

2019

Annual Report

The Reporting of Sexual Assault in Arizona

CY2012-2016



Arizona Criminal Justice Commission



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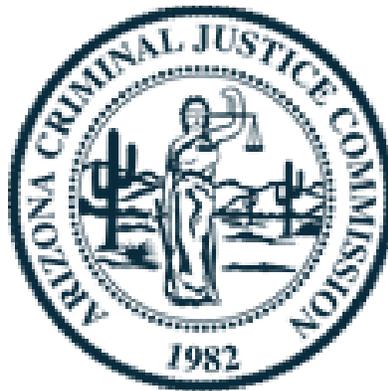
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The Reporting of Sexual Assault in Arizona, CY2012-2016

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Executive Summary

Arizona Revised Statutes (A.R.S.) §41-2406(B) requires the Arizona Criminal Justice Commission (ACJC) to compile information from all Arizona criminal history records relating to sexual assault. The Arizona Department of Public Safety (DPS) provides the ACJC with the criminal history records needed to meet this reporting requirement on a biannual basis. The ACJC uses this data to compile an annual sexual assault report and provides the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.

Data used to complete this report are extracted by the DPS from the Arizona Computerized Criminal History (ACCH) repository. Local law enforcement agencies, prosecutors, and the courts are required by statute to submit all arrest and subsequent case disposition information for all felony offenses, as well as sexual, driving under the influence, and domestic violence-related misdemeanor offenses to the ACCH repository. This report focuses on arrests made between calendar years (CY) 2012 and 2016.

The ACJC is required to report all police reports, charges filed, convictions, and sentences for A.R.S. §13-1406 sexual assault charges. This report combines A.R.S. §13-1406 and A.R.S. §13-1423 (violent sexual assault) arrest and disposition information to form one sexual assault offense category. The following summarizes the findings from CY2012 to CY2016 for all sexual assault arrest and disposition information available in the ACCH:

- 1,496 sexual assault-related arrests with a total of 3,169 sexual assault arrest charges were recorded in the ACCH.¹ Charges were filed by the prosecutor for 895 of the total 1,496 arrests over the five-year period, including 667 in which charges were filed for sexual assault. A total of 338 arrests resulted in at least one conviction for sexual assault, and an additional 396 arrests ended with convictions for other offenses only.
- As of July 2018, 434 (29.0%) of the 1,496 sexual assault records in the ACCH were pending or missing disposition information for all arrest charges.
- Approximately three out of every four arrestees for a sexual assault offense were white/Caucasian males; 62.3% of arrestees were 35 years of age or younger at the time of arrest.
- 79.0% of cases with at least one sexual assault conviction resulted in a prison sentence compared to 45.2% of cases with other offense convictions only.
- 270 records had at least one sexual assault arrest charge flagged for domestic violence in the ACCH. 68 arrests resulted in a sexual assault conviction and 86 arrests led to convictions for other offenses only. Of the 68 cases with a sexual assault conviction, 52 (76.5%) resulted in a prison sentence. A total of 64 domestic violence-related sexual assault records had no disposition information available for any arrest charges.

¹ For purposes of this report, ‘sexual assault-related arrest’ refers to an arrest incident with at least one sexual assault charge at either arrest or disposition.

Introduction

Arizona Revised Statutes (A.R.S.) § 41-2406(B) requires the Arizona Criminal Justice Commission (ACJC) to annually report on criminal history records relating to sexual assault. Specifically, the ACJC is required to report:

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

The ACJC submits the annual sexual assault report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.

The ACJC's Statistical Analysis Center used data from the Arizona Computerized Criminal History (ACCH) repository to compile this report. A.R.S. § 41-2406(1) requires the Arizona Department of Public Safety (DPS) to provide a data extract of all records relating to sexual assault in the ACCH to the ACJC on a biannual basis. The information in the ACCH consists of arrest and disposition information submitted by Arizona law enforcement, prosecutor, and court agencies.

