

# Arizona Criminal Justice Commission



## A.R.S. §13-3903.C Mandatory Fingerprinting Statistical Analysis Center Fact Sheet

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

June 2012

### Background

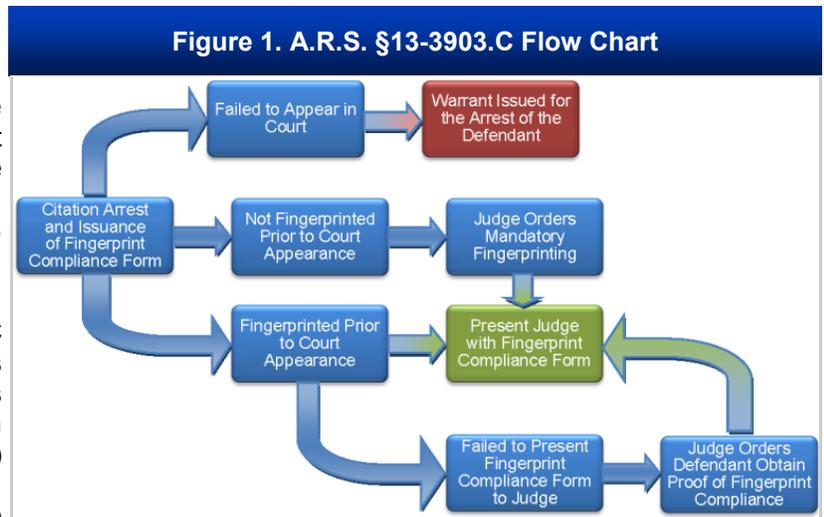
Previous research conducted by the Arizona Criminal Justice Commission's Statistical Analysis Center (SAC) has shown that the booking process is more likely to lead to an arrest record in the criminal history record repository, known as the Arizona Computerized Criminal History (ACCH) repository, when compared to the citation process. In 2007, the SAC collected data from five law enforcement agencies, which revealed that only 40 percent of citation and long form complaint offense counts matched their respective offense counts in the ACCH. By contrast, approximately 87 percent of booked arrest counts were linked to associated records in the ACCH.

### Overview of Arizona Revised Statute §13-3903.C

In an effort to improve the citation process with respect to the ACCH record system, Arizona lawmakers passed House Bill 2449 (Forty-ninth Legislature, First Regular Session, Laws 2009, Chapter 120), which went into effect through A.R.S. §13-3903.C on January 1, 2010. The new legislation mandated that law enforcement officers issuing citations in lieu of arrest present offenders with a fingerprint compliance form. All cited offenders are required to submit to fingerprinting at the arrest booking location specified on the compliance form. Upon arrival of the offender at a booking location, the officer performing the booking fills out the arrest information on the fingerprint compliance form, and the alleged offender must present the completed form to the judge at the first court appearance. Figure 1 displays a flow chart of the anticipated scenarios resulting from the legislative changes to A.R.S. §13-3903.C.

### Methodology

For an analysis of the impact of A.R.S. §13-3903.C, the SAC is collecting data from four law enforcement agencies across three different Arizona counties. The data for the analysis is collected annually and includes information for all citation offenses related to driving under the influence (DUI) committed by adult offenders during a specific month (i.e., September). DUI-related offenses were selected because they are offenses that require submission to the ACCH and they constitute the vast majority of cite and release offenses.

