

Arizona Criminal Justice Commission

Analysis of A.R.S. §41-1750 Fact Sheet

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the criminal justice system in Arizona

July 2007

Background

Criminals' fingerprints have proven to be an essential tool in the preservation of public safety within the State of Arizona and throughout the nation. Law enforcement agencies have long been collecting fingerprints of offenders for identification purposes as well as to link prior offenders to unsolved cases. Also, government agencies, in conjunction with private institutions, use

fingerprint-based background checks for hiring new employees, for regulating firearms purchasing, and for other important purposes.

Overview of Arizona Revised Statute (ARS) 41-1750

As required by A.R.S. §41-1750, a fingerprint-based record of an arrest must be taken at the time of arrest or by court order for all felony, domestic violence, sexual, and DUI offenses. Every law enforcement agency is required to submit these fingerprint-based records to the central state repository, the Arizona Computerized Criminal History (ACCH), within ten days.

Research Questions Posed

How does the citation/long form complaint process differ from the booked arrest process when considering the likelihood of the fingerprints and arrest information making their way into the ACCH? What differences within these two processes exist across agencies and across offense types? Figure 1 highlights the differences between the two processes and will be referred to later in this report.

Methodology

The Arizona Criminal Justice Commission's Statistical Analysis Center used a convenience sample of five agencies to answer the research questions. From the five participating agencies, offense information was obtained on approximately 1,113 offenders who were arrested or cited for 2,104 fingerprintable offenses. Each agency submitted sexual, domestic violence, and DUI felony and misdemeanor offenses that occurred between June 1, 2005 and December 31, 2005. An attempt was

then made to match the agency arrest and citation/long form complaint information to offenses housed within the ACCH. Arrestee information, the arrest date, and the offense code were used to match each offense.

Results of the Analysis

Approximately 60% of the 2,104 offenses from the five agencies matched to an offense in the ACCH (Chart 1). The offense information was analyzed by citation/long form complaint and booked arrests. ACCH offenses matched 87% of the 877 booked arrest offenses while only 40% of the ACCH offenses could be matched accurately to the 1,227 citation/long form complaint offenses.

A similar pattern is found when analyzing the data by offender. Of the 1,113 total offenders responsible for the 2,104 offenses, 68% were matched to an offender in the ACCH. Looking at just the arrested and booked offenders, 91% of a possible 497 were matched to an offender in the ACCH. Of the 631 cited/long form complaint offenders, only 50% were matched to an offender in the ACCH. It should be noted that 15 offenders were both arrested and cited within this timeframe, so they were included in both analyses.

Figure 1. Arrest Records Submission Process

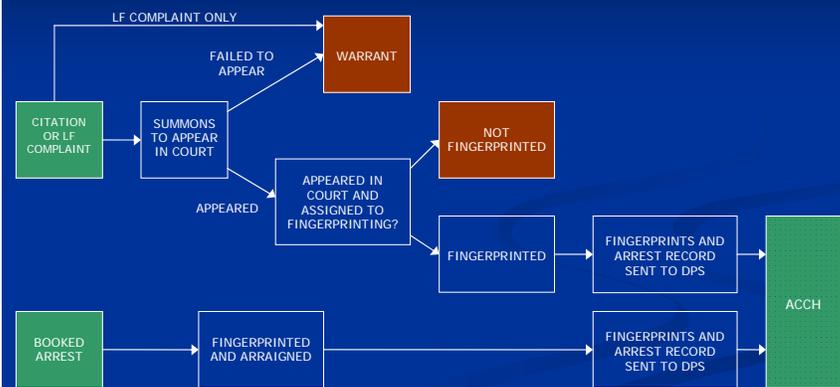
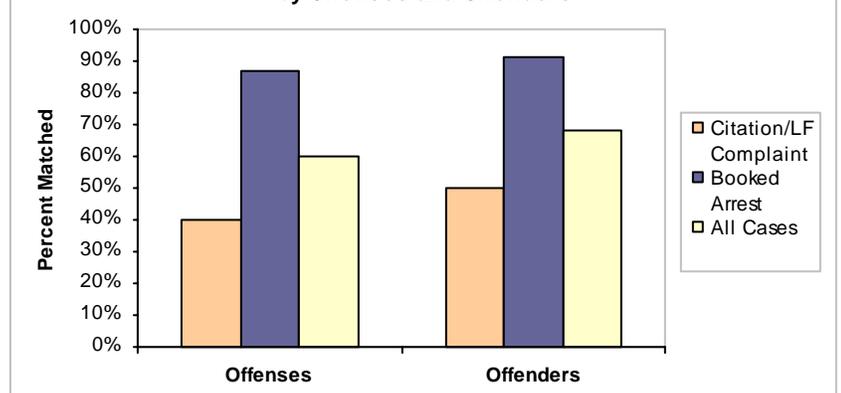