This report summarizes arrest and disposition data in the ACCH for all sexual assault-related arrests occurring between calendar years (CY) 2012 and 2016. Charges for sexual assault (A.R.S. § 13-1406) and violent sexual assault (A.R.S. § 13-1423) were combined into a single sexual assault offense category. Data provided to the ACJC were extracted from the ACCH in July 2018, giving all CY2016 and prior arrest charges a case processing time of at least 18 months from the arrest date.

Limitations

Limitations in the timeliness and completeness of records in the ACCH repository should be considered when interpreting data in this report. Arrest charges are only entered into the ACCH when fingerprints are taken properly and cited or summoned defendants are booked prior to sentencing. In addition, prosecuting agencies and/or the courts may not effectively close out a criminal history record in the ACCH if a final disposition form was not submitted to DPS in a timely manner or the reporting form was rejected by DPS due to entry errors. Finally, charges dispositioned after the data were extracted in July 2018 will show as pending in this analysis.

Report Terminology and Method of Analysis

In this report, 'record' refers to one arrest incident and all associated charges, where 'charge' refers to the individual criminal code offense. Results are primarily reported by record. A 'sexual assault record' is defined in this report as having at least one sexual assault offense charge at

either arrest or disposition.² An individual may be charged with multiple offenses per arrest; a sexual assault record may therefore have additional non-sexual assault offense charges. The terms ‘record’ and ‘case’ are used interchangeably in this report.

To simplify analysis and provide a snapshot of sexual assault charge outcomes, records were classified based on whether sexual assault charges were filed, not filed/referred for prosecution, or pending disposition. Readers should therefore keep in mind that the results presented in this report are a summary of an entire case based on the outcome of one sexual assault charge associated with that record. For example, if one arrest record contains two sexual assault charges and one burglary charge, charges were filed for the first sexual assault charge, no action has been taken on the second sexual assault charge, and burglary charges were not filed, the record would be classified as having sexual assault charges filed, regardless of the outcome of the other two charges. Similarly, if one arrest record contains one charge for sexual assault and another charge for burglary, charges were not filed for sexual assault but were filed for burglary, the record would be reported as having no sexual assault charges filed, and outcome information (i.e., conviction, acquittal, etc.) would be provided for the burglary charge. The results that follow are therefore not necessarily reflective of the outcomes for all charges associated with that record, nor do the results signify that all charges associated with that record have been dispositioned.

