

ARIZONA
NATIONAL INSTANT CRIMINAL
BACKGROUND CHECK SYSTEM (NICS)
RECORDS IMPROVEMENT
PLAN



March 2013

ARIZONA NICS RECORDS IMPROVEMENT PLAN

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ARIZONA NICS RECORDS IMPROVEMENT PLAN

TABLE OF CONTENTS

1	Executive Summary	4
2	Arizona NARIP Goals.....	5
2.1	Objectives.....	5
2.2	Arizona NARIP Approach.....	5
2.3	Structure of this Report.....	6
3	Commonly Referenced Terms and Abbreviations	7
4	The NICS Improvement Amendments Act.....	11
4.1	NIAA Implementation	11
4.2	Brady Act requirements	12
4.3	How the NICS process works.....	12
4.4	Information that is Not retained.....	14
4.5	NICS Categories That Prevent Transfer of a Firearm.....	14
5	NARIP Governance	17
5.1	NICS Task Force Members.....	18
5.2	Consulting Role Members.....	21
5.3	Consultants	21
6	NARIP Methodology	21
6.1	Identify Participants	21
6.2	Establish Ownership.....	22
6.3	Understand Current Environment	23
6.4	Build Consensus	23
6.5	Action Planning and Implementation	24
7	Business Process.....	24
7.1	Category One: Felony Convictions	24

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.2	Category Two: Information and Indictments.....	32
7.3	Category Three: Active Warrants.....	36
7.4	Category Four: Drug Use.....	39
7.5	Category Five: Mental Health.....	40
7.6	Category Six: Order of Protection.....	42
7.7	Category Seven: Misdemeanor Domestic Violence.....	42
8	NICS Program (Long-Term) Recommendations.....	47
8.1	Recommendation One: Data Stewardship.....	47
8.2	Recommendation Two/Three: Charge Segments.....	48
8.3	Recommendation Four: County-Level Disposition Scorecards.....	58
8.4	Recommendation Five: Support for Existing Initiatives.....	59
8.5	Recommendation Six: Criminal Justice Process Mapping.....	62
8.6	Recommendation Seven: County-Specific Technical Assistance.....	62
9	Category Specific Recommendations.....	64
9.1	Category One: Felony Convictions.....	64
9.2	Category Two: Active Indictments/Informations.....	70
9.3	Category Three: Active Arrest Warrants.....	72
9.4	Category Four: Unlawful Drug Use.....	75
9.5	Category Five: Mental Health.....	78
9.6	Category Six: Order of Protection.....	81
9.7	Category Seven: Misdemeanor Domestic Violence.....	85
10	Conclusion/Next Steps.....	86
11	Appendix A: Interpreting the Business Process Models.....	88

ARIZONA NICS RECORDS IMPROVEMENT PLAN

1 EXECUTIVE SUMMARY

The U.S. Department of Justice (DOJ), Bureau of Justice Statistics (BJS) awarded the Arizona Criminal Justice Commission (ACJC) funding for federal fiscal years (FY) 2011 and 2012, for the development of the Arizona NICS Records Improvement Program (NARIP). The federal program was authorized in 2008 following the tragic Virginia Tech shooting to establish the National Instant Criminal Background Check System (NICS) and assist states in providing certain information to the NICS. The goal of the program is to address the gap in information available to the NICS dealing with mental health adjudications and commitments and other prohibiting factors. Addressing these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms.

Critical public safety decisions are made every day relying upon criminal history information provided to the NICS database. The importance of exchanging accurate, complete and accessible criminal record information in a timely manner is widely recognized and remains a priority for Arizona. Statewide, stakeholders are committed to preserving the integrity of criminal history information by improving the information infrastructure, systems, and processes to aid in the Arizona responses to the NICS program.

With the FY2012 funding from BJS, Arizona has continued the efforts started with the FY2011 funding to advance implementing process improvements and data exchange standards. In 2012, the ACJC formally established a NICS Task Force. The Task Force is made up of representatives from Arizona's local, county, and state criminal justice agencies. The goal of this Task Force is to identify and develop solutions for NICS reporting issues. In addition to the Task Force meetings, the funding is being used for ongoing project management, system analysis, and methods to support the improvement of the quality and accessibility of all NICS eligible records, to include mental health dispositions. Arizona also recognized the need to address missing and/or backlogged dispositions for criminal records that would be considered prohibiting records used by the NICS. Through dedicated funding from the FY2011 NICS grant,

ARIZONA NICS RECORDS IMPROVEMENT PLAN

the ACJC used a data-driven process to provide sub-awards to targeted criminal justice agencies to address missing and/or backlogged dispositions for records used by the NICS.

2 ARIZONA NARIP GOALS

1. Improve Arizona's record for completeness, automation and transmittal of records and mental health information to the NICS.
2. Improve completeness of criminal history records used by the NICS by addressing disposition backlogs and rejects.

2.1 OBJECTIVES

1. Initiate an Arizona NICS Task Force (herein referred to as the Task Force);
2. Create an Arizona NICS Records Improvement Program Plan (NARIP Plan);
3. Provide Technical Assistance to criminal justice agencies within the state to improve NICS reporting, and;
4. Support the execution of the Arizona NARIP.

2.2 ARIZONA NARIP APPROACH

The first action taken by the ACJC, in preparation for the Arizona NICS records improvement assessment in 2011, was to develop a baseline of Arizona NICS reporting. Updated figures were collected to identify the number of missing dispositions for prohibiting arrest offenses. Statewide, Arizona is missing disposition information on 33.6% of felony arrest counts and 25.1% of misdemeanor domestic violence arrest counts.

The 2011 AZ NICS Act Records Improvement Program allowed ACJC to offer grants to local agencies that had the largest number of missing dispositions or had a high percentage of prohibiting arrest offenses that were missing disposition information in the Arizona Computerized Criminal History (ACCH) repository. These grants were designed to offset the cost for agency staff who worked overtime to perform the research necessary to complete and resubmit disposition reports that were originally rejected through the ACCH reporting process, overseen by the Arizona Department of Public Safety (DPS). Grants were provided to Maricopa

ARIZONA NICS RECORDS IMPROVEMENT PLAN

and Navajo county agencies to embark on this project during calendar year 2012 to improve the quality of their NICS eligible records (i.e., records that may prohibit an individual from legally acquiring a firearm). In collaboration with the Administrative Office of the Courts and the Arizona Department of Public Safety, the ACJC coordinated meetings with personnel from law enforcement agencies, prosecutors and the courts within the participating counties. During these meetings, participants shared information regarding the volume of backlogged and/or rejected dispositions. DPS personnel then trained participants on the disposition reporting process, including methods for resubmitting corrected disposition reports. Finally, the discussion focused on identifying methods to improve the overall process and avoid future backlogs. Performance metrics were developed for the local grantees and are now submitted quarterly to ACJC along with progress and financial reports.

The Task Force has worked to identify long and short-term solutions to address NICS reporting issues. Additionally, the team has begun to assess whether legislative or court rule changes might be necessary to achieve accurate and timely reporting. The NICS Task Force meets quarterly to assess problems, examine barriers, and plan solutions that are consistent with the Arizona NICS strategic plan.

2.3 STRUCTURE OF THIS REPORT

The following sections of this document describe in detail how the Task Force is structured, how stakeholders are represented on the Task Force, and what results were achieved during the first year of the project. Section 7 describes the current process as it relates to NICS reporting categories. Section 8 describes long-term, programmatic recommendations approved by the task force. Section 9 identifies short-term fixes that will immediately improve reporting on specific NICS categories.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

3 COMMONLY REFERENCED TERMS AND ABBREVIATIONS

Acronym	Terms and Abbreviations Explanation
ACCH	Arizona Computerized Criminal History records system
Adjudication	A decision by the court, to include; guilty, not guilty, dismiss, amend, findings, orders.
ADRS	Arizona Disposition Reporting System
Agave	Case management system used by the Superior Court in Pima County.
AJACS	Case management system supported by the Administrative Office of the Courts used by many Superior Courts
AOC	Administrative Office of the Courts
Arrest Warrant	An order directing law enforcement to bring a named person before the court.
ARS	Arizona Revised Statute
ATTC	Arizona Traffic Ticket and Complaint
AZAFIS	Arizona Automated Fingerprint Identification System; an automated statewide fingerprint identification system used to store all ten-print cards for searching fingerprint files and transmitting fingerprint images.
AZ NARIP	Arizona NICS Act Records Improvement Plan; a strategic planning document that recommends processes to improve Arizona's capacity and capability to report NICS required information to III, NCIC, and NICS.
AZTEC	Legacy case management system used in 130 Arizona Justice Courts.
Booking	The process by which a defendant is taken into custody at the County Jail. It typically begins with a medical examination and may include capturing fingerprints, charges and a mug shot.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

CCCI	Composite Criminal Cycle Identifier
Centralized Case Index (CCI)	The CCI is an AOC project that seeks to maintain a centralized data warehouse containing detailed case information maintained by all Arizona courts.
Complaint	Formal written charge that a person has committed a criminal offense.
Criminal Cycle	The criminal cycle represents a criminal case from the first contact with law enforcement until the conclusion of post-disposition activities (i.e., supervision, detention, incarceration).
CTN	Charge Tracking Number; a sequential number assigned to each charge
Departmental Report (DR)	An incident report that is filed by a law enforcement agency in response to a call for service.
Disposition	Information on an action taken by a criminal justice agency regarding a criminal charge; used in the context of completing the Disposition Report. See also Final Disposition.
DOC	Department of Corrections
DPS	Department of Public Safety
Final Disposition	Ultimate termination of the criminal prosecution of a defendant by a trial court, including not referred, dismissal, acquittal or imposition of a sentence. See ARS 13-4401 (10).
Final Disposition Report	The report that is required from the disposition agency (arrest, prosecutor or court) pursuant to the Arizona Rules of Criminal Procedure (rule 37) for each person fingerprinted for a reportable crime pursuant to ARS Section 41-1750.PS Form 802-03757-F
Grand Jury Indictment	Written accusation by a grand jury charging that a person or business committed a specific crime.
Grand Jury	A group of citizens who usually serve a term of not more than 120 days to hear or investigate charges of criminal behavior.
iCIS	Integrated Court Information System. This is the court case management system used by the Maricopa County Superior and Justice Courts.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Information	As per section 13.1 of the Arizona Rules of Criminal Procedure, “An information is a written statement charging the commission of a public offense, signed and presented to the court by the prosecutor.” ¹
Intake	Processing an offender at the time of detention/incarceration at a jail or correctional facility.
Limited Jurisdiction Courts	City, Municipal, Justice Courts. Not Superior Court.
No Bill	A finding by a grand jury that the evidence presented was not sufficient to find probable cause to indict the defendant.
No File	A finding by a prosecutor that charges submitted to the prosecutor will not be pursued.
No Referral	A finding by a law enforcement agency that charges that have been initiated will not be referred to a prosecutor.
NTN	NICS Transaction Number
ORI	Originating Agency Identifier. It is a nine-digit code assigned by the FBI to uniquely identify criminal justice agencies. All Courts, Prosecutors and Law Enforcement Agencies in Arizona have been assigned an ORI.
PCA	The NICS Prohibited Category Code
PCN	Process Control Number; a unique alphanumeric number assigned to each arrest and non-arrest fingerprint card through AZAFIS.
RMS	Records management system; typically used to describe law enforcement incident and case management systems.
SID	State Identification Number; a biometrically-based unique number assigned to each individual in the ACCH record database.

¹http://www.arizonacrimelaws.com/13_1.htm

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Summons	A legal document issued by the court directing law enforcement to notify the named defendant that a complaint has been filed and the defendant is required to appear and answer the complaint.
Superior Court	Arizona Court with jurisdiction over felony cases.
True Bill	An indictment by a grand jury on any charge against the defendant; see Grand Jury Indictment.
01 Fingerprint	Fingerprint type for arrests.
04 Fingerprint	Fingerprinting for identification purposes only.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

4 THE NICS IMPROVEMENT AMENDMENTS ACT

The NICS Improvement Amendments Act (NIAA) amends the Brady Handgun Violence Prevention Act of 1993, Pub. L. 103-159 (also the Brady Act), under which the Attorney General established NICS. The Brady Act requires federal firearms licensees (FFLs) to contact the NICS before transferring a firearm to an unlicensed person to ascertain whether the proposed transferee is prohibited from receiving or possessing a firearm under local or federal law.

The NIAA was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. The Virginia Tech shooter was able to purchase firearms from an FFL because records pertaining to his prohibiting mental health history were not available to the NICS; and, as a consequence, the system was unable to deny the transfer of the firearms used in the shootings. The primary purpose of the NIAA, therefore, is to ensure that all such firearms-prohibiting records are available to the NICS. Filling these record gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms.

4.1 NIAA IMPLEMENTATION

The NIAA has provisions that pertain to both federal agencies and states. For federal agencies, the NIAA mandates the reporting of firearms-prohibiting records and requires that any agency performing mental health adjudications or commitments also develop a relief from disabilities program. Such a program permits persons who have been adjudicated as mentally defective or involuntarily committed to a mental institution to request relief from the firearms prohibition imposed by law as a result of such adjudication or commitment.

For states, the NIAA requests that county record repositories, court systems, and other original source record holders provide the Attorney General with reasonable estimates of firearms-prohibiting records that cover the past twenty years. These estimates are to include two figures, one that provides totals from the originating agency and one with totals from the state record repository across all of the seven categories of records sought.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

4.2 BRADY ACT REQUIREMENTS

The NICS was mandated by the Brady Act and was established for FFLs to contact by telephone or other electronic means for information to be supplied immediately on whether the transfer of a firearm would violate Section 922 (g) or (n) of Title 18, United States Code, or state law. FFLs must be a licensed dealer through the ATF and be enrolled with the FBI to initiate background checks with the NICS. The NICS background checks are required for the transfer or redemption of firearms, including both handguns and long guns.

Persons holding firearm permits which qualify as alternates to a NICS check, per the ATF, are not required to undergo a NICS check at the time of transfer. During the alternate permit-issuing process, a NICS check is conducted.

The Safe Explosives Act was enacted on February 25, 2002, as part of the Homeland Security Act and required that any person who transports, ships, causes to be transported, or receives explosives materials in either interstate or intrastate commerce must obtain a federal permit or license issued by the ATF after undergoing a background check. In February 2003, the transfer of explosives was added to the NICS background check requirements.

4.3 HOW THE NICS PROCESS WORKS

As a result of the Brady Act, all firearms transfers that involve an FFL are required to undergo a NICS check prior to transfer of the firearm. When purchasing a firearm, the individual is required to complete and sign the ATF Form 4473. The form includes descriptive information such as name, sex, race, date of birth, and state of residence along with other information. Upon completion, the FFL provides the NICS with the necessary data from the ATF Form 4473 to initiate a background check. Once the information is received, a name and limited descriptor search is conducted for matching records in the Interstate Identification Index (III), which contains millions of criminal history records; the National Crime Information Center (NCIC), which contains arrest warrants and order of protection; and the NICS Index, which contains records of persons federally prohibited from receiving or possessing firearms.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

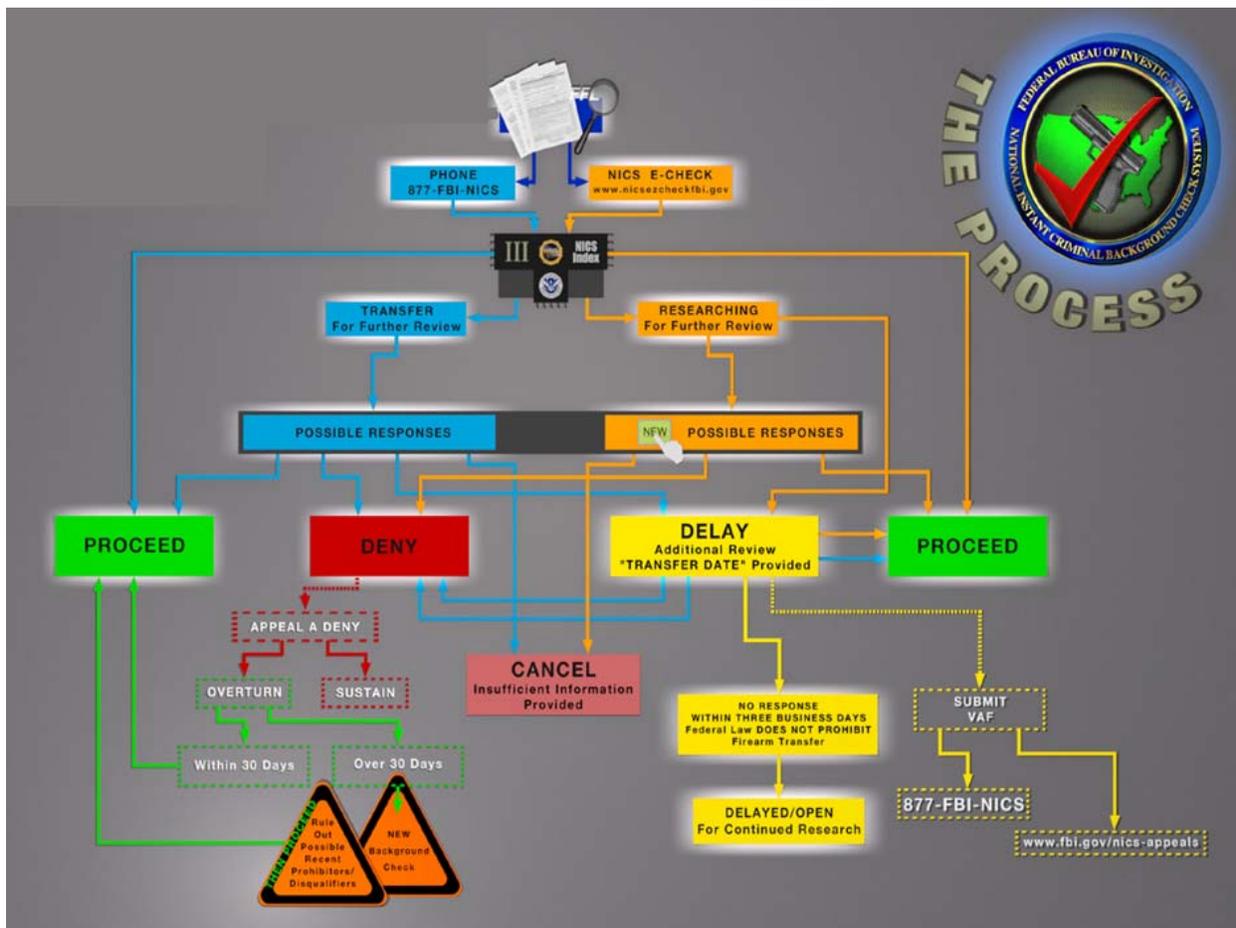


Figure 1 - NICS Process (<http://www.fbi.gov/about-us/cjis/nics/nics-process-in-motion-for-the-gun-buyer-video-transcript>)