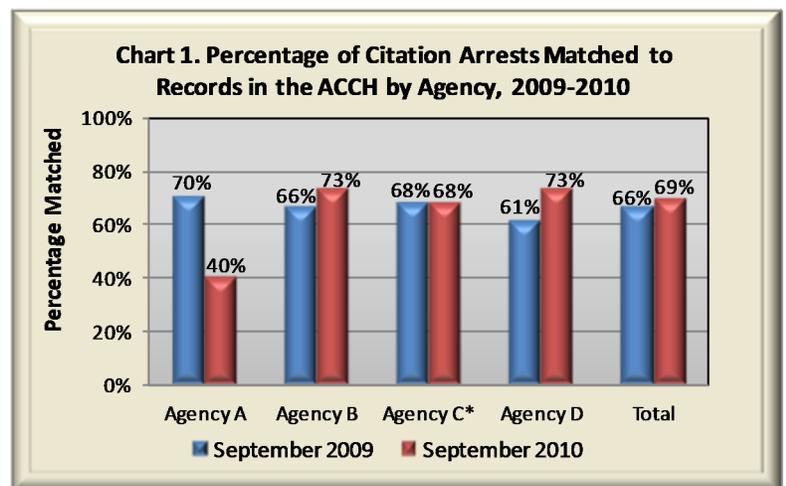


After collecting the cite and release data from the four agencies, multiple data fields were used to match the cite and release information to their respective records in an ACCH extract provided to the SAC by the Department of Public Safety that includes all records entered into ACCH prior to January 1, 2011. The fields required for the match include the alleged offenders' date of birth, gender, date of the citation/offense, arresting agency, and the Arizona Revised Statutes offense code. In this brief, data from September 2010 is compared to the baseline measures from September 2009.

### Citation Arrest Data

The percentage of Agency A's cite and release offenses that were matched to their respective ACCH records decreased from 70 percent of citation arrests with at least one DUI charge that matched to ACCH records in 2009 to 40 percent of citation arrests matched to ACCH records in 2010 (Chart 1). It is important to note that Agency A's DUI-related citation arrests decreased 50 percent from ten in September 2009 to only five in September 2010. The percentage of matched citation arrests at Agency B increased from 66 percent in 2009 to 73 percent in 2010. The percentage of alleged DUI offenders who were cited and released by Agency C and whose records of arrests appeared in ACCH did not change at 68 percent, but Agency D increased from 61 percent in 2009 to 73 percent in 2010.

When combining the data for all four agencies, there was an increase in the percentage of citation arrests with at least one DUI charge match. The percentage of cite and release arrests with at least one DUI charge that were matched to their respective records in ACCH increased from 66 percent in 2009 to 69 percent in 2010.



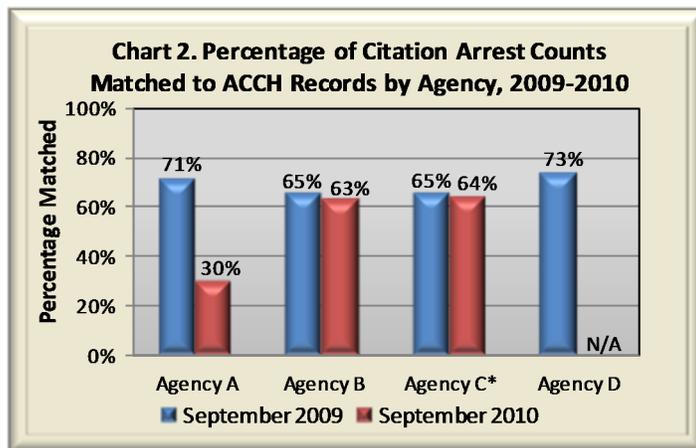
\* Two citations from 2009 are omitted from the data resulting from unavailable birth dates.

The percentage of matched citation arrests at Agency B increased from 66 percent in 2009 to 73 percent in 2010. The percentage of alleged DUI offenders who were cited and released by Agency C and whose records of arrests appeared in ACCH did not change at 68 percent, but Agency D increased from 61 percent in 2009 to 73 percent in 2010.

## Citation Arrest Count Data

When looking at the arrest count data, the percentage of DUI-related citation arrest counts matching to records in the ACCH decreased from 2009 to 2010 for all agencies that provided data (Chart 2). The percentage of cite and release DUI arrest counts that matched their respective ACCH records for Agency A fell from 71 percent to 30 percent. Importantly, Agency A had a 58.3 percent decrease in total DUI-related citation arrest counts in September 2010 compared to September 2009, and the total DUI-related citation arrest counts in September 2010 make for a small sample size. The percentage of cite and release DUI arrest counts that matched their respective records in ACCH for agencies B and C decreased by two percent or less from September 2009 to September 2010. Agency D did not report statistics by arrest count in September 2010.

Although Agency B experienced an increase in the percentage of citation arrests with a DUI-related charge that matched the ACCH records (see Chart 1), the agency's percentage of matching DUI arrest counts decreased from 65 percent in September 2009 to 63 percent in September 2010. Not all DUI-related citation charges were processed at booking, thus the percentage of matched arrest counts fell despite an increase in the arrest percentage.



\* Two 2009 citations are omitted from the data due to unavailable birth dates. N/A Data was not provided.