Arrests, Charges, and Offenders

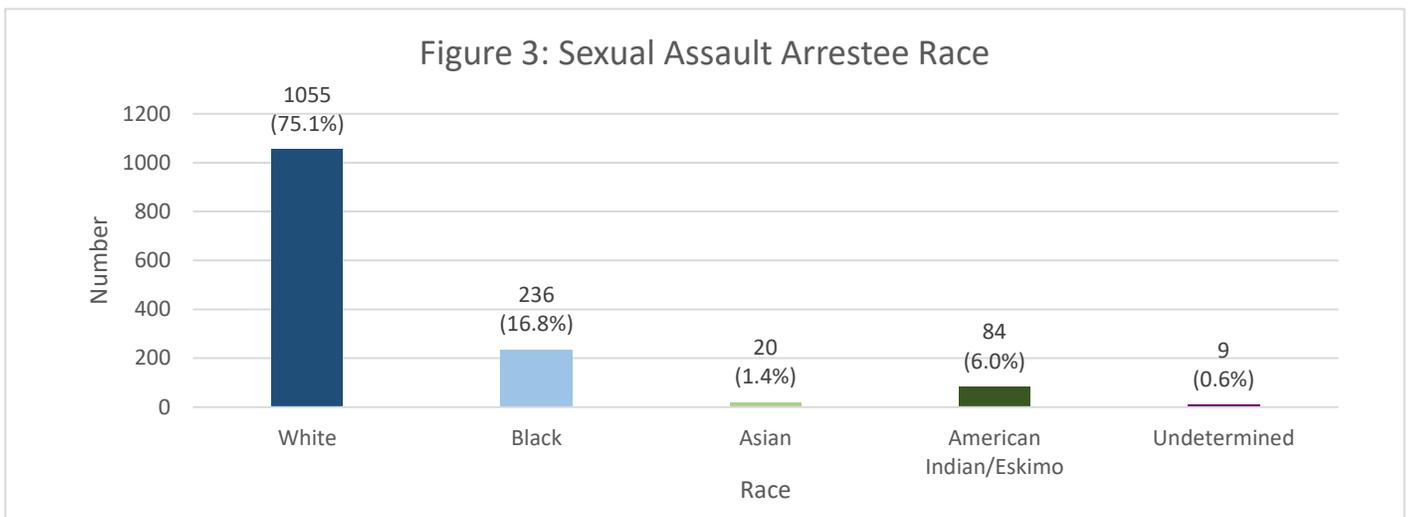
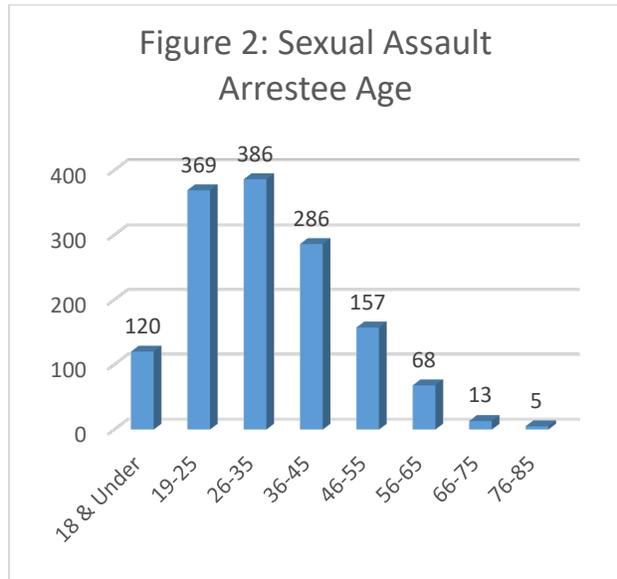
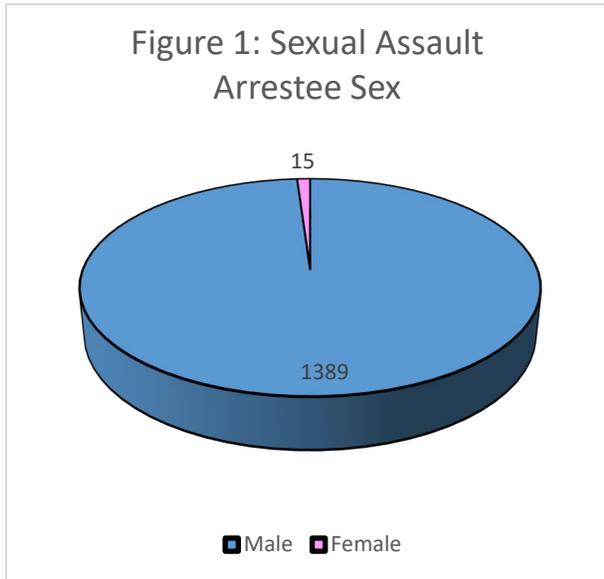
According to the ACCH data, 1,490 arrests included at least one sexual assault charge for a total of 3,169 sexual assault arrest charges (see Table 1). An additional six arrests had at least one charge that was later amended by the prosecutor to a sexual assault charge.

| Table 1: Arrest and Conviction Information for Sexual Assault Records in the ACCH, CY 2012-2016 | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|--------------|
| Arrest Records | 2012 | 2013 | 2014 | 2015 | 2016 | Total |
| Sexual Assault Records | 313 | 278 | 295 | 306 | 304 | 1496 |
| <i>Records with at least one sexual assault arrest charge</i> | 311 | 277 | 295 | 304 | 303 | 1490 |
| <i>Records with other offense arrests only</i> | 2 | 1 | 0 | 2 | 1 | 6 |
| Total Sexual Assault Arrest Charges | 656 | 603 | 666 | 659 | 585 | 3169 |
| Records Leading to Charges Filed | 196 | 180 | 198 | 181 | 140 | 895 |
| Records Leading to Convictions | 166 | 149 | 163 | 148 | 108 | 734 |
| <i>Records with at least one conviction for sexual assault</i> | 87 | 63 | 81 | 62 | 45 | 338 |
| <i>Records with at least one conviction for other offense only</i> | 79 | 86 | 82 | 86 | 63 | 396 |
| Records Pending All Disposition Information | | | | | | |
| <i>Number</i> | 64 | 66 | 77 | 99 | 128 | 434 |
| <i>Percent of total sexual assault records</i> | 20.4% | 23.7% | 26.1% | 32.4% | 42.1% | 29.0% |