If no matching records are returned by any of the databases, the FFL is notified that they may **proceed** with the transfer transaction. Any match or close match based on the transferee’s descriptive information will initiate a review by a Legal Instruments Examiner (NICS Examiner). During this process, the NICS Examiner will review information returned by the databases to determine if federal or state firearm prohibitive criteria exist. If the information matched by the NICS is not a valid match or no prohibitive criteria exist, the NICS Examiner advises the FFL they can **proceed** with the firearm transfer. The FFL must record the NICS Transaction Number (NTN) assigned to the transaction on the ATF Form 4473 and retain the form for auditing purposes.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

If it is determined that prohibitive criteria exists, the NICS Examiner will advise the FFL to **deny** the firearm transfer. If potentially prohibitive criteria exists and more research is required in order to make a determination, the NICS Examiner will advise the FFL to **delay** the firearm transfer.

The Brady Act permits up to three business days to perform the additional research to make a final determination as to the prospective transferee's eligibility. After three days, if a final determination cannot be made, then the transfer may proceed at the discretion of the FFL. Regardless, the NICS staff will continue to research the transaction for up to 88 days in an effort to obtain complete disposition information.

4.4 INFORMATION THAT IS NOT RETAINED

The NICS does not establish or create a federal firearm registry. Pursuant to Title 28, Code of Federal Regulations (C.F.R.), Section 25.9 (b) (1), the NICS is required to destroy all personally-identifying information (other than the identifying transaction number and the date the number was assigned) submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the FFL has been notified of the final determination. Pursuant to NICS Regulations, 28 C.F.R. §25.2, the NICS can retain records of delayed (open status) transactions until either (1) a final determination on the transaction is reached and has been communicated to the FFL resulting in the status being changed to a **proceed** (records purged within 24 hours) or a **deny** (records retained indefinitely) status, or (2) 90 days elapse from the date of inquiry. If no additional information is obtained to make a final determination of **proceed** or **deny** on the transaction, all identifying information (with the exception of the NTN and creation date) is purged by the NICS 88 days after the creation date.

4.5 NICS CATEGORIES THAT PREVENT TRANSFER OF A FIREARM

Category 1 – Felony convictions: records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (e.g. state ‘felonies’) and of any state misdemeanors punishable by imprisonment for more than two years.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Category 2 – Active indictments/informations/verified complaints: records that identify a person who is under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.

Category 3 – Active wants/warrants: records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.

Category 4 – Unlawful drug use records: records that identify a person who is an unlawful user of or addicted to any controlled substance, as demonstrated by specified arrests, convictions, and adjudications, not protected from disclosure to the Attorney General by federal or state law.

Category 5 – Mental health adjudications or commitments: records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been adjudicated mentally defective, meaning that a court, board, commission or other lawful authority has determined that the person, as a result of marked subnormal intelligence or mental illness, incompetency, condition or disease, (a) is a danger to himself or others or (b) lacks the mental capacity to contract or manage his own affairs. This category also includes records not protected from disclosure to the Attorney General by federal or state law of persons found incompetent to stand trial or found insane by a court in a criminal case, and records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been formally and involuntarily committed to a mental institution. This category of records does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.

Category 6 – Protection or restraining orders: records that are electronically available and identify a person subject to an active court order (from criminal or civil court) which restrains a person from committing acts of violence against another person. Both temporary and permanent protection and restraining orders are included.

Category 7 – Convictions for potential misdemeanor crimes of domestic violence (MCDV): records that are electronically available and that may identify a person convicted of misdemeanor

ARIZONA NICS RECORDS IMPROVEMENT PLAN

offenses such as battery, assault, disorderly conduct, breach of peace, family violence/domestic violence, family assault or battery/domestic assault or battery, stalking, harassment, etc.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

5 NARIP GOVERNANCE

The Arizona NICS Act Records Improvement Program both leverages the existing statutorily authorized governance infrastructure while widening input from a variety of stakeholders.

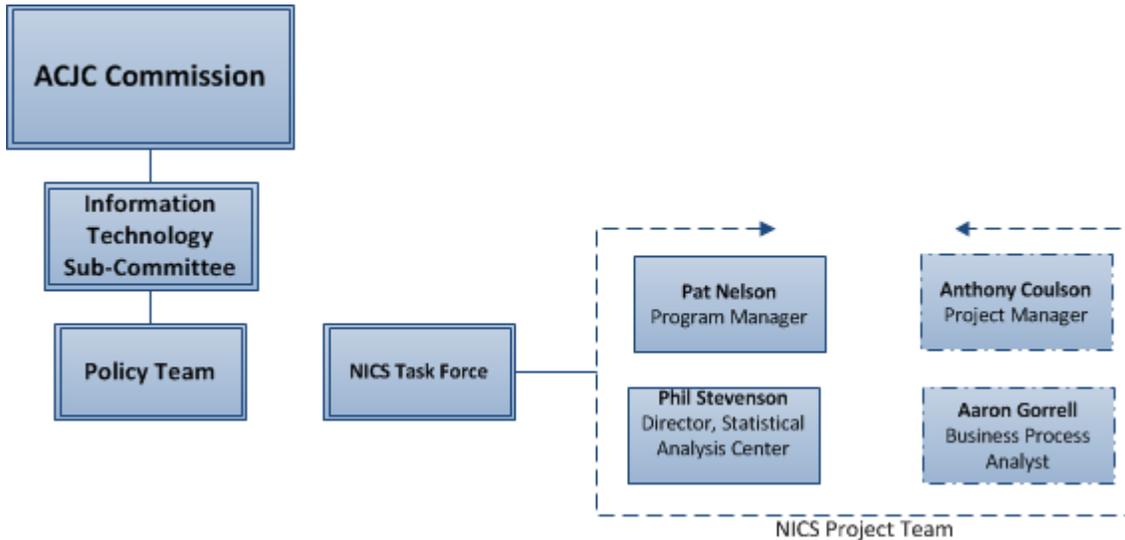


Figure 2 - NICS Governance

- **The Arizona Criminal Justice Commission:** The Arizona Criminal Justice Commission is a statutorily authorized entity mandated to carry out various coordinating, monitoring and reporting functions regarding the administration and management of criminal justice programs in Arizona. See <http://www.azcjc.gov> for additional details about the Commission.
- **ACJC Information Technology Sub-Committee:** Addresses and submits business and technology recommendations to the Commission.
- **ACJC Policy Team:** Reviews business process improvements for the criminal justice process and submits recommendations to the IT Sub-Committee.
- **NICS Task Force:** The Task Force is made of 76 subject matter experts representing a wide variety of jurisdictions and agencies throughout Arizona. The Task Force is responsible for researching and identifying opportunities for improvement in Arizona.
- **NICS Project Team:** The project team members are responsible for facilitating, formulating and managing the implementation of Task Force recommendations.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

5.1 NICS TASK FORCE MEMBERS

Task force participants represent a number of jurisdictions and Arizona Organizations:

- Arizona Supreme Court
- Arizona Department of Health
- Arizona Department of Transportation
- Arizona Senate Policy Office
- Arizona Department of Corrections
- National Center for State Courts
- U.S. Dept. of Justice (Alcohol, Tobacco, Firearms)
- U.S. House of Representatives
- Arizona Criminal Justice Commission
- Arizona Department of Homeland Security
- Arizona Department Public Safety
- Community Partnership of Southern AZ

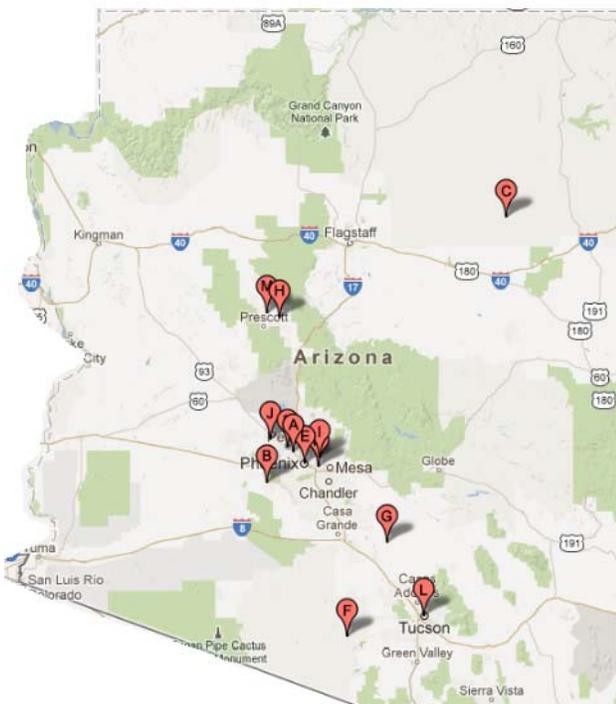


Figure 3 - NICS Participants

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Karl Auerbach Chief of Police Salt River Police Department	David C. Azuelo Captain Tucson Police Department	Honorable Ron Barber US House of Representatives
Debbe Barone-Jay City of Phoenix	Matt Bileski Arizona Criminal Justice Commission	John A. Blackburn, Jr. Executive Director Arizona Criminal Justice Commission
Cheryl Bowen Kennedy Arizona Department of Homeland Security	Ray Butler Arizona Department of Public Safety	Neal J. Cash President/CEO Community Partnership of Southern Arizona
Norma Chavez Surprise Police Department	Catherine Clarich Glendale City Court	Kimberly Davey Surprise Police Department
Joyce Dehnert Arizona Department Public Safety	George Diaz Arizona Criminal Justice Commission	Britni Duff Arizona Department of Public Safety
Paul Fein Peoria Police Department	Agnes Felton Justice of the Peace, Pro Tem Pinal County Superior Court	Debby Finkel Arizona Criminal Justice Commission
Susan Frausto Scottsdale Police Department	Silvia Gerdtz MVD, Arizona Department of Transportation	Kristina Green Phoenix Police Department
Evan H. Greenwald Peoria Police Department	Larry Grubbs Arizona Criminal Justice Commission	Donna Hall Clerk of the Court Maricopa Superior Court
Becky Hanna Yavapai County Attorney's Office	Cheryl Harris Navajo County Attorney's Office	Diana Hegyi Maricopa Superior Court
Bob Hemming Information Technology Director Navajo County Sheriff's Office	Peter Henning Arizona Criminal Justice Commission	Suzanne Hodges Community Partnership of Southern Arizona
Dianna Kalandros Pinal County Court Administration	Wendy Kasprzyk-Roberts Coconino County Superior Court	Melissa Knight Pinal County Court Administration
Jeff Mangis Clerk of the Court Maricopa Superior Court	Candice Manibusan Administrative Officer Prescott Valley Police Department	Julio Marroquin Administrative Officer Yavapai County Attorney's Office

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Teri Martin Information Technology Department Arizona Supreme Court	Adele May Information Technology Department Arizona Supreme Court	Pat McGrath Administrative Office of the Court Arizona Supreme Court
Irene Mendez Surprise City Court	David Moore Phoenix Police Department	Aimet Morales Special Agent Alcohol, Tobacco, and Firearms US Department of Justice
Mike Morrison Scottsdale Police Department	Laura Nelson, M.D. Chief Medical Officer Arizona Department of Health	Pat Nelson Project Manager Arizona Criminal Justice Commission
Darcy Nichols Scottsdale Police Department	Sandy Patterson Arizona Department of Public Safety	Rob Peck Pima County Attorney
Myron Pecora Pima County Superior Court	Katy Proctor Senior Policy Advisor Arizona Senate Policy Office	Karen Pulley Program Support Administrator Arizona Department of Corrections
Jeffrey Raynor Lt. Colonel Arizona Department of Public Safety	Linda Rodriguez Surprise City Court	Nancy Rodriguez Tempe Municipal Court
Jonathon Rodriguez Sergeant Coconino County Sheriff's Office	Robert Roll Administration of the Courts Arizona Supreme Court	Billy Ross Public Safety Liaison Arizona Department of Homeland Security
Steve Scales Administration of the Courts Arizona Supreme Court	Richard Schaufler National Center for State Courts	Patrick Scott Administration of the Courts Arizona Supreme Court
Vicky Scott Peoria Police Department	Christine Shaffer Maricopa County Sheriff's Office	Lily Shaffer Clerk of the Courts Pima County Superior Court
Kris Smith Maricopa County Attorney's Office	Krishnan Srinivasan Arizona Department of Public Safety	Philip Stevenson, Ph.D. Director Statistical Analysis Center Arizona Criminal Justice Commission
Marianne Sullivan Assistant Attorney General Arizona Attorney General's Office	Dianne Vanhorn Pima County Superior Court	Melanie Veilleux Arizona Department of Public Safety

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Stephen Welsh Arizona Department of Corrections	Luella Whiteside Information Technology Department Arizona Supreme Court	Sharon Yates Clerk of the Courts Coconino County Superior Court
Amada Zibell Arizona Criminal Justice Commission		

5.2 CONSULTING ROLE MEMBERS

James Barrett Special Agent Homeland Security Investigations Department of Homeland Security	Sherre Baker NICS Representative Federal Bureau of Investigation
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5.3 CONSULTANTS

Anthony J. Coulson Consultant NTH Consulting, Inc.	Aaron Gorrell Consultant Waterhole Software, Inc.
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6 NARIP METHODOLOGY

The Arizona NICS Task Force is the realization of a five-step approach that has culminated in an action plan with widespread commitment from the community of criminal justice and mental health professionals.

6.1 IDENTIFY PARTICIPANTS

Throughout the process, the project team continues to examine the makeup of the Task Force to ensure that the appropriate stakeholders are involved in ongoing discussions and that diverse perspectives are well represented. From the first Task Force meeting, the number of Task Force participants has continued to increase.

As a result of the diverse and committed Task Force membership, Arizona has developed a coordinated and synergistic response to prohibited possessor issues and encourages stakeholders to work together to solve problems across traditional organizational silos. Task Force meetings are designed to be interactive events designed to link policy and programs with action.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

6.2 ESTABLISH OWNERSHIP

This phase commenced during the initial Task Force meeting in January 2012. During the morning session, Task Force participants were given a personal and real-life view of the importance of the Task Force work. Congressman Ron Barber, then Congresswoman Gabrielle Giffords' Staff Director, talked about the January 8, 2011 shooting in Tucson in which he and Congresswoman Giffords were seriously wounded. Congressman Barber was present to speak about mental health and the relationship between the disease and policies designed to limit the availability of firearms. Mr. Patrick McGrath followed Congressman Barber with a briefing describing the challenges he has experienced in providing aggregate NICS reporting information to the FBI. Finally, Ms. Sherre Baker, the NICS Representative for the Federal Bureau of Investigation's Criminal Justice Information Systems Division, provided a foundational understanding of the NICS reporting process. The Arizona Department of Public Safety (DPS) briefed the group on the Arizona Disposition Reporting System (ADRS), a system for submitting disposition information electronically.

The afternoon session focused on working with Task Force members to understand NICS reporting challenges by thoroughly dissecting the issues and identifying potential solutions. During this meeting, the Project Team utilized the Social Reconnaissance model, a "community" assessment approach designed to create participant ownership of the change process. Each component of the assessment creates greater grassroots involvement in the Task Force through information sharing, collaborative planning, outreach, and feedback to their organization.

