

# Arizona Criminal Justice Commission



## Statistical Analysis Center Publication

*Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona.*

## Domestic Violence Arrest and Case Processing Data:

## An Analysis of the Information in Arizona's Computerized Criminal History Record System

June

# 2013

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## Executive Summary

The Arizona Computerized Criminal History (ACCH) records system serves as a central repository for the collection, maintenance, and sharing of information on individuals arrested and processed by Arizona's criminal justice system. The information submitted to the ACCH is initiated by the arrest and fingerprinting of alleged offenders and includes case processing information submitted by law enforcement agencies, prosecutors, and the courts, from arrest to final disposition.

Although the primary purpose of the ACCH is to maintain and share official information on known arrestees and offenders to support criminal justice system decision making, it is also an under-utilized source of information on offenders and the criminal justice system process for research purposes.

Given the strengths (e.g., biometric-based information, standardized reporting practices, electronic submission, etc.) and weaknesses (e.g., missing information) of criminal history records system information, a review of ACCH data revealed much about arrests and subsequent case processing for offenses flagged for domestic violence and aggravated domestic violence in Arizona. For example:

- From 2001 to 2010, the number of arrests for offenses flagged for domestic violence increased by 17.8 percent (page 6).
- When controlling for population, the arrest rate for offenses flagged as domestic violence peaked in 2006 at a rate that was 9.8 percent higher than in 2001, and then generally declined ending the decade 3.1 percent lower than in 2001 (page 6).
- Approximately half (48.1 percent) of arrest counts for offenses flagged for domestic violence were for assault and assault-related offenses (page 7).
- From 2001 to 2010, there were 365 arrest counts for homicide that were flagged for domestic violence (page 7).
- From 2001 to 2010, 11.5 percent of flagged domestic violence arrest charges were for a felony offense. During this same time, the percentage of flagged domestic violence arrest charges that were for a felony offense ranged from a low of 10.0 percent in 2004 to a high of 13.2 percent in 2006 (page 8).
- From 2001 to 2010, the percentage of arrest counts flagged for domestic violence that were missing case disposition information was 24.4 percent. During this time, the percentage of domestic violence arrest charges missing case disposition information ranged from a high of 35.7 percent in 2010 to a low of 17.9 percent in 2002 (page 16).
- The most common recorded outcome of an arrest count flagged for domestic violence from 2001 to 2010 was court dismissal of the charge (38.2 percent). The percentage of

flagged domestic violence arrests that were dismissed by the court during this time ranged from a high of 38.0 percent in 2010 to a low of 34.4 percent in 2001 (page 16).

- From 2001 to 2010, 23.0 percent of arrest counts for which a domestic violence flag was attached resulted in a finding of guilt. During this time, the percentage of arrest counts that resulted in a finding of guilt ranged from a high of 27.4 percent in 2002 to a low of 18.7 percent in 2010 (page 16).
- Approximately one-third of offenders arrested for an offense flagged for domestic violence from 2001 to 2010 were convicted of the domestic violence offense or another related offense for which they were charged (page 31).
- The majority of offenders convicted of a domestic violence flagged offense were sentenced to a probation term. The second most frequent sentence for offenders convicted of a domestic violence flagged offense was a jail sentence (page 40).
- More than three-fourths of individuals arrested for an offense flagged for domestic violence are male. Additionally, more than eight out of ten individuals arrested for an offense flagged for domestic violence were White (page 42).
- From 2001 to 2010, the number of arrests for aggravated domestic violence more than doubled (page 8).
- When controlling for population, the aggravated domestic violence arrest rate increased 82.0 percent from 2001 to 2010 (page 8).
- Statewide, the percentage of aggravated domestic violence arrest counts that were missing case outcome information ranged from a high of 40.0 percent in 2005, to a low of 28.0 percent in 2006 (page 21).
- The percentage of aggravated domestic violence arrests resulting in a finding of guilt ranged from a high of 30.8 percent in 2006 to a low of 16.4 percent in 2001 (page 21).
- The percentage of aggravated domestic violence arrest counts dismissed by the court ranged from a high of 25.7 percent in 2006 to a low of 20.3 percent in 2007 (page 21).
- The percentage of offenders arrested for aggravated domestic violence and convicted of any related offense ranged from a low of 18.5 percent in 2001 to a high of 39.5 percent in 2008 (page 39).
- The most common sentence for an offender convicted of aggravated domestic violence was a probation term (page 41).
- From 2001 to 2010 the percentage of offenders convicted of aggravated domestic violence and sentenced to prison increased by approximately four times (page 41).

- Approximately nine out of ten individuals arrested for aggravated domestic violence are male. Additionally, more than eight of ten individuals arrested for aggravated domestic violence were White (page 44).

## **Introduction**

The primary purpose of states' criminal history record systems is to maintain a record of the individuals arrested and processed through the criminal justice system of the state. Although the information entered into a state's criminal history record system may vary from state to state, a core set of information is included in every state's criminal history record system including the offense(s) for which an alleged offender was arrested and subsequent criminal justice system processing and disposition of the arrest.

The information contained in criminal history record systems is used for a variety of justice system purposes. Law enforcement agencies use the information to make arrest and custody decisions. Prosecutors and judges make charging and sentencing decisions based, in part, upon criminal history record information. Probation and correctional agencies use criminal history information as part of their risk assessments for individuals under their supervision. Additionally, many public and private sector organizations routinely use criminal history record information as part of background checks that are conditions of employment.

Although researchers routinely use criminal history record information to calculate recidivism rates of convicted offenders, criminal history record information can be used for other research purposes. For example, in Arizona criminal history record information is used to assess the reporting and subsequent criminal justice system processing of sexual assault arrests in Arizona (e.g., Bileski and Stevenson, 2011; Bileski and Stevenson, 2010). Other uses of Arizona's criminal history record information for research purposes include an assessment of the performance of a state grant program that focuses on reducing case processing times (Bileski and Stevenson, 2011), an analysis of felony case processing in Arizona (Bileski, 2010), and an assessment of the timeliness and completeness of criminal history record information (Bileski, 2011). This report continues to explore the research utility of criminal history record information by using the information to better understand the reporting of domestic violence arrests in Arizona and the criminal justice system processing of those arrests.

The data used for this project, which analyzes arrests for domestic violence and subsequent criminal justice system processing of those arrests, come from a ten-year data extract from the Arizona Computerized Criminal History (ACCH) record system provided to the Arizona Criminal Justice Commission's (ACJC) Statistical Analysis Center (SAC) by the Arizona Department of Public Safety (AZDPS). The data extract included all arrests that occurred from January 1, 2000 to December 31, 2010 and subsequent case processing information that was submitted to the ACCH prior to the first week of January 2012. In addition to gaining a better understanding of the reporting and processing of domestic violence in Arizona, this project also investigates the completeness of domestic violence criminal history record information.

## **State Criminal History Record Repositories**

States across the country have established central state repositories of criminal history record information that provide criminal justice agencies and non-criminal justice entities with information on alleged and convicted offenders and the criminal justice system's processing of their arrests. Central state repositories store historical information from multiple components of

the criminal justice system process including, but not limited to, arrest, disposition (e.g., law enforcement, prosecution, and the court's dispositions of the arrest), and sentencing. Due to the value of criminal history record information and its utility to criminal justice agencies in Arizona and across the nation, data from each state's repositories are supplied to the Federal Bureau of Investigation's (FBI) Interstate Identification Index (III) as well as the National Instant Criminal Background Check System (NICS).

### *Criminal History Record Repository in Arizona*

According to Arizona Revised Statute (A.R.S.) §41-1750, criminal justice agencies in Arizona are required to submit arrest and associated case disposition information to the ACCH record system. More specifically, A.R.S. §41-1750 mandates that all felony offenses, sexual offenses, driving under the influence (DUI) offenses, and offenses involving domestic violence be submitted to the ACCH repository.<sup>1</sup> The AZDPS is responsible for the collection and maintenance of the information submitted to the ACCH by Arizona's criminal justice agencies.

### *Collection of Criminal History Records in Arizona*

All criminal history records within the ACCH are fingerprint-based, which are typically collected at the time of arrest booking.<sup>2</sup> Once the alleged offender is fingerprinted, electronically or through a manual ink and roll process, the arresting agency is required to send the fingerprint card along with relevant arrest information (i.e., personally-identifiable offender data, offense code data, arrest date, etc.) to the AZDPS within 10 days of the arrest booking date.<sup>3</sup> Each record within the ACCH consists of a single arrest count and contains information on each count and its disposition by the criminal justice system.

After an alleged offender is arrested and an associated fingerprint card is submitted to AZDPS, a disposition reporting form is created by the arresting agency with each arrest count listed separately. This form follows the case from law enforcement to the prosecutor and the court (if applicable). Upon reaching a final case disposition including any applicable sentencing decisions, the disposition reporting form must be forwarded to the AZDPS within 40 days of the date of disposition completion.<sup>4</sup>

In order for subsequent case disposition information to be attached to its associated arrest count record(s) in the ACCH, the arrest count record must be present in the ACCH prior to the submission of the disposition form. All charges on the disposition form with arrest charges present in the ACCH are linked to the associated record and entered into the ACCH. Disposition reporting forms that are submitted prior to their original arrest information appearing in the ACCH are returned to the originating agency for correction and resubmission.

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<sup>1</sup> A.R.S. §41-1750.A.1

<sup>2</sup> In Arizona, law enforcement officers have the option to cite and release an alleged offender on a criminal charge. Under these circumstances, the alleged offender is not fingerprinted at the time of the citation, and instead, is required to appear at an arrest booking location for fingerprinting prior to their first court appearance.

<sup>3</sup> A.R.S. §41-1750.U.3

<sup>4</sup> A.R.S. §41-1750.U.7 and A.R.S. §41-1750.U.8

## *Completeness of Data from the Arizona Computerized Criminal History*

The completeness of arrest and case disposition data in the ACCH is a concern among criminal justice stakeholders in Arizona. According to the data from the latest ACCH extract received by the SAC from AZDPS in January of 2011, 65.7 percent of arrest counts resulting from arrests made in calendar year 2009 had associated case disposition data attached to the record by the end of calendar year 2010 (Bileski, 2011). In contrast, the percentage of 2003 arrest counts with associated case disposition information in the ACCH by the end of 2004 was 59.4 percent. Despite the increase in the completeness of criminal history record information from 2003 to 2010, there is still a significant percentage of arrest counts entered each year that are missing critical case disposition information more than a year after the arrest.

One of the identified challenges to a complete, accurate, and timely criminal history record system is Arizona's "cite and release" arrest process (Bileski, 2012). Many Arizona law enforcement agencies are faced with the task of patrolling a vast rural landscape. As a result, some agencies are employing the process of citing and releasing alleged offenders in lieu of transporting them to a booking location. The cite and release process eliminates the time-intensive formal booking process at the time of arrest, thus maximizing officers' time on patrol.

When a law enforcement officer issues an arrest citation and releases the arrestee, the arrestee is not immediately fingerprinted, and the creation of a record of the arrest in the ACCH is delayed. Upon alleged offenders first appearance in the court, the judge is required to confirm that cite and released defendants have been fingerprinted. For cite and released defendants who have not been fingerprinted, the judge will require them to appear at a booking station for fingerprinting.

To better understand the impact of the cite and release process on the quality of criminal history record information, research was conducted on a sample of five arresting agencies in Arizona that utilize the cite and release process. This study revealed that only 40 percent of citation and long-form complaint arrest counts for DUI, sexual offenses, and aggravated domestic violence offenses<sup>5</sup> matched to arrest counts that appeared in the ACCH repository (Bileski, 2007). In an effort to increase the percentage of cite and released arrest counts present in the ACCH, legislation was enacted on January 1, 2010 that required law enforcement officials to provide a mandatory fingerprint form to arrestees who are cited and released for felony, DUI, sexual, and domestic violence offenses.<sup>6</sup> The mandatory fingerprint form directs the individual to a booking station where fingerprints can be taken prior to the individual's first appearance in court. Failure to complete the form will indicate to the judge that the defendant has not been formally booked for the alleged offense(s).

### **Arizona's Domestic Violence Statutes**

In Arizona, first and second time domestic violence offenders are not charged with domestic violence per se, but rather, are charged with an offense that is eligible to have a domestic violence flag attached to the official record (Table 1).

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<sup>5</sup> According to A.R.S. §41-1750, individuals arrested for a felony offense, and misdemeanor DUI offense, sexual offense, or domestic violence offense must be fingerprinted.

<sup>6</sup> A.R.S. §41-1750.U.2 and A.R.S. §13-3903.C

Table 1: Offenses Eligible for a Domestic Violence Flag	
A.R.S. § 13-705	Dangerous Crimes Against Children
A.R.S. § 13-1102 – 1105	Homicide
A.R.S. § 13-1201 – 1204	Kidnapping and Related Offenses
A.R.S. § 13-1302 – 1304	Assault and Related Offenses
A.R.S. § 13-1406	Sexual Assault
A.R.S. § 13-1502 – 1504	Criminal Trespass
A.R.S. § 13-1602	Criminal Damage to Property
A.R.S. § 13-2810	Interference with Judicial Proceedings
A.R.S. § 13-2904	Disorderly Conduct
A.R.S. § 13-2910	Cruelty to Animals
A.R.S. § 13-2915	Preventing Use of a Telephone in an Emergency
A.R.S. § 13-2916	Use of Telephone to Terrify, Intimidate, Threaten, Harass, Annoy, or Offend
A.R.S. § 13-2921	Harassment
A.R.S. § 13-2921.01	Aggravated Harassment
A.R.S. § 13-2923	Stalking
A.R.S. § 13-3019	Surreptitious Photographing, Videotaping, or Digitally Recording or Viewing
A.R.S. § 13-3601.02	Aggravated Domestic Violence
A.R.S. § 13-3623	Child or Vulnerable Adult Abuse

A flag can be attached to an arrest in an offender’s official criminal history record signaling that the offender and victim have a domestic relationship if any of the following apply:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship;
  - a. The type of relationship.
  - b. The length of the relationship.
  - c. The frequency of the interaction between the victim and the defendant.

- d. If the relationship has terminated, the length of time since the termination.<sup>7</sup>

For third time domestic violence offenders, they can be charged with Arizona's only domestic violence offense charge, aggravated domestic violence. According to Arizona's Revised Statutes,

“A person is guilty of aggravated domestic violence if the person within a period of eighty-four months commits a third or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.”<sup>8</sup>

The dependency of Arizona's aggravated domestic violence statute upon criminal history record information illustrates the value of accurate, timely, and complete criminal history record information that can assess the pertinent criminal history of domestic violence offenders. Without accurate, timely, and complete criminal history record information in Arizona and around the country, the enhanced charging and sanctioning capability of Arizona's aggravated domestic violence statute cannot be effectively used.

In the rest of this report, because of the important statutory distinction in Arizona between domestic violence and aggravated domestic violence, official criminal history record information on domestic violence flagged arrests are analyzed separately from arrests for aggravated domestic violence.

## **Domestic Violence Arrests**

### *Domestic Violence “Flagged” Arrests*

Statewide, the number of arrests and arrest counts for a domestic violence flagged offense generally increased from 2001 to 2010 (Table 2). During this time, the number of arrests for an offense flagged for domestic violence increased by 17.8 percent even though the number of arrests peaked in 2006. Additionally, from 2001 to 2010, domestic violence flagged arrest counts increased by 30.4 percent, indicating that in 2010 individuals charged with domestic violence were, on average, charged with more domestic violence flagged arrest counts than in 2001. When controlling for population change in Arizona over time, the domestic violence flagged arrest rate peaked in 2006 at a rate that was 9.8 percent higher than in 2001, and then generally declined ending the decade 3.1 percent lower than in 2001.

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<sup>7</sup> A.R.S. § 13-3601

<sup>8</sup> A.R.S. §13-3601.02

**Table 2: Domestic Violence “Flagged” Arrests and Arrest Counts, FY2001- FY2010**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Number of Arrests</b>	21,544	22,662	23,230	23,982	24,515	27,032	26,218	25,782	24,793	25,376	245,134
<b>Number of Arrest Counts</b>	32,485	34,455	36,252	37,125	38,404	43,239	42,583	42,332	40,937	42,375	390,187
<b>Arrest Rate per 100,000<sup>9</sup></b>	408.5	420.0	421.6	424.3	419.8	448.4	425.1	410.5	390.9	395.7	--

The data on the number of arrests and arrest rates illustrate the crime count vs. crime rate paradox in Arizona, referenced in previous ACJC publications (Stevenson 2011, Stevenson, Litzengerger, Neitch, and Bileski 2009), where increases in the population of the state can lead to decreases in crime rates even when the number of crimes have also increased.