The 1,496 sexual assault records corresponded to 1,404 individuals, indicating that 92 individuals had more than one sexual assault-related arrest between CY2012 and CY2016. Most

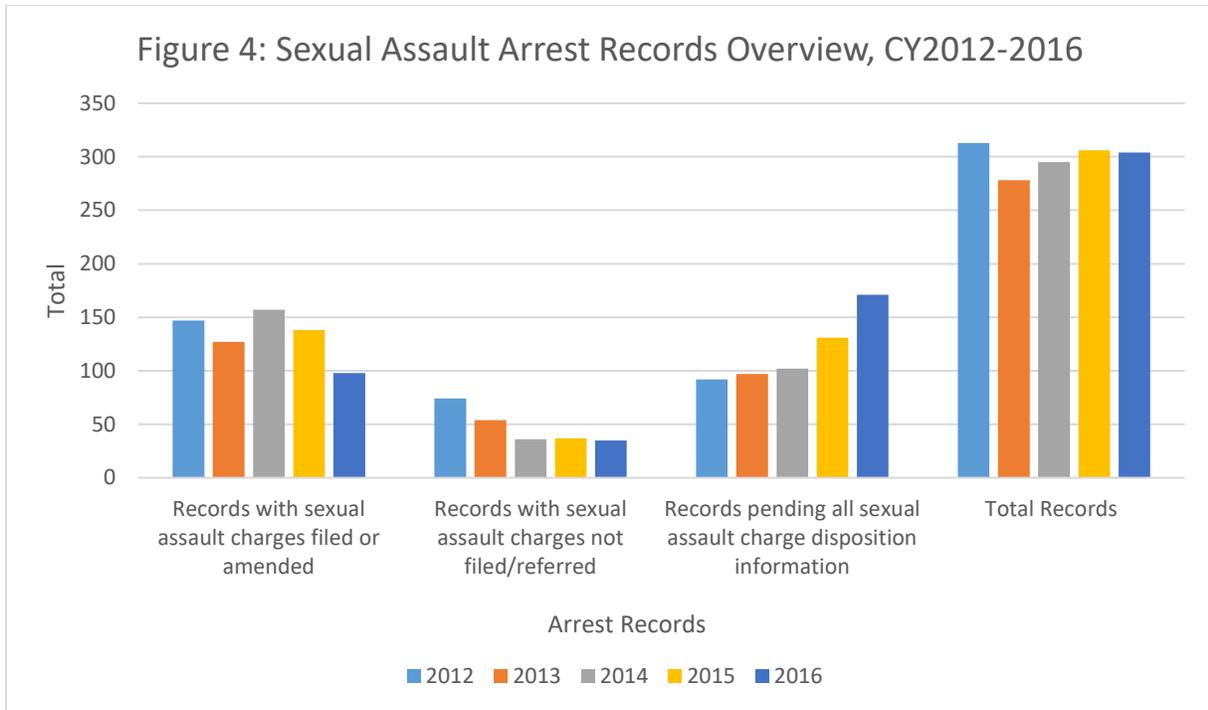
² The ACCH distinguishes between arrest and disposition offense charges. The arrest offense charge is entered by the arresting law enforcement agency and the disposition offense charge is entered by the prosecuting/court agency. Therefore, the arrest and disposition charge may differ if the prosecutor amended the arrest charge.

arrestees were male (98.9%, see Figure 1), between the ages of 26 and 35 (27.5%, see Figure 2), and white (75.1%, see Figure 3).