The Task Force broke into groups of 8-10 subject matter experts that could provide perspective across a variety of functional areas. Each group developed a list of key problems, barriers to solving these problems, and simple and innovative solutions to remove these barriers.

Once this task was completed, group members were asked to sort this list in descending order of feasibility and importance. High-ranking solutions were carried forward to later Task Force meetings for further discussion.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

With increased community ownership and expansion of the Task Force membership, the process yielded significant concrete results: a NARIP that is not only feasible, but includes broad-based commitment to change.

6.3 UNDERSTAND CURRENT ENVIRONMENT

The second meeting of the Task Force, which was held in April 2012, was focused on deepening the understanding of the Arizona criminal justice process as it relates to NICS reporting. The objective was to ensure that the recommendations would not only be feasible, but also would leverage leading business practices designed to improve the accessibility and quality of criminal justice information. The process mapping experience is an important step toward better comprehending the opportunities and barriers to sharing quality NICS information and provides context for developing an action plan to execute Task Force recommendations. Section 7 of this report describes these business processes in greater detail.

6.4 BUILD CONSENSUS

Following the April Task Force meeting, the project team compiled the findings into a comprehensive list of recommendations. At the July 2012 meeting, the Task Force gathered to provide feedback on these recommendations using an Audience Response System.

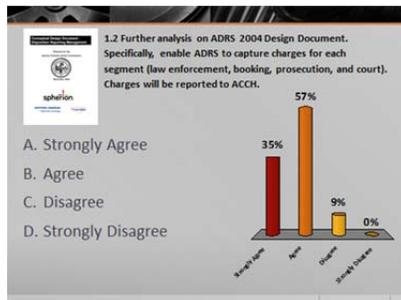


Figure 4 - Sample Survey Slide with Results

Recommendations were presented using Microsoft PowerPoint and members used the Audience Response System to indicate their level of agreement with each recommendation.

As with many strategic planning tools, the benefits lie not only in the ability to measure the outcome, but also in the process used to create the outcome. The audience response system provided a unique experience for the Task Force and helped to engage participants in follow-up discussions on each recommendation. The ability to view the voting results in real-time often resulted in vigorous debate as participants sought to convince colleagues that their vision was the correct one. Inevitably, this discussion drew out additional

ARIZONA NICS RECORDS IMPROVEMENT PLAN

compelling insights. Voting and discussion continued through the October Task Force meeting, which culminated in a refined set of long and short-term recommendations.

6.5 ACTION PLANNING AND IMPLEMENTATION

In January 2013, the ACJC Policy Group formally accepted the Task Force recommendations. The support of the ACJC Policy Group allowed the January meeting of the Task Force to focus on developing action plans to implement the recommendations. Over the coming months, project charters will be developed for each of the recommendations. These charters will identify stakeholders, project tasks, risks, dependencies and the overall project schedule.

7 BUSINESS PROCESS

This section provides a high-level description of the current business practices commonly used across Arizona.

7.1 CATEGORY ONE: FELONY CONVICTIONS

Felony charges are typically initiated when a subject is taken into custody. The majority of charges (90-95%) are added to criminal history through the Arizona AFIS system using the Sagem Morpho LiveScan biometric device.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.1.1 LAW ENFORCEMENT CHARGING PROCESS MODEL

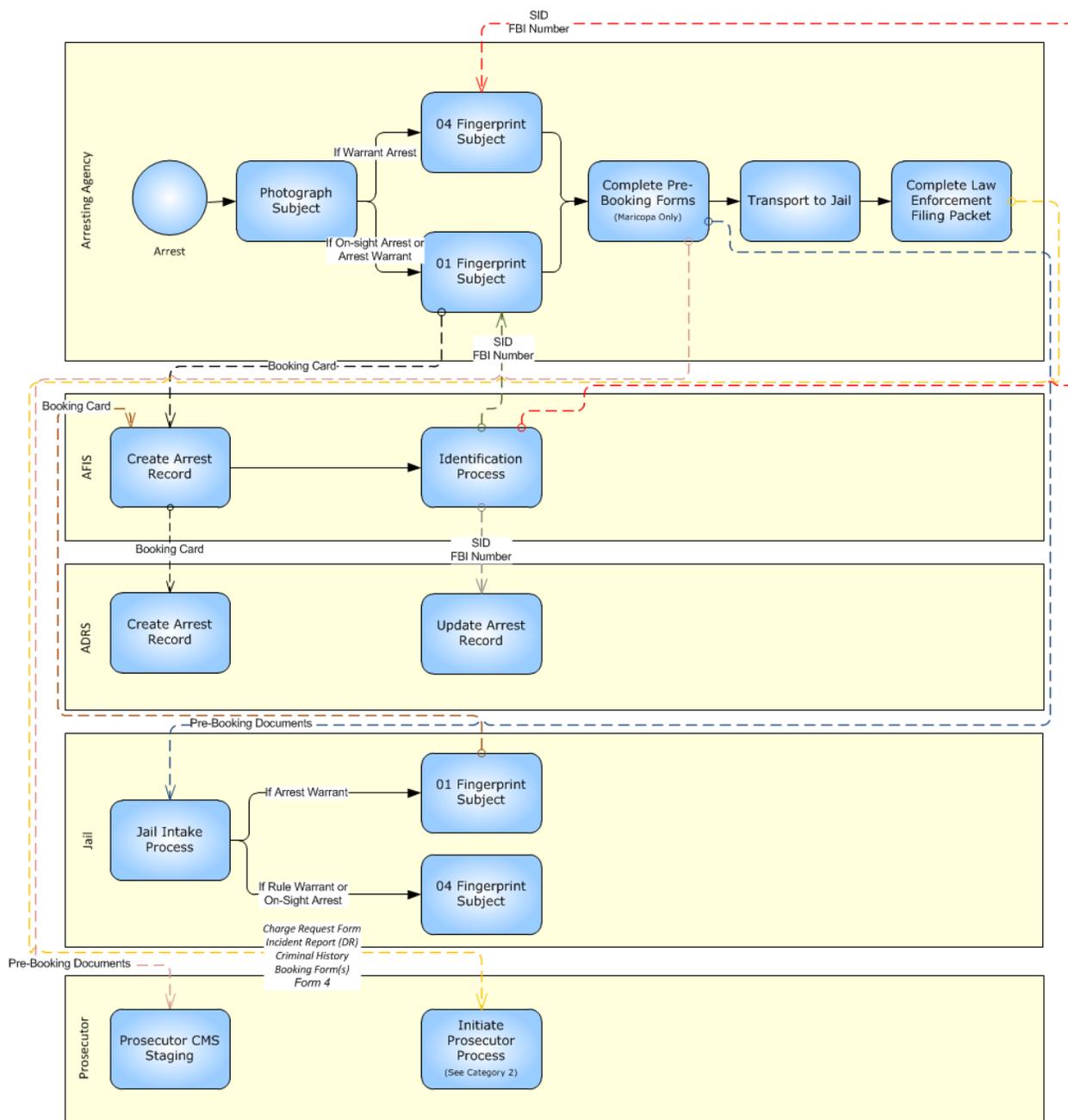


Figure 5 - In-Custody Charging Process Model

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.1.2 PHOTOGRAPH SUBJECT

A mug shot of the defendant is captured during the Central Records booking process. This image is associated with the law enforcement agency (LEA) records management system master person index record which will be electronically associated with the incident (DR) report.

7.1.3 01/04 FINGERPRINT SUBJECT

There are 15 to 20 different fingerprint processing types supported by the Sagem Morpho LiveScan devices used in Arizona. However, the 01 and 04 fingerprints are the most commonly used by law enforcement agencies:

- 01 Fingerprint: An 01 fingerprint submission type includes both a biometrically based identification (via fingerprints) and the charges from the incident or arrest warrant that triggered the fingerprinting event. This type of fingerprint will trigger the creation of a new Criminal Cycle in the Arizona Computerized Criminal History (ACCH) repository.
- 04 Fingerprint: An 04 fingerprint submission type is used for identification purposes only. Charges are not included in this fingerprint type and this type does not create a new Criminal Cycle in the ACCH. This type will typically be used to confirm identity upon arrival at a detention facility.

When a defendant is arrested, the arresting law enforcement agency will typically perform the 01 fingerprint. The primary exceptions to this are as follows:

- The agency is not equipped with an AFIS LiveScan device;
- The defendant is uncooperative during the agency booking process.

Regardless of the fingerprinting type, a Process Control Number (PCN) is generated when the fingerprinting screen is opened. The PCN is an alpha-numeric identifier that indicates the agency ORI, specific machine ID and a unique sequence number. This PCN is analogous to the fingerprint card number used for ink and roll, paper-based fingerprinting.

7.1.3.1 STRENGTHS

ARIZONA NICS RECORDS IMPROVEMENT PLAN

- All County Sheriffs and many local law enforcement agencies are equipped with AFIS LiveScan devices. This ensures that if the defendant appears for fingerprinting (either by being arrested or based on an issued summons) their criminal activity will be captured in the ACCH and biometrically associated with their identity. While this has resulted in a significant increase in the number of arrest charges documented in the ACCH, the number of charges with open dispositions has increased because of the cumbersome and disjointed process used for charge disposition.
- A number of local and state agencies use the Justice Web Interface (JWI) to perform a federated query across multiple databases including: ACIC/NCIC, Jail Booking, Warrants, ASCISS, AOC public access criminal history/booking, Justice Court, Juvenile Court, and the Sex Offender database. Despite the power of this capability, it is not being used outside of Maricopa County.
- Queue and Review: Several Arizona law enforcement agencies have incorporated an additional “queue and review” step into their fingerprinting process. The information entered into the LiveScan machine during booking is compared against the incident report to ensure the information is consistent. Agencies have found that it is much easier to correct information before it is added into ACCH rather than attempt to correct after.

7.1.3.2 CHALLENGES

- Rule Warrant Bookings: Due to significant variations from court to court regarding the inclusion of failure to appear charges on a rule warrant, in some cases an 01 fingerprint may be captured when booking a defendant on a rule warrant. This will result in a new criminal cycle that is typically never addressed or disposed of by the court.
- Duplicate Bookings: Following execution of an arrest warrant, some booking agencies are rebooking a subject using an 01 Fingerprint and are recharging them with the same underlying charges that lead to the failure to appear. This will result in duplicate charges in ACCH that will likely never be disposed.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

- **Process Control Number (PCN):** The PCN is a unique identifier that ties the State Identification Number (SID) to a specific charging incident. Upon arrest, some agencies will fingerprint the defendant multiple times – once for each departmental report number they are being charged under. If the prosecutor chooses to consolidate these multiple PCNs into a single court case, the court case management system must be capable of correctly managing the relationship among many PCNs for that one court case. When performing disposition updates in ADRS, the PCN associated with a charging incident should be used to retrieve and update the correct arrest record. However, prosecutor and court representatives report that they seldom receive the PCN when cases are filed.
- **Arrest Warrant Booking Charges:** When being booked, the booking officer will typically enter the charges indicated on the arrest warrant into the 01 fingerprint screen. However, there is little agreement among the courts regarding what charges should appear on the warrant – especially with warrants related to a defendant’s failure to appear (FTA). On one hand, ARS 13-2506 and 13-2507 provide a specific basis to charge a defendant with additional failure to appear offenses. However, Arizona court rules indicate that only prosecutors can charge a defendant with new offenses. This is in conflict with the fact that FTA charges are typically initiated based on the order of the court.

7.1.4 CREATE ARREST RECORD (AFIS AND ADRS)

The Arizona Automated Fingerprint Identification System (AZ-AFIS) creates a temporary arrest record until either the fingerprints are matched to an existing criminal history or a new criminal history record is created and associated to a newly assigned State Identifier (SID).

Upon receipt of charging information from AFIS, ADRS will apply a Criminal Activity Tracking Number (CATN) and a Charge Tracking Number (CTN). The CATN and the Process Control Number (PCN) maintain a one-to-one relationship as they uniquely identify a criminal event. The CTN is used to uniquely identify each charge within that criminal event.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.1.5 IDENTIFICATION PROCESS

During the identification process, AFIS compares the booking prints with those of offenders with known criminal histories in the ACCH. If matching prints are found, the SID for that offender is returned to the booking agency within four hours. Arrestees with no prior criminal history will receive a newly generated SID.

7.1.6 UPDATE ARREST RECORD

The ADRS arrest record is updated to include the SID for the indicated offender. The SID is commonly used by prosecutors and courts to retrieve and update dispositions in ADRS. However, because the SID is a person-based identifier and not an incident-based identifier, the user must manually determine which of the charges throughout the arrestee's criminal history should be updated.

7.1.7 COMPLETE PRE-BOOKING FORMS

Pre-booking screens are completed by all local law enforcement agencies in Maricopa County to exchange information with the county jails regarding defendants and the circumstances of their arrests. It is not known how many other Arizona counties utilize a similar system to pre-populate jail management system (JMS) booking information. The Maricopa County application is web-based and is linked directly into the JMS at the Maricopa County Sheriff's Office (MCSO). Charges, demographics, the 04 Bonding Form, property information, and the Probable Cause Statement (Form 4) are entered into an on-line form and are imported directly into the JMS system once a defendant appears at jail intake. The on-line form may be completed from a number of locations including a law enforcement officer's Mobile Display Computer (MDC) or through kiosks available at the jail.

7.1.7.1 LEADING PRACTICE

The pre-booking system used by multiple law enforcement agencies in Maricopa County is a leading practice that allows the MCSO to process a greater number of inmates than might otherwise be possible if jail staff had to do all of the data entry using paper-based arrest reports.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

The arresting officer documents demographic and charging information through this pre-booking system. The system automatically populates the JMS and subsequently the AFIS system. Because the original data entry was performed by the officer in direct contact with the offender, accuracy is likely to be higher – especially if a driver license swipe system is used to capture this information. Finally, much of the information from the pre-booking system is directly imported into the Maricopa County Attorney Information System (CAIS) and the Superior Court Initial Appearance case management system – reducing duplicate data entry in those agencies.

7.1.7.2 CHALLENGES

- **Duplicate Data Entry:** Use of a pre-booking system has offered significant benefits to a number of agencies in minimizing data entry; it simply shifts this responsibility to local law enforcement officers. In fact, many agencies report that the same duplicate information is now entered into multiple systems. Through additional analysis, it may be possible to develop a common interface into the JMS Pre-Booking system to populate much of the booking forms automatically from an agency records management system (RMS) – eliminating at least some of the duplicate data entry steps.
- **Non-Traffic Citation to Prosecutor and Court:** Charging information is only transmitted to the prosecutor when the subject is booked into the jail. To further streamline communications, especially for misdemeanor offenses, agencies should electronically transmit non-traffic citations issued by a law enforcement agency to the prosecutor and court. In Arizona, 128 law enforcement agencies use eCitation – an Arizona electronic citation writing system. The software is installed on a variety of different hardware platforms including handheld citation devices, workstations and mobile computers and electronically exchanges citation information into the court case management system. Currently, the prosecutor does not receive citation information electronically, even with the agencies using eCitation.

7.1.8 PROSECUTOR CASE MANAGEMENT SYSTEM (CMS) STAGING

In Maricopa County, the information originally entered into the pre-booking system is transmitted from the JMS to a staging table in the county attorney’s CMS. Upon receipt of

ARIZONA NICS RECORDS IMPROVEMENT PLAN

charging documents from law enforcement, the prosecutor's office can import this information and pre-populate much of the case information in their CMS.

7.1.9 TRANSPORT TO JAIL

Within 24 hours, local law enforcement agencies must either release a defendant or transport them to the Maricopa County Sheriff's Office jail facility.

7.1.10 JAIL INTAKE PROCESS

Upon arrival at the Maricopa County Sheriff's Office, the defendant undergoes a medical examination. An MCSO booking number (which is different from the PCN) is created following this examination. The booking number is used by prosecutors and court clerks to retrieve and update the case charges.

7.1.11 COMPLETE LAW ENFORCEMENT FILING PACKET

Within 48 hours, law enforcement must submit their charging packet to the prosecutor. At a minimum, this packet must include the following documents: the charge request form, departmental report (DR), the defendant's criminal history, booking form(s), and the Form 4 probable cause statement.

7.1.11.1 CHALLENGES

Inconsistent Law Enforcement Arrest Charges: At times, the charges indicated on the charge request form from law enforcement will differ from the charges submitted during the 01 fingerprint booking process. These non-referred charges can only be updated by the arresting agency.

7.1.12 INITIATE PROSECUTOR PROCESS

See the business process description in the section "Information and Indictments" below for details about the prosecutor filing and court disposition process.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.2 CATEGORY TWO: INFORMATION AND INDICTMENTS

Felony cases in Arizona are filed with the Superior Court through one of two paths: either through a Grand Jury indictment or by filing an information with the Superior Court after a finding of probable cause following the preliminary hearing or a waiver of the preliminary hearing.

