOTARREST	Total Number of 2006 Arrests	F3	None
TOTFEL	Total Number of 2006 Felony Arrest Charges	F3	None
TOTMIS	Total Number of 2006 Misdemeanor Arrest Charges	F3	None
TOTCHGS	Total Number of 2006 Arrest Charges	F3	None

Arizona Criminal Justice Commission

Name	Description	Format	Values
ARREST1	Date of Arrest for Most Serious Arrest Charge	mmddyyyy	None
CHG1CODE	Most Serious Arrest Charge Offense Code	A20	None
CHG1CLASS	Most Serious Arrest Charge Class Type	F1	1 Felony 2 Misdemeanor
CHG1	Most Serious Arrest Charge	F4.1	1 Murder 2 Rape 3 Robbery 4 Assault 5 Other Violent 6 Burglary 7 Larceny-Theft 8 Motor Vehicle Theft 9 Forgery 10 Fraud 11 Other Property 12 Drug Sales 12.5 Drug Sales/Possession 13 Drug Possession 14 Weapons 15 Driving-Related 16 Other Public Order 98 Unknown 99 Missing Data
CHG1CAT	Most Serious Arrest Charge Category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing Data
CHG2CODE	Second Most Serious Arrest Charge Offense Code	A20	None
CHG2CLASS	Second Most Serious Arrest Charge Class Type	F1	1 Felony 2 Misdemeanor 8 No Second Charge
CHG2	Second Most Serious Arrest Charge	F4.1	1 Murder 2 Rape 3 Robbery 4 Assault 5 Other Violent 6 Burglary 7 Larceny-Theft 8 Motor Vehicle Theft

Name	Description	Format	Values
			9 Forgery 10 Fraud 11 Other Property 12 Drug Sales 12.5 Drug Sales/Possession 13 Drug Possession 14 Weapons 15 Driving-Related 16 Other Public Order 97 No Second Charge 98 Unknown 99 Missing Data
CHG2CAT	Second Most Serious Arrest Charge Category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 7 No Second Charge 8 Unknown 9 Missing Data
DISPOSE	Date of Latest Disposition	mmddyyyy	None
DISPTYPE	Highest Disposition Type Resulting from 2006 Charges	F1	1 Court Dismissed 2 Acquitted, Not Guilty 3 Deferred Prosecution 4 Guilty, Plea to Other Charges 5 Guilty, Plea or Trial 6 Not Filed or Referred 9 Pending/Missing Disposition
FELCONVICT	Total Number of Felony Conviction Charges	F3	None
MISCONVICT	Total Number of Misdemeanor Conviction Charges	F3	None
TOTCONVICT	Total Number of Conviction Charges	F3	None
INSANE	Guilty but Insane Conviction Charge(s)	F1	1 Yes 2 No 7 No Conviction Charge 8 Unknown 9 Missing Data
INSANETOT	Total Number of Guilty but Insane Conviction Charges	F3	None
NCPLEA	Nolo Contendere Plea Conviction Charge(s)	F1	1 Yes 2 No

Name	Description	Format	Values
			7 No Conviction Charge 8 Unknown 9 Missing Data
NCPLEATOT	Total Number of Nolo Contendere Plea Conviction Charges	F3	None
SENTDEF	Deferred Sentence Conviction Charge(s)	F1	1 Yes 2 No 7 No Conviction Charge 8 Unknown 9 Missing Data
SENTDEFTOT	Total Number of Deferred Sentence Conviction Charges	F3	None
DISPTYPE1	Disposition Type for Most Serious Conviction Charge	F2	1 Affirmed 2 Affirmed/Remanded-Resentenced 3 Reversed-Remanded 4 Reversed-Conviction Overturned 5 Deferred Sentencing 6 Nolo Contendere Plea 7 Guilty 8 Guilty but Insane 9 Plea to Other Charges 97 No Conviction Charge 98 Unknown 99 Missing Data
DISPOSE1	Date of Disposition for Most Serious Conviction Charge	mmddyyyy	None
CONV1CODE	Most Serious Conviction Charge Offense Code	A20	None
CONV1CLASS	Most Serious Conviction Charge Class Type	F1	1 Felony 2 Misdemeanor 7 No Conviction Charge 8 Unknown 9 Missing Data
CONVICT1	Most Serious Conviction Charge	F4.1	1 Murder 2 Rape 3 Robbery 4 Assault 5 Other Violent 6 Burglary 7 Larceny-Theft 8 Motor Vehicle Theft