Outcomes: Charges Filed, Convictions, and Sentencing

To be able to determine outcome information for each of the 1,496 sexual assault records, disposition information for at least one arrest charge associated with the record needed to be available in the ACCH. As previously mentioned, records were classified based on whether sexual assault charges were filed (667 records), sexual assault charges were not filed or referred for prosecution (236 records), or disposition information for all sexual assault charges was unavailable (593 records). The latter category includes 159 records for which disposition information was only available for the non-sexual assault charges associated with the record and 434 records for which disposition information was unavailable for all charges. Figure 4 shows trends in these categories between CY2012 and 2016.



Charges Filed

Over the five-year period, charges were filed in 895 out of the total 1,496 cases (59.8%). Sexual assault charges were filed in about 45% of cases (667 records), while charges were filed for other offenses in only 15% of cases (228 records).³ No charges were filed or referred for prosecution in 11% of cases (167 records).⁴ See Appendix A for a list of other charge filings by statute.

The remaining 29% of records (434 records) had no disposition information available for any arrest charges. The number of cases pending all disposition information is higher in the most recent years, likely because of the reduced time for case completion. As shown in Table 1, 42.1% of CY2016 sexual assault records were pending all disposition information compared to 20.4% of records for CY2012 arrests.

Convictions

Approximately 49% of the 1,496 sexual assault-related arrests resulted in a conviction finding. Specifically, of the 895 records that led to charges filed, 338 records (37.8%) had at least one conviction for sexual assault, while 396 (44.2%) had at least one conviction for other offenses

³ Sexual assault charges were either not filed or pending disposition for cases with charges filed for other offenses only.

⁴ Includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed/referred; sexual assault charges were not filed/referred and other charges were pending disposition; or sexual assault charges were pending disposition and other charges were not filed/referred.

only.⁵ The remaining 161 records resulted in at least one acquittal or dismissal for either sexual assault or another offense. Table 2 provides outcome information for all sexual assault records.

Sentences

Most arrestees (79%) with at least one sexual assault conviction were sentenced to prison, while 45% of arrestees with only a non-sexual assault conviction received a prison sentence (see Table 3).⁶ By comparison, 10.4% of individuals with at least one sexual assault conviction and 27.3% of individuals with only other-offense convictions received a jail sentence. The remaining arrestees received sentences other than incarceration.⁷

⁵ Records with a sexual assault conviction may also have convictions for other offenses.

⁶ Arrestees may have received more than one type of sentencing. Results reflect the highest level of sentencing imposed.

⁷ Includes probation, community service, restitution, fines, suspended sentences, and other sentences not otherwise specified in the ACCH.

| Table 2: Arrest Records Overview, CY2012-2016 | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| Arrest Records | 2012 | 2013 | 2014 | 2015 | 2016 |
| Records with sexual assault charges filed or amended | 147 | 127 | 157 | 138 | 98 |
| Records with sexual assault charges not filed/referred for prosecution | 74 | 54 | 36 | 37 | 35 |
| Records pending all sexual assault charge disposition information | 92 | 97 | 102 | 131 | 171 |
| Total Records | 313 | 278 | 295 | 306 | 304 |
| Records with sexual assault charges filed or amended | 2012 | 2013 | 2014 | 2015 | 2016 |
| Conviction (sexual assault) | 87 | 63 | 81 | 62 | 45 |
| Conviction (other offense only) | 35 | 40 | 47 | 47 | 29 |
| Acquittal (sexual assault or other offense only) | 1 | 1 | 3 | 1 | 3 |
| Case Dismissed (sexual assault or other offense only) | 24 | 23 | 26 | 28 | 21 |
| Records with sexual assault charges not filed/referred for prosecution | 2012 | 2013 | 2014 | 2015 | 2016 |
| Conviction | 21 | 23 | 17 | 9 | 6 |
| Acquittal | 0 | 0 | 0 | 1 | 0 |
| Case Dismissed | 1 | 4 | 1 | 1 | 1 |
| No other charges filed/referred for prosecution ⁸ | 52 | 27 | 18 | 26 | 28 |
| Records pending all sexual assault charge disposition information | 2012 | 2013 | 2014 | 2015 | 2016 |
| Conviction (other offense only) | 23 | 23 | 18 | 30 | 28 |
| Acquittal | 0 | 0 | 0 | 0 | 1 |
| Case Dismissed | 4 | 3 | 5 | 2 | 6 |
| Other charges not filed/referred for prosecution | 1 | 5 | 2 | 0 | 8 |
| Pending all disposition information | 64 | 66 | 77 | 99 | 128 |