To put the domestic violence flag arrest rate in context, it is compared to Arizona’s aggravated and simple assault arrest rates. In 2010, Arizona’s aggravated assault arrest rate was 98.7 arrests per 100,000 persons in the population compared to 395.7 per 100,000 for domestic violence flagged arrests. Additionally, Arizona’s simple assault arrest rate was 406.0 per 100,000 persons in the population in 2010. Although Arizona’s simple assault arrest rate in 2010 is close to Arizona’s domestic violence flagged arrest rate for the same year, there are notable differences in the arrest rate trends over time. As reported above, from 2001 to 2010 the domestic violence flagged arrest rate declined 3.1 percent. In contrast, during that same time the simple assault arrest rate decreased by 16.3 percent.

It is important to note that although assault and related offenses represent the majority of offenses to which a domestic violence flag was attached—48.1 percent of arrest counts to which domestic violence flags were attached were for assault and related offenses—there are many other offense types to which domestic violence flags can be attached (Table 3). Offenses against public order accounted for 26.9 percent of arrest counts to which domestic violence flags were attached and the majority were for disorderly conduct. Criminal damage accounted for 17.3 percent of domestic violence flagged arrest counts and together with offenses against public order and assault and related offenses, these three offense categories accounted for 92.3 percent of all arrest counts to which domestic violence flags were attached. Finally, although homicide offenses are a small fraction of all domestic violence flagged arrest counts, from 2001 to 2010, there were 365 arrest counts for homicide that were flagged as occurring in the context of a domestic relationship.

<sup>9</sup> The domestic violence arrest rate is calculated taking the annual number of arrests with a domestic violence flag and dividing it by the United States Census Bureau estimated population of Arizona for that same year.

**Table 3: Domestic Violence “Flagged” Arrest Count Totals by Offense Type and Offense, FY2001 - FY2010<sup>10</sup>**

<i>Arizona Revised Statute Citation</i>	<i>Offense Description</i>	<i>Number of Arrest Counts</i>	<i>Percent of Total</i>
<i>Chapter 12: Assault and Related Offenses</i>			
13-1203	Assault	141,803	37.5%
13-1204	Aggravated assault	21,514	5.7%
13-1202	Threatening or intimidating	14,896	3.9%
13-1201	Endangerment	3,874	1.0%
<i>Chapter 29: Offenses Against Public Order</i>			
13-2904.A.1-3 or 6	Disorderly conduct	98,075	25.9%
13-2921.01	Aggravated harassment	1,280	<1.0%
13-2921	Harassment	948	<1.0%
13-2916	Use of telephone to terrify, intimidate, threaten, harass, annoy or offend	693	<1.0%
13-2915.A.3	Preventing use of telephone in emergency	432	<1.0%
13-2923	Stalking	333	<1.0%
13-2910.A.8-9	Cruelty to animals; interference with working or service animal	2	<1.0%
<i>Chapter 16: Criminal Damage to Property</i>			
13-1602	Criminal Damage	65,467	17.3%
<i>Chapter 28: Interference with Judicial and Other Proceedings</i>			
13-2810	Interfering with judicial proceedings	16,253	4.3%
<i>Chapter 15: Criminal Trespass and Burglary</i>			
13-1504	Criminal trespass in the first degree	3,298	<1.0%
13-1502	Criminal trespass in the third degree	1,536	<1.0%
13-1503	Criminal trespass in the second degree	143	<1.0%
<i>Chapter 13: Kidnapping and Related Offenses</i>			
13-1303	Unlawful imprisonment	2,428	<1.0%
13-1304	Kidnapping	1,529	<1.0%
13-1302	Custodial interference	350	<1.0%
<i>Chapter 36: Family Offenses</i>			
13-3623	Child or vulnerable adult abuse	2,447	<1.0%
<i>Chapter 11: Homicide</i>			
13-1105	First degree murder	187	<1.0%
13-1104	Second degree murder	148	<1.0%
13-1103	Manslaughter	21	<1.0%
13-1102	Negligent Homicide	9	<1.0%
<i>Chapter 14: Sexual Offenses</i>			
13-1406	Sexual Assault	337	<1.0%
<i>Chapter 30: Eavesdropping and Communications</i>			
13-3019	Surreptitious photographing, videotaping, filming or digitally recording or viewing	12	<1.0%
<i>Chapter 7: Sentencing and Imprisonment</i>			
13-705	Dangerous crimes against children	0	0.0%
<i>Total</i>		378,015	

<sup>10</sup> Although Aggravated Domestic Violence is an offense type to which a domestic violence flag can be attached, it is by definition a domestic violence offense and not included in this table.

Felony vs. Misdemeanor Domestic Violence “Flagged” Arrests

From 2001 to 2010, the percentage of all domestic violence flagged arrest counts that were felonies ranged from a low of 10.0 percent in 2004 to a high of 13.2 percent in 2006 (Table 4). Over time, the percentage of domestic violence flagged arrest counts that were for felony offenses generally increased from 2001 to 2006, before steadily declining from 2006 to 2010.

<b>Table 4: Domestic Violence “Flagged” Arrest Counts by Arrest Type, FY2001- FY2010</b>											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Number of Arrest Counts</b>	32,485	34,455	36,252	37,125	38,404	43,239	42,583	42,332	40,937	42,375	390,187
<b>Misdemeanors</b>	29,103	30,860	32,440	33,420	33,923	37,547	37,260	37,064	36,045	37,569	345,231
<b>Felonies</b>	3,382	3,595	3,812	3,705	4,481	5,692	5,323	5,268	4,892	4,806	44,956
<b>Percentage of Arrest Counts, Felony</b>	10.4%	10.4%	10.5%	10.0%	11.7%	13.2%	12.5%	12.4%	12.0%	11.3%	11.5%

*Aggravated Domestic Violence Arrests*

From 2001 to 2010, the number of arrests for aggravated domestic violence more than doubled (Table 5). Similarly, the number of aggravated domestic violence arrest counts for which alleged offenders were charged also more than doubled during that same time. Even when controlling for increases in the population of Arizona, the aggravated domestic violence arrest rate increased 82.0 percent, from 5.0 per 100,000 in 2001 to 9.1 per 100,000 in 2010.

<b>Table 5: Aggravated Domestic Violence Arrest and Arrest Count, FY2001 - FY2010</b>											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Number of Arrest Incidents</b>	265	334	341	405	482	532	567	583	552	582	4,643
<b>Number of Arrest Counts</b>	299	368	399	495	612	678	690	768	730	744	5,783
<b>Arrest Rate per 100,000<sup>11</sup></b>	5.0	6.2	6.2	7.2	8.3	8.8	9.2	9.3	8.7	9.1	--

<sup>11</sup> The aggravated domestic violence arrest rate is calculated by dividing the annual number of aggravated domestic violence arrests by the United States Census Bureau estimated population of Arizona for that same year.

## Felony vs. Misdemeanor Aggravated Domestic Violence Arrests

According to A.R.S. § 13-3601.02, aggravated domestic violence is a class 5 felony. It is then surprising to see in the ACCH arrest counts for aggravated domestic violence classified as misdemeanors (Table 6). In 2001 and 2002, just under half of the arrest counts for aggravated domestic violence were classified as misdemeanors. From 2003 to 2010, the percentage of arrests for aggravated domestic violence that were submitted to the ACCH as misdemeanors fell to less than 25.0 percent.

<b>Table 6: Aggravated Domestic Violence Arrests by Arrest Type, FY2001 - FY2010</b>											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Number of Arrest Counts</b>	299	368	399	495	612	678	690	768	730	744	5,783
<b>Misdemeanors</b>	128	163	99	102	134	122	150	117	122	127	1,264
<b>Felonies</b>	171	205	300	393	478	556	540	651	608	617	4,519
<b>Percentage of Arrest Counts, Felony</b>	57.2%	55.7%	75.2%	79.4%	78.1%	82.0%	78.3%	84.8%	83.3%	82.9%	78.1%

Due to the apparent data quality issue regarding the classification of some arrests for aggravated domestic violence (i.e., misclassification as misdemeanor offenses) additional analyses comparing misdemeanor and felony aggravated domestic violence offenses as they are recorded in ACCH will not be done in this report. Instead, this issue has been referred to the Arizona Criminal Justice Commission’s Criminal Justice System Improvement program (<http://www.azcjc.gov/ACJC.Web/cjrip/Default.aspx>), which is actively working on improving the quality of Arizona’s criminal history record information.

## **Domestic Violence Arrests by County**

### *Domestic Violence “Flagged” Arrests*

From 2001 to 2010, there was considerable county level variation in the number of domestic violence arrest incidents and the domestic violence arrest rate (Table 7).<sup>12</sup> In 10 of Arizona’s 15 counties (Apache, Cochise, Gila, Greenlee, Maricopa, Mohave, Navajo, Pinal, Yavapai, and Yuma), law enforcement agencies made more arrests for a domestic violence flagged offense in 2010 than in 2001. In three of the 10 counties (Cochise, Gila, and Pinal), the domestic violence arrest rate decreased because of increases in the population of the county, even though there were more arrests for a domestic violence flagged offense in 2010 than in 2001. The other seven

<sup>12</sup> Here and elsewhere in the report a distinction is made between arrest incidents and arrest counts. Arrest incidents are arrests of an individual and arrest counts are the charges for which an individual was arrested.

counties in which the number of arrests for offenses flagged for domestic violence increased also saw notable increases in their domestic violence flagged offense arrest rate.

Of the 10 counties that experienced increases in the number of arrests for an offense flagged for domestic violence, Navajo and Pinal counties had the largest percentage increases, 52.9 and 50.5 percent, respectively. Even though these two counties experienced large increases in the number of domestic violence flagged arrests from 2001 to 2010, the domestic violence flagged arrest rate increased 39.1 percent in Navajo County. During the same time, large increases in the population of Pinal County contributed to a 26.6 percent decrease in the county's domestic violence flagged arrest rate. Three other counties had increases in the number of arrests for an offense flagged for domestic violence that exceeded 40 percent: Greenlee (47.4 percent increase), Yuma (46.7 percent increase), and Mohave (45.2 percent increase). Not surprisingly, as Arizona's most populous county, Maricopa County had the largest increase in the number of domestic violence flagged arrests—2,438 more arrests in 2010 than in 2001—but due to concurrent population increases, the domestic violence flagged arrest rate increased by only 3.0 percent.

The other five counties in Arizona (Coconino, Graham, La Paz, Pima, and Santa Cruz) experienced decreases in both the number of domestic violence flagged arrests and the domestic violence flagged arrest rate. Graham and La Paz counties had the largest percentage decrease in the number of domestic violence flagged arrests, 58.3 and 46.4 percent, respectively. Both of these counties also experienced large percentage decreases in their domestic violence flagged arrest rates, 62.5 and 48.7 percent, respectively, which roughly correspond with decreases in the number of domestic violence flagged arrests.

**Table 7: Domestic Violence “Flagged” Arrests and Arrest Rates per 100,000 by County, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>Apache County</b>	<i>Arrest Incidents</i>	62	41	81	73	93	78	93	71	124	79
	<i>Arrest Rate</i>	91.4	60.9	119.0	107.1	135.7	112.4	133.6	101.6	174.6	110.2
<b>Cochise County</b>	<i>Arrest Incidents</i>	602	589	651	691	754	817	674	651	630	635
	<i>Arrest Rate</i>	506.7	491.5	539.6	560.7	599.4	642.1	525.7	504.6	484.3	481.8
<b>Coconino County</b>	<i>Arrest Incidents</i>	607	635	593	909	815	909	795	819	639	447
	<i>Arrest Rate</i>	513.2	523.5	482.6	726.5	641.6	706.3	609.5	621.1	478.7	332.0
<b>Gila County</b>	<i>Arrest Incidents</i>	390	412	430	376	485	436	461	398	497	399
	<i>Arrest Rate</i>	760.6	800.3	837.6	731.2	938.9	829.8	865.7	744.8	927.9	744.8
<b>Graham County</b>	<i>Arrest Incidents</i>	127	120	122	104	101	80	78	73	11	53
	<i>Arrest Rate</i>	380.7	361.2	369.9	318.0	306.4	237.4	221.7	199.2	29.3	142.8
<b>Greenlee County</b>	<i>Arrest Incidents</i>	57	73	42	48	37	43	68	72	61	84
	<i>Arrest Rate</i>	682.7	932.2	555.0	635.8	487.2	548.6	828.8	841.0	706.4	1,005.6
<b>La Paz County</b>	<i>Arrest Incidents</i>	56	80	111	107	68	53	43	48	23	30
	<i>Arrest Rate</i>	286.0	411.0	562.8	535.6	333.7	257.6	208.3	233.5	112.1	146.6
<b>Maricopa County</b>	<i>Arrest Incidents</i>	10,122	9,734	10,078	10,746	12,018	13,678	12,979	12,572	12,592	12,560
	<i>Arrest Rate</i>	318.7	299.0	302.8	314.4	339.6	375.5	349.7	333.4	331.0	328.2
<b>Mohave County</b>	<i>Arrest Incidents</i>	860	1,182	1,393	1,490	1,502	1,414	1,180	1,094	1,208	1,249
	<i>Arrest Rate</i>	536.5	711.4	806.9	825.4	795.7	720.8	590.7	546.8	604.9	623.9
<b>Navajo County</b>	<i>Arrest Incidents</i>	208	127	298	361	195	417	386	315	298	318
	<i>Arrest Rate</i>	212.6	126.8	293.5	351.3	187.2	394.8	361.0	292.7	277.0	295.7
<b>Pima County</b>	<i>Arrest Incidents</i>	5,765	6,423	6,124	5,653	5,409	5,545	5,596	5,687	4,964	5,737
	<i>Arrest Rate</i>	670.9	734.7	691.3	627.2	587.7	589.3	585.4	587.6	508.8	584.1
<b>Pinal County</b>	<i>Arrest Incidents</i>	981	1,253	1,043	1,184	878	1,047	1,330	1,517	1,429	1,472
	<i>Arrest Rate</i>	522.5	635.8	501.6	539.5	372.5	385.9	434.4	452.4	408.5	383.5
<b>Santa Cruz County</b>	<i>Arrest Incidents</i>	249	230	284	169	194	268	317	319	273	244
	<i>Arrest Rate</i>	633.8	574.9	699.1	406.0	451.6	605.0	699.2	691.3	580.7	514.1
<b>Yavapai County</b>	<i>Arrest Incidents</i>	664	684	682	709	695	885	940	933	858	894
	<i>Arrest Rate</i>	384.6	385.7	374.5	377.5	355.6	433.6	450.2	441.7	406.3	423.6
<b>Yuma County</b>	<i>Arrest Incidents</i>	734	1,002	1,207	1,278	1,180	1,256	1,166	1,065	1,065	1,077
	<i>Arrest Rate</i>	450.7	605.8	718.4	739.5	659.9	683.2	622.3	557.0	549.8	548.1
<b>State of Arizona<sup>13</sup></b>	<i>Arrest Incidents</i>	21,544	22,662	23,230	23,982	24,515	27,032	26,218	25,782	24,793	25,376
	<i>Arrest Rate</i>	408.5	420.0	421.6	424.3	419.8	448.4	425.1	410.5	390.9	395.7

<sup>13</sup> The number of arrest incidents in Arizona’s 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

### *Aggravated Domestic Violence Arrests*

From 2001 to 2010, similar to the data on flagged domestic violence arrests, there was considerable county level variation in the number of aggravated domestic violence arrest incidents and aggravated domestic violence arrest rates (Table 8). Of Arizona's 15 counties, 11 (Apache, Cochise, Graham, Greenlee, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, and Yuma) experienced increases in both the number and rate of arrests for aggravated domestic violence during the time period examined. Of the 11 counties that experienced increases in the number of arrests and arrest rates for aggravated domestic violence, six (Apache, Greenlee, Maricopa, Mohave, Navajo, and Yuma) also experienced increases in the number of arrests and arrest rates for offenses flagged for domestic violence during this same time.

Of the 11 counties that experienced increases in the number of aggravated domestic violence arrests, six began the decade with more than 10 arrests for aggravated domestic violence and all but one, Mohave County, more than doubled the number of aggravated domestic violence arrests from 2001 to 2010.<sup>14</sup>

The remaining four counties in Arizona (Coconino, Gila, La Paz, and Yavapai) experienced decreases in both the number of arrests for aggravated domestic violence and the aggravated domestic violence arrest rate. Of these counties, two, La Paz and Coconino, also experienced decreases in the number and rate of arrests for offenses flagged for domestic violence. Gila and Coconino counties had the largest percentage decreases in the number of aggravated domestic violence arrests, 51.7 and 36.4 percent, respectively. The number of arrests for aggravated domestic violence in Yavapai County decreased 14.6 percent and the number of arrests for aggravated domestic violence in La Paz County went from one in 2001 to zero in 2010.

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<sup>14</sup> Although the five remaining counties also had large percentage increases in the number of aggravated domestic violence arrests, the low number of arrests for aggravated domestic violence in these counties leads, in some cases, to extraordinary percentage increases. For example, although Apache County law enforcement agencies reported six times the number of arrests for aggravated domestic violence in 2010 than in 2001, the number of arrests increased from one in 2001 to six in 2010.