The prosecutor may modify or “amend” the charges referred by the law enforcement agency. If charges are amended, the prosecutor must either update ADRS or the final disposition form (FDR) to ensure that the final adjudicated charges matches the charges indicated in ADRS/FDR.

A case may be dismissed by the court at virtually any time during the justice process. Additionally, the case may never move forward if the prosecutor chooses to “no file” the case by not filing charges with the court through a complaint or information. There are a number of situations that might cause the prosecutor to not file charges in a case. Some of the most common include:

- No referral received from law enforcement;
- Prosecutor determines that the facts do not support proceeding further with the case;
- The Court or Grand Jury does not find probable cause on any charges.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.2.1 PROSECUTOR CHARGING PROCESS MODEL

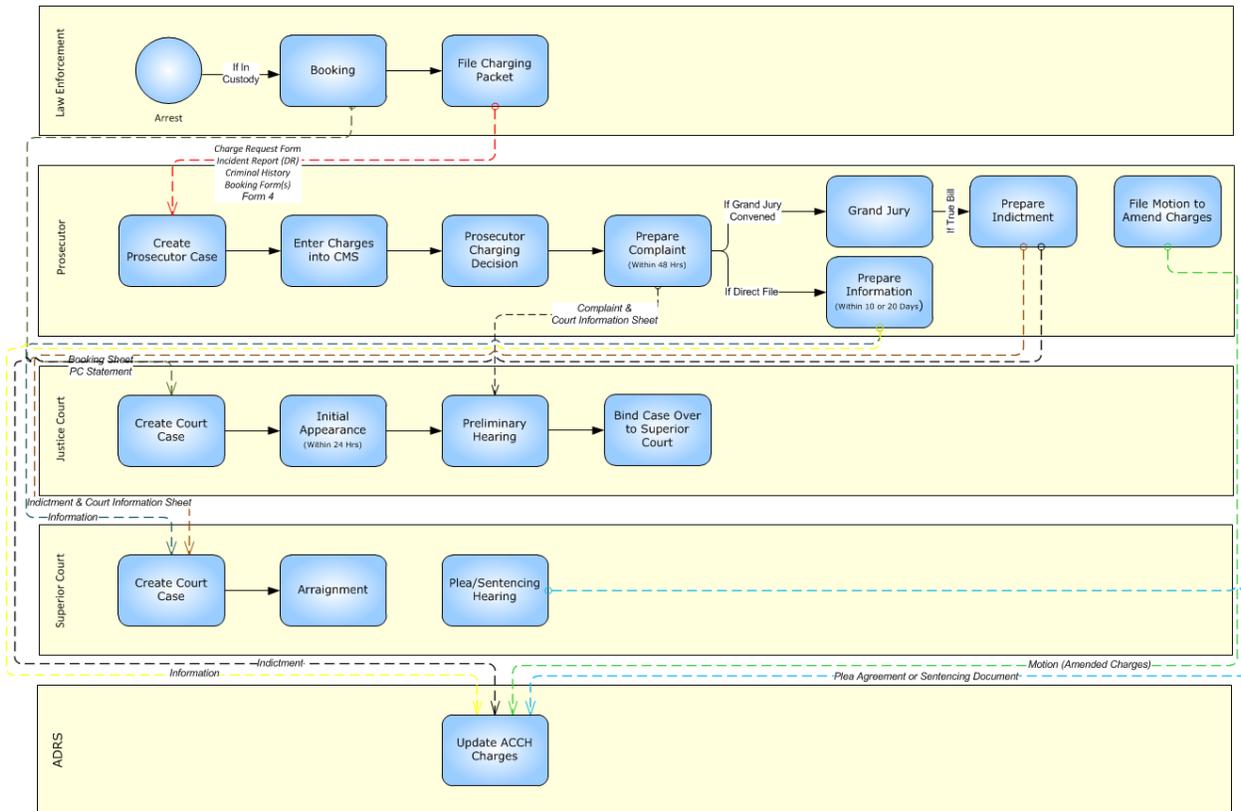


Figure 6 - Prosecutor Charging Process Model

7.2.2 BOOKING

This process model focuses on felony cases where law enforcement does not issue a cite and release. The arresting law enforcement agency will typically perform an 01 fingerprint of the defendant prior to transporting the defendant to the jail.

7.2.2.1 LEADING PRACTICE

In Maricopa and some other counties, law enforcement will complete an on-line pre-booking form prior to transport. Likewise, in some jurisdictions information entered into the jail management system automatically populates the prosecutor and court case management system.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.2.3 FILE CHARGING PACKET/CREATE PROSECUTOR CASE

The prosecutor's office will typically create a new case only upon receipt of the charging documents from law enforcement. The departmental report number (DR#) and booking number are typically captured either as part of the booking import or the case creation process.

7.2.3.1 CHALLENGES

There are times when the originating law enforcement agency will modify the charges after the defendant has been fingerprinted. Law enforcement needs to be responsible for ensuring that these charges are updated in ACCH to reflect those that they referred to the county attorney.

7.2.4 ENTER CHARGES INTO CMS

After creating the case, the county attorney's office will import any available information (i.e., from JMS) to pre-populate the system.

7.2.4.1 CHALLENGES

- Statewide, County Attorneys need to develop a common definition for “no file” and “amend”.
- If the prosecutor chooses to “no file” or amend charges, they must reflect these findings and/or changes when they submit or forward a final disposition form for entry into the ACCH.
- If insufficient evidence exists to prosecute, the County Attorney may choose to return the case to law enforcement for further investigation. If additional evidence is discovered and the subject is rearrested, they may be rebooked for the same set of acts resulting in duplicate charges.

7.2.5 CREATE COURT CASE/INITIAL APPEARANCE

The initial appearance must be held within 24 hours of the defendant's arrest. In many jurisdictions, these hearings are held continuously throughout the day. At the initial appearance the court determines whether sufficient probable cause exists to maintain the defendant in

ARIZONA NICS RECORDS IMPROVEMENT PLAN

custody, determine the conditions of release and will set the date for the preliminary hearing. If the person is held in custody then the preliminary hearing is set for 10 calendar days from the initial appearance. If the person is released from custody then the preliminary hearing will be set for 20 days from the initial appearance.

7.2.6 PROSECUTOR CHARGING DECISION

Based on the facts indicated in the law enforcement charging documents, the assigned prosecutor will make a decision whether to proceed with the case and what charges to present to the court.

7.2.7 PREPARE COMPLAINT

Per Arizona Rules of Criminal Procedure Rule 4, the prosecutor must submit a complaint to the court within 48 business hours following the initial appearance hearing. A complaint is the written statement of the facts which allege the particulars of a possible violation. The complaint holds someone to the release conditions the judge set at the initial appearance.

7.2.8 GRAND JURY/PREPARE INDICTMENT

The prosecutor may prepare an indictment to assist a grand jury in focusing on the relevant laws that may be involved in a case. However, the Grand Jury actually issues the indictment based upon the evidence presented by law enforcement if they determine there is probable cause to believe a crime was committed and the accused person committed the crime. Based on the evidence presented, a grand jury may add charges to a proposed indictment. In response to a “true bill”, the court may issue a warrant or a summons for the person who was indicted.

7.2.9 PRELIMINARY HEARING

During the preliminary hearing, the court will determine whether there is probable cause that the defendant committed the offense with which they are charged. If probable cause is found, the case will be bound over to the Superior Court. Note that a defendant has a right to plead guilty during the preliminary hearing. The defendant also has a right to waive their preliminary hearing and immediately transfer their case to the Superior Court.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.2.10 PREPARE INFORMATION

The information is filed in Superior Court and becomes the formal charging document for cases that do not go through the Grand Jury process and will be used by the magistrate to inform the defendant of the charges against him.

7.2.11 FILE MOTION TO AMEND CHARGES

If there is a minor issue with the filed indictment or information, the prosecutor may motion the court and request that they be amended. This modification is limited to technical defects such as if there is an incorrect date, incorrect offense or an incorrect code section. Note that if there is additional information that supports new or modified charges, then the case will need to be presented once again to the grand jury for a new indictment, or a new complaint filed.

7.2.12 PREPARE PLEA AGREEMENT

Charges may also be modified if a plea agreement is signed by the prosecutor and the defendant and is accepted by the court at a change of plea hearing. The modified charges along with the remaining case disposition information are submitted to ACCH by the court. If the plea agreement is not accepted at the time the change of plea is entered in the court, then additional changes to the plea agreement can be made prior to the sentencing hearing.

7.3 CATEGORY THREE: ACTIVE WARRANTS

There are two (2) major types of warrants in Arizona relevant to NICS reporting: Arrest Warrants and Rule Warrants.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.3.1 ARREST WARRANT PROCESS MODEL

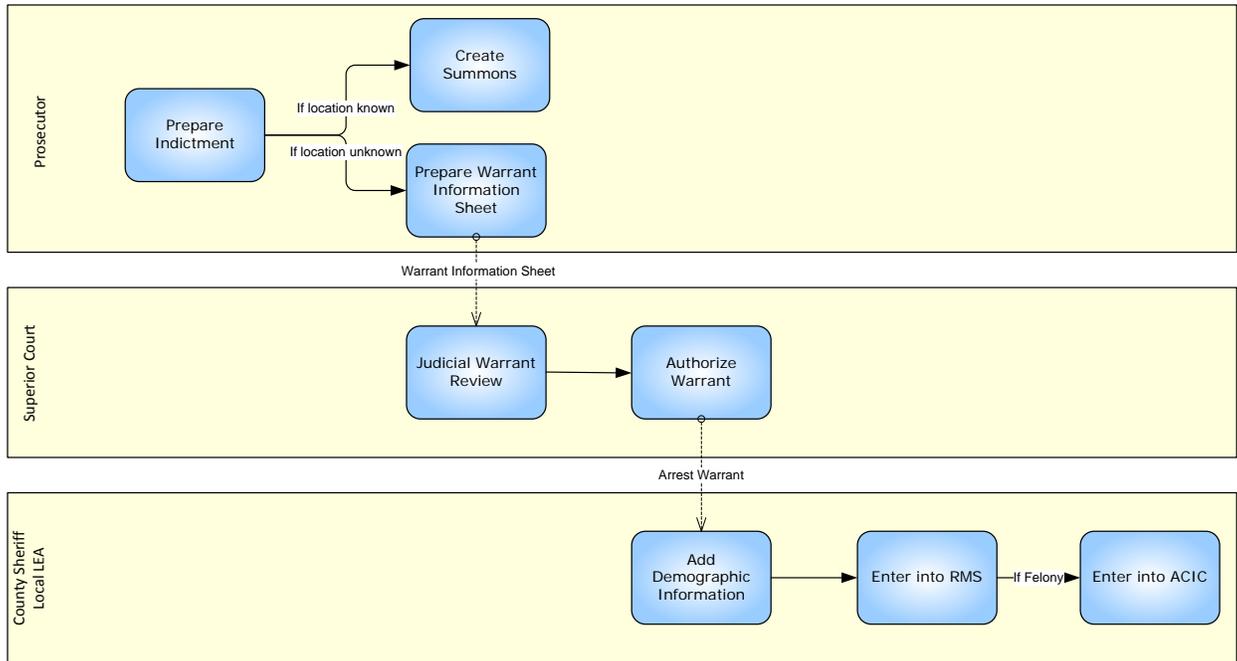


Figure 7 - Arrest Warrant Process Model

7.3.2 PREPARE WARRANT INFORMATION SHEET

Arrest warrants are typically initiated by either a law enforcement officer or a prosecutor for a defendant who allegedly committed a criminal offense. If the defendant has been indicted by a Grand Jury then the prosecutor will prepare either a warrant information sheet to request a warrant or issue a summons.

7.3.3 AUTHORIZE WARRANT

If approved, a felony arrest warrant will be signed by the issuing court and delivered to the county sheriff for packing and entry into ACIC. Generally, misdemeanor arrest warrants are maintained by the local law enforcement agency. Currently, some agencies only enter misdemeanor warrants into their local RMS. However, virtually all of these agencies report that

ARIZONA NICS RECORDS IMPROVEMENT PLAN

they are exploring modifications to their business process and will begin entering these warrants into ACIC.

7.3.4 ENTER DEMOGRAPHIC INFORMATION

In order to confirm accurate demographic information (i.e. name, date of birth, street address, city, state), the warrant section staff of the county sheriff will first validate the information using their RMS system, the Motor Vehicle Division database, NCIC, and III systems to confirm accuracy, completeness, and availability of record details.

7.3.4.1 LEADING PRACTICE

During this process, Maricopa County Sheriff warrant entry clerks will check the jail management system to determine if the defendant indicated on the warrant is currently in detention.

7.3.5 ENTER INTO RMS

In some jurisdictions, the warrant section staff will enter the warrant information into their local records management system and associate it with a master name record.

7.3.5.1 LEADING PRACTICE

The MCSO uses the ACIC as their one and only electronic repository for active warrants. This eliminates duplicate entry into a local RMS and also ensures statewide visibility into all outstanding warrants.

7.3.6 ENTER INTO ACIC

Warrant information will be forwarded from ACIC to NCIC if the warrant indicates that the defendant is approved for extradition outside of the state of Arizona. Currently, only 13,344 of the total 44,075 Arizona felony warrants are in NCIC. These remaining warrants are not available to be queried by NICS.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.5 CATEGORY FIVE: MENTAL HEALTH

Civil mental health commitment cases are typically initiated through an application by someone who has interacted with the person such as a social worker, teacher or family member. In a criminal case, the application may be initiated by a legal party to the case through a motion or by the court on its own motion.

The application will first be reviewed by a qualified mental health agency to determine whether the facts indicate that the potential patient is a danger to themselves or others, is persistently or acutely disabled or is incapable of caring for themselves. During this screening process, the agency will interview the applicant and attempt to interview the prospective patient. A pre-screening report is completed at the conclusion of this process.

If the screening indicates that there is no need for further evaluation, the agency medical director will review the application further. If the mental health agency determines a need for further evaluation, an agency representative will ask the patient to undergo a voluntary mental health screening. If the prospective patient does not volunteer for a mental health screening, then the agency may submit a petition for court ordered evaluation. If the agency or the person submitting the application believes the prospective patient is likely to hurt themselves or someone else, the agency can involuntarily place the person into a hospital for 24 hours without court authorization.

The court will review the facts presented in the petition. At the conclusion of this review, the court will either dismiss the petition or issue an order requiring that the prospective patient undergo a mental health evaluation. If the court believes there is an immediate threat, the patient may be immediately hospitalized for an in-patient evaluation. Failure to either perform the evaluation or take the patient into custody within 14 days of the order will result in the expiration of that order.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