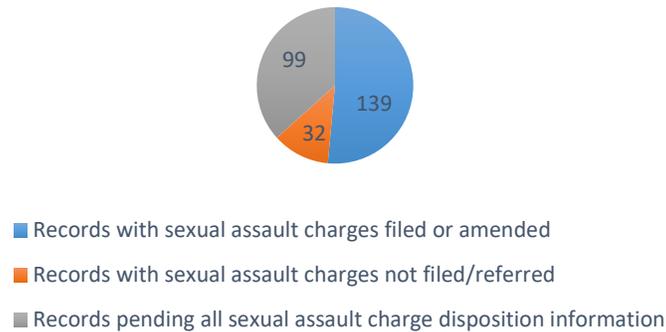
| Table 3: Highest Level of Sentencing for All Sexual Assault (SA) Records and Records with a Domestic Violence (DV)-Related Sexual Assault Arrest, CY2012-2016 | | | | |
|--|----------------------------|--------------------------------------|--|--------------------------------------|
| | All SA Records | | Records with a DV-related SA Arrest | |
| | At Least One SA Conviction | Conviction for Other Offense(s) Only | At Least One SA Conviction | Conviction for Other Offense(s) Only |
| Prison | 267 | 179 | 52 | 29 |
| Jail | 35 | 108 | 7 | 27 |
| Other | 36 | 109 | 9 | 30 |
| Total | 338 | 396 | 68 | 86 |

⁸ Includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed; or sexual assault charges were not filed/referred and other charges were pending disposition.

Sexual Assault-Related Arrests Involving Domestic Violence

To better understand the processing of sexual assault cases that occur in the context of a domestic relationship, this section reviews domestic violence-related sexual assault arrests. Domestic violence is not an official statutory offense in Arizona; rather, an offender is charged with an eligible domestic violence offense (e.g., sexual assault, aggravated assault, etc.) and the arrest charge is flagged for domestic violence in the ACCH repository. For this report, a record was defined as a domestic violence-related sexual assault arrest if at least one arrest offense for sexual assault (A.R.S. § 13-1406) or violent sexual assault (A.R.S. § 13-1423) was flagged for domestic violence. It should be noted that Arizona, like many other states, includes various types of relationships in its definition of domestic violence, including marital, dating, familial, and cohabitant relationships.

Figure 5: Sexual Assault-Related Arrests Involving Domestic Violence, CY2012-2016



Arrests and Convictions

Based on the ACCH data, there were 270 sexual assault-related arrests with one or more sexual assault arrest charges flagged for domestic violence between CY2012-2016 (see Figure 5). A total of 139 arrests led to sexual assault charges filed by the prosecutor, 68 of which resulted in a conviction for sexual assault. Of the remaining 131 arrests, 86 resulted in other offense convictions only, 52 led to no conviction (acquittals, dismissals, or no charges filed/referred), and 64 were still pending disposition information for all charges. Table 4 provides outcome information for all domestic violence-related sexual assault records.

Conviction Sentencing

Similar to the results for all sexual assault records, most domestic violence-related sexual assault records with a sexual assault conviction resulted in a prison sentence (see Table 3). Records with convictions for other offense only were evenly split between prison, jail, and other forms of sentencing.⁹

⁹ Non-sexual assault offenses for which convictions were obtained may not have been flagged for domestic violence.

Table 4: Sexual Assault-Related Arrests Involving Domestic Violence, CY2012-2016

| Arrest Records | Total |
|--|--------------|
| Records with sexual assault charges filed or amended | 139 |
| Records with sexual assault charges not filed (NF)/referred (NR) for prosecution | 32 |
| Records pending all sexual assault charge disposition information | 99 |
| Total Records | 270 |
| Records with sexual assault charges filed or amended | Total |
| Conviction (sexual assault) | 68 |
| Conviction (other offense only) | 49 |
| Acquittal (sexual assault or other offense only) | 1 |
| Case Dismissed (sexual assault or other offense only) | 21 |
| Records with sexual assault charges not filed/referred for prosecution | Total |
| Conviction | 12 |
| Acquittal | 0 |
| Case Dismissed | 0 |
| No other charges filed/referred for prosecution ¹⁰ | 20 |
| Records pending all sexual assault charge disposition information | Total |
| Conviction (other offense only) | 25 |
| Acquittal | 1 |
| Case Dismissed | 4 |
| Other charges not filed/referred for prosecution | 5 |
| Pending all disposition information | 64 |