**Table 8: Aggravated Domestic Violence Arrests and Arrest Rates per 100,000 by County, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>Apache County</b>	<i>Arrest Incidents</i>	1	4	5	1	1	0	2	3	6	6
	<i>Arrest Rate</i>	1.5	5.9	7.3	1.5	1.5	0.0	2.9	4.3	8.4	8.4
<b>Cochise County</b>	<i>Arrest Incidents</i>	1	17	17	17	36	16	14	4	13	18
	<i>Arrest Rate</i>	0.8	14.2	14.1	13.8	28.6	12.6	10.9	3.1	10.0	13.7
<b>Coconino County</b>	<i>Arrest Incidents</i>	22	17	9	15	27	29	13	14	14	14
	<i>Arrest Rate</i>	18.6	14.0	7.3	12.0	21.3	22.5	10.0	10.6	10.5	10.4
<b>Gila County</b>	<i>Arrest Incidents</i>	29	34	13	12	18	12	14	15	16	14
	<i>Arrest Rate</i>	56.6	66.0	25.3	23.3	34.8	22.8	26.3	28.1	29.9	261
<b>Graham County</b>	<i>Arrest Incidents</i>	4	4	5	0	8	15	15	9	14	8
	<i>Arrest Rate</i>	12.0	12.0	15.2	0.0	24.3	44.5	42.6	24.6	37.3	21.6
<b>Greenlee County</b>	<i>Arrest Incidents</i>	1	3	2	3	1	3	0	1	4	2
	<i>Arrest Rate</i>	12.0	38.3	26.4	39.7	13.2	38.3	0.0	11.7	46.3	23.9
<b>La Paz County</b>	<i>Arrest Incidents</i>	1	3	5	5	2	1	0	2	0	0
	<i>Arrest Rate</i>	5.1	15.4	25.4	25.0	9.8	4.9	0.0	9.7	0.0	0.0
<b>Maricopa County</b>	<i>Arrest Incidents</i>	69	72	115	161	201	199	234	196	196	162
	<i>Arrest Rate</i>	2.2	2.2	3.5	4.7	5.7	5.5	6.3	5.2	5.2	4.2
<b>Mohave County</b>	<i>Arrest Incidents</i>	16	35	40	31	35	27	42	36	29	28
	<i>Arrest Rate</i>	10.0	21.1	23.2	17.2	18.5	13.8	21.0	18.0	14.5	14.0
<b>Navajo County</b>	<i>Arrest Incidents</i>	3	12	35	23	61	21	28	36	36	44
	<i>Arrest Rate</i>	3.1	12.0	34.5	22.4	58.6	19.9	26.2	33.4	33.5	4.9
<b>Pima County</b>	<i>Arrest Incidents</i>	16	25	24	29	62	67	59	127	66	115
	<i>Arrest Rate</i>	1.9	2.9	2.7	3.2	6.7	7.1	6.2	13.1	6.8	11.7
<b>Pinal County</b>	<i>Arrest Incidents</i>	23	13	7	9	16	20	21	17	33	36
	<i>Arrest Rate</i>	8.5	12.7	11.5	13.2	26.3	24.7	19.3	37.9	18.9	30.0
<b>Santa Cruz County</b>	<i>Arrest Incidents</i>	0	0	1	0	2	1	2	8	6	17
	<i>Arrest Rate</i>	0.0	0.0	2.5	0.0	4.7	2.3	4.4	17.3	12.8	35.8
<b>Yavapai County</b>	<i>Arrest Incidents</i>	41	56	23	55	66	70	60	47	57	35
	<i>Arrest Rate</i>	23.7	31.6	12.6	29.3	33.8	34.3	28.7	22.3	27.0	16.6
<b>Yuma County</b>	<i>Arrest Incidents</i>	38	37	38	37	61	47	55	50	57	79
	<i>Arrest Rate</i>	23.3	22.4	22.6	21.4	34.1	25.6	29.4	26.2	29.4	40.2
<b>State of Arizona<sup>15</sup></b>	<i>Arrest Incidents</i>	265	334	341	405	612	532	567	583	552	582
	<i>Arrest Rate</i>	5.0	6.2	6.2	7.2	10.5	8.8	9.2	9.3	8.7	9.1

<sup>15</sup> The number of arrest incidents in Arizona's 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

## Domestic Violence Case Outcomes

### *Domestic Violence “Flagged” Arrests*

Among the information made available in the ACCH record system are the outcomes of the arrests made by law enforcement agencies and submitted to the central state repository. Generally speaking, there has been relative stability in the outcomes over time of arrests for offenses flagged for domestic violence (Table 9). For example, from 2001 to 2005 approximately one-fourth of domestic violence flagged arrests resulted in a finding of guilt. However, from 2006 to 2009 the percentage of domestic violence flagged arrests resulting in a finding of guilt ranged from 22.4 percent in 2007 to 18.7 percent in 2010. In contrast, from 2001 to 2010, 1.0 percent or less of the domestic violence flagged arrests counts resulted in an acquittal. It is important to note that some of these cases, especially those initiated in 2010, might not yet have reached their final disposition at the time the data was extracted from the ACCH system.

Very few arrests for domestic violence in Arizona were not being referred for prosecution. From 2001 to 2010, the percentage of arrest counts for offenses flagged for domestic violence that were not referred for prosecution ranged from a high of 0.7 percent in 2008 to a low of less than 0.1 percent in 2010. A larger percentage of domestic violence flagged arrest counts are not filed by the prosecution. From 2001 to 2010, the percentage of arrest counts that did not have a complaint filed by the prosecutor ranged from a high of 15.3 percent in 2001 to a low of 4.8 percent in 2010.

The most common outcome of a domestic violence flagged arrest count is court dismissal of the charge. Throughout the time period examined, more than one-third of domestic violence flagged arrest counts were dismissed by the court. This percentage is somewhat lower than the percentage of misdemeanor domestic violence arrests adjudicated in 2006 in Arizona’s Justice and Municipal Courts that were dismissed by the court, 45.6 percent and 57.4 percent, respectively.

There are a number of reasons why a domestic violence case would be dismissed by the court. Under certain circumstances, for example, the county attorney may choose to utilize a deferred prosecution program that diverts or defers the prosecution of an alleged offender.<sup>16</sup> According to Arizona’s Rules of Criminal Procedure, “if a defendant satisfactorily completes the terms of the deferred prosecution program, the court, upon notice of the prosecutor, shall order the charges dismissed.<sup>17</sup>” Similarly, for offenders whose cases are heard in drug court, “on fulfillment of the terms and conditions of probation, the court may discharge the defendant and dismiss the proceedings against the defendant or may dispose of the case as provided by law.<sup>18</sup>”

A brief published by Arizona State University’s Morrison Institute for Public Policy on domestic violence lends additional insight into why arrests of alleged domestic violence offenders may not be heard in court (Morrison Institute for Public Policy, 2009). After speaking with veteran police officers and a city prosecutor, authors of the Morrison Institute brief reported that strong pro-

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<sup>16</sup> A.R.S. § 11-361

<sup>17</sup> Rule 38.3(b), Arizona Rules of Criminal Procedure

<sup>18</sup> A.R.S. § 13-3422(H)

arrest policies lead some officers to make arrests for domestic violence even in cases where there is a low level of probable cause. Additionally, dual arrests, motivated either by departmental policy or in cases where the aggressor is difficult to determine on scene, are seen by prosecutors as cases that are difficult to win. Lastly, the authors noted that in some cases, officers will make an arrest to defuse the domestic incident, even when they recognize that the arrest is unlikely to be prosecuted successfully.

Finally, the percentages reported above might change if disposition data was available for all the arrest counts for offenses that were flagged for domestic violence. From 2001 to 2009, the percentage of arrest counts missing case disposition information ranged from a high of 26.7 percent in 2009 to a low of 17.9 percent in 2002. As is discussed in several places in this report, some of the data on 2010 arrests and subsequent case processing activity might not be available because those arrests have not yet been fully processed through the criminal justice system. This is a likely explanation for some of the 35.7 percent of 2010 arrest counts that are missing subsequent case disposition information.

Missing criminal history record information undermines the criminal justice system's ability to effectively respond to repeat offenders. Complete criminal history information is critical to determine which offenders have exhibited a pattern of crime, and in doing so, give prosecutors the ability to utilize enhanced charging and sanctioning statutes for repeat offenders. In Arizona, for example, if an alleged domestic violence offender has a record of two previous convictions for domestic violence, the offender can be charged with aggravated domestic violence, which is a class five felony. Without definitive information on the outcome of previous arrests for domestic violence, missing disposition information can be a barrier to effectively charging and sanctioning repeat domestic violence offenders.

**Table 9: Domestic Violence "Flagged" Arrest Counts by Outcome, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Not Referred for Prosecution</b>	<i>Number</i>	58	50	88	86	133	208	234	293	178	36	1,364
	<i>% of Total</i>	0.2%	0.1%	0.2%	0.2%	0.3%	0.5%	0.5%	0.7%	0.4%	<0.1%	0.3%
<b>No Complaint Filed</b>	<i>Number</i>	4,963	4,957	4,496	3,772	3,721	4,479	4,551	4,797	3,614	2,053	41,403
	<i>% of Total</i>	15.3%	14.4%	12.4%	10.2%	9.7%	10.4%	10.7%	11.3%	8.8%	4.8%	10.6%
<b>Dismissed by the Court</b>	<i>Number</i>	11,117	12,586	13,003	13,889	14,498	16,760	17,188	17,039	16,639	16,082	148,861
	<i>% of Total</i>	34.4%	36.5%	35.9%	37.4%	37.8%	38.8%	40.4%	40.3%	40.6%	38.0%	38.2%
<b>Deferred Prosecution</b>	<i>Number</i>	328	310	343	348	264	285	274	287	311	502	3,252
	<i>% of Total</i>	1.0%	0.9%	0.9%	0.9%	0.7%	0.7%	0.6%	0.7%	0.8%	1.2%	0.8%
<b>Guilty</b>	<i>Number</i>	8,532	9,425	9,142	9,099	9,259	9,243	9,529	9,023	8,531	7,928	89,711
	<i>% of Total</i>	26.3%	27.4%	25.2%	24.5%	24.1%	21.4%	22.4%	21.3%	20.8%	18.7%	23.0%
<b>Guilty Pleas to Other Charges</b>	<i>Number</i>	122	187	150	126	128	211	152	126	88	166	1,456
	<i>% of Total</i>	0.4%	0.5%	0.4%	0.3%	0.3%	0.5%	0.4%	0.3%	0.2%	0.4%	0.4%
<b>Guilty but Insane</b>	<i>Number</i>	3	0	1	2	1	4	2	4	4	0	21
	<i>% of Total</i>	<0.1%	0.0%	<0.1%	<0.1%	<0.1%	<0.1%	<0.1%	<0.1%	<0.1%	0.0%	<0.1%
<b>Not Responsible by Reason of Insanity</b>	<i>Number</i>	1	0	0	0	0	0	0	0	0	0	1
	<i>% of Total</i>	<0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Nolo Contendere</b>	<i>Number</i>	194	233	578	750	680	644	421	363	282	185	4,330
	<i>% of Total</i>	0.6%	0.7%	1.6%	2.0%	1.8%	1.5%	1.0%	0.9%	0.7%	0.4%	1.1%
<b>Acquitted/Not Guilty</b>	<i>Number</i>	319	288	242	275	222	244	277	240	268	248	2,623
	<i>% of Total</i>	1.0%	0.8%	0.7%	0.7%	0.6%	0.6%	0.7%	0.6%	0.7%	0.6%	0.7%
<b>Deferred Sentencing</b>	<i>Number</i>	135	245	203	271	112	174	145	149	61	50	1,545
	<i>% of Total</i>	0.4%	0.7%	0.6%	0.7%	0.3%	0.4%	0.3%	0.4%	0.1%	0.1%	0.4%
<b>Appealed and Affirmed</b>	<i>Number</i>	0	5	1	0	21	64	35	25	29	1	181
	<i>% of Total</i>	0.0%	<0.1%	<0.1%	0.0%	<0.1%	0.1%	<0.1%	<0.1%	<0.1%	<0.1%	<0.1%
<b>Affirmed and Remanded for Re-sentencing</b>	<i>Number</i>	0	0	0	0	3	0	0	0	0	0	3
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Reversed and Remanded</b>	<i>Number</i>	1	0	0	0	0	0	0	0	0	0	7
	<i>% of Total</i>	<0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Reversed and Conviction Overturned</b>	<i>Number</i>	0	0	0	0	0	0	2	0	0	0	2
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	0.0%	0.0%	<0.1%
<b>Conviction Vacated</b>	<i>Number</i>	76	17	3	0	0	0	0	0	0	0	96
	<i>% of Total</i>	0.2%	<0.1%	<0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Disposition Missing</b>	<i>Number</i>	6,577	6,152	8,002	8,506	9,360	10,923	9,768	9,986	10,931	15,124	95,329
	<i>% of Total</i>	20.2%	17.9%	22.1%	22.9%	24.4%	25.3%	22.9%	23.6%	26.7%	35.7%	24.4%
<b>Total DV Arrest Counts</b>		32,485	34,455	36,252	37,125	38,404	43,239	42,583	42,332	40,937	42,375	390,187

## Felony vs. Misdemeanor Domestic Violence “Flagged” Arrests

When looking at all domestic violence flagged arrest counts statewide, the most common disposition is a court dismissal and the second most common outcome is a finding of guilt (Table 9). This is also the case when looking at only those domestic violence flagged arrest counts that were classified as misdemeanors (Table 10). From 2001 to 2010, the percentage of misdemeanor arrest counts that were dismissed by the court ranged from a low of 36.3 percent in 2001 to a high of 43.6 percent in 2009. During this same time period, the percentage of misdemeanor arrest counts for which offenders were found guilty ranged from a low of 19.1 percent in 2010 to a high of 28.5 percent in 2002. It is important to note that both of these percentages might change if the missing disposition information associated with the misdemeanor arrest counts was submitted and entered into ACCH. The percentage of misdemeanor domestic violence flagged arrest counts missing disposition information ranged from a low of 17.3 percent in 2002 to a high of 33.8 percent in 2010.

The data on the outcomes of domestic violence flagged arrest counts reveal a different picture when investigating the processing of arrests for felony domestic violence flagged offenses only. The most common outcome of felony domestic violence flagged arrest counts is prosecutors not filing charges against the alleged offender (Table 11). From 2001 to 2010, the percentage of felony domestic violence flagged arrest counts where no complaint was filed, ranged from a low of 16.8 percent in 2010 to a high of 38.6 percent in 2002. The second most frequent outcome associated with felony domestic violence flagged arrest counts is a court dismissal. During the time period examined, the percentage of domestic violence flagged arrest counts that resulted in a court dismissal of the charges ranged from a low of 16.0 percent in 2010 to a high of 21.8 percent in 2005.

Similar to ACCH data more generally and consistent with findings throughout this report on missing disposition information, a significant percentage of felony domestic violence flagged arrest counts are missing disposition information. From 2001 to 2010, the percentage of felony domestic violence flagged offenses that are missing disposition information ranged from 21.7 percent in 2008 to a high of 50.3 percent in 2010. Again, it is worth reminding the reader that the more recent the arrest, the less time the justice system has had to process the case and submit disposition information to the ACCH.