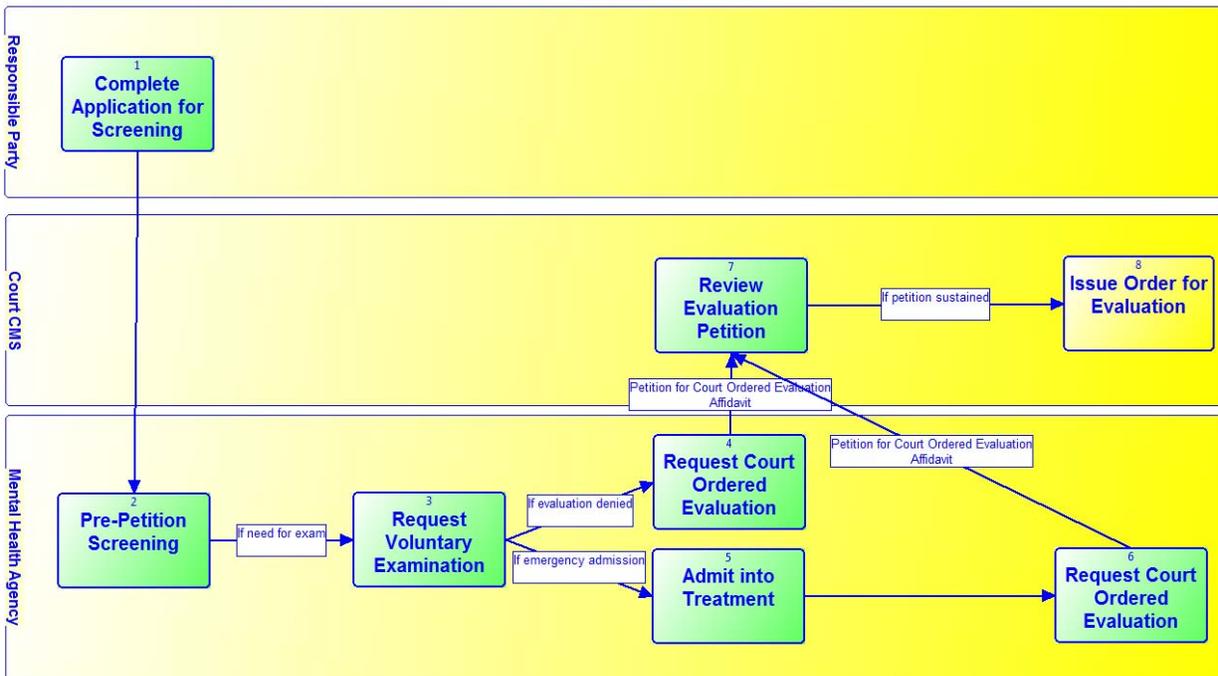


Figure 9 - Mental Health Application

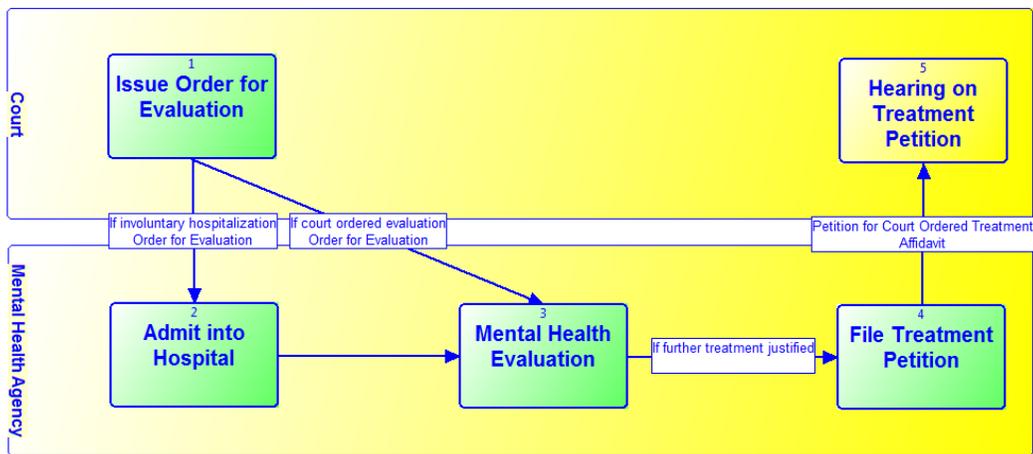


Figure 10 - Mental Health Evaluation

ARIZONA NICS RECORDS IMPROVEMENT PLAN

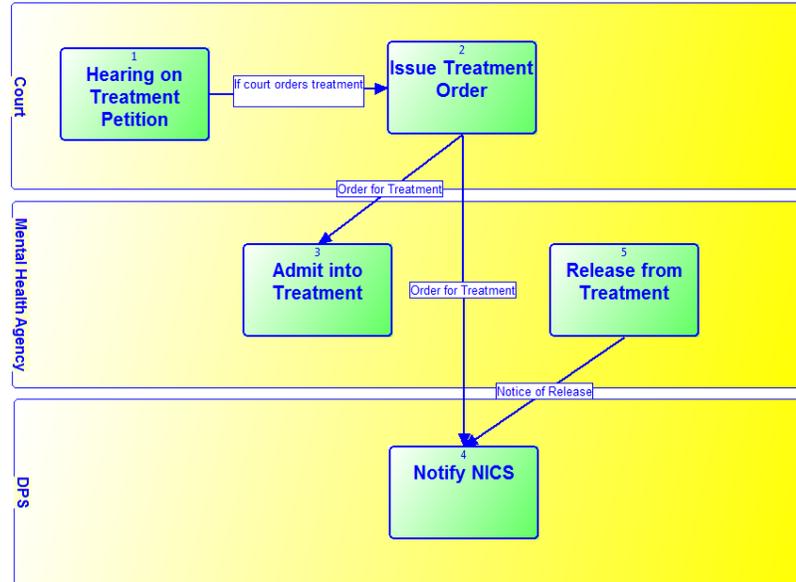


Figure 11 - Mental Health Court Disposition

7.6 CATEGORY SIX: ORDER OF PROTECTION

There are two types of orders of protection in Arizona relevant to NICS reporting. Criminal orders encompass family violence orders of protection issued pursuant to the Arizona Revised Statutes while civil orders encompass orders of protection that are embedded in much broader civil court proceedings (e.g., a divorce or child protection proceeding).

The data captured for criminal and civil orders of protection records starts with the courts. A judge determines whether to issue a criminal or civil order of protection. The information from all criminal and civil orders of protection is available through the NCIC Protection Order File.

7.7 CATEGORY SEVEN: MISDEMEANOR DOMESTIC VIOLENCE

If there is evidence of physical injury, the defendant will typically be arrested and booked on misdemeanor charges flagged for involving domestic violence. ARS 13-3601 specifically identifies the types of relationships that are covered under the Arizona domestic violence statute. The table below identifies protected relationships as defined both by Arizona and Federal law, although in some cases Arizona law is broader than Federal law. Additionally, there are two

ARIZONA NICS RECORDS IMPROVEMENT PLAN

categories of relationships protected under Arizona statute that are not listed within 18 USC 922(g)(9).

ARS 13-3601 Relationships	18 USC 922(g)(9) Relationships
Victim and defendant are currently or were previously married	01 – Current or former spouse of victim (can be same sex)
Victim and defendant have a child in common	04 - Child in common (child must be born)
Victim or defendant is pregnant by other party	<i>None</i>
Victim is related to defendant by blood or court order	02 – Parent/step-parent of victim 03 – Guardian of victim
Victim and defendant reside or have resided in the same household	05 - Person is cohabiting or has cohabited as spouse of victim (can be same sex) 06- Person is cohabiting or has cohabited as parent of victim 07 - Person is cohabiting or has cohabited as guardian of victim
The relationship between the victim and defendant is or was romantic or sexual in nature.	<i>None</i>
<i>None</i>	08 - Person similarly situated to spouse (can be same sex) 09 - Person similarly situated to parent of victim 10 - Person similarly situated to guardian of victim

Table 1 - Protected Relationships

7.7.1 CURRENT PROCESS

The diagram below provides a high-level description of the typical business workflow for a case involving domestic violence. Some key activities are described in greater detail below.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

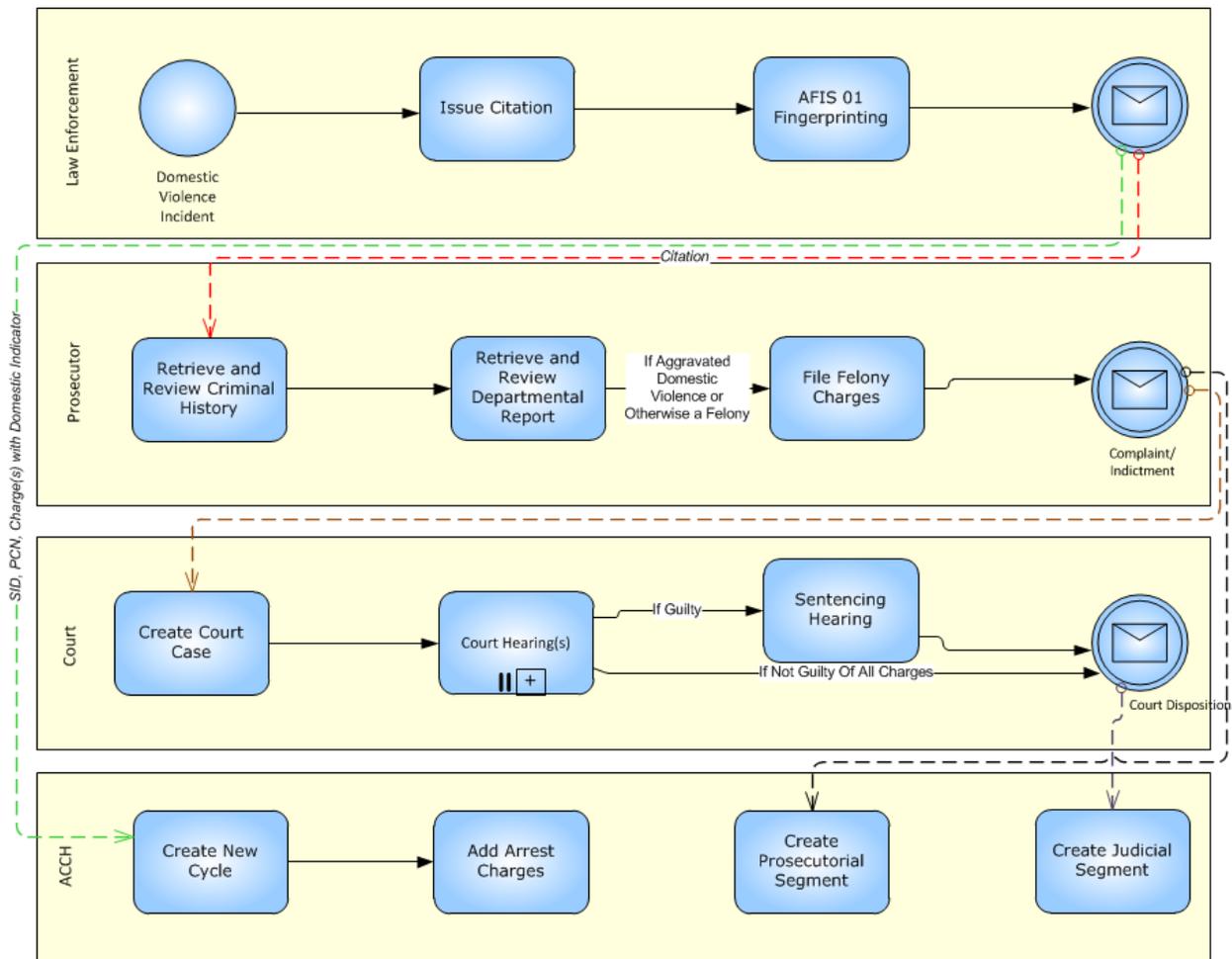


Figure 12 - Domestic Violence Business Process

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.7.2 ISSUE CITATION

Generally speaking, when law enforcement responds to an incident involving misdemeanor domestic violence, unless there is evidence of physical injury, they cite and release the subject with an ATTC. The charges section of the citation includes a checkbox to indicate domestic violence.

Arizona Traffic Ticket and Complaint

Complaint No.	SSN	Military	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number		
Driver's License Number	State	Class	<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Haz. Material	Agency Use		
			Endorsements					
			M	H	N	P	T	
			X	D				
DEFENDANT								
Residential / Commercial Address		City	State	ZIP	Telephone			
MAILING ADDRESS <input type="checkbox"/> SAME AS ABOVE								
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	
VEHICLE								
Registered Owner	Color	Year	Make	Model	Style	License Plate	State	
Address						Vehicle Identification Number		
The undersigned certifies that:								
ON	Month	Day	Year	Time	AM PM	SPEED	Approx. Posted R&P	
AT	Location						Speed Measurement Device	Direction of Travel
							County	
							State of Arizona	
							Best	
The defendant committed the following:								
A	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Codes	Date of Disposition	Sanction			
B	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Codes	Date of Disposition	Sanction			
C	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Codes	Date of Disposition	Sanction			
D	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Codes	Date of Disposition	Sanction			
E	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Codes	Date of Disposition	Sanction			

Figure 13- Sample Arizona Citation

7.7.3 AFIS 01 FINGERPRINTING

During booking the domestic violence indicator will be designated with a “D” added to the applicable charge in box 15.

7.7.4 RETRIEVE AND REVIEW CRIMINAL HISTORY

The prosecutor will use the information contained on the citation to retrieve criminal history and identify potential prior arrests involving domestic violence. If criminal history indicates that the defendant was previously convicted of two or more cases of domestic violence, the prosecutor has the option to charge the defendant with aggravated domestic violence.

7.7.5 REVIEW AND RETRIEVE DEPARTMENTAL REPORT

The departmental report is typically not included with the citation. As such, the prosecutor will often request the departmental report from the arresting agency to further understand the case. Based on the review of the departmental report and criminal history, the prosecutor may request the case be reviewed by felony prosecutors to be charged as felony aggravated domestic violence.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

7.7.6 FILE FELONY CHARGES

In practice, the decision to file aggravated domestic violence charges is one that must be made based on the alleged offender's criminal history and whether the prosecutor feels there is a high likelihood of a successful outcome in a trial. In 2011, aggravated domestic violence charges accounted for 1.2% of the 43,343 domestic violence arrest counts indicating that this statute (ARS 13-3601.02) is seldom utilized.

7.7.6.1 CHALLENGES

- The NICS message protocol requires that the *Relationship to Victim* and *State Statute and Subsection* fields are populated. Valid values for the relationship between the subject and victim are as indicated in Table 1 at the top of this section. However, the specific relationship between the subject and victim is not currently captured in a structured way in any of the charging documents. To fulfill this requirement, the specific domestic relationship between the subject and victim should be captured by law enforcement on the citation and on the final disposition report. Furthermore, in the event that the prosecutor is involved, it should also be included as part of the complaint and plea agreement.
- The low percentage (<2%) of cases that are escalated to felony charges likely indicates that many opportunities for elevating domestic violence charges to the felony class are being missed. One possible remedy for this situation is to ensure that law enforcement has the information available at the time of arrest to ascertain whether the subject can be charged with felony aggravated domestic violence. When performing a person query in ACCH, law enforcement officers commonly receive summary information about the number of prior felony convictions. This same capability could be applied to domestic violence charges to alert the officer when the subject has at least two prior misdemeanor domestic violence convictions. A domestic violence counter would be automatically calculated by the ACCH based on prior convictions and would likely result in more subjects being initially charged with aggravated domestic violence.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8 NICS PROGRAM (LONG-TERM) RECOMMENDATIONS

Over the past year, the NICS Task Force examined various problems, challenges, and barriers to solving the problems and challenges, with a goal of enhancing reporting capabilities within each of the seven NICS categories. During task force deliberations, working group meetings, and analysis of existing processes and NICS-eligible data, the task force identified a number of recommendations that will impact multiple NICS reporting categories. These recommendations are presented below and are separate from the category-specific solutions which are detailed in the next section.

These recommendations require a series of comprehensive and wide-ranging enhancements to existing criminal justice business processes in Arizona. They are focused on improving data quality while streamlining both the business processes and the systems that support them.

8.1 RECOMMENDATION ONE: DATA STEWARDSHIP

Establish specific stewardship guidelines making each justice stakeholder (law enforcement, prosecutor, court) responsible for maintaining the integrity of the charges and justice process outcomes established and/or adjudicated by that stakeholder.

As a case progresses through each stage of the criminal justice process, responsibility for updating the information associated with the case passes from one entity to another (i.e., from law enforcement to the prosecutor then to the court). From

a data perspective, the current approach has resulted in systems and workflow that are tightly coupled. That is, there is virtually no separation of concerns and a high degree of dependency in the workflow between criminal justice agencies. For example, under the current approach, court clerks depend on the prosecutor to keep the FDR/ADRS updated with the most current charges in order to ensure that adjudicated charges will match the latest amended charges in ACCH. Likewise, the prosecutor depends on law enforcement agencies to update the FDR/ACCH and reflect only those charges referred for prosecution. To overcome these challenges, Arizona must

ARIZONA NICS RECORDS IMPROVEMENT PLAN

establish clear data stewardship guidelines with supporting workflow to migrate toward a loosely coupled process.

8.1.1 NICS CATEGORIES IMPACTED

- Category 1 (Felony Conviction), Category 4 (Drug Use and Arrests), and Category 7 (Domestic Violence): Upon implementation of this recommendation, Arizona will be able to approach 100% charge disposition matching and improve the data integrity of charges maintained in the ACCH.
- Category 2 (Indictment, Information, Complaint): The separate prosecutor charging segment in an enhanced ADRS will allow the user to clearly identify the charge(s) filed by the prosecutor.

8.2 RECOMMENDATION TWO/THREE: CHARGE SEGMENTS

Modify the Arizona Disposition Reporting System (ADRS) to support the stewardship guidelines established above and capture charges as they exist during each segment (arrest segment, prosecution segment, and court segment) of the case lifecycle. As the case proceeds through each segment, the most recent charges will be reported from ADRS into ACCH and would supersede all previous charges on a case.

Modify the Arizona Rap Sheet to display the charges captured during each segment. This approach is compatible with version 3.0 of the NLETS Interstate Criminal History Transmission Specification.

The two sections below describe how final dispositions are currently reported through the final disposition report and through ADRS. Following this overview, the ‘to-be’ section describes how Recommendation Two might be fully implemented to support the stewardship guidelines established in Recommendation One.

AS-IS FINAL DISPOSITION REPORTING

In 2012, 76.9% of dispositions were reported using the paper final disposition report (FDR). The FDR is typically generated by the AFIS system when a subject is fingerprinted and is included in the law enforcement filing packet submitted to the prosecutor. This document is also included in

ARIZONA NICS RECORDS IMPROVEMENT PLAN

the court filing packet and is used by the clerk to report disposition findings on each charge. Use of a paper-based form introduces a number of complicating factors and is the most identified reason for the large number of charges with missing dispositions in the ACCH. While there are a number of underlying causes for records that are missing dispositions, one often cited scenario is when law enforcement refers charges to the prosecutor that are different from the charges captured during fingerprinting. This creates an issue for the prosecutor since they cannot update law enforcement charges with a disposition of ‘not referred’, leading to the likelihood that the original arrest charges will not ever be disposed. Because of the dynamic nature of the charging process, the paper-based FDR process does not effectively support the current workflow. Using the FDR to reconcile current charges with charges previously captured in the ACCH is difficult - especially if the most recent charge bears little resemblance to the original charge.