Summary

According to data available in the ACCH, Arizona sexual assault-related arrest records totaled 1,496 between CY2012 and CY2016. Over this period, charges were filed in 895 arrests: 667 for sexual assault charges and 228 for other offense charges only. Nearly 340 arrests resulted in a sexual assault conviction, while 396 arrests resulted in a conviction for a non-sexual assault offense. Finally, a greater proportion of records with at least one sexual assault conviction resulted in a prison sentence than records with convictions for other offenses only.

¹⁰ Includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed; or sexual assault charges were not filed/referred and other charges were pending disposition.

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| Appendix A: Other Offense Filings in the ACCH, CY2012-2016 | | |
|--|--|-------|
| A.R.S. | Statute Description | Total |
| §13-1103 | Manslaughter | 1 |
| §13-1104 | Second Degree Murder | 3 |
| §13-1105 | First Degree Murder | 6 |
| §13-1201 | Endangerment | 12 |
| §13-1202 | Threatening or Intimidating | 52 |
| §13-1203 | Assault | 230 |
| §13-1204 | Aggravated Assault | 607 |
| §13-1302 | Custodial Interference | 4 |
| §13-1303 | Unlawful Imprisonment | 38 |
| §13-1304 | Kidnapping | 572 |
| §13-1307 | Sex Trafficking | 4 |
| §13-1308 | Trafficking of Persons for Forced Labor or Services | 1 |
| §13-1402 | Indecent Exposure | 38 |
| §13-1403 | Public Sexual Indecency | 42 |
| §13-1404 | Sexual Abuse | 488 |
| §13-1405 | Sexual Conduct with a Minor | 512 |
| §13-1410 | Molestation of a Child | 181 |
| §13-1417 | Continuous Sexual Abuse of a Child | 9 |
| §13-1419 | Unlawful Sexual Conduct; Correctional Facilities | 2 |
| §13-1424 | Voyeurism | 23 |
| §13-1425 | Unlawful Disclosure of Images Depicting States of Nudity or Specific Sexual Activities | 1 |
| §13-1502 | Criminal Trespass in the Third Degree | 2 |
| §13-1504 | Criminal Trespass in the First Degree | 14 |
| §13-1505 | Possession of Burglary Tools | 1 |
| §13-1506 | Burglary in the Third Degree | 7 |
| §13-1507 | Burglary in the Second Degree | 60 |
| §13-1508 | Burglary in the First Degree | 37 |
| §13-1602 | Criminal Damage | 22 |
| §13-1703 | Arson of a Structure or Property | 2 |
| §13-1802 | Theft | 15 |
| §13-1803 | Unlawful Use of Means of Transportation | 2 |
| §13-1804 | Theft by Extortion | 1 |
| §13-1805 | Shoplifting | 5 |
| §13-1814 | Theft of Means of Transportation | 7 |
| §13-1902 | Robbery | 15 |
| §13-1904 | Armed Robbery | 60 |
| §13-2002 | Forgery | 11 |
| §13-2008 | Taking Identity of Another Person or Entity | 7 |
| §13-2102 | Theft of a Credit Card or Obtaining a Credit Card by Fraudulent Means | 1 |
| §13-2307 | Trafficking in Stolen Property | 1 |
| §13-2308 | Participating in or Assisting a Criminal Syndicate | 2 |
| §13-2310 | Fraudulent Schemes and Artifices | 1 |
| §13-2312 | Illegal Control of/Conducting an Enterprise | 2 |
| §13-2316 | Computer Tampering | 2 |
| §13-2409 | Obstructing Criminal Investigations or Prosecutions | 1 |
| §13-2411 | Impersonating a Peace Officer | 3 |
| §13-2503 | Escape in the Second Degree | 4 |
| §13-2505 | Promoting Prison Contraband | 1 |
| §13-2506 | Failure to Appear in the Second Degree | 5 |
| §13-2508 | Resisting Arrest | 8 |
| §13-2512 | Hindering Prosecution in the First Degree | 3 |
| §13-2602 | Bribery of a Public Servant or Party Officer | 2 |
| §13-2702 | Perjury | 2 |
| §13-2809 | Tampering with Physical Evidence | 5 |
| §13-2810 | Interfering with Judicial Proceedings | 9 |
| §13-2904 | Disorderly Conduct | 21 |
| §13-2907.01 | False Reporting to Law Enforcement Agencies | 1 |