**Table 10: Misdemeanor Domestic Violence "Flagged" Arrest Counts by Outcome, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Not Referred for Prosecution</b>	<i>Number</i>	38	36	62	67	71	162	163	177	100	28	904
	<i>% of Total</i>	0.1%	0.1%	0.2%	0.2%	0.2%	0.4%	0.4%	0.5%	0.3%	0.1%	0.3%
<b>No Complaint Filed</b>	<i>Number</i>	3,667	3,571	3,153	2,516	2,426	2,806	2,848	2,983	2,130	1,244	27,344
	<i>% of Total</i>	12.6%	11.6%	9.7%	7.5%	7.2%	7.5%	7.6%	8.0%	5.9%	3.3%	7.9%
<b>Pending Due to Mental Incompetency</b>	<i>Number</i>	0	0	0	0	0	0	2	0	0	0	2
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	0.0%	0.0%	<0.1%
<b>Dismissed by the Court</b>	<i>Number</i>	10,557	11,911	12,316	13,096	13,519	15,531	16,094	16,007	15,731	15,312	140,074
	<i>% of Total</i>	36.3%	38.6%	38.0%	39.2%	39.9%	41.4%	43.2%	43.2%	43.6%	40.8%	40.6%
<b>Deferred Prosecution</b>	<i>Number</i>	319	302	339	346	262	282	270	285	310	494	3,209
	<i>% of Total</i>	1.1%	1.0%	1.0%	1.0%	0.8%	0.8%	0.7%	0.8%	0.9%	1.3%	0.9%
<b>Guilty</b>	<i>Number</i>	7,901	8,784	8,463	8,453	8,401	8,154	8,462	7,934	7,560	7,162	81,256
	<i>% of Total</i>	27.1%	28.5%	26.1%	25.2%	24.8%	21.7%	22.7%	21.4%	21.0%	19.1%	23.5%
<b>Guilty Pleas to Other Charges</b>	<i>Number</i>	100	161	117	104	103	191	135	111	75	148	1,245
	<i>% of Total</i>	0.3%	0.5%	0.4%	0.3%	0.3%	0.5%	0.4%	0.3%	0.2%	0.4%	0.4%
<b>Guilty but Insane</b>	<i>Number</i>	0	0	0	0	0	0	0	0	1	0	1
	<i>% of Total</i>	0.0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	<0.1%
<b>Not Responsible by Reason of Insanity</b>	<i>Number</i>	1	0	0	0	0	0	0	0	0	0	1
	<i>% of Total</i>	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Nolo Contendere</b>	<i>Number</i>	182	225	571	747	672	636	416	359	273	184	4,265
	<i>% of Total</i>	0.6%	0.7%	1.8%	2.2%	2.0%	1.7%	1.1%	1.0%	0.8%	0.5%	1.2%
<b>Acquitted/Not Guilty</b>	<i>Number</i>	307	276	232	261	188	201	222	211	253	241	2,392
	<i>% of Total</i>	1.1%	0.9%	0.7%	0.8%	0.6%	0.5%	0.6%	0.6%	0.7%	0.6%	0.7%
<b>Deferred Sentencing</b>	<i>Number</i>	132	244	197	268	111	174	145	149	60	48	1,528
	<i>% of Total</i>	0.5%	0.8%	0.6%	0.8%	0.3%	0.5%	0.4%	0.4%	0.2%	0.1%	0.4%
<b>Appealed and Affirmed</b>	<i>Number</i>	0	0	0	0	2	11	4	5	6	0	28
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	<0.1%	<0.1%	<0.1%	<0.1%	<0.1%	0.0%	<0.1%
<b>Affirmed and Remanded for Re-sentencing</b>	<i>Number</i>	0	0	0	0	0	0	0	0	0	0	0
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Reversed and Remanded</b>	<i>Number</i>	0	0	0	0	0	0	0	0	0	0	0
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Reversed and Conviction Overturned</b>	<i>Number</i>	0	0	0	0	0	0	1	0	0	0	1
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	0.0%	0.0%	<0.1%
<b>Conviction Vacated</b>	<i>Number</i>	76	14	3	0	0	0	0	0	0	0	93
	<i>% of Total</i>	0.3	<0.1%	<0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Disposition Missing</b>	<i>Number</i>	5,823	5,336	6,987	7,580	8,168	9,399	8,498	8,843	9,546	12,708	82,888
	<i>% of Total</i>	20.0%	17.3%	21.5%	22.7%	24.1%	25.0%	22.8%	23.9%	26.5%	33.8%	24.0%
<b>Total Misdemeanor Arrests</b>		29,103	30,860	32,440	33,420	33,923	37,547	37,260	37,064	36,045	37,569	345,231

**Table 11: Felony Domestic Violence "Flagged" Arrest Counts by Outcome, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Not Referred for Prosecution</b>	<i>Number</i>	20	14	26	19	62	46	71	116	78	8	460
	<i>% of Total</i>	0.6%	0.4%	0.7%	0.5%	1.4%	0.8%	1.3%	2.2%	1.6%	0.2%	1.0%
<b>No Complaint Filed</b>	<i>Number</i>	1,296	1,386	1,343	1,256	1,295	1,673	1,703	1,814	1,484	809	14,059
	<i>% of Total</i>	38.3%	38.6%	35.2%	33.9%	28.9%	29.4%	32.0%	34.4%	30.3%	16.8%	31.3%
<b>Dismissed by the Court</b>	<i>Number</i>	620	675	687	793	979	1,229	1,094	1,032	908	770	8,787
	<i>% of Total</i>	18.3%	18.8%	18.0%	21.4%	21.8%	21.6%	20.6%	19.6%	18.6%	16.0%	19.5%
<b>Deferred Prosecution</b>	<i>Number</i>	9	8	6	2	2	3	4	2	1	8	43
	<i>% of Total</i>	0.3%	0.2%	0.2%	0.1%	<0.1%	0.1%	0.1%	<0.1%	<0.1%	0.2%	0.1%
<b>Guilty</b>	<i>Number</i>	631	641	679	664	858	1,089	1,087	1,089	971	766	8,455
	<i>% of Total</i>	18.7%	17.8%	17.8%	17.9%	19.1%	19.1%	20.0%	20.7%	19.8%	15.9%	18.8%
<b>Guilty Pleas to Other Charges</b>	<i>Number</i>	22	26	33	22	25	20	17	15	13	18	211
	<i>% of Total</i>	0.7%	0.7%	0.9%	0.6%	0.6%	0.4%	0.3%	0.3%	0.3%	0.4%	0.5%
<b>Guilty but Insane</b>	<i>Number</i>	3	0	1	2	1	4	2	4	3	0	20
	<i>% of Total</i>	0.1%	0.0%	<0.1%	0.1%	<0.1%	0.1%	<0.1%	0.1%	0.1%	0.0%	<0.1%
<b>Not Responsible by Reason of Insanity</b>	<i>Number</i>	0	0	0	0	0	0	0	0	0	0	0
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Nolo Contendere</b>	<i>Number</i>	12	8	7	3	8	8	5	4	9	1	65
	<i>% of Total</i>	0.4%	0.2%	0.2%	0.1%	0.2%	0.1%	0.1%	0.1%	0.2%	<0.1%	0.1%
<b>Acquitted/Not Guilty</b>	<i>Number</i>	12	12	10	14	34	43	55	29	15	7	231
	<i>% of Total</i>	0.4%	0.3%	0.3%	0.4%	0.8%	0.8%	1.0%	0.6%	0.3%	0.1%	0.5%
<b>Deferred Sentencing</b>	<i>Number</i>	3	1	6	3	1	0	0	0	1	2	17
	<i>% of Total</i>	0.1%	<0.1%	0.2%	0.1%	<0.1%	0.0%	0.0%	0.0%	<0.1%	<0.1%	<0.1%
<b>Appealed and Affirmed</b>	<i>Number</i>	0	5	1	0	19	53	31	20	23	1	153
	<i>% of Total</i>	0.0%	0.1%	<0.1%	0.0%	0.4%	0.9%	0.6%	0.4%	0.5%	<0.1%	0.3%
<b>Affirmed and Remanded for Re-sentencing</b>	<i>Number</i>	0	0	0	0	3	0	0	0	0	0	3
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Reversed and Remanded</b>	<i>Number</i>	0	0	0	1	2	0	3	0	1	0	7
	<i>% of Total</i>	0.0%	0.0%	0.0%	<0.1%	<0.1%	0.0%	0.1%	0.0%	<0.1%	0.0%	<0.1%
<b>Reversed and Conviction Overturned</b>	<i>Number</i>	0	0	0	0	0	0	1	0	0	0	1
	<i>% of Total</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%	0.0%	0.0%	0.0%	<0.1%
<b>Conviction Vacated</b>	<i>Number</i>	0	3	0	0	0	0	0	0	0	0	3
	<i>% of Total</i>	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Disposition Missing</b>	<i>Number</i>	754	816	1,015	926	1,192	1,524	1,270	1,143	1,385	2,416	12,441
	<i>% of Total</i>	22.3%	22.7%	26.6%	25.0%	26.6%	26.8%	23.9%	21.7%	28.3%	50.3%	27.7%
<b>Total Felony Arrests</b>		3,382	3,595	3,812	3,705	4,481	5,692	5,323	5,268	4,892	4,806	44,956

### *Aggravated Domestic Violence Arrests*

From 2001 to 2010, the most common outcome of an arrest for aggravated domestic violence was a finding of guilt. During the time period examined, the percentage of arrests for aggravated domestic violence resulting in a finding of guilt ranged from a high of 30.8 percent in 2006 to a low of 16.4 percent in 2001 (Table 12). In contrast, during this same time, less than 1.0 percent of aggravated domestic violence arrests resulted in an acquittal each year.

The second most common outcome of an arrest for aggravated domestic violence is a court dismissal of the charges. During the time period examined, 22.6 percent of arrests for aggravated domestic violence were dismissed by the court. With the exception of arrests for aggravated domestic violence that occurred in 2001, the percentage of aggravated domestic violence arrest counts dismissed by the ranged from approximately one-fifth (20.3 percent in 2007) to one-fourth (25.7 percent in 2006) of all arrest counts.

The percentage of aggravated domestic violence arrest counts that are missing case outcome information is greater than the percentage of domestic violence flagged arrest counts with missing case outcome information. From 2001 to 2010, the percentage of aggravated domestic violence arrest counts missing case disposition information ranged from a high of 40.0 percent in 2005 to a low of 28.0 percent in 2006.

**Table 12: Aggravated Domestic Violence Arrest Counts by Outcome, FY2001 - FY2010**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Not Referred for Prosecution</b>	Number	2	1	9	2	4	1	0	17	8	1	45
	% of Total	0.7%	0.3%	2.3%	0.4%	0.7%	0.1%	0.0%	2.2%	1.1%	0.1%	0.8%
<b>No Complaint Filed</b>	Number	66	74	64	72	58	94	130	117	144	155	974
	% of Total	22.1%	20.1%	16.0%	14.5%	9.5%	13.9%	18.8%	15.2%	19.7%	20.8%	16.8%
<b>Dismissed by the Court</b>	Number	61	77	91	118	146	174	140	166	164	171	1,308
	% of Total	20.4%	20.9%	22.8%	23.8%	23.9%	25.7%	20.3%	21.6%	22.5%	23.0%	22.6%
<b>Deferred Prosecution</b>	Number	1	0	1	1	2	1	0	1	0	0	7
	% of Total	0.3%	0.0%	0.3%	0.2%	0.3%	0.1%	0.0%	0.1%	0.0%	0.0%	0.1%
<b>Guilty</b>	Number	49	73	74	134	150	209	200	233	195	166	1,483
	% of Total	16.4%	19.8%	18.5%	27.1%	24.5%	30.8%	20.3%	30.3%	26.7%	22.3%	25.6%
<b>Guilty Pleas to Other Charges</b>	Number	3	9	4	3	1	3	9	9	5	4	50
	% of Total	1.0%	2.4%	1.0%	0.6%	0.2%	0.4%	1.3%	1.2%	0.7%	0.5%	0.9%
<b>Nolo Contendere</b>	Number	2	2	1	1	0	1	0	0	3	0	10
	% of Total	0.7%	0.5%	0.3%	0.2%	0.0%	0.1%	0.0%	0.0%	0.4%	0.0%	0.2%
<b>Acquitted/Not Guilty</b>	Number	0	2	1	2	5	3	5	2	4	3	27
	% of Total	0.0%	0.5%	0.3%	0.4%	0.8%	0.4%	0.7%	0.3%	0.5%	0.4%	0.5%
<b>Deferred Sentencing</b>	Number	0	0	0	2	0	0	0	0	0	0	2
	% of Total	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<0.1%
<b>Appealed and Affirmed</b>	Number	0	0	0	0	1	2	7	1	0	0	11
	% of Total	0.0%	0.0%	0.0%	0.0%	0.2%	0.3%	1.0%	0.1%	0.0%	0.0%	0.2%
<b>Affirmed and Remanded for Re-sentencing</b>	Number	0	0	0	0	0	0	1	0	1	0	2
	% of Total	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%	<0.1%
<b>Conviction Vacated</b>	Number	2	0	0	0	0	0	0	0	1	0	3
	% of Total	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	0.1%
<b>Disposition Missing</b>	Number	113	130	154	160	245	190	198	222	205	244	1,861
	% of Total	37.8%	35.3%	38.6%	32.3%	40.0%	28.0%	28.7%	28.9%	28.1%	32.8%	32.2%
<b>Total Arrests for Aggravated DV</b>		299	368	399	495	612	678	690	768	730	744	5,783

## **Domestic Violence Case Outcomes by County**

### *Domestic Violence “Flagged” Arrests*

From 2001 to 2010, the percentage of domestic violence flagged arrest counts statewide for which a conviction was obtained, ranged from a low of 19.3 percent in 2010 to a high of 28.8 percent in 2002 (Table 13). But again, as pointed out several times in this report, more recent arrests have had less time for the cases to conclude and for the relevant information to be submitted into the ACCH record system, a reality of the criminal justice system process that likely accounts for the lower percentage of arrest counts leading to conviction in 2010.

When looking at the percentage of domestic violence flagged arrest counts that led to a conviction by county, Graham, Mohave, and Yuma counties, had the highest percentage of domestic violence flagged arrest counts that led to a conviction, generally speaking. The percentage of domestic violence flagged arrest counts that resulted in a conviction in Graham County ranged from a high of 61.5 percent in 2009 to a low of 38.0 percent in 2010. Although Mohave and Yuma counties process a much larger number of domestic violence flagged arrest counts than Graham County, a similar percentage of arrest counts resulted in a conviction during the time period examined. From 2001 to 2010, the percentage of domestic violence flagged arrest counts resulting in a conviction in Mohave and Yuma counties ranged from a high of 43.9 percent in 2001 and 46.3 percent in 2005, respectively, to a low of 36.2 percent in 2009 and 35.7 percent in 2010, respectively.

In contrast, Santa Cruz County had the lowest percentage of domestic violence flagged arrest counts resulting in a conviction. From 2001 to 2010, the percentage of all domestic violence flagged arrest counts that resulted in a conviction in Santa Cruz County ranged from a high of 13.9 percent in 2001 to a low of 3.3 percent in 2010.

Statewide, the percentage of domestic violence flagged arrest counts that were missing case outcome information ranged from a high of 35.7 percent in 2010, to a low of 17.9 percent in 2002. Although a significant number of domestic violence flagged arrest counts from all 15 Arizona counties are missing case disposition information, Navajo, Pima, and Pinal counties, generally speaking, have the highest percentage of arrest counts with missing disposition information. For example, during the time period examined, the percentage of domestic violence flagged arrest counts from law enforcement agencies in Navajo County that are missing disposition information exceeded the percentage for the state as a whole every year. From 2001 to 2010, the percentage of domestic violence flagged arrest counts submitted by law enforcement agencies in Navajo County missing case disposition information ranged from a low of 19.2 percent in 2002 to a high of 63.6 percent in 2001. During this same time the percentage of domestic violence flagged arrest counts submitted by Pima County law enforcement agencies missing case disposition information exceeded the percentage for the state as a whole in eight of the ten years examined. From 2001 to 2010 the percentage of domestic violence flagged arrest counts with missing disposition information ranged from a low of 16.6 percent in 2002 to a high of 56.3 percent in 2010. Since 2004, approximately one-third or more of domestic violence flagged arrest counts initiated by Pima County law enforcement agencies were missing case disposition information. Like Pima County, Pinal County’s percentage of missing disposition

information also exceeded the percentage of the state as a whole in eight of the ten years examined. With the exception of 2002, one-fourth or more of domestic violence arrest counts submitted by Pinal County law enforcement agencies are missing final case disposition information.

In contrast, in Yuma and Maricopa counties, the percentage of domestic violence flagged arrest counts with missing disposition information was lower than the percentage for the state as a whole for all ten years examined. In Yuma County, the percentage of domestic violence flagged arrest counts with missing disposition information ranged from a low of 9.7 percent in 2002 to a high of 20.6 percent in 2006. Similarly, the percentage of domestic violence flagged arrest counts submitted by Maricopa County law enforcement agencies missing case disposition information ranged from a low of 15.3 percent in 2004 to a high of 32.7 in 2010.