8.2.1.1 AS-IS: ADRS ARREST EVENT

The initial implementation of ADRS was envisioned to replace the paper-based final disposition

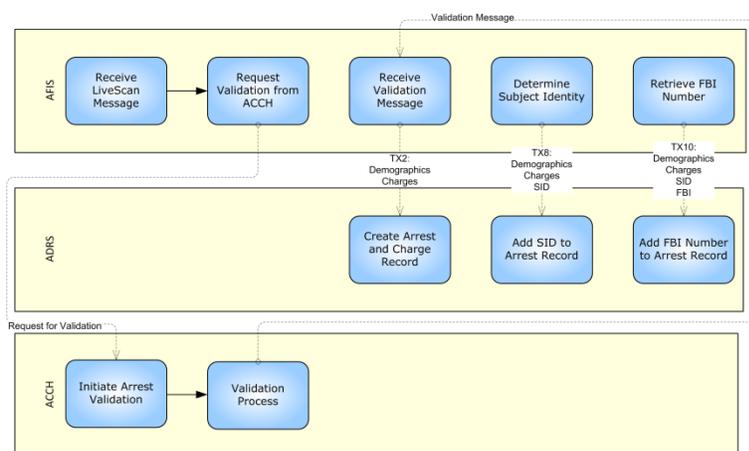


Figure 4 - AFIS LiveScan Process Model

report by creating an on-line, electronic version of that document. In February 2007, ADRS developers and criminal justice practitioners accomplished this task. The system provides a real-time view of the charges captured in ACCH/ADRS, but did not address the issues inherent in the tightly coupled workflow.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

TO-BE: CHARGE SEGMENT BASED SYSTEM

As with many large systems, ADRS was envisioned to be implemented in multiple phases. As described above, the primary goal of the initial implementation was to replace the paper-based FDR. However, fiscal constraints have prevented a further rollout of the full design envisioned in the 2004 ADRS Conceptual Design document. This document describes a system that supports and enforces clear data stewardship guidelines while streamlining the current workflow and creating distinct segments for charges at each major phase of the justice process.

CHARGE SEGMENTS

Section 4.2 of the ADRS Conceptual Design document provides a comprehensive and detailed vision for migrating ADRS toward a charge segment approach to updating criminal history. As with the current system, a criminal cycle would still be initiated when law enforcement files charges with an 01 fingerprint.

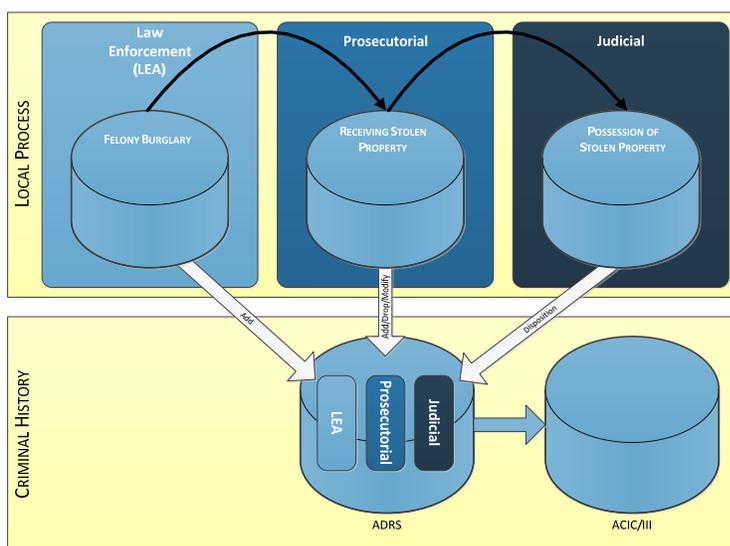


Figure 15- Segmented Criminal History

Likewise, when the court clerk captures the final disposition for a charge, they will create and add the charge(s) to a separate court segment without having to reconcile final disposition charges with the prosecutor or law enforcement charges. Each organization is responsible for managing and maintaining *only* those charges in their segment.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

From a systems perspective, this segmented approach to criminal history only needs to be implemented in ADRS. There is no need to modify ACCH to adopt this method. ADRS can be used to translate between the ADRS charge-segment approach and the traditional ACCH approach.

8.2.2 TO-BE: IN-CUSTODY ARREST

An in-custody arrest occurs for most felony charges. In these scenarios, the workflow tends to be predictable where the criminal cycle is initiated by an 01 fingerprint, the prosecutor will file charges through an information or indictment, and the court will adjudicate only the charges indicated on the information/indictment or plea agreement.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

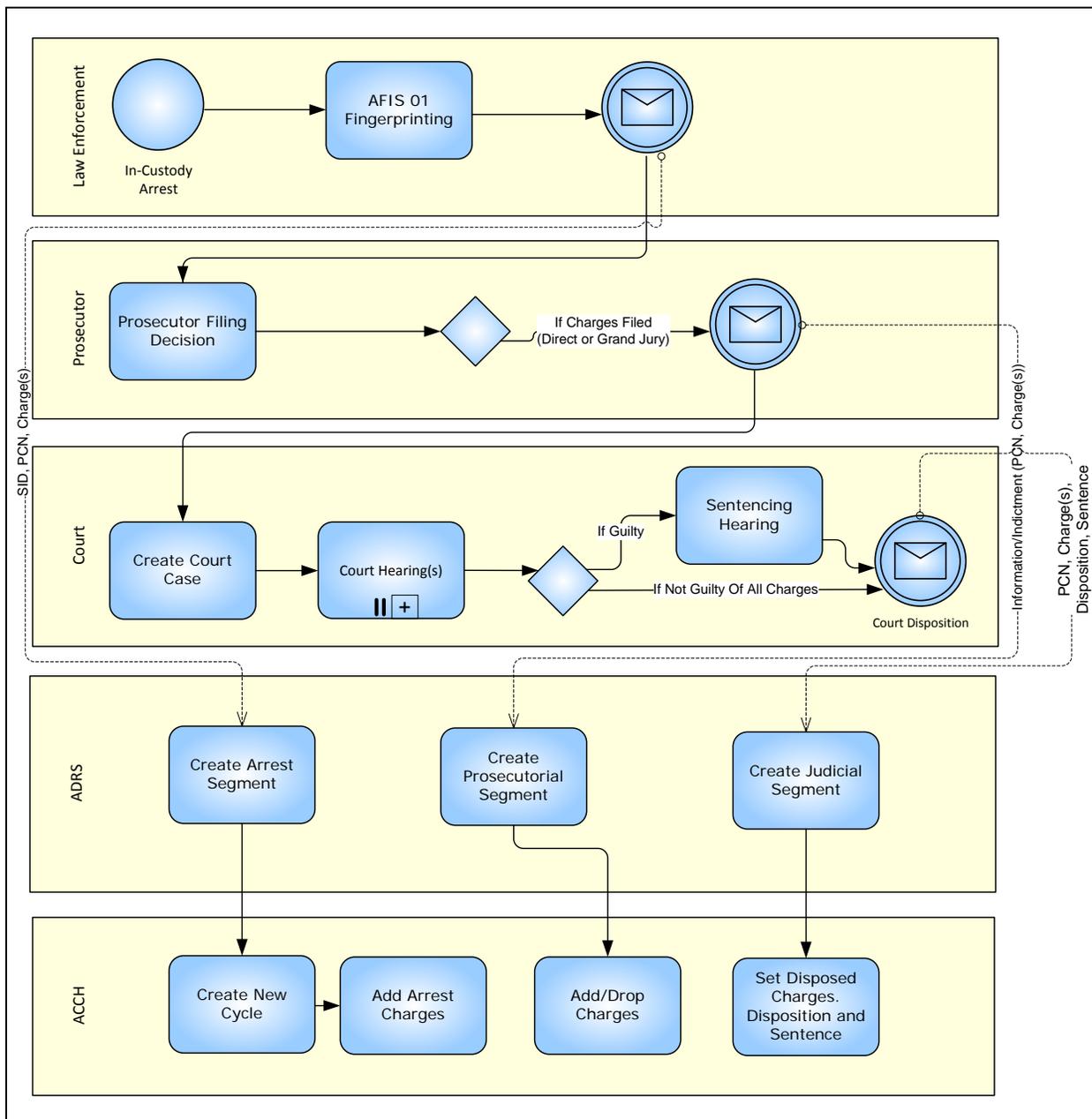


Figure 5 - In-Custody Arrest "To-Be" Process Model

For an in-custody case, there are three critical events that in particular will create a complete criminal history on a single event; fingerprinting, prosecutor filing, and the court disposition.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.2.2.1 AFIS 01 FINGERPRINTING

An 01 fingerprint will create a new criminal cycle by linking the arrest charges with demographic information and biometrically based identifiers (State Identifier or SID). A number of additional record identifiers will be generated and associated to the criminal cycle after this event:

- Process Control Number (PCN): A unique PCN is generated for each fingerprinting event. The number indicates the specific LiveScan machine plus a unique, sequential tracking number. This number is unique across all arrests and all agencies.
- State Identification Number (SID): The SID is a unique number that is assigned to a person based on a biometrically based identifier (i.e., fingerprint). It is provided to the agency and ADRS through a DPS electronic message 3-4 hours after the fingerprint is matched to an existing fingerprint in criminal history. If the person does not have an existing criminal history, a new SID is generated. The SID is tied to a person's fingerprints and will remain the same for all of that person's subsequent involvement with the criminal justice system.

As described in Section 8.2.4 below, these identifiers will be used to collectively identify a unique criminal cycle.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.2.2.2 PROSECUTOR FILING

A case is referred from law enforcement to a prosecutorial agency through the charging packet. The charging packet indicates the charges referred by the law enforcement agency and includes the departmental report and other supporting evidence. If the prosecutor makes a determination that there is sufficient evidence to file charges, they will either convene a Grand Jury or after a finding of probable cause during a preliminary hearing, will submit an information to the superior court. If the Grand Jury returns a true bill, the prosecutor will prepare an indictment which will act as the formal court charging document. The following key identifiers are referenced on the court information sheet that is filed with the information and the indictment:

- Prosecutor Case Number
- Court Case Number
- Agency Incident (DR) Number

8.2.3 COURT DISPOSITION

A case is considered fully disposed by the court after each charge has been adjudicated (e.g. guilty/not guilty/plea) and sentencing has been imposed on any guilty findings. Following the sentencing hearing, the court will report disposition information to the ACCH/ADRS. The court reports disposition information on the final disposition report.

8.2.4 ACCH CRIMINAL CYCLE IDENTIFIER

The 2004 ADRS Conceptual Design document recommends the creation of a Composite Criminal Cycle Identifier (CCCI). The CCCI would serve as a unique identifier across all charge segments, regardless of how or when the charges were initiated. However, our analysis indicates that the introduction of another unique identifier will not resolve any of the disposition issues that exist today. As the process currently works, the development and use of the CCCI does not affect the same tightly coupled business workflow that is the Achilles heel of the current system.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

A successful design must minimize system dependencies and leverage information that is already captured as part of the agency's current business process.

The proposed ADRS re-design focuses on implementing a system that is able to make plausible inferences based on agency specific identifiers to ensure that the appropriate criminal cycle is

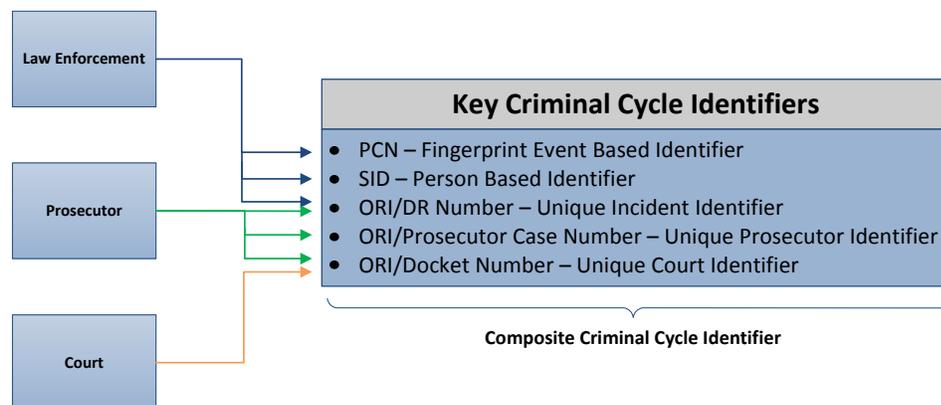


Figure 6 - Proposed Composite Criminal Cycle Identifier

updated. It does *not* require that all justice partners share a single identifier. Rather, this design focuses on asking agencies to report only those identifiers that are already embedded in their information as part of their workflow. These natural, inherent identifiers are indicated in the diagram above. Law enforcement agencies already effectively share the PCN, SID, and DR Number with ADRS as part of the 01 fingerprinting process. Likewise, the prosecutor already includes the incident number, prosecutor case number and the court case number on the information and indictment documents. By including all key identifiers known by an agency when filing or updating charges, ADRS will be able to use an inference engine to create a composite CCCI and link the same case across multiple justice systems.

Once these changes have been incorporated into ADRS, implementing an interface to allow the prosecutor case management system to directly update ADRS/ACCH should be fairly straightforward. These systems already store the necessary key identifiers and with the segmented approach, the prosecutor and court adjudicated charges do not need to be traced back to the arrest charges.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.2.5 TO-BE: CITE AND RELEASE

The “cite and release” process in Arizona is typically used when a person is being charged with a misdemeanor. The defendant will be issued a citation and ordered to appear for fingerprinting and a court hearing at the indicated location(s), time(s) and date(s). In the current tightly coupled system, one of the most challenging issues with a citation is ensuring that the defendant appears for fingerprinting prior to the adjudication of the case. In order for the disposition to be incorporated into criminal history, law enforcement charges must appear in the ACCH prior to the court disposition. The model below describes using the composite CCCI described above to deal with this timing issue. According to this approach, disposed charges would remain in an ADRS “staging” location until they can be tied to the defendant through a fingerprinting event.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.2.5.1 DISPOSITION PROCESS MODEL

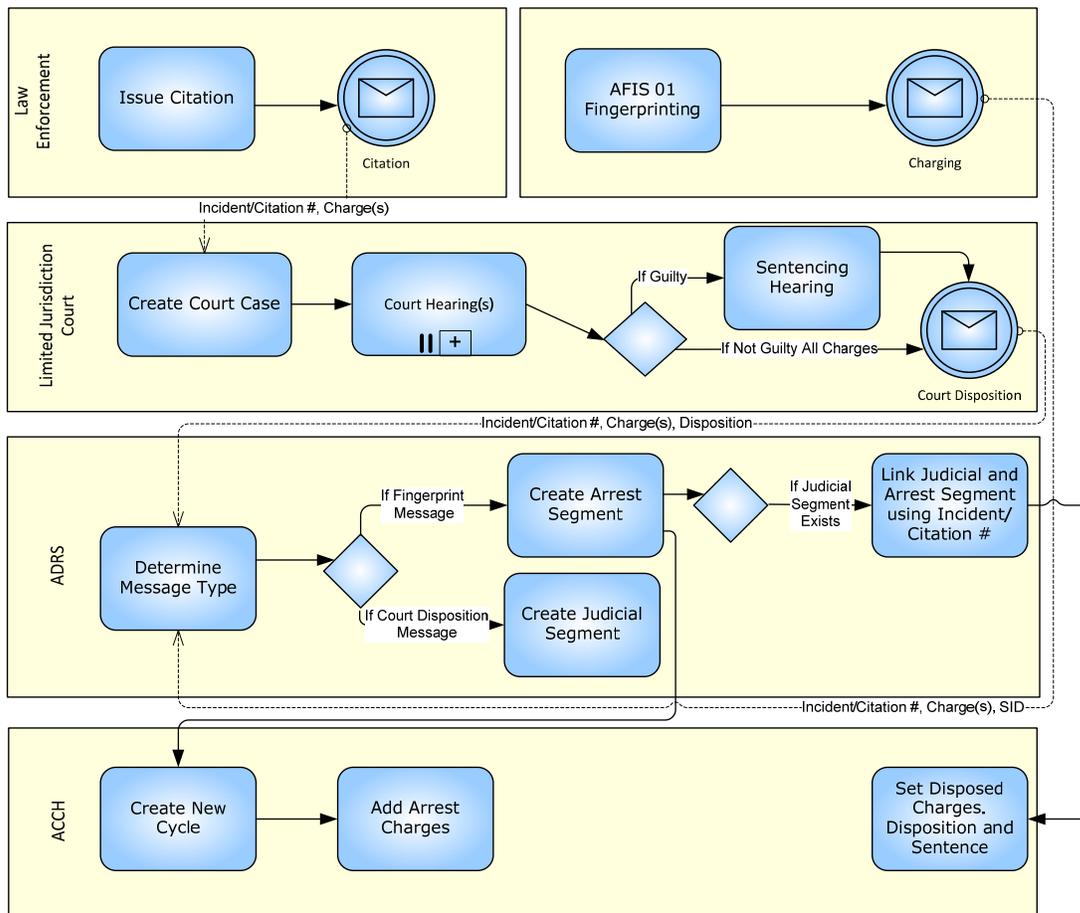


Figure 7 - Cite and Release "To-Be" Process Model

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.3 RECOMMENDATION FOUR: COUNTY-LEVEL DISPOSITION SCORECARDS

Establish scorecards for each Arizona County that measures progress toward reducing the percentage of records that are missing final dispositions.