In September 2010, a total of 739 (77.0 percent) of DUI-related citation offenses reported by agencies A, B, and C were for driving under the influence (Table 1). The remaining DUI-related citation offenses were for extreme DUI (22.9 percent) and aggravated DUI (0.1 percent).

**Table 1. Percentage of Citation Counts Matched to a Record in the ACCH by Offense Type, 2009-2010**

| Offense Types      | Sept 2010 Counts* | Agency A  |           | Agency B  |           | Agency C    |           |
|--------------------|-------------------|-----------|-----------|-----------|-----------|-------------|-----------|
|                    |                   | Sept 2009 | Sept 2010 | Sept 2009 | Sept 2010 | Sept 2009** | Sept 2010 |
| DUI                | 739               | 72%       | 43%       | 77%       | 64%       | 66%         | 67%       |
| Extreme DUI        | 220               | 67%       | 0%        | 50%       | 62%       | 64%         | 55%       |
| Aggravated DUI     | 1                 | N/A       | N/A       | N/A       | N/A       | 0%          | 0%        |
| Ignition Interlock | 0                 | N/A       | N/A       | 0%        | N/A       | N/A         | N/A       |

\* Total counts are missing offense counts from Agency D.

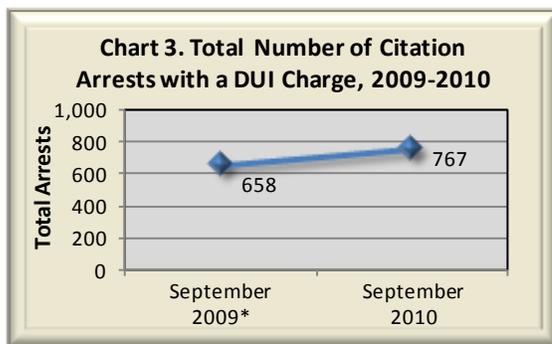
\*\* Two citations from 2009 are omitted from the data resulting from unavailable birth dates.

2009 to 43 percent in September 2010, and extreme DUI offenses fell from 67 percent to zero percent over the same period.

The DUI citation offenses reported by Agency B for September 2009 matched to records in the ACCH 77 percent of the time, compared to 64 percent of DUI citation offenses in September 2010 that matched to records in the ACCH. Additionally, the percentage of extreme DUI citation offenses that matched to records in the ACCH increased from 50 percent of September 2009 citations to 62 percent of September 2010 citations. For Agency C, there was a slight change in the percentage of DUI citation offenses matched to the ACCH; 66 percent of DUI citations from September 2009 matched to records in ACCH and 67 percent of DUI citations from September 2010 matched to records in ACCH. Finally, the percentage of extreme DUI citation offenses that matched records in the ACCH fell from 64 percent of September 2009 citations to 55 percent of September 2010 citations.

## Total Arrests

In September 2009, there were a total of 658 citation arrests that included at least one DUI-related charge across all four agencies (Chart 3). The number of citation arrests with at least one DUI-related charge increased to 767 (16.6 percent increase) in September 2010. Total arrest count data is not available because Agency D did not submit data by offense.



\* Two citations from September 2009 are omitted from the data.

## Conclusion

DUI cite and release data during September 2010 are provided to assess the impact of legislative changes to A.R.S. §13-3903.C after January 1, 2010. An increase took place in the percentage of citation arrests with at least one DUI offense that matched to the ACCH records from 66 percent in September 2009 to 69 percent in September 2010. Three agencies, however, failed to improve their percentages of matched charges. Total DUI-related arrests for the four agencies increased to 767 in 2010.

Two agencies displayed noticeable increases in the percentage of DUI-related arrests matching to ACCH records while two other agencies did not show any improvement. Agencies that are not adequately implementing the mandatory fingerprint compliance form legislation changes are expected to experience minimal improvement in arrests matched to the ACCH. Calendar year 2010 is the first year of legislation implementation, and stronger improvement is anticipated as agencies become more committed to the mandatory fingerprint compliance form process.

## Forms Appearing in the Courts

The presentation of the mandatory fingerprint compliance form in court is a critical point in the new fingerprint process. The form indicates to the judge that the individual does not need to be ordered to fingerprinting, thus avoiding any double entry of arrest records into the ACCH.

One larger city court in Arizona has been keeping track of the total number of mandatory fingerprint forms submitted to the court via the law enforcement agencies. Court administrators reported a total number of 382 forms received during calendar year 2010.

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