**Table 13: Domestic Violence “Flagged” Arrest Count Convictions by County and Type of Offense FY2001 - FY2010\***

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Apache County</b>	<i>#of Convictions</i>	27	25	50	47	56	35	49	31	45	22	387
	<i>% of All Arrest Counts Leading to Conviction</i>	28.7%	44.6%	46.3%	44.8%	41.5%	31.5%	26.5%	22.0%	20.7%	16.4%	30.1%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	34.4%	47.6%	45.2%	44.2%	42.9%	33.3%	28.9%	21.4%	19.2%	16.9%	30.8%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	16.7%	35.7%	53.3%	47.4%	37.8%	22.2%	20.0%	24.1%	26.0%	12.5%	27.7%
	<i>% of Arrests Missing Dispositions</i>	11.7%	14.3%	6.5%	7.6%	8.1%	19.8%	27.6%	14.2%	22.6%	21.6%	16.8%
<b>Cochise County</b>	<i>#of Convictions</i>	255	233	195	284	342	337	291	260	192	158	2,547
	<i>% of Arrest Counts Leading to Conviction</i>	26.9%	27.2%	18.6%	25.9%	26.2%	23.6%	23.8%	23.1%	17.0%	12.8%	22.4%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	28.4%	28.5%	19.4%	27.0%	27.7%	25.1%	24.8%	24.0%	17.2%	12.8%	23.4%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	11.0%	10.0%	10.5%	13.3%	10.3%	5.5%	8.9%	6.9%	14.5%	12.9%	10.5%
	<i>% of Arrests Missing Dispositions</i>	36.2%	38.3%	39.4%	24.2%	16.0%	17.5%	18.1%	15.3%	14.7%	18.6%	22.8%
<b>Coconino County</b>	<i>#of Convictions</i>	305	310	235	382	404	493	492	456	273	177	3,527
	<i>% of Arrest Counts Leading to Conviction</i>	33.3%	31.7%	26.9%	26.5%	33.5%	33.3%	36.3%	32.2%	25.7%	25.2%	30.8%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	36.5%	34.6%	29.3%	27.8%	35.5%	35.6%	37.9%	33.4%	26.6%	26.1%	32.6%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	16.3%	15.2%	12.1%	19.4%	24.4%	20.8%	27.9%	22.5%	16.0%	17.4%	20.2%
	<i>% of Arrests Missing Dispositions</i>	30.0%	28.5%	34.9%	28.8%	20.8%	24.7%	20.8%	23.4%	37.2%	33.0%	27.4%
<b>Gila County</b>	<i>#of Convictions</i>	174	203	179	121	185	161	178	153	183	128	1,665
	<i>% of Arrest Counts Leading to Conviction</i>	34.9%	39.0%	31.7%	25.8%	29.5%	27.0%	27.9%	25.2%	25.2%	22.0%	28.6%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	35.2%	41.8%	37.1%	29.3%	32.3%	28.8%	30.8%	28.4%	28.1%	24.5%	31.3%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	33.3%	23.1%	12.3%	7.9%	14.1%	13.9%	9.4%	7.4%	11.2%	7.9%	13.4%
	<i>% of Arrests Missing Dispositions</i>	11.2%	12.1%	14.0%	16.6%	21.5%	19.8%	23.7%	28.1%	26.3%	25.9%	20.5%

\* It is important to note that some of the missing dispositions from 2008 – 2010 may be a function of cases that have not yet reached final disposition. By rule (16A A.R.S. Rules Crim. Proc., Rule 8.2) jurisdictions have up to 150 days from arraignment to try a case if the defendant is in custody, 180 days from arraignment for a defendant that has been released, 270 days from arraignment for complex cases, and up to two years from arraignment for capital cases.

**Table 13: Domestic Violence “Flagged” Arrest Count Convictions by County and Type of Offense FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Graham County</b>	<i>#of Convictions</i>	74	69	70	62	66	44	54	46	8	35	528
	<i>% of Arrest Counts Leading to Conviction</i>	46.8%	43.1%	40.0%	43.4%	43.7%	39.3%	43.2%	40.4%	61.5%	38.0%	42.5%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	46.0%	44.2%	46.3%	44.3%	47.3%	42.3%	46.5%	43.1%	61.5%	39.5%	44.9%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	52.6%	36.4%	19.5%	33.3%	20.0%	20.0%	29.2%	16.7%	--	31.3%	28.2%
	<i>% of Arrests Missing Dispositions</i>	12.0%	12.5%	16.0%	15.4%	18.5%	25.9%	21.6%	26.3%	23.1%	30.4%	18.8%
<b>Greenlee County</b>	<i>#of Convictions</i>	28	23	16	25	14	17	22	36	29	23	233
	<i>% of Arrest Counts Leading to Conviction</i>	40.6%	24.0%	29.1%	26.6%	22.6%	23.9%	19.5%	28.6%	25.7%	17.4%	25.0%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	41.9%	20.5%	32.6%	23.5%	20.9%	27.5%	25.3%	28.7%	24.1%	17.7%	25.4%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	28.6%	62.5%	11.1%	46.2%	26.3%	15.0%	5.9%	28.1%	30.0%	15.8%	23.6%
	<i>% of Arrests Missing Dispositions</i>	24.6%	27.1%	21.8%	9.6%	22.6%	14.1%	14.2%	11.1%	15.9%	40.9%	20.4%
<b>La Paz County</b>	<i>#of Convictions</i>	30	46	38	46	30	10	6	9	5	3	223
	<i>% of Arrest Counts Leading to Conviction</i>	31.9%	34.8%	23.6%	26.7%	30.0%	13.3%	9.5%	13.6%	13.5%	6.8%	23.6%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	33.3%	38.7%	24.6%	31.7%	31.6%	14.3%	10.7%	15.8%	17.2%	5.0%	25.8%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	25.0%	14.3%	18.5%	6.1%	0.0%	8.3%	0.0%	0.0%	0.0%	25.0%	11.3%
	<i>% of Arrests Missing Dispositions</i>	29.8%	8.3%	13.7%	25.0%	25.0%	37.3%	41.3%	57.6%	59.5%	54.5%	28.3%
<b>Maricopa County</b>	<i>#of Convictions</i>	3,128	3,118	3,684	4,125	4,526	4,602	4,573	4,486	4,330	3,858	40,430
	<i>% of Arrest Counts Leading to Conviction</i>	21.6%	22.5%	25.2%	26.3%	24.9%	22.1%	23.1%	23.3%	22.4%	19.5%	23.0%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	22.1%	23.5%	26.1%	27.2%	25.7%	22.2%	23.5%	23.4%	22.7%	20.5%	23.6%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	18.2%	15.7%	18.3%	18.6%	20.0%	21.2%	21.2%	22.7%	20.5%	13.8%	19.4%
	<i>% of Arrests Missing Dispositions</i>	19.5%	16.4%	16.2%	15.3%	20.6%	22.4%	18.2%	16.9%	21.3%	32.7%	20.3%

**Table 13: Domestic Violence “Flagged” Arrest Count Convictions by County and Type of Offense FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Mohave County</b>	<i>#of Convictions</i>	514	695	787	850	834	828	684	601	634	738	7,165
	<i>% of Arrest Counts Leading to Conviction</i>	43.9%	43.7%	41.6%	42.1%	40.5%	43.1%	40.0%	38.9%	36.2%	38.3%	40.7%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	45.8%	45.6%	44.0%	44.9%	42.9%	45.0%	42.1%	40.8%	37.4%	40.4%	42.8%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	28.5%	30.3%	22.8%	16.5%	19.5%	23.4%	21.3%	17.7%	25.0%	14.6%	22.0%
	<i>% of Arrests Missing Dispositions</i>	19.6%	20.0%	25.1%	22.6%	21.4%	19.9%	25.7%	24.2%	17.8%	20.0%	21.7%
<b>Navajo County</b>	<i>#of Convictions</i>	53	76	159	122	52	142	166	116	144	107	1,137
	<i>% of Arrest Counts Leading to Conviction</i>	18.0%	44.2%	32.2%	22.9%	18.1%	21.0%	25.9%	25.7%	32.1%	22.7%	25.5%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	18.7%	45.5%	37.1%	25.5%	19.4%	23.7%	32.2%	27.0%	35.1%	24.5%	28.4%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	14.3%	31.3%	14.2%	13.7%	12.7%	13.8%	12.1%	20.2%	15.9%	14.1%	14.5%
	<i>% of Arrests Missing Dispositions</i>	63.6%	19.2%	31.6%	47.8%	53.0%	40.0%	30.3%	40.3%	28.1%	42.4%	39.3%
<b>Pima County</b>	<i>#of Convictions</i>	2,962	3,367	2,801	2,181	1,823	1,556	1,469	1,305	1,024	984	19,472
	<i>% of Arrest Counts Leading to Conviction</i>	31.1%	31.4%	26.3%	22.6%	20.2%	16.3%	15.2%	13.4%	11.7%	9.9%	20.0%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	31.7%	32.1%	26.6%	22.7%	20.1%	15.8%	14.9%	13.1%	11.3%	9.3%	20.0%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	17.8%	17.5%	20.1%	19.4%	22.2%	25.7%	23.8%	19.7%	26.6%	23.0%	21.2%
	<i>% of Arrests Missing Dispositions</i>	18.1%	16.6%	25.5%	33.8%	34.3%	33.4%	32.3%	36.9%	46.3%	56.3%	33.0%
<b>Pinal County</b>	<i>#of Convictions</i>	436	588	465	501	394	461	637	645	634	579	5,340
	<i>% of Arrest Counts Leading to Conviction</i>	31.0%	30.2%	28.5%	27.6%	26.5%	26.4%	27.4%	23.1%	23.6%	22.0%	26.1%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	32.7%	32.5%	30.0%	28.1%	27.4%	27.1%	28.0%	24.6%	24.7%	22.3%	27.2%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	10.1%	15.6%	20.2%	22.1%	19.4%	21.0%	21.9%	13.3%	15.3%	19.3%	17.6%
	<i>% of Arrests Missing Dispositions</i>	25.5%	23.7%	25.5%	25.6%	30.0%	32.0%	26.1%	28.0%	29.4%	31.8%	28.0%

**Table 13: Domestic Violence “Flagged” Arrest Count Convictions by County and Type of Offense FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Santa Cruz County</b>	<i>#of Convictions</i>	83	62	41	30	25	24	30	55	47	20	417
	<i>% of Arrest Counts Leading to Conviction</i>	13.9%	11.9%	6.4%	7.9%	5.4%	3.8%	3.9%	6.9%	7.0%	3.3%	6.9%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	14.3%	12.3%	6.3%	7.7%	4.4%	3.6%	3.9%	5.2%	5.9%	2.9%	6.4%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	11.4%	7.8%	7.0%	9.8%	14.0%	6.8%	4.5%	19.0%	13.2%	5.6%	10.5%
	<i>% of Arrests Missing Dispositions</i>	25.7%	22.4%	34.0%	23.7%	19.4%	24.3%	31.2%	29.2%	12.6%	30.7%	25.7%
<b>Yavapai County</b>	<i>#of Convictions</i>	376	357	312	342	363	442	570	551	558	567	4,483
	<i>% of Arrest Counts Leading to Conviction</i>	38.6%	33.2%	26.5%	28.4%	31.2%	30.1%	33.7%	31.2%	31.6%	29.7%	31.3%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	39.4%	33.1%	28.2%	31.2%	32.3%	31.0%	34.3%	31.3%	31.8%	29.2%	32.0%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	32.1%	33.3%	20.2%	17.6%	25.9%	25.2%	31.3%	31.0%	30.7%	32.2%	28.0%
	<i>% of Arrests Missing Dispositions</i>	17.5%	23.0%	38.0%	28.7%	23.5%	21.4%	19.3%	20.5%	17.8%	20.0%	22.4%
<b>Yuma County</b>	<i>#of Convictions</i>	477	726	863	971	940	948	890	764	764	739	8,082
	<i>% of Arrest Counts Leading to Conviction</i>	39.7%	43.3%	42.5%	45.0%	46.3%	40.9%	41.8%	35.8%	37.8%	35.7%	40.9%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	43.1%	47.4%	45.2%	48.6%	50.3%	44.5%	44.7%	38.6%	40.2%	38.2%	44.1%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	23.7%	18.4%	16.0%	16.1%	13.5%	7.1%	8.7%	12.7%	16.6%	13.6%	14.7%
	<i>% of Arrests Missing Dispositions</i>	14.2%	9.7%	14.4%	16.0%	18.8%	20.6%	18.0%	16.7%	10.9%	13.2%	15.5%
<b>State of Arizona<sup>19</sup></b>	<i>#of Convictions</i>	8,940	9,925	9,928	10,123	10,078	10,129	10,135	9,564	8,908	8,164	95,894
	<i>% of Arrest Counts Leading to Conviction</i>	27.5%	28.8%	27.4%	27.3%	26.2%	23.4%	23.8%	22.6%	21.8%	19.3%	24.6%
	<i>% of Misdemeanor Arrest Counts Leading to Conviction</i>	28.5%	30.0%	28.5%	28.3%	27.1%	23.9%	24.2%	22.8%	21.9%	19.7%	25.3%
	<i>% of Felony Arrest Counts Leading to Conviction</i>	19.2%	18.3%	18.2%	18.2%	19.9%	20.3%	20.8%	21.2%	20.6%	16.0%	19.4%
	<i>% of Arrests Missing Dispositions</i>	20.2%	17.9%	22.1%	22.9%	24.4%	25.3%	22.9%	23.6%	26.7%	35.7%	24.4%

<sup>19</sup> The number of arrest incidents in Arizona’s 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

### *Domestic Violence “Flagged” Offenders*

To complement the analysis of case outcomes for domestic violence flagged arrest counts, Table 14 summarizes the data on case outcomes by offender. From 2001 to 2010, the percentage of offenders arrested for a domestic violence flagged offense statewide who were convicted of any arrest count for which they were charged, ranged from a low of 28.2 percent in 2010 to a high of 37.6 percent in 2002.

When looking at the percentage of offenders arrested for a domestic violence flagged offense and convicted for any arrest count for which they were charged by county, generally speaking, Graham, Mohave, Pinal, Yavapai, and Yuma counties had the highest percentage of convictions of domestic violence flagged offenders. From 2001 to 2010, each of these counties' percentage of offenders arrested for a domestic violence flagged offense and convicted for any offense exceeded the state rate every year. With the exception of 2006, more than 50 percent of offenders arrested in Graham County for a domestic violence flagged offense were convicted every year. Approximately 50 percent of offenders arrested for a domestic violence flagged offense in Mohave and Yuma counties were also convicted each year. From 2001 to 2010, the percentage of offenders arrested for a domestic violence flagged offense in Mohave and Yuma counties and convicted on any offense for which they were charged ranged from a low of 47.4 and 45.8 percent, respectively, to a high of 53.0 and 58.6 percent respectively.

In contrast to the counties that obtained a relatively high percentage of convictions of offenders arrested for a domestic violence flagged offense, Santa Cruz County had the lowest percentage of offenders arrested for a domestic violence flagged offense convicted on any arrest count. From 2001 to 2010, the percentage of offenders who were arrested in Santa Cruz County for a domestic violence flagged offense and convicted on a related arrest count ranged from a high of 31.3 percent in 2001 to a low of 6.7 percent in 2006.

Statewide, the percentage of offenders arrested for a domestic violence flagged offense whose arrest counts were missing case outcome information ranged from a high of 33.6 percent in 2010, to a low of 16.3 percent in 2002. Although all 15 Arizona counties are missing case outcome information on a significant percentage of offenders arrested for domestic violence flagged offenses, generally speaking, Navajo and Pinal counties had the highest percentage of missing case disposition information. For example, during the time period examined the percentage of offenders arrested in Navajo County for a domestic violence flagged offense that is missing disposition information exceeded the percentage for the state as a whole every year. From 2001 to 2010, the percentage of offenders arrested in Navajo County for a domestic violence flagged offense that is missing disposition information ranged from a low of 18.9 percent in 2002 to a high of 62.5 percent in 2001. Similarly, during this same time the percentage of offenders arrested for a domestic violence flagged offense in Pinal County who are missing associated case disposition information exceeded the percentage of domestic violence flagged arrests missing disposition information for the state as a whole in nine of the ten years examined. From 2001 to 2010, the percentage of offenders arrested for a domestic violence flagged offense in Pinal County who are missing disposition information ranged from a low of 21.4 percent in 2002 to a high of 30.4 percent in 2010.