A “Score Card” based on objective criteria would measure how effectively each county captures and disposes charges. Initially, a countywide score card such as the

one in Figure 19 will be provided to stakeholders within each jurisdiction to advise them of general trends. Upon request, agencies may request a report that is filtered by their specific ORI. Criminal justice agencies would be offered assistance upon request or when, compared to similarly-situated agencies and state norms, their ability to collect, enter, and share data indicates a need for assistance.

As these scorecards are refined, the precise granularity for reporting will continue to be addressed. In some situations, there may be a need to provide a scorecard that distinguishes between entities within the county such as the limited and general jurisdiction courts. Once ADRS is able to support a segmented approach to charging, the scorecard could be modified to pinpoint where the process of maintaining accurate charges in ACCH is breaking down.

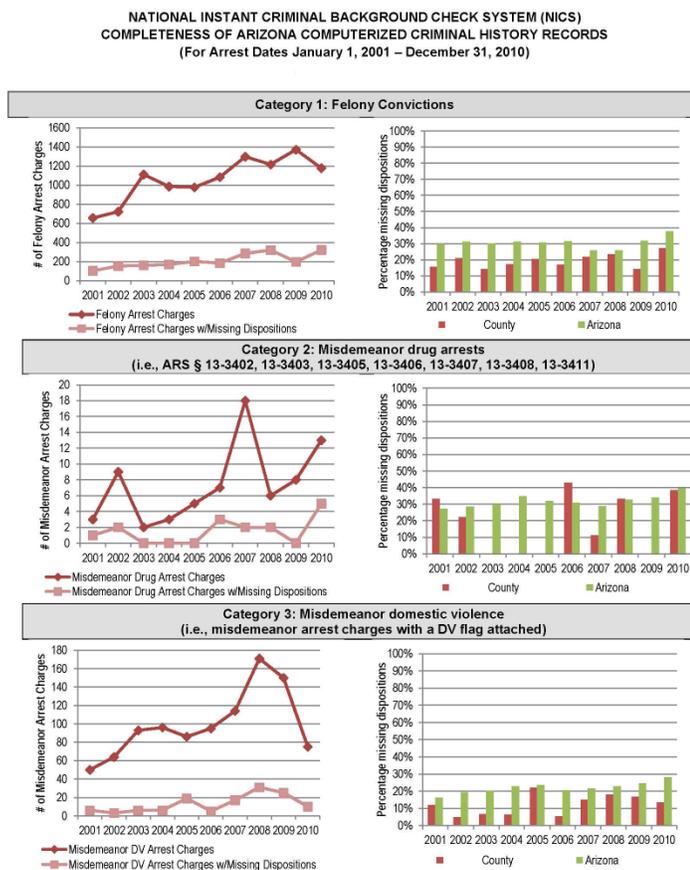


Figure 19- Sample County Score Card

ARIZONA NICS RECORDS IMPROVEMENT PLAN

The purpose behind this effort is not only agency accountability and improvements in data quality, but also to develop a standard in which Arizona collects and shares criminal justice and mental health adjudication data pertinent to the priorities of the NICS Task Force.

In order to perfect and maintain a performance based analysis for use by Arizona's criminal justice components, ACJC, as an independent commission would benefit from the continuing partner relationship with DPS through an enhanced ability to acquire data, analyze, and share that analysis with Arizona criminal justice components. Currently, ACJC enjoys a collaborative relationship with DPS that supports the sharing of criminal history record information between agencies on a biannual basis. ACJC and the task force will continue to acknowledge and respect DPS' statutory responsibility to manage and safeguard sensitive Arizona law enforcement data by seeking DPS approval before reports are released.

8.4 RECOMMENDATION FIVE: SUPPORT FOR EXISTING INITIATIVES

A number of initiatives intended to improve the sharing of criminal justice information are already underway in Arizona. The NICS Task Force supports each of these efforts and will assist them by sharing knowledge gained during the task force process and working to identify and secure the resources necessary to ensure that any new developments are supported by stakeholder agencies across Arizona. The sections below describe some of the ongoing efforts.

8.4.1 NICS CATEGORIES IMPACTED

- Category 3 (Warrants), Category 5 (Mental Health), Category 6 (Protection Orders)

ARIZONA NICS RECORDS IMPROVEMENT PLAN

8.4.1.1 ARIZONA E-WARRANT PROJECT

ACJC and NICS Task Force will support the Arizona Statewide Electronic Arrest Warrant Project (ASAWP) by ensuring that the appropriate personnel are available to help develop a comprehensive solution.

The Administrative Office of the Courts has recently completed a high-level functional requirements study focused on implementing an electronic warrant system in Arizona. This system would automate the request, approval, and execution of arrest and rule warrants across all jurisdictions in Arizona while providing a centralized repository for querying active warrants.

8.4.1.2 ARIZONA MENTAL HEALTH REPOSITORY

ACJC will support the AOC's Mental Health repository project by ensuring that the appropriate personnel are available to help develop a comprehensive solution.

In Arizona, it is estimated that up to 3,300 people are committed to a mental health institution every year. The current ad hoc process for reporting commitments to DPS varies from county to county and has a number of shortcomings. To overcome these shortcomings and standardize the reporting of mental health commitments, the Administrative Office of the Courts is finalizing a detailed design to implement a mental health repository that will be used by all Arizona Superior Courts. The initial focus of this effort is on civil cases adjudicated by the Superior Court Probate and Mental Health Department. The design for this repository is similar to the Centralized Protective Order Repository (CPOR) in that on a regular basis the AJACS Court Case Management System will automatically scan civil cases for docketing action codes that indicate when a person has been committed to an institution. A case extract will then be created within the Mental Health Repository and transmitted to DPS for NICS reporting. Superior courts not using AJACS (Pima and Maricopa Counties) will be provided an interface for including cases into the Mental Health Repository.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Reporting on guardianship cases and criminal cases (Not Competent/Not Restorable) will be included in future releases of the Mental Health Repository.

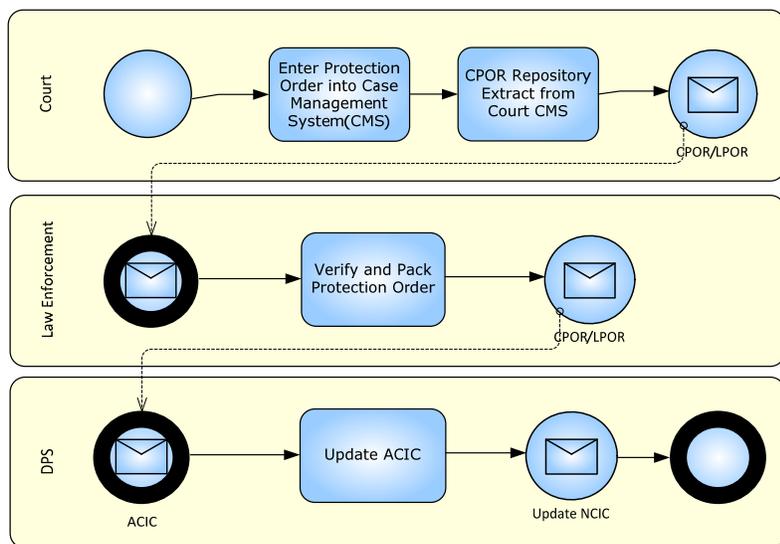
8.4.1.3 PROTECTION ORDER REPOSITORY

ACJC will work with the AOC to further refine requirements for the Protective Order database and support efforts to broaden the community of users.

The AOC Court Protection Order Repository (CPOR) system went live in 2002 and is used by most courts in Arizona to add, update, and query active protection orders. At

the direction of a civil court judge, a court clerk will enter protection order information into the local court case management system. Once a day, an automated process in AZTEC and AJACS extracts all protection orders from the case management system and inserts them into the centralized CPOR database. The case management systems used in Maricopa and Pima Counties execute a similar process and use an interface to insert or update their protection orders into CPOR.

LAW ENFORCEMENT PROTECTION ORDER REPOSITORY (LPOR)



Recently, the AOC released an enhanced version of the CPOR system referred to as the Law Enforcement Protection Order Repository (LPOR). LPOR was envisioned as a means of streamlining the protection order process by allowing law enforcement agencies to electronically validate and pack additional information into the

Figure 20 - LPOR Business Process Model

ARIZONA NICS RECORDS IMPROVEMENT PLAN

protection order. The system includes an automated interface which allows the agency to directly file the protection order with Arizona DPS – eliminating the need for duplicate data entry into ACIC through a terminal. The system has not gained widespread acceptance and currently only four counties participate in LPOR.

8.5 RECOMMENDATION SIX: CRIMINAL JUSTICE PROCESS MAPPING

The process by which a defendant travels through the Arizona criminal justice system to a judicial determination or disposition is varied and disparate. While processes are generally similar because they are tied to Arizona statute and criminal rules of procedure, how these laws have been interpreted and implemented are very different. Fifteen counties, multiple local governments, and various agencies that interact with a defendant’s transition from arrest to disposition have led to an exponential number of processes that each agency is accustomed to but are not completely recognizable to any outside agency.

Process mapping would provide an essential key to understanding how each county and municipal criminal justice system works and ensure that our architecture remains flexible across diverse business processes.

A number of NICS Task Force working group meetings included preliminary forays into developing standardized process maps. Specifically, the NICS Task Force conducted working group meetings focused on the Maricopa County arrest, charging, and adjudication process. Members of the working group emphasized the critical nature of biometric based identifiers and agency-specific case numbers during these discussions.

8.6 RECOMMENDATION SEVEN: COUNTY-SPECIFIC TECHNICAL ASSISTANCE

After three cycles of NICS data collection, a broader picture of the need for technical assistance is available to ACJC. While technical assistance in prior years has been focused on estimate calculations, after the third year, the focus should be on solving the problems and challenges identified consistently through the review of all three estimates cycles. The goal of the technical assistance should be to create and implement business process and technology solutions to resolve defined reporting problems.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

The project team should work with the appropriate criminal justice partners in each county to improve the quality of NICS information. In addition to addressing previously defined problem areas, the team should assess the status of current reporting and the readiness of affected agencies to report information pertaining to all categories of NICS records. The ACJC project team should assess information sharing architectures and develop a standards-based roadmap for improved reporting, including any recommendations relating to policy, processes, and/or the technology environment.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9 CATEGORY SPECIFIC RECOMMENDATIONS

9.1 CATEGORY ONE: FELONY CONVICTIONS

Felony convictions: Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (e.g. state ‘felonies’) and of any state misdemeanors punishable by imprisonment for more than two years.

9.1.1 CATEGORY 1 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Law Enforcement Agencies (LEA)	RMS, AFIS
Department of Public Safety (DPS)/ Federal Bureau of Investigation Criminal Justice Information Services (FBI-CJIS)	AFIS,ADRS, ACCH, III
County Attorney Offices (CAO)	Multiple case management systems (CMS)
Courts	AJACS/AZTEC (AOC), AGAVE (Pima), ICIS (Maricopa)

9.1.2 BUSINESS PROCESS

The Arizona Disposition Reporting System (ADRS) is Arizona’s temporary data repository designed to collect and manage disposition information within the state. In 2012, 278,685 total dispositions were reported into the ACCH repository. Of these reported dispositions, 5.5% were reported through the E-Disposition system and 15.5% through ADRS. The remaining dispositions were reported using the paper FDR.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

When a subject is fingerprinted, ADRS receives information from the Arizona Automated Fingerprint Information System (AZ-AFIS). The AZ-AFIS captured ten-print biometric creates a Process Control Number (PCN) that is unique to the incident for which the defendant was booked. When disposition information is entered into the ADRS, it automatically transmits this information into the Arizona Computerized Criminal History (ACCH) system and populates the Federal Bureau of Investigation's Interstate Identification Index (III). ADRS disposition information is purged 30 days after the final disposition has been recorded for a particular PCN.

9.1.3 CHALLENGES

Criminal history record systems are still constrained from having timely and complete conviction records because of the following: 1) repository records need to be supported by fingerprints, which will jeopardize entry into the systems when fingerprints have not been taken or have been initially rejected as illegible and fingerprints were not resubmitted; 2) the failure of some local contributing agencies to submit disposition information associated with an arrest record; and 3) the inability of the system to match final charge dispositions against the original arrest charges.

Moreover, Arizona criminal justice agencies have not been consistently trained in the use of ADRS. The Arizona Criminal Justice Commission, the Arizona Administrative Office of the Courts and the Arizona Department of Public Safety will work with counties to provide technical assistance with the intent of expanding their understanding around the criminal history disposition process and ADRS.

9.1.4 NARIP RECOMMENDATIONS

RECOMMENDATION 1.1 - Conduct a study of non-disposed charges and determine reasons for open disposition.

At any given time, approximately 30% of the arrest charges captured in ACCH do not have a disposition. Non-disposed charges could be categorized under a number of different factors.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

Some of these factors could be as benign as an investigation, prosecution, or sentencing that has not been completed for legitimate legal reasons. Other factors may be that the final disposition charges cannot be linked back to the original arrest charges, or that there is a disposition finding but the identifying information does not match with a specific arrest event in the ACCH. Until there is a study to determine the reasons why there are 30% non-matching dispositions there can be no short-term solution to improve reporting.

The long-term solution to resolve non-matching dispositions is detailed in Section 8.2 (Recommendation Two/Three).

RECOMMENDATION 1.2 - Analyze open disposition reasons and identify areas and opportunities for improvement.

Once factors leading to missing dispositions have been identified, an analysis will be completed to make further Task Force recommendations on improving reporting. The analysis will identify action steps to address reporting issues.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 1.3 - Consider DPS Policy change to transmit qualifying Non-Matching Disposition Records to NICS.

DPS receives conviction information where there are no matching arrest charges. These submissions are rejected by DPS and require extensive research by the filing agency to resubmit. However, the NICS required identification information is available for these cases. The Task Force determined that these cases should be reported to the NICS directly.

RECOMMENDATION 1.4 - Define specific data flow for PCN to ensure that PCN is seamlessly transmitted between all justice organizations.

The PCN is a unique identifier that should link a case throughout all law enforcement, prosecution, and judicial systems. Many of Arizona's criminal justice agencies do not capture or transfer the PCN.

RECOMMENDATION 1.5 - Require that the indicated offense is captured in criminal history (ACCH) before the sentencing hearing.

Several judges in Pinal County already follow this practice which has resulted in significant improvement in disposition reporting. They are currently instituting a process where a return of services will be sent back to the court to confirm that fingerprinting has been completed.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 1.6 - Place AFIS devices in each superior court building to support the enforcement of mandatory fingerprinting of cite and released defendants.

An AFIS fingerprinting device should be placed within each Superior Court building to ensure a fingerprint is on file prior to the sentencing hearing in *felony* cases. There are clearly significant funding and responsibility issues related to this recommendation.

- The initial purchase price is approximately \$50,000 with ongoing maintenance costing \$6,000 per year.
- Some courts do not feel that capturing fingerprints is the responsibility of the court or a job that should be handled by court personnel.
- A consistent process will need to be developed to ensure that duplicate charges are not created in ACCH when the defendant is fingerprinted at the court.

RECOMMENDATION 1.7 - Conduct training of personnel responsible for capturing fingerprints.

To ensure that AFIS devices are utilized effectively, additional AFIS procurements must include funding to facilitate training of personnel using LiveScan.

RECOMMENDATION 1.8- Assess utilization of ADRS.

Based on this assessment, the Task Force was able to establish the specific requirements for formalized training.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 1.9 - Develop a formal training protocol for using ADRS across all 15 Arizona counties.

DPS, in conjunction with ACJC should develop a formal training protocol for ADRS that is consistently applied to all 15 Arizona counties. A training protocol would utilize the study data and analysis to shape the content of the training and to tailor the training to the specific needs of each county.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.2 CATEGORY TWO: ACTIVE INDICTMENTS/INFORMATIONS

Records that identify a person who is under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.

9.2.1 CATEGORY 2 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Department of Public Safety (DPS) – FBI CJIS	ADRS, ACCH, III
County Attorney Offices (CAO)	CMS
Courts	AJACS, AGAVE, iCIS, AZTEC

9.2.2 BUSINESS PROCESS

Category 2 acts as a safety net by preventing those with validated charge(s) from obtaining a firearm during the phase between arrest and final court disposition. The charges as reported into the prosecutorial segment will be used to report on Category 2 (See Figure 12).