Chart 1. Percentage of Cases Matched by Offenses and Offenders



Variation Across Offenses

When conducting these analyses by offense type, the percentages within offenses are consistent with the overall findings (Table 1). Long form complaints and citations for sexual offenses and aggravated domestic violence offenses are all quite low in their percentages matched to the ACCH. This may be explained by long form complaints being filed against alleged offenders whose whereabouts are unknown. However, DUI citations are found to be just as low (40%) when looking at the percentage matched to information in the ACCH. When looking at booked arrest offenses, 97% of sexual offenses matched to the ACCH and 86% of DUI offenses matched. Interestingly, the percentage of booked aggravated domestic violence offenses was similar to the citation/long form complaints.

Table 1. Percentage of Offenses Matched to the ACCH by Offense Type

	Citation/LF Complaint Offenses	% Matched in the ACCH	Booked Arrest Offenses	% Matched in the ACCH
Sexual Offenses	25	40%	119	97%
<i>Indecent Exposure</i>	13	54%	5	80%
<i>Public Sexual Indecency</i>	6	50%	1	100%
<i>Sexual Abuse</i>	2	0%	14	86%
<i>Sexual Conduct with a Minor</i>	1	0%	60	100%
<i>Sexual Assault</i>	1	0%	10	90%
<i>Molestation of a Child</i>	2	0%	29	100%
Aggravated Domestic Violence Offenses	12	50%	9	56%
DUI Offenses	1,190	40%	749	86%
<i>Driving Under the Influence</i>	881	41%	333	86%
<i>Extreme DUI</i>	300	39%	112	79%
<i>Aggravated DUI</i>	8	0%	301	90%
<i>Ignition Interlock Violation</i>	1	0%	3	100%
Total	1,227	40%	877	87%

NOTE: These numbers reflect the total number of offenses, not offenders or arrests. Some offenders have committed multiple offenses where only one booked arrest, citation, or long form complaint was necessary.

Variation Across Agencies

Tables 2 and 3 show the percentage of offenses that matched to the ACCH by agency. Agency A did not issue any citations or long form complaints within the seven month period. The four agencies that issued citations and/or filed long form complaints ranged from 25% to 47% for offenses matched to the offenses in the ACCH (Table 2).

Table 3 reveals relative consistency by agency with the overall 87% reported for booked arrest offense matches. The percentage of offenses by agency range from 85% to 98% matched to the offenses in the ACCH. When compared to the percentages found in Table 2, each agency increases its likelihood of matching to the ACCH by at least 40% when the offense is a booked arrest offense.

Table 2. Percentage of Citations/LF Complaints Matched to the ACCH by Agency

	Total Number of Offenses	% Matched in the ACCH
<i>Agency B</i>	280	25%
<i>Agency C</i>	817	47%
<i>Agency D</i>	64	27%
<i>Agency E</i>	66	39%
Total	1,227	40%

Conclusion

Referring back to the figure that describes the arrest record submission process (Figure 1), it is apparent that the citation/long form complaint process is equivalent to the booked arrest process once fingerprints are taken. Therefore, the likelihood for a citation/long form complaint to make it to the ACCH drops from 87% to 40% between the issuance/filing stage and the point that fingerprints are taken. So where in the process might these gaps exist?

After extensive discussion with a variety of agencies throughout Arizona, several explanations were raised for why there is such a difference in citation/long form complaint and booked arrest offenses matching to the ACCH. Specific reasons for missing citation/long form complaint offenses may include: unsolved long form complaint cases, failure for the offender to appear in court resulting in a warrant but no fingerprints, the court's failure to court order an offender for fingerprinting, a court ordered offender not appearing for fingerprints, or the wrong individual showing up to court in place of the offender.

When looking at the booked arrest offenses, explanations as to why 13% of these offenses cannot be matched to the ACCH were also discussed with agency representatives. Problems in matching these cases may be due to invalid data sent to DPS for entry into the ACCH or possibly inconsistent data entered at the agency level compared to what is sent to DPS.

Table 3. Percentage of Booked Arrests Matched to the ACCH by Agency

	Total Number of Offenses	% Matched in the ACCH
<i>Agency A</i>	448	85%
<i>Agency B</i>	136	93%
<i>Agency C</i>	237	87%
<i>Agency D</i>	16	88%
<i>Agency E</i>	40	98%
Total	877	87%

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