**Table 14: Offenders Convicted for a Domestic Violence "Flagged" Offense by County, FY2001 - FY2010\***

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Apache County</b>	<i>#of Offenders Arrested</i>	62	41	81	73	93	78	93	71	124	79	795
	<i>% of Offenders Convicted</i>	38.7%	58.5%	55.6%	50.7%	54.8%	38.5%	40.9%	40.8%	31.5%	26.6%	42.5%
	<i>% of Offenders with Missing Dispositions</i>	9.7%	7.3%	8.6%	9.6%	8.6%	19.2%	14.0%	19.7%	23.4%	21.5%	15.0%
<b>Cochise County</b>	<i>#of Offenders Arrested</i>	601	588	651	691	754	817	674	651	630	635	6,692
	<i>% of Offenders Convicted</i>	31.4%	28.6%	23.5%	32.3%	36.7%	30.7%	34.0%	30.4%	22.2%	17.3%	29.0%
	<i>% of Offenders with Missing Dispositions</i>	37.6%	38.8%	40.9%	25.6%	14.9%	18.1%	17.2%	14.9%	15.4%	20.0%	23.8%
<b>Coconino County</b>	<i>#of Offenders Arrested</i>	607	635	593	909	815	909	795	819	639	447	7,168
	<i>% of Offenders Convicted</i>	42.5%	40.3%	32.4%	35.0%	41.1%	45.2%	48.7%	45.2%	38.2%	35.1%	40.8%
	<i>% of Offenders with Missing Dispositions</i>	27.0%	25.2%	32.5%	28.7%	22.2%	23.4%	20.6%	22.6%	35.5%	30.9%	26.3%
<b>Gila County</b>	<i>#of Offenders Arrested</i>	390	412	430	376	482	436	461	398	497	399	4,281
	<i>% of Offenders Convicted</i>	40.3%	44.7%	38.8%	31.9%	32.4%	34.6%	34.7%	32.9%	33.4%	28.8%	35.2%
	<i>% of Offenders with Missing Dispositions</i>	11.5%	11.7%	14.7%	15.7%	22.4%	19.0%	24.7%	25.6%	25.4%	25.6%	19.9%
<b>Graham County</b>	<i>#of Offenders Arrested</i>	127	120	122	104	101	80	78	73	11	53	869
	<i>% of Offenders Convicted</i>	52.8%	52.5%	51.6%	51.9%	55.4%	43.8%	57.7%	53.4%	72.7%	52.8%	52.7%
	<i>% of Offenders with Missing Dispositions</i>	12.6%	13.3%	13.9%	13.5%	14.9%	30.0%	17.9%	17.8%	18.2%	32.1%	17.0%
<b>Greenlee County</b>	<i>#of Offenders Arrested</i>	57	73	42	48	37	43	68	72	61	84	585
	<i>% of Offenders Convicted</i>	45.6%	24.7%	33.3%	37.5%	35.1%	39.5%	32.4%	45.8%	45.9%	25.0%	35.9%
	<i>% of Offenders with Missing Dispositions</i>	26.3%	23.3%	23.8%	14.6%	29.7%	14.0%	14.7%	8.3%	21.3%	36.9%	21.5%

**Table 14: Offenders Convicted for a Domestic Violence “Flagged” Offense by County, FY 2001-2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>La Paz County</b>	<i>#of Offenders Arrested</i>	56	80	111	107	68	53	43	48	23	30	619
	<i>% of Offenders Convicted</i>	46.4%	48.8%	33.3%	33.6%	35.3%	18.9%	14.0%	14.6%	13.0%	10.0%	30.9%
	<i>% of Offenders with Missing Dispositions</i>	25.0%	8.8%	16.2%	25.2%	27.9%	37.7%	48.8%	60.4%	65.2%	56.7%	30.2%
<b>Maricopa County</b>	<i>#of Offenders Arrested</i>	10,114	9,709	10,078	10,746	12,018	13,678	12,979	12,572	12,592	12,559	117,045
	<i>% of Offenders Convicted</i>	26.6%	28.3%	32.7%	34.4%	33.3%	30.2%	31.6%	32.4%	31.5%	28.3%	31.0%
	<i>% of Offenders with Missing Dispositions</i>	17.8%	14.6%	14.0%	13.5%	19.2%	21.0%	16.9%	16.3%	19.9%	30.2%	18.6%
<b>Mohave County</b>	<i>#of Offenders Arrested</i>	855	1,182	1,393	1,490	1,502	1,414	1,180	1,094	1,208	1,249	12,567
	<i>% of Offenders Convicted</i>	52.0%	53.0%	50.0%	50.7%	49.4%	52.3%	50.8%	48.9%	47.4%	51.9%	50.6%
	<i>% of Offenders with Missing Dispositions</i>	19.8%	19.9%	23.4%	20.7%	20.1%	20.1%	25.3%	23.7%	17.1%	19.0%	20.9%
<b>Navajo County</b>	<i>#of Offenders Arrested</i>	208	127	298	361	195	417	386	315	298	318	2,923
	<i>% of Offenders Convicted</i>	21.2%	46.5%	42.6%	28.8%	23.1%	28.8%	34.2%	32.4%	40.9%	30.8%	32.6%
	<i>% of Offenders with Missing Dispositions</i>	63.0%	19.7%	33.2%	46.8%	54.4%	43.6%	35.5%	37.5%	29.9%	39.9%	40.5%
<b>Pima County</b>	<i>#of Offenders Arrested</i>	5,746	6,422	6,119	5,653	5,409	5,545	5,596	5,687	4,964	5,737	56,878
	<i>% of Offenders Convicted</i>	44.1%	45.3%	38.8%	33.4%	30.0%	24.3%	22.6%	19.8%	17.6%	15.1%	29.6%
	<i>% of Offenders with Missing Dispositions</i>	18.0%	16.8%	25.2%	33.6%	33.4%	33.3%	32.2%	37.3%	45.2%	56.6%	32.8%
<b>Pinal County</b>	<i>#of Offenders Arrested</i>	980	1,253	1,043	1,184	878	1,047	1,330	1,517	1,429	1,472	12,133
	<i>% of Offenders Convicted</i>	37.6%	39.3%	39.7%	39.8%	40.5%	39.7%	41.3%	38.2%	40.7%	37.2%	39.4%
	<i>% of Offenders with Missing Dispositions</i>	24.9%	22.4%	23.2%	25.6%	28.9%	31.9%	25.6%	27.9%	29.2%	31.0%	27.2%

**Table 14: Offenders Convicted for a Domestic Violence “Flagged” Offense by County, FY 2001-2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Santa Cruz County</b>	<i>#of Offenders Arrested</i>	249	229	284	169	194	268	317	319	273	244	2,546
	<i>% of Offenders Convicted</i>	31.3%	25.3%	14.1%	17.2%	11.9%	6.7%	9.1%	15.0%	15.8%	8.2%	15.2%
	<i>% of Offenders with Missing Dispositions</i>	26.5%	23.1%	35.6%	20.7%	22.2%	27.2%	31.9%	30.4%	14.7%	34.8%	27.3%
<b>Yavapai County</b>	<i>#of Offenders Arrested</i>	664	684	682	709	695	885	940	933	858	894	7,944
	<i>% of Offenders Convicted</i>	49.7%	44.3%	38.7%	38.5%	42.9%	43.1%	49.9%	48.3%	51.6%	50.1%	46.1%
	<i>% of Offenders with Missing Dispositions</i>	18.5%	22.2%	35.5%	30.5%	22.9%	18.4%	16.5%	19.9%	18.2%	20.1%	21.8%
<b>Yuma County</b>	<i>#of Offenders Arrested</i>	734	1,002	1,207	1,278	1,180	1,256	1,166	1,065	1,065	1,077	11,030
	<i>% of Offenders Convicted</i>	50.0%	55.1%	51.9%	56.0%	58.6%	50.9%	50.8%	46.0%	48.4%	45.8%	51.5%
	<i>% of Offenders with Missing Dispositions</i>	14.7%	10.0%	14.5%	16.4%	16.4%	20.5%	18.4%	17.7%	12.7%	14.3%	15.7%
<b>State of Arizona<sup>20</sup></b>	<i>#of Offenders Arrested</i>	21,510	22,634	23,225	23,982	24,512	27,032	26,218	25,782	24,793	25,375	245,063
	<i>% of Offenders Convicted</i>	35.4%	37.7%	36.8%	36.6%	35.5%	32.3%	33.0%	32.0%	31.4%	28.2%	33.8%
	<i>% of Offenders with Missing Dispositions</i>	19.4%	17.0%	20.4%	21.6%	23.1%	24.3%	21.9%	23.0%	25.6%	34.6%	23.3%

\* It is important to note that the percentage of offenders convicted and the percentage of offender’s cases with missing disposition information from 2008 – 2010 may be a function of cases that have not yet reached final disposition. By rule (16A A.R.S. Rules Crim. Proc., Rule 8.2), jurisdictions have up to 150 days from arraignment to try a case if the defendant is in custody, 180 days from arraignment for a defendant that has been released, 270 days from arraignment for complex cases, and up to two years from arraignment for capital cases.

### *Aggravated Domestic Violence Arrests*

From 2001 to 2010, the percentage of aggravated domestic violence arrest counts statewide for which a conviction was obtained ranged from a low of 17.7 percent in 2001 to a high of 31.3 percent in 2006 (Table 14). When looking at the percentage of aggravated domestic violence arrest counts that led to a conviction by county, generally speaking, Maricopa and Pima counties

<sup>20</sup> The number of arrest incidents in Arizona’s 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

had the highest percentage of aggravated domestic violence arrest counts that led to a conviction. The percentage of aggravated domestic violence arrest counts in Maricopa County resulting in a conviction ranged from a high of 44.2 percent in 2006 to a low of 14.9 percent in 2001. Similarly, in Pima County, the percentage of aggravated domestic violence arrest counts resulting in a conviction ranged from a high of 46.2 in 2007, to a low of 10.0 percent in 2001.

Arrests for aggravated domestic violence in some jurisdictions are rare and in many smaller counties the percentage of arrest counts leading to a conviction was at or near zero. These low percentages illustrate the challenge of obtaining convictions in domestic violence cases, which is reinforced by the data reviewed earlier on domestic violence case outcomes. Missing case outcome information can also affect data on the percentage of aggravated domestic violence arrest counts resulting in a conviction, and may be the reason why the percentage of arrest counts leading to a conviction are at or near zero in some counties.

Statewide, the percentage of aggravated domestic violence arrest counts missing case outcome information ranged from a high of 40.0 percent in 2005, to a low of 28.0 percent in 2006. Although a portion of aggravated domestic violence arrest counts in all counties are missing associated disposition information, generally speaking, Navajo and Mohave counties have the highest percentage of aggravated domestic violence arrest counts with missing disposition information. From 2001 to 2010, the percentage of aggravated domestic violence arrest counts missing disposition information in Navajo County ranged from a low of 16.7 percent in 2002 to a high of 100.0 percent in 2001. Similarly, in Mohave County the percentage of aggravated domestic violence arrest counts that are missing disposition information ranged from a low of 26.5 percent in 2004 to a high of 63.4 percent in 2003.

In contrast, in Pima County, the percentage of aggravated domestic violence arrest counts with missing disposition information was lower than the percentage for the state as a whole for all ten years examined. The percentage of aggravated domestic violence arrest counts that were submitted by Pima County law enforcement agencies, but are missing disposition information ranged from a low of 11.1 percent in 2002 to a high of 32.1 percent in 2003.

**Table 15: Aggravated Domestic Violence Arrest Count Convictions by County,  
FY2001 - FY2010\***

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Apache County<sup>c</sup></b>	<i>#of Convictions</i>	0	0	0	0	0	--	0	0	1	1	2
	<i>% of Arrest Counts Leading to Conviction</i>	0.0%	0.0%	0.0%	0.0%	0.0%	--	0.0%	0.0%	14.3%	16.7%	6.5%
	<i>% of Arrests Missing Dispositions</i>	0.0%	0.0%	0.0%	0.0%	100%	--	0.0%	0.0%	28.6%	33.3%	16.1%
<b>Cochise County</b>	<i>#of Convictions</i>	0	3	2	3	11	3	3	1	4	2	32
	<i>% of Arrest Counts Leading to Conviction</i>	0.0%	14.3%	11.1%	13.6%	30.6%	16.7%	17.6%	25.0%	21.1%	7.7%	17.5%
	<i>% of Arrests Missing Dispositions</i>	0.0%	52.4%	55.6%	40.9%	19.4%	22.2%	11.8%	50.0%	21.1%	42.3%	32.8
<b>Coconino County</b>	<i>#of Convictions</i>	6	7	0	4	5	13	1	8	7	4	55
	<i>% of Arrest Counts Leading to Conviction</i>	23.1%	36.8%	0.0%	23.5%	18.5%	25.5%	6.3%	44.4%	28.0%	25.0%	24.2%
	<i>% of Arrests Missing Dispositions</i>	42.3%	36.8%	66.7%	17.6%	14.8%	25.5%	31.3%	16.7%	32.0%	43.8%	30.4%
<b>Gila County</b>	<i>#of Convictions</i>	3	5	1	1	1	0	1	0	0	0	12
	<i>% of Arrest Counts Leading to Conviction</i>	10.0%	13.5%	7.7%	8.3%	5.6%	0.0%	5.3%	0.0%	0.0%	0.0%	5.9%
	<i>% of Arrests Missing Dispositions</i>	36.7%	27.0%	38.5%	58.3%	83.3%	46.2%	36.8%	77.8%	52.6%	46.7%	48.8%
<b>Graham County<sup>b</sup></b>	<i>#of Convictions</i>	1	0	0	--	3	2	1	1	0	1	9
	<i>% of Arrest Counts Leading to Conviction</i>	25.0%	0.0%	0.0%	--	37.5%	13.3%	5.3%	11.1%	0.0%	11.1%	10.3%
	<i>% of Arrests Missing Dispositions</i>	0.0%	0.0%	40.0%	--	12.5%	66.7%	47.4%	55.6%	64.3%	55.6%	47.1%
<b>Greenlee County<sup>d</sup></b>	<i>#of Convictions</i>	0	1	0	2	0	0	--	0	0	0	3
	<i>% of Arrest Counts Leading to Conviction</i>	0.0%	33.3%	0.0%	66.7%	0.0%	0.0%	--	0.0%	0.0%	0.0%	15.0%
	<i>% of Arrests Missing Dispositions</i>	100%	33.3%	0.0%	0.0%	0.0%	0.0%	--	100%	0.0%	50.0%	20.0%

**Table 15: Aggravated Domestic Violence Arrest Count Convictions by County,  
FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>La Paz County<sup>e</sup></b>	<i>#of Convictions</i>	1	2	1	0	0	1	--	0	--	--	5
	<i>% of Arrest Counts Leading to Conviction</i>	50.0%	50.0%	6.3%	0.0%	0.0%	100%	--	0.0%	--	--	15.6%
	<i>% of Arrests Missing Dispositions</i>	0.0%	0.0%	12.5%	20.0%	50.0%	0.0%	--	50.0%	--	--	15.6%
<b>Maricopa County</b>	<i>#of Convictions</i>	11	22	33	79	75	117	118	94	85	57	691
	<i>% of Arrest Counts Leading to Conviction</i>	14.9%	25.9%	23.7%	36.4%	37.3%	44.2%	40.5%	35.1%	32.3%	28.2%	34.5%
	<i>% of Arrests Missing Dispositions</i>	52.7%	44.7%	41.0%	32.3%	38.8%	27.2%	26.8%	29.5%	38.4%	44.6%	35.0%
<b>Mohave County</b>	<i>#of Convictions</i>	2	4	6	10	5	4	10	12	11	6	70
	<i>% of Arrest Counts Leading to Conviction</i>	12.5%	9.5%	14.6%	29.4%	14.3%	12.5%	21.3%	30.8%	36.7%	19.4%	20.2%
	<i>% of Arrests Missing Dispositions</i>	50.0%	61.9%	63.4%	26.5%	31.4%	37.5%	42.6%	41.0%	33.3%	35.5%	42.9%
<b>Navajo County</b>	<i>#of Convictions</i>	0	2	5	4	3	1	4	6	5	3	33
	<i>% of Arrest Counts Leading to Conviction</i>	0.0%	16.7%	12.2%	15.4%	4.9%	4.5%	14.3%	15.8%	13.2%	6.7%	10.5%
	<i>% of Arrests Missing Dispositions</i>	100%	16.7%	34.1%	38.5%	78.7%	50.0%	50.0%	68.4%	50.0%	62.2%	55.7%
<b>Pima County</b>	<i>#of Convictions</i>	2	6	7	6	19	30	36	65	35	50	256
	<i>% of Arrest Counts Leading to Conviction</i>	10.0%	22.2%	25.0%	17.1%	30.6%	33.3%	46.2%	34.2%	40.2%	29.9%	32.7%
	<i>% of Arrests Missing Dispositions</i>	20.0%	11.1%	32.1%	17.1%	21.0%	14.4%	21.8%	15.3%	14.9%	12.0%	16.2%
<b>Pinal County</b>	<i>#of Convictions</i>	5	1	0	2	3	8	1	7	5	5	37
	<i>% of Arrest Counts Leading to Conviction</i>	16.1%	7.7%	0.0%	22.2%	18.8%	36.4%	3.6%	35.0%	14.3%	11.6%	16.5%
	<i>% of Arrests Missing Dispositions</i>	19.4%	23.1%	42.9%	11.1%	18.8%	9.1%	46.4%	20.0%	14.3%	20.9%	21.9%

**Table 15: Aggravated Domestic Violence Arrest Count Convictions by County,  
FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Santa Cruz County<sup>a</sup></b>	<i>#of Convictions</i>	--	--	0	--	0	0	0	3	3	0	6
	<i>% of Arrest Counts Leading to Conviction</i>	--	--	0.0%	--	0.0%	0.0%	0.0%	33.3%	27.3%	0.0%	11.8%
	<i>% of Arrests Missing Dispositions</i>	--	--	100%	--	100%	0.0%	0.0%	33.3%	9.1%	91.7%	56.9%
<b>Yavapai County</b>	<i>#of Convictions</i>	13	12	9	11	11	23	6	11	19	11	126
	<i>% of Arrest Counts Leading to Conviction</i>	27.1%	20.7%	33.3%	17.7%	16.7%	28.4%	9.5%	21.2%	22.6%	27.5%	21.7%
	<i>% of Arrests Missing Dispositions</i>	47.9%	37.9%	37.0%	45.2%	43.9%	27.2%	33.3%	26.9%	22.6%	32.5%	34.6%
<b>Yuma County</b>	<i>#of Convictions</i>	9	9	11	15	15	9	25	21	23	24	161
	<i>% of Arrest Counts Leading to Conviction</i>	22.0%	24.3%	26.2%	34.1%	24.6%	15.0%	36.2%	34.4%	26.4%	21.2%	27.7%
	<i>% of Arrests Missing Dispositions</i>	17.1%	16.2%	14.3%	18.2%	27.9%	40.0%	10.1%	13.1%	3.4%	14.2%	34.6%
<b>State of Arizona<sup>21</sup></b>	<i>#of Convictions</i>	53	75	75	137	151	212	208	234	200	166	1,511
	<i>% of Arrest Counts Leading to Conviction</i>	17.7%	20.4%	18.8%	27.7%	24.7%	31.3%	30.1%	30.5%	27.4%	22.3%	26.1%
	<i>% of Arrests Missing Dispositions</i>	37.8%	35.3%	38.6%	32.3%	40.0%	28.0%	28.7%	28.9%	28.1%	32.8%	32.2%

\* It is important to note that some of the missing dispositions from 2008 – 2010 may be a function of cases that have not yet reached final disposition. By rule (16A A.R.S. Rules Crim. Proc., Rule 8.2) jurisdictions have up to 150 days from arraignment to try a case if the defendant is in custody, 180 days from arraignment for a defendant that has been released, 270 days from arraignment for complex cases, and up to two years from arraignment for capital cases.

a In 2001, 2002, and 2004 there were no records of arrests for aggravated domestic violence in Santa Cruz County.

b In 2004, there were no records of arrests for aggravated domestic violence in Graham County.

c In 2006 there were no records of arrests for aggravated domestic violence in Apache County.

d In 2007 there were no records of arrests for aggravated domestic violence in Greenlee County

e In 2007, 2009, and 2010 there were no records of arrests for aggravated domestic violence in La Paz County.