9.2.3 CHALLENGES

Currently Arizona does not report the charges filed by the prosecutor into the NICS. Although prosecutors control these processes, a lack of standardized procedures and systems across prosecutors statewide make them an unlikely and inefficient data source for indictments and informations. On the other hand, since superior courts document all charges received through indictment or information, their case management systems would appear to be the logical data source.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.2.4 NARIP RECOMMENDATIONS

RECOMMENDATION 2.1 - Develop a mechanism for superior courts to report charges indicated on the indictment or information.

Currently, Arizona does not report any indictments or informations into the NICS. The Task Force recognizes that the volume of reporting under this category should be similar to Category 1. The AOCs Centralized Case Index, which is currently in development, has been preliminarily identified as the possible data source for these charges filed by the prosecutors.

RECOMMENDATION 2.2 - Utilize the CJIS WAN (DPS switch) to transmit prosecutor charges into NICS.

A method for communicating from the Centralized Case Index into the NICS will need to be established to eliminate the need for duplicate data entry. The NICS project will work with the AOC to develop this ‘pipeline’ while minimizing the amount of duplicate data entry that will be necessary at the DPS.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.3 CATEGORY THREE: ACTIVE ARREST WARRANTS

Category three deals with records that identify a person who is a fugitive from justice as demonstrated by an active felony or misdemeanor want or warrant.

9.3.1 CATEGORY 3 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Law Enforcement Agencies (LEA)	RMS
Department of Public Safety (DPS) – FBI CJIS	ACIC, NCIC
Courts	AJACS, AGAVE, iCIS, AZTEC

9.3.2 BUSINESS PROCESS

Generally speaking, warrants in Arizona fall into one of two broad categories; Arrest Warrants and Bench Warrants:

- Arrest warrants are authorized by a court official upon the request of a prosecutor and the originating law enforcement agency.
- Bench warrants are both initiated and authorized by a court official – typically in response to the defendant’s failure to appear at a court hearing.

Once authorized, the court clerk documents the issuance of a warrant through a minute (event) entry or court order and the paper warrant² will be sent to either the originating law enforcement agency or the county sheriff (depending on the jurisdiction and the highest charge level indicated

² Note that Maricopa County currently uses an automated system for many warrant types - eliminating the need for the paper-based warrant.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

on the warrant). At that point, the law enforcement agency enters the arrest warrant into ACIC. Bench warrants and some misdemeanor warrants may be considered ‘local’ and only entered into a local law enforcement agency’s records management system.

As warrants are executed, cleared or cancelled, the NICS will be immediately updated to remove defendants from the list of prohibited possessors.

9.3.3 CHALLENGES

The lack of a statewide automated system for requesting, reviewing and approving warrants has resulted in an information sharing process that is highly labor intensive. Consequently, some agencies only enter a portion of the issued warrants into the statewide ACIC system with the balance being entered only into their local records management system (RMS) database. This creates an officer safety issue since access to local warrants is not commonly made available across law enforcement agencies.

Furthermore, the lack of a standardized warrant form in Arizona has resulted in forms that differ not only in appearance, but also in the information captured.

9.3.4 NARIP RECOMMENDATIONS

RECOMMENDATION 3.1 - Create and implement a standardized e-warrant system to be used across all courts and jurisdictions in Arizona.

Arizona law enforcement utilizes county sheriffs as the 15 “centralized” filing and processing centers for arrest warrants. Warrants that are extraditable are entered into ACIC in a relatively timely manner. The majority of warrants are posted in NCIC and therefore available to be queried by the NICS.

The Task Force recommends a standard form and consistent process for entry and updating of warrants across the state to allow for increased data quality and availability.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 3.2 - Support the creation and implementation of a warrant repository (including rule warrants) which would be used for reporting Category 3 information to the NICS.

Since 2011, in partnership with DPS and ACJC, the AOC has been actively pursuing the development of a centralized repository for all warrant information which could provide “a single version of the truth.” A central repository based on standardized rules will also provide a high level of assurance that all prohibited possessors are reported to the NICS.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.4 CATEGORY FOUR: UNLAWFUL DRUG USE

This category includes any unlawful user and/or an addict of a controlled substance. Examples include persons *convicted* for the use or possession of a controlled substance within the past year, persons with multiple arrests for the use or possession of a controlled substance within the past five years and the most recent *arrest* occurring within the past year, and persons found through a drug test to have used a controlled substance unlawfully, provided the test was administered within the past year.

9.4.1 CATEGORY 4 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Department of Public Safety (DPS) – FBI CJIS	AFIS, ADRS, ACCH, III
Administrative Office of the Courts (AOC)	AJACS, AGAVE, iCIS, AZTEC

9.4.2 BUSINESS PROCESS

Subjects may be either arrested or issued a citation for drug-related offenses. A final disposition from the court will be sent to DPS if the subject was fingerprinted.

9.4.3 CHALLENGES

It is not precisely known how many dispositions from the court cannot be captured within ACCH because of missing fingerprints and associated arrest charges. However, anecdotal evidence would seem to suggest that a sizable number of subjects charged with a drug-related offense are never fingerprinted. However, existing methods for confirming that a fingerprint has been

ARIZONA NICS RECORDS IMPROVEMENT PLAN

captured and installing LiveScan machines in all courthouses (Recommendation 1.6) should significantly improve disposition reporting for drug offenses.

9.4.3.1 MEDICAL MARIJUANA

Arizona has legalized medical marijuana via a state proposition. The Department of Health Services manages Arizona's medical marijuana program but is prohibited from sharing information on individuals who have been approved for the use of medical marijuana with DPS for the purpose of NICS reporting. The ATF issued an advisory to the FFLs that medical marijuana cardholders are classified as prohibited possessors under federal law. FFLs are to ask those who wish to purchase a firearm if the purchaser has a medical marijuana card. If the purchaser admits to holding the card they are to mark box 11 on the NICS inquiry form and they will be denied the transfer of a firearm. If the applicant lies on the form, they are a prohibited possessor and can be charged with making a false statement, a federal felony offense.

To date, research by the Maricopa and Yavapai County Attorney Offices indicate that the state cannot change Proposition 203 through legislation. The only way to allow DHS to share information with DPS for the purpose of forwarding information to the NICS is through another voter proposition. As of November 2012, there are 33,633 medical marijuana card holders in Arizona.³

³ Retrieved on 2/1/2013 from <http://www.azdhs.gov/medicalmarijuana/documents/reports/121107-patient-application-report.pdf>.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.4.4 NARIP RECOMMENDATION

RECOMMENDATION 4.1 - Determine whether through legislation or proposition, all medical marijuana cardholders should be reported to NICS in alignment with Federal law.

Under Federal law “medical” marijuana is illegal. Two recent Supreme Court decisions reinforce that position. Under Title 18 of the United States Code, Section 922 (g), marijuana use qualifies the user as a prohibited possessor. The ATF has instructed FFLs that medical marijuana cardholders are prohibited possessors and they cannot sell firearms or ammunition to the cardholders.

Proposition 203, a voter passed referendum, strictly limited the Department of Health Services (DHS), who registers medical marijuana cardholders and maintains a database of those cardholders, from sharing information for any purpose. The only exception is that DHS can provide DPS information that verifies a person holds a medical marijuana card only when that card is presented to a law enforcement officer at the time of law enforcement contact with that individual.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.5 CATEGORY FIVE: MENTAL HEALTH

The category includes records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been adjudicated mentally defective, meaning that a court, board, commission or other lawful authority has determined that a person, as a result of marked subnormal intelligence or mental illness, incompetency, condition of disease, (a) is a danger to himself or others or (b) lacks the mental capacity to contract or manage his own affairs. This category also includes persons found incompetent to stand trial or found insane by a court in a criminal case and persons who have been formally and involuntarily committed to a mental institution. This category does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.

9.5.1 CATEGORY 5 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Administrative Office of the Courts (AOC)	AJACS, AGAVE, iCIS, AZTEC

9.5.2 BUSINESS PROCESS

The outcome of a civil court hearing where the defendant is involuntarily committed to an institution is captured as a minute (event) entry or court order in the court's case management system. In criminal cases, an involuntary commitment order will be transmitted to DPS through fax or mail and entered manually into the NICS.

9.5.3 CHALLENGES

Civil guardianship orders, judicial findings of not competent and not restorable, and court dismissals based on the defendant's inability to assist in their defense because of their mental capacity are not currently reported to DPS. However, implementation of the AOC Mental Health Repository should resolve this issue.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 5.1 - Add Guardianship Order/Finding to data collected from the courts, stored in a repository, and reported to NICS.

When a person is adjudicated an “incapacitated person” pursuant to Title 14, the court should report the person to DPS for the reporting to the NICS as a prohibited possessor.

"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, *to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person*[italics added]⁴.

Any future judicial determination of dismissing the guardianship appointment would be remedied through the already existing appeal process to restore a prohibited possessor’s Second Amendment rights. The long-term solution to streamline the appeals process is proposed in Recommendation 5.3.

RECOMMENDATION 5.2 - Add all Rule 11 findings of “not competent” to data collected from the courts, stored in a repository, and reported to the NICS.

A determination may be made under Rule 11 that a defendant is “not competent” to stand trial. This recommendation focuses solely on a judge’s ruling on competency. If a defendant is found competent, then the defendant proceeds through the traditional criminal process and will be accounted for under NICS categories 1 and 2. The Task Force recommends that once the

⁴ <http://www.azleg.state.az.us/ars/14/05101.htm>

ARIZONA NICS RECORDS IMPROVEMENT PLAN

threshold of “not competent” is determined by a judge, then reporting must take place in the short-term with the identical process that is currently being used for Title 36 commitments.

The following Rule 11 determinations should be reported to DPS for NICS reporting:

- Not competent because the defendant is unable to understand the proceedings, as a result of mental illness, defect, or disability and the defendant is not restorable resulting in a dismissal.
- Not competent because the defendant is unable to assist his attorney as a result of mental illness, defect, or disability and not restorable resulting in dismissal.
- Not competent because the defendant is unable to understand the proceedings and unable to assist his attorney as a result of mental illness, defect, or disability and not restorable resulting in dismissal.
- Not competent because the Defendant is unable to understand the proceedings as a result of mental illness, defect, or disability and restorable and order treatment.
- Not competent because the Defendant is unable to assist his attorney as a result of mental illness, defect, or disability and restorable and order treatment.
- Not competent because the Defendant is unable to understand the proceedings and unable to assist his attorney as a result of mental illness, defect, or disability and restorable and order treatment.

The long-term/programmatic solutions to these mental health adjudications are detailed in Sections 8.2 (Recommendations Two/Three) and 8.4 (Recommendation Five). Specifically, Recommendation Five supports the development of an AOC mental health repository where applicable Title 36, Title 14, and Rule 11 case information will be maintained. This repository, being electronically “fed” from the 15 counties will facilitate an immediate reporting capability on all Category 5 mental health reportable conditions on prohibited possessors to NICS.

The Task Force recognizes that a future determination of restorable would be remedied through the already existing appeals process to restore a prohibited possessor’s Second Amendment rights. The long-term solution to streamline the appeals process is provided in Recommendation 5.3.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 5.3 - Implement a database to track those seeking relief for Category 5 NICS-based denials.

The NICS Improvement Amendments Act of 2007 (NIAA) was passed to address the gap in information available to the NICS about prohibiting mental health adjudications, commitments, and other prohibiting factors. Also, the NIAA required the automation of records to reduce delays for law-abiding gun purchasers. Further, it provided two conditions that a state must meet to qualify for NICS Improvement Act grants, one of which is a state must create a “relief from disabilities” program permitting people disqualified on mental health grounds to petition to get their firearm privileges restored if they no longer suffer from the mental health condition.

The “relief from disabilities” program recommended for Arizona provides that the person must petition the court that entered the commitment order for mental health services and present evidence during a hearing demonstrating that he/she is no longer a danger to public safety and the granting of relief is in the public interest.

The Task Force recognizes that a system was needed to satisfy this requirement, absent the manual paper driven informal process that now is in place. An AOC effort is underway in developing the necessary process and system as detailed in Section 8.4.

9.6 CATEGORY SIX: ORDER OF PROTECTION

This category would include records that are electronically available and that may identify a person subject to an active court order (from criminal or civil court) which restrains a person from committing acts of violence against another person. In Arizona, an emergency order of protection is only valid until the next court business day. At that time, the petitioner can request a 12 month order of protection.

9.6.1 CATEGORY 6 BUSINESS PROCESS AGENCIES

ARIZONA NICS RECORDS IMPROVEMENT PLAN

AGENCY	CONTRIBUTING SYSTEMS
Department of Public Safety (DPS)	ACIC, NCIC
Courts	Centralized Protection Order Repository (CPOR)

9.6.2 BUSINESS PROCESS

In Arizona, the issuance of an order of protection is a civil process. The petitioner will file a petition with the court that will either grant or deny the request. If granted, the order of protection is sent to the local sheriff to be served upon the respondent. The Court is notified of a successful service by receipt of the affidavit of service.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.6.3 NARIP RECOMMENDATIONS

RECOMMENDATION 6.1- The Task Force should support ongoing efforts by AOC to develop and implement interfaces into CPOR from Pima, Maricopa and AJACS users.

Maricopa County Superior Court (through iCIS) currently sends order of protection information to CPOR. AOC is receiving orders issued, but the agency is not receiving the updated “served” information. The Pima County Superior Court (through AGAVE) is currently sending order of protection information to CPOR. The AJACS CMS is not currently sending information to CPOR. There are modules developed in AJACS to process orders of protection, but they have not been tested or implemented yet.

RECOMMENDATION 6.2 - CPOR should be the primary data source for reporting protection orders to NICS, through DPS.

Recommendation 6.2 reinforces the need for a centralized repository of all order of protection information.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

RECOMMENDATION 6.3 - Promote policy that ensures that orders of protection are removed promptly from NCIC when they expire or are quashed.

The Task Force recommends that a policy, promoting an effective mechanism be established to ensure that orders of protection are promptly removed from the ACIC and the NCIC at the first opportunity after an order expires or is quashed by the court.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.7 CATEGORY SEVEN: MISDEMEANOR DOMESTIC VIOLENCE

This category identifies any person convicted of a misdemeanor crime which includes the use or attempted use of physical force or threatened use of a deadly weapon and the subject was the spouse, former spouse, parent, guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited in the past with the victim as a spouse, parent, guardian or similar situation to a spouse, parent or guardian of the victim.

9.7.1 CATEGORY 7 BUSINESS PROCESS AGENCIES

AGENCY	CONTRIBUTING SYSTEMS
Department of Public Safety (DPS)	AFIS, ADRS, ACCH, III
Administrative Office of the Courts (AOC)	AJACS, AGAVE, iCIS, AZTEC

9.7.2 BUSINESS PROCESS

In Arizona, when a subject is arrested for domestic violence they are fingerprinted and typically charged with a criminal offense other than domestic violence. During fingerprinting, the agency must check the domestic violence indicator to indicate that the case involves domestic violence.

9.7.3 CHALLENGES

The courts often noted their inability to identify potential crimes of domestic violence due to the lack of specific statewide charging codes for crimes of domestic violence.

Although courts have the responsibility to ensure that the domestic violence indicator is included with the appropriate charge at disposition, only the prosecutor can update the charge on the FDR document through an amended complaint. Furthermore, the relationship between the victim and the defendant is required for inclusion in the NICS. However, this information is not captured in any system in Arizona.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

9.7.4 NARIP RECOMMENDATION

RECOMMENDATION 7.1 - If no corresponding arrest record is found, ADRS should forward a domestic violence guilty disposition into the NICS.

If a matching arrest charge cannot be found, misdemeanor domestic violence conviction information may be rejected by DPS and therefore not reported into the ACCH. To avoid this issue, conviction information should be reported directly to the NICS and include only NICS required indicators.

RECOMMENDATION 7.2- Work with the courts to capture the relationships between the victim and the perpetrator. (Allows for the creation of PCA "J" Codes for defined relationships)

During law enforcement charging, the relationship between the offender and the victim should be captured using a pre-defined code list.

10 CONCLUSION/NEXT STEPS

In the coming months, the Task Force will develop and begin to execute comprehensive action plans to address each of the recommendations in this plan. Given their pivotal nature, priority will be placed on the long-term recommendations. However, the approach will be consistent across all recommendations.

- **Form Core Teams:** The Project Team will identify participants to form a core group to focus on a single recommendation.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

- **Develop Project Plan:** Each core team will be asked to develop a project plan. This plan will identify the specific tasks, timelines and performance measures necessary to implement their particular recommendation.
- **Task Force Approval:** Once the project plan is complete, the core team will present their approach to the Task Force for approval. Once approved, the role of the core team will transition to execution and oversight on the given tasks.
- **Task Force Update:** During each Task Force meeting, a designated representative from the core team will update the group on accomplishments to date.

Arizona continues to seek federal, state, and local funding for implementation of these efforts. Ongoing stakeholder discussions with the Governor's Office and key members of the Legislature are demonstrating the importance Arizona is placing on ensuring that NICS background checks are timely, comprehensive and accurate.

ARIZONA NICS RECORDS IMPROVEMENT PLAN

11 APPENDIX A: INTERPRETING THE BUSINESS PROCESS MODELS