Name	Description	Format	Values
			9 Forgery 10 Fraud 11 Other Property 12 Drug Sales 12.5 Drug Sales/Possession 13 Drug Possession 14 Weapons 15 Driving-Related 16 Other Public Order 97 No Conviction Charge 98 Unknown 99 Missing Data
CONVICT1CAT	Most Serious Conviction Charge Category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 7 No Conviction Charge 8 Unknown 9 Missing Data
DISPTYPE2	Disposition Type for Second Most Serious Conviction Charge	F2	1 Affirmed 2 Affirmed/Remanded-Resentenced 3 Reversed-Remanded 4 Reversed-Conviction Overturned 5 Deferred Sentencing 6 Nolo Contendere Plea 7 Guilty 8 Guilty but Insane 9 Plea to Other Charges 96 No Second Conviction Charge 97 No Conviction Charges 98 Unknown 99 Missing Data
CONV2CODE	Second Most Serious Conviction Charge Offense Code	A20	None
CONV2CLASS	Second Most Serious Conviction Charge Class Type	F1	1 Felony 2 Misdemeanor 6 No Second Conviction Charge 7 No Conviction Charges 8 Unknown 9 Missing Data
CONVICT2	Second Most Serious Conviction Charge	F4.1	1 Murder 2 Rape

Name	Description	Format	Values
			3 Robbery 4 Assault 5 Other Violent 6 Burglary 7 Larceny-Theft 8 Motor Vehicle Theft 9 Forgery 10 Fraud 11 Other Property 12 Drug Sales 12.5 Drug Sales/Possession 13 Drug Possession 14 Weapons 15 Driving-Related 16 Other Public Order 96 No Second Conviction Charge 97 No Conviction Charges 98 Unknown 99 Missing Data
CONVICT2CAT	Second Most Serious Conviction Charge Category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 6 No Second Conviction Charge 7 No Conviction Charges 8 Unknown 9 Missing Data
SENT1	Incarceration Sentence	F1	1 Incarcerated 2 Not Incarcerated 7 Not Applicable 9 Missing Data
SENT2	Most Serious Sentence Category	F2	1 Prison 2 Jail 3 Probation 4 Fine 5 Other 8 Not Applicable 98 Unknown 99 Missing Data
SENT3	Specific Sentence Imposed	F2	1 Prison, plus Probation 2 Prison, no Probation 3 Jail, plus Probation 4 Jail, no Probation 5 Probation, plus Other Conditions

Arizona Criminal Justice Commission

Name	Description	Format	Values
			6 Probation Only 7 Fine Only 8 Other 97 Not Applicable 98 Unknown 99 Missing Data
PROB	Probation Sentence Imposed	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
COMMUNSERV	Community Service Sentence Imposed	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
FINE	Fine Imposed	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
RESTITUTION	Restitution Imposed	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
OTHERSENT	Other Sentence Imposed	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
SENTSUS	All/Partial Sentence Suspended	F1	1 Yes 2 No 7 Not Applicable 8 Unknown 9 Missing Data
AFFIRM	Total Number of Appealed Conviction Charges Affirmed	F3	None
REMAND	Total Number of Appealed Conviction Charges Affirmed/ Remanded-Resentenced	F3	None

Arizona Criminal Justice Commission

<u>Name</u>	<u>Description</u>	<u>Format</u>	<u>Values</u>
REVERSE	Total Number of Appealed Conviction Charges Reversed-Remanded	F3	None
OVERTURN	Total Number of Appealed Conviction Charges Reversed-Conviction Overturned	F3	None

Charge Categories

Violent Offenses

- 1 Murder
- 2 Rape
- 3 Robbery
- 4 Assault
- 5 Other Violent

Property Offenses

- 6 Burglary
- 7 Larceny-Theft
- 8 Motor Vehicle Theft
- 9 Forgery
- 10 Fraud
- 11 Other-Property

Drug Offenses

- 12 Drug Sales
- 12.5 Drug Sales/Drug Possession
- 13 Drug Possession

Public-Disorder Offenses

- 14 Weapons
- 15 Driving-Related
- 16 Other Public Order

- 98 Unknown
- 99 Missing