### *Aggravated Domestic Violence Offenders*

From 2001 to 2010, the percentage of offenders statewide who were arrested for aggravated domestic violence and convicted of any related offense for which they were charged, ranged from a low of 18.5 percent in 2001 to a high of 39.5 percent in 2008 (Table 15).

<sup>21</sup> The number of arrest incidents in Arizona’s 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

When investigating the percentage of offenders arrested for aggravated domestic violence that were convicted on any related arrest count by county, generally speaking, Maricopa, Pima, and Yuma counties have the highest percentage of convictions for offenders arrested for aggravated domestic violence. From 2001 to 2010, the percentage of offenders arrested in Maricopa County for aggravated domestic violence and convicted of any related charge ranged from a high of 56.8 percent in 2006 to a low of 15.9 percent in 2001. Similarly, the percentage of offenders arrested for aggravated domestic violence in Pima County and convicted of any related arrest count ranged from a high of 59.3 percent in 2007 to a low of 12.5 percent in 2001. During this same time, the percentage of offenders arrested for aggravated domestic violence in Yuma County and convicted of any related offense ranged from a high of 45.5 percent to a low of 19.1 percent in 2006.

Navajo and Gila counties had the lowest percentage of offenders arrested for aggravated domestic violence and convicted on any related charge. From 2001 to 2010, the percentage of all offenders who were arrested for aggravated domestic violence and convicted on any related charge in Navajo and Gila counties ranged from a high of 16.7 and 14.7 percent, respectively in 2002, to a low of 0.0 percent in 2001 for Navajo County and 0.0 percent in 2006 and from 2008 to 2010 in Gila County.

The percentage of offenders arrested for aggravated domestic violence statewide, whose arrest records in ACCH were missing case outcome information, ranged from a high of 41.3 percent in 2003, to a low of 0.0 percent in 2001. Similar to the other domestic violence arrest data, all 15 Arizona counties were missing case outcome information on a significant percentage of offenders arrested for aggravated domestic violence. From 2001 to 2010, Pima and Yuma counties had the lowest percentages of offenders arrested for aggravated domestic violence whose arrest information were missing case disposition information. During this time, the percentage of offenders arrested in Pima County for aggravated domestic violence whose arrests are missing case disposition information, ranged from a low of 0.0 percent in 2001 to a high of 33.3 percent in 2003. Similarly, the percentage of offenders arrested in Yuma County for aggravated domestic violence whose arrest records are missing associated case disposition information, ranged from a low of 0.0 percent in 2001 to a high of 38.3 percent in 2006. In contrast to Pima and Yuma counties, Gila and Navajo counties have the highest percentage of offenders arrested for aggravated domestic violence whose arrest records are missing case disposition information. From 2001 to 2010, the percentage of offenders arrested in Gila County for aggravated domestic violence and whose case disposition information is missing ranged from a high of 81.3 percent in 2005 to a low of 0.0 percent in 2001. Similarly, during this same time, the percentage of offenders arrested for aggravated domestic violence in Navajo County whose arrest records are missing case disposition information ranged from a high of 70.7 percent in 2005 to a low of 0.0 percent in 2001.

**Table 16: Offenders Convicted of Aggravated Domestic Violence by County, FY2001 - FY2010\***

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Apache County<sup>c</sup></b>	<i>#of Offenders Arrested</i>	1	4	5	1	1	--	2	3	6	6	29
	<i>% of Offenders Convicted</i>	0.0%	0.0%	0.0%	0.0%	0.0%	--	0.0%	0.0%	16.7%	16.7%	6.9%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	0.0%	0.0%	0.0%	100.0%	--	0.0%	0.0%	16.7%	33.3%	13.8%
<b>Cochise County</b>	<i>#of Offenders Arrested</i>	1	17	17	17	36	16	14	4	13	18	142
	<i>% of Offenders Convicted</i>	0.0%	17.6%	5.9%	17.6%	32.0%	18.8%	21.4%	25.0%	23.1%	11.1%	19.0%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	47.1%	58.8%	35.3%	28.0%	25.0%	14.3%	50.0%	23.1%	50.0%	35.9%
<b>Coconino County</b>	<i>#of Offenders Arrested</i>	22	17	9	15	27	29	13	14	14	14	166
	<i>% of Offenders Convicted</i>	27.3%	41.2%	0.0%	26.7%	26.3%	37.9%	7.7%	50.0%	42.9%	28.6%	30.7%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	35.3%	55.6%	20.0%	21.1%	31.0%	38.5%	14.3%	28.6%	42.9%	31.9%
<b>Gila County</b>	<i>#of Offenders Arrested</i>	29	34	13	12	18	12	14	15	16	14	175
	<i>% of Offenders Convicted</i>	10.3%	14.7%	7.7%	8.3%	6.3%	0.0%	7.1%	0.0%	0.0%	0.0%	6.9%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	26.5%	38.5%	58.3%	81.3%	50.0%	50.0%	66.7%	43.8%	50.0%	46.3%
<b>Graham County<sup>b</sup></b>	<i>#of Offenders Arrested</i>	4	4	5	--	8	15	15	9	14	8	80
	<i>% of Offenders Convicted</i>	25.0%	0.0%	0.0%	--	50.0%	13.3%	6.7%	11.1%	0.0%	12.5%	11.3%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	0.0%	40.0%	--	16.7%	66.7%	40.0%	55.6%	64.3%	50.0%	46.3%
<b>Greenlee County<sup>d</sup></b>	<i>#of Offenders Arrested</i>	1	3	2	3	1	3	--	1	4	2	20
	<i>% of Offenders Convicted</i>	0.0%	33.3%	0.0%	66.7%	0.0%	0.0%	--	0.0%	0.0%	0.0%	15.0%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	--	100.0%	0.0%	50.0%	20.0%

**Table 16: Offenders Convicted of Aggravated Domestic Violence by County,  
FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>La Paz County<sup>e</sup></b>	<i># of Offenders Arrested</i>	1	3	5	5	2	1	--	2	--	--	19
	<i>% of Offenders Convicted</i>	100.0%	66.7%	20.0%	0.0%	0.0%	100.0%	--	0.0%	--	--	26.3%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	0.0%	40.0%	20.0%	50.0%	0.0%	--	50.0%	--	--	26.3%
<b>Maricopa County</b>	<i># of Offenders Arrested</i>	69	72	115	161	201	199	234	196	196	162	1,577
	<i>% of Offenders Convicted</i>	15.9%	30.6%	27.8%	44.1%	42.8%	56.8%	49.6%	48.0%	42.3%	35.2%	42.7%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	45.8%	41.7%	32.9%	37.6%	23.1%	23.5%	23.0%	31.1%	47.5%	32.9%
<b>Mohave County</b>	<i># of Offenders Arrested</i>	16	35	40	31	35	27	42	36	29	28	318
	<i>% of Offenders Convicted</i>	12.5%	11.4%	15.0%	32.3%	14.7%	14.8%	23.8%	33.3%	37.9%	21.4%	22.0%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	62.9%	65.0%	22.6%	32.4%	29.6%	45.2%	41.7%	31.0%	32.1%	42.1%
<b>Navajo County</b>	<i># of Offenders Arrested</i>	3	12	35	23	61	21	28	36	36	44	279
	<i>% of Offenders Convicted</i>	0.0%	16.7%	14.3%	17.4%	7.3%	4.8%	14.3%	16.7%	13.9%	6.8%	11.8%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	16.7%	40.0%	43.5%	70.7%	52.4%	50.0%	66.7%	50.0%	61.4%	54.5%
<b>Pima County</b>	<i># of Offenders Arrested</i>	16	25	24	29	62	67	59	127	66	115	569
	<i>% of Offenders Convicted</i>	12.5%	24.0%	29.2%	17.2%	43.9%	44.8%	59.3%	49.6%	51.5%	42.6%	43.8%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	12.0%	33.3%	17.2%	26.8%	16.4%	20.3%	18.1%	18.2%	13.9%	18.5%
<b>Pinal County</b>	<i># of Offenders Arrested</i>	23	13	7	9	10	20	21	17	33	36	189
	<i>% of Offenders Convicted</i>	17.4%	7.7%	0.0%	22.2%	30.0%	40.0%	4.8%	35.3%	15.2%	13.9%	18.5%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	23.1%	42.9%	11.1%	30.0%	10.0%	38.1%	23.5%	15.2%	19.4%	21.7%

**Table 16: Offenders Convicted of Aggravated Domestic Violence by County, FY2001 - FY2010\* (continued)**

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Santa Cruz County<sup>a</sup></b>	<i>#of Offenders Arrested</i>	--	--	1	--	2	1	2	8	6	17	37
	<i>% of Offenders Convicted</i>	--	--	0.0%	--	0.0%	0.0%	0.0%	37.5%	50.0%	0.0%	16.2%
	<i>% of Offenders with Missing Dispositions</i>	--	--	100.0%	--	100.0%	0.0%	0.0%	37.5%	16.7%	94.1%	62.2%
<b>Yavapai County</b>	<i>#of Offenders Arrested</i>	41	56	23	55	66	70	60	47	57	35	503
	<i>% of Offenders Convicted</i>	26.8%	19.6%	34.8%	18.2%	16.9%	28.6%	10.0%	23.4%	29.8%	31.4%	22.9%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	37.5%	43.5%	43.6%	45.8%	25.7%	31.7%	25.5%	24.6%	34.3%	35.4%
<b>Yuma County</b>	<i>#of Offenders Arrested</i>	38	37	38	37	61	47	55	50	57	79	486
	<i>% of Offenders Convicted</i>	21.1%	24.3%	23.7%	40.5%	31.3%	19.1%	45.5%	42.0%	40.4%	30.4%	32.5%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	16.2%	15.8%	16.2%	31.3%	38.3%	3.6%	12.0%	5.3%	19.0%	17.3%
<b>State of Arizona<sup>22</sup></b>	<i>#of Offenders Arrested</i>	265	334	341	405	612	532	567	583	552	582	4,643
	<i>% of Offenders Convicted</i>	18.5%	22.2%	20.5%	31.4%	30.1%	38.2%	36.2%	39.5%	35.0%	28.4%	31.5%
	<i>% of Offenders with Missing Dispositions</i>	0.0%	34.4%	41.3%	32.1%	40.2%	27.1%	27.2%	26.9%	26.8%	36.1%	32.2%

\* It is important to note that some of the missing dispositions from 2008 – 2010 may be a function of cases that have not yet reached final disposition. By rule (16A A.R.S. Rules Crim. Proc., Rule 8.2) jurisdictions have up to 150 days from arraignment to try a case if the defendant is in custody, 180 days from arraignment for a defendant that has been released, 270 days from arraignment for complex cases, and up to two years from arraignment for capital cases.  
a In 2001, 2002, and 2004 there were no records of arrests for aggravated domestic violence in Santa Cruz County.  
b In 2004, there were no records of arrests for aggravated domestic violence in Graham County.  
c In 2006 there were no records of arrests for aggravated domestic violence in Apache County.  
d In 2007 there were no records of arrests for aggravated domestic violence in Greenlee County  
e In 2007, 2009, and 2010 there were no records of arrests for aggravated domestic violence in La Paz County.

<sup>22</sup> The number of arrest incidents in Arizona’s 15 counties do not sum to the total number of arrest incidents in the ACCH because state, federal, and tribal agencies also submit arrest information to the ACCH.

## Domestic Violence Sentence Types

### *Domestic Violence “Flagged” Offenders*

The majority of offenders convicted of a domestic violence flagged offense are sentenced to a probation term (Table 16). From 2001 to 2010, more than eight out of every ten offenders convicted of a domestic violence flagged offense were sentenced to a probation term. The second most frequent sentence for offenders convicted of a domestic violence flagged offense from 2001 to 2010 was a jail sentence. Approximately half of offenders convicted of a domestic violence flagged offense were sentenced to a jail term.

A small percentage of offenders convicted of a domestic violence flagged offense had an order for restitution or community service included as part of their sentences. Less than two percent of offenders convicted of a domestic violence flagged offense were ordered to pay restitution or perform community service.

It is important to note that sentences for a domestic violence flagged offense are prescribed in the section of the criminal code associated with the offense to which the domestic violence flag was attached. For a full listing of the offense types to which a domestic violence flag can be attached, see Appendix B.

**Table 17: Percentage of Domestic Violence “Flagged” Convictions by Sentence Type, FY2001 - FY2010\***

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Prison Sentence</b>	1.5%	1.8%	1.5%	1.5%	2.0%	3.2%	3.0%	3.5%	3.3%	2.9%	2.4%
<b>Jail Sentence</b>	44.6%	48.8%	53.5%	53.4%	52.7%	52.4%	51.4%	52.0%	51.3%	54.7%	51.5%
<b>Probation Sentence</b>	85.0%	86.6%	88.2%	87.5%	85.8%	84.9%	85.0%	84.4%	80.9%	82.2%	85.2%
<b>Fined</b>	36.6%	39.5%	43.1%	46.2%	44.1%	43.4%	43.1%	44.4%	44.2%	46.9%	43.1%
<b>Community Service</b>	1.8%	1.5%	1.5%	1.6%	1.5%	1.8%	1.7%	1.4%	1.2%	1.1%	1.5%
<b>Restitution</b>	0.1%	<0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.4%	0.5%	0.3%	0.2%
<b>Suspended Sentence</b>	8.8%	10.4%	12.1%	10.1%	10.2%	12.7%	13.1%	13.6%	13.3%	12.5%	11.7%
<b>Other Sentence</b>	31.6%	31.6%	33.0%	37.1%	39.6%	41.6%	41.5%	40.0%	36.2%	29.8%	36.4%

\*Percentages do not sum to 100% because convicted offenders can received multiple sentence types (e.g., a jail sentence with a probation tail).

### Aggravated Domestic Violence Offenders<sup>23</sup>

Similar to sentences for offenders convicted of an offense flagged for domestic violence, the most common sentence for an offender convicted of aggravated domestic violence is probation (Table 17). Additionally, from 2001 to 2010, the percentage of offenders convicted of aggravated domestic violence and sentenced to a prison term increased nearly four-fold. In 2001, 11.3 percent of offenders convicted of aggravated domestic violence served a prison term, but by 2010 nearly half (44.0 percent) of offenders convicted of aggravated domestic violence were sentenced to prison. During the same time that the percentage of aggravated domestic violence offenders sentenced to prison increased, the percentage of aggravated domestic violence offenders sentenced to jail decreased.

The least used sentencing option for convicted aggravated domestic violence offenders was a restitution order. During the time period examined, 1.0 percent or less of convicted aggravated domestic violence offenders were ordered to pay restitution. Similarly, community service is also a little used sentencing option for convicted aggravated domestic violence offenders. The percentage of convicted aggravated domestic violence offenders ordered to perform community service decreased from a high of 13.2 percent in 2001 to a low of 2.0 percent in 2009.