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| Appendix A: Other Offense Filings in the ACCH, CY2012-2016 (continued) | | |
|---|---|--------------|
| §13-2910 | Cruelty to Animals | 1 |
| §13-2915 | Preventing Use of Telephone in an Emergency | 10 |
| §13-2921.01 | Aggravated Harassment | 3 |
| §13-2923 | Stalking | 5 |
| §13-3019 | Surreptitious Photographing, Videotaping, Filming, or Digitally Recording or Viewing | 10 |
| §13-3102 | Misconduct Involving Weapons | 13 |
| §13-3107 | Unlawful Discharge of Firearms | 3 |
| §13-3204 | Receiving Earnings of Prostitute | 1 |
| §13-3209 | Pandering | 2 |
| §13-3209.4 | Induce to Prostitute | 2 |
| §13-3212 | Child Sex Trafficking | 10 |
| §13-3214 | Prostitution | 1 |
| §13-3403 | Possession and Sale of a Vapor-Releasing Substance Containing a Toxic Substance | 2 |
| §13-3404 | Sale of Precursor or Regulated Chemicals | 4 |
| §13-3405 | Possession, Use, Production, Sale, or Transportation of Marijuana | 12 |
| §13-3406 | Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Prescription-Only Drugs | 1 |
| §13-3407 | Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Dangerous Drugs | 19 |
| §13-3408 | Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Narcotic Drugs | 5 |
| §13-3409 | Involving or Using Minors in Drug Offenses | 9 |
| §13-3415 | Possession, Manufacture, Delivery, and Advertisement of Drug Paraphernalia | 19 |
| §13-3506 | Furnishing Harmful Items to Minors | 15 |
| §13-3552 | Commercial Sexual Exploitation of a Minor | 10 |
| §13-3553 | Sexual Exploitation of a Minor | 56 |
| §13-3554 | Luring a Minor for Sexual Exploitation | 17 |
| §13-3561 | Unlawful Age Misrepresentation | 2 |
| §13-3601.02 | Aggravated Domestic Violence | 5 |
| §13-3608 | Incest | 1 |
| §13-3613 | Contributing to Delinquency and Dependency | 39 |
| §13-3623 | Child or Vulnerable Adult Abuse | 58 |
| §13-3721 | Tattoos, Brands, Scarifications and Piercings | 3 |
| §13-3821 | Persons Required to Register | 10 |
| §13-3822 | Notice of Moving from Place of Residence or Change of Name or Electronic Information | 3 |
| §13-3904 | Violation of Promise to Appear | 6 |
| §28-1382 | Driving or Actual Physical Control While Under the Extreme Influence of Intoxicating Liquor | 1 |
| §28-1595 | Failure to Stop or Provide Driver License or Evidence of Identity | 1 |
| §28-3473 | Driving on a Suspended, Revoked, or Canceled License | 4 |
| §28-622.01 | Unlawful Flight from Pursuing Law Enforcement Vehicle | 5 |
| §28-693 | Reckless Driving | 1 |
| §32-1364 | Crimes Against the Dead | 1 |
| §4-244 | Unlawful Acts | 2 |
| §4-244.20 | Consumption of Alcohol in a Public Place, Thoroughfare, or Gathering | 1 |
| §4-244.9 | Consumption/Possession of Alcohol by a Person Under 21; Furnishing Alcohol to an Underage Person | 3 |
| Total Filings in the ACCH for Other Offenses | | 3,544 |