**Table 18: Percentage of Aggravated Domestic Violence Convictions by Sentence Type, FY2001 - FY2010\***

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010**	Total
<b>Prison Sentence</b>	11.3%	21.3%	21.3%	32.8%	27.2%	31.1%	38.5%	44.0%	49.5%	44.0%	36.1%
<b>Jail Sentence</b>	47.2%	38.7%	42.7%	30.7%	37.7%	34.0%	38.9%	30.8%	28.0%	21.7%	33.2%
<b>Probation Sentence</b>	75.5%	72.0%	88.0%	70.8%	72.8%	78.8%	73.1%	76.9%	73.5%	67.5%	74.5%
<b>Fined</b>	22.6%	33.3%	14.7%	13.1%	13.9%	7.5%	8.2%	10.3%	12.0%	6.0%	11.8%
<b>Community Service</b>	13.2%	6.7%	6.7%	8.0%	7.9%	6.1%	3.8%	3.0%	2.0%	3.0%	5.1%
<b>Restitution</b>	0.0%	0.0%	0.0%	0.7%	0.0%	0.0%	0.0%	0.4%	1.0%	0.0%	0.3%
<b>Suspended Sentence</b>	28.3%	26.7%	33.3%	42.3%	42.4%	42.0%	38.5%	26.5%	29.5%	21.7%	33.6%
<b>Other Sentence</b>	64.2%	60.0%	68.0%	68.6%	68.2%	57.1%	56.3%	50.0%	39.0%	26.55	53.2%

\*Percentages do not sum to 100% because convicted offenders can received multiple sentence types (e.g., a jail sentence with a probation tail).

<sup>23</sup> Aggravated domestic violence is a class five felony, and according to A.R.S 13-702, first time offenders convicted of aggravated domestic violence can be sentenced to a term of imprisonment of six months to two and one-half years.

## Domestic Violence Offenders

### *Domestic Violence “Flagged” Arrestees*

More than three-fourths of individuals arrested for a domestic violence flagged offense were male (Table 18). Additionally, more than eight of ten individuals arrested for domestic violence were White. Approximately one-tenth of individuals arrested for a domestic violence flagged offense were Black, although that percentage increased during the time period examined.

**Table 19: Characteristics of Individuals Arrested for “Flagged” Domestic Violence, FY2001 - FY2010**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Gender</b>											
<i>Male</i>	77.7%	77.9%	77.8%	77.0%	77.3%	77.4%	76.2%	75.3%	75.1%	73.5%	76.5%
<i>Female</i>	22.3%	22.1%	22.2%	23.0%	22.7%	22.6%	23.8%	24.7%	24.9%	26.5%	23.5%
<b>Race*</b>											
<i>White</i>	85.3%	86.3%	85.7%	85.3%	85.1%	84.0%	83.5%	81.8%	81.5%	82.4%	84.0%
<i>Black</i>	8.6%	7.9%	8.0%	8.2%	8.7%	9.0%	9.1%	10.3%	11.0%	10.5%	9.2%
<i>Asian/ Pacific Islander</i>	0.7%	0.7%	0.6%	0.6%	0.7%	0.8%	0.8%	0.8%	0.9%	0.8%	0.7%
<i>American Indian/ Alaskan Native</i>	5.4%	5.0%	5.4%	5.8%	5.4%	6.1%	6.4%	6.9%	6.5%	6.1%	6.0%
<i>Unknown</i>	0.1%	0.1%	0.2%	<0.1%	0.1%	0.2%	0.2%	0.1%	0.1%	0.2%	0.1%
<b>Median Age</b>											
	32.54	32.66	32.72	32.74	32.75	32.87	32.94	32.99	33.10	33.12	32.85
<b>Total Individuals Arrested</b>	21,509	22,634	23,225	23,982	24,512	27,032	26,218	25,782	24,793	25,375	245,062

\*Arizona’s Computerized Criminal History Record System follows the lead of the Federal Bureau of Investigation and does not collect information on offenders’ ethnicity (i.e., Hispanic vs. Non-Hispanic).

### *Offenders Convicted of a Domestic Violence “Flagged” Offense*

A slightly higher percentage of males are convicted of a domestic violence flagged offense than are arrested (Table 19). Although the percentage of males convicted of a domestic violence flagged offense decreased slightly over time, a larger percentage of males were convicted of a domestic violence flagged offense each year than were arrested.

When looking at the same data by race, a nearly equivalent percentage of Whites were convicted of a domestic violence flagged offense each year than were arrested. In contrast, a slightly lower percentage of Blacks were convicted of a domestic violence flagged offense each year than were arrested. During this same time, a higher percentage of Native Americans/Alaskan Natives were convicted of a domestic violence flagged offense each year than were arrested.

**Table 20: Characteristics of Individuals Convicted for “Flagged” Domestic Violence, FY2001 - FY2010**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Gender</b>											
<i>Male</i>	82.2%	82.5%	81.7%	80.4%	80.3%	81.4%	80.8%	80.0%	79.7%	78.4%	80.8%
<i>Female</i>	17.8%	17.5%	18.3%	19.6%	19.7%	18.6%	19.2%	20.0%	20.3%	21.6%	19.2%
<b>Race*</b>											
<i>White</i>	85.4%	86.3%	85.7%	85.1%	84.4%	84.2%	82.9%	81.6%	82.0%	82.7%	84.1%
<i>Black</i>	7.9%	7.3%	7.8%	7.9%	8.3%	7.9%	8.8%	9.2%	9.8%	9.0%	8.4%
<i>Asian/ Pacific Islander</i>	0.6%	0.6%	0.5%	0.4%	0.5%	0.4%	0.5%	0.7%	0.5%	0.5%	0.5%
<i>American Indian/ Alaskan Native</i>	6.0%	5.8%	5.8%	6.6%	6.7%	7.4%	7.6%	8.4%	7.6%	7.6%	6.9%
<i>Unknown</i>	0.1%	0.1%	0.2%	<0.1%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%
<b>Median Age</b>											
	32.19	32.10	32.07	32.11	32.03	32.29	32.26	32.37	32.83	32.48	32.26
<b>Total Individuals Convicted</b>	7,623	8,522	8,536	8,769	8,707	8,725	8,646	8,257	7,776	7,154	82,715

\*Arizona’s Computerized Criminal History Record System follows the lead of the Federal Bureau of Investigation and does not collect information on offenders’ ethnicity (i.e., Hispanic vs. Non-Hispanic).

### *Aggravated Domestic Violence Arrestees*

Approximately nine out of ten individuals arrested for aggravated domestic violence are male (Table 20). From 2001 to 2010, the percentage of individuals arrested for aggravated domestic violence that were male ranged from a low of 86.4 percent in 2001 to a high of 89.5 percent in 2009.

Similar to the data on individuals arrested for a domestic violence flagged offense, more than eight out of ten individuals arrested for aggravated domestic violence were White. Slightly less than one in ten individuals arrested for aggravated domestic violence were Black and a similar, yet slightly lower, percentage were American Indian/Native Alaskan.

**Table 21: Characteristics of Individuals Arrested for Aggravated Domestic Violence, FY2001 - FY2010**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Gender</b>											
Male	86.4%	86.5%	88.9%	89.1%	89.0%	89.1%	87.3%	89.4%	89.5%	87.8%	88.4%
Female	13.6%	13.5%	11.1%	10.9%	11.0%	10.9%	12.7%	10.6%	10.5%	12.2%	11.6%
<b>Race*</b>											
<i>White</i>	83.8%	83.2%	85.3%	88.4%	83.6%	83.3%	85.7%	81.8%	81.9%	83.5%	83.9%
<i>Black</i>	8.3%	8.7%	7.0%	5.9%	7.3%	10.0%	7.8%	9.6%	8.9%	8.4%	8.3%
<i>Asian/ Pacific Islander</i>	0.0%	0.6%	0.6%	0.0%	0.6%	0.6%	0.0%	0.2%	0.2%	0.2%	0.3%
<i>American Indian/ Alaskan Native</i>	7.9%	7.5%	7.0%	5.7%	8.5%	6.0%	6.5%	8.4%	8.7%	7.9%	7.5%
<i>Unknown</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	0.0%	0.4%	0.0%	0.1%
<b>Median Age</b>											
	33.19	34.37	33.29	33.63	33.71	34.74	35.00	34.52	34.86	34.59	33.82
<b>Total Individuals Arrested</b>	265	334	341	405	482	532	567	583	552	582	4,643

\*Arizona's Computerized Criminal History Record System follows the lead of the Federal Bureau of Investigation and does not collect information on offenders' ethnicity (i.e., Hispanic vs. Non-Hispanic).

### *Offenders Convicted of Aggravated Domestic Violence*

Similar to the data on offenders convicted of domestic violence flagged offenses, a slightly higher percentage of males are convicted of aggravated domestic violence than are arrested (Table 21). From 2001 to 2010, a higher percentage of males were convicted of aggravated domestic violence each year than were arrested, except for in 2002.

Similar to the data on individuals arrested for aggravated domestic violence, approximately eight of ten individuals convicted of aggravated domestic violence were White. Additionally, approximately one in ten individuals convicted of aggravated domestic violence were Black, followed by a slightly lower percentage of American Indian/Native Alaskans.

**Table 22: Characteristics of Individuals Convicted for Aggravated Domestic Violence, FY2001 - FY2010**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Gender</b>											
<i>Male</i>	87.8%	86.5%	94.3%	94.5%	93.1%	92.6%	91.7%	92.6%	92.2%	91.5%	92.1%
<i>Female</i>	12.2%	13.5%	5.7%	5.5%	6.9%	7.4%	8.3%	7.4%	7.8%	8.5%	7.9%
<b>Race*</b>											
<i>White</i>	79.6%	79.7%	90.0%	85.8%	83.4%	83.3%	86.8%	81.3%	78.2%	86.7%	83.4%
<i>Black</i>	8.2%	12.2%	5.7%	8.7%	8.3%	10.8%	9.3%	11.7%	12.4%	7.3%	9.9%
<i>Asian/ Pacific Islander</i>	0.0%	0.0%	0.0%	0.0%	1.4%	0.5%	0.0%	0.0%	0.0%	0.0%	<0.1%
<i>American Indian/ Alaskan Native</i>	12.2%	8.1%	4.3%	5.5%	6.9%	5.4%	3.9%	7.0%	9.3%	6.1%	6.5%
<i>Unknown</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Median Age</b>											
	32.44	34.17	32.31	33.11	33.44	33.48	33.98	34.54	35.30	33.90	33.42
<b>Total Individuals Convicted</b>	49	74	70	127	145	203	205	230	193	165	1,461

\*Arizona's Computerized Criminal History Record System follows the lead of the Federal Bureau of Investigation and does not collect information on offenders' ethnicity (i.e., Hispanic vs. Non-Hispanic).

## Conclusion

The ACCH records system serves as a central repository for the collection, maintenance, and sharing of information on individuals processed by Arizona's criminal justice system. The information submitted to the ACCH is initiated by the arrest and fingerprinting of alleged offenders and includes case processing information submitted by law enforcement agencies, prosecutors, and the courts, from arrest to final disposition.

The primary purpose of a state's criminal history records system is to maintain and share official information on arrestees and convicted offenders to support criminal justice system decision making. Criminal history records systems are also frequently used by public and private sector organizations as part of background checks that serve as conditions of employment.

Criminal history records systems are also a useful source of data on arrestees and the processing of their cases through the criminal justice system for research purposes. The AZSAC routinely uses criminal history records system information to better understand the official reporting of sexual assault in Arizona, case processing times in Arizona courts, the timeliness and completeness of criminal history records reporting, and the impact of legislation to improve the quality of criminal history records system information. Finally, in a related study, AZSAC staff looked at identity theft in Arizona through the lens of criminal history records information.

Acknowledging the strengths (e.g., biometric-based information, standardized reporting practices, electronic submission, etc.) and weaknesses (e.g., missing information) of criminal history records system information, a review of ACCH data revealed much about the processing of domestic violence cases in Arizona and led to even more questions.

- For example, according to ACCH data, from 2001 to 2010, the statewide arrest rate for offenses flagged for domestic violence statewide ranged from 390.0 per 100,000 to 448.4 per 100,000, with considerable variation in the arrest rate at the county level. But this finding reveals little about the rate of domestic violence in the population more generally, since domestic violence is an often unreported crime, and reveals even less about why it varies from county to county.
- The ACCH data also reveals that the most frequent outcome of a misdemeanor arrest for an offense flagged as domestic violence is a court dismissal—more than one-third were dismissed by the court during the time period examined—but reveals nothing about the reasons behind a court dismissal.
- The ACCH data also revealed that a large percentage of convicted domestic violence offenders received a term of probation, but many also received a jail sentence. A much smaller percentage of convicted domestic violence offenders are sentenced to community service or restitution, but the ACCH data reveals nothing about the barriers to ordering community service or restitution for convicted domestic violence offenders.
- Finally, all of the findings described here and throughout the report must be placed in the context of the amount of information missing from the ACCH system. During the time period examined, approximately one-fifth to one-fourth of arrests were missing case disposition information. Of course, some of this information is not missing, but instead, is a function of a case that has not yet been concluded.

The purpose of this report is to provide policymakers and practitioners with data on the arrest and subsequent case processing of individuals arrested for domestic violence. The ACCH data used for this report has led to several important findings on the domestic violence arrest rate, how these arrests are processed through the criminal justice system, how these arrests are resolved by the criminal justice system, and general information about the sentences for convicted domestic violence offenders.

Not to be overlooked among the findings on the arrest and processing of domestic violence offenders by Arizona's criminal justice system is the ongoing problem of case disposition information missing from the ACCH. The agencies that comprise Arizona's criminal justice system use ACCH information for a variety of purposes, including determining appropriate charges for repeat offenders. For example, Arizona prosecutors can charge repeat domestic violence offenders with aggravated domestic violence after three violations for a domestic violence offense within 84 months. If associated case disposition information on previous arrests for domestic violence is missing from the records system, prosecutors will have an incomplete picture of the criminal history of an arrestee and may not be able to appropriately charge repeat domestic violence offenders.

The information in the ACCH is also used to make decisions on who has legal access to firearms. For example, pursuant to the Federal Gun Control Act of 1968, individuals convicted of misdemeanor or felony domestic violence are prohibited from legally purchasing a firearm from a federal firearm licensee.<sup>24</sup> However, when the arrests entered into ACCH are missing subsequent case outcome information, the ACCH is missing a critical piece of information that impacts the decision to allow or disallow the purchase of a firearm. Without this information in the ACCH, criminal justice system personnel do not have easy access to the information needed to make decisions about who can and cannot legally purchase a firearm.

On a daily basis, information is submitted to the ACCH by law enforcement agencies, prosecutors, and courts across Arizona. This information is critical to the public safety decisions being made every day on the street, in prosecutors' offices, and in courtrooms. The ACCH data can tell us a great deal about domestic violence in Arizona and the criminal justice system's response. Yet, this analysis of ACCH data is also a reminder that Arizona must continue to focus on reducing the amount of missing information in the ACCH by improving the information submission process. If successful, that effort will result in a system that arms the criminal justice system with the information it needs to work efficiently and effectively.

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<sup>24</sup> 18 U.S.C § 922

## References

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## APPENDIX A

### **13-3601. Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure**

A. "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
  - (a) The type of relationship.
  - (b) The length of the relationship.
  - (c) The frequency of the interaction between the victim and the defendant.
  - (d) If the relationship has terminated, the length of time since the termination.

B. A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic

violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.

D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.

E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.

F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.

G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.

H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.

I. A person who is arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.

J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of the victim including:

1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.
2. The emergency telephone number for the local police agency.

3. Telephone numbers for emergency services in the local community.

K. A peace officer is not civilly liable for noncompliance with subsection J of this section.

L. If a person is convicted of an offense involving domestic violence and the victim was pregnant at the time of the commission of the offense, at the time of sentencing the court shall take into consideration the fact that the victim was pregnant and may increase the sentence.

M. An offense that is included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized for that violation shall be increased by up to two years.

**13-3601.02. Aggravated domestic violence; classification; definition**

A. A person is guilty of aggravated domestic violence if the person within a period of eighty-four months commits a third or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.

B. A person who is convicted under this section and who within a period of eighty-four months has been convicted of two prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in jail.

C. A person who is convicted under this section and who within a period of eighty-four months has been convicted of three or more prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in jail.

D. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision in subsection A of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.

E. For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply only to convictions for offenses that were committed on or after January 1, 1999.

F. Aggravated domestic violence is a class 5 felony.

G. For the purposes of this section, "domestic violence offense" means an offense involving domestic violence as defined in section 13-3601.

## APPENDIX B

<b>Offenses eligible to have a DV flag</b>	
13-705	Dangerous crimes against children
13-1102	Negligent Homicide
13-1103	Manslaughter
13-1104	Second degree murder
13-1105	First degree murder
13-1201	Endangerment
13-1202	Threatening or intimidating
13-1203	Assault
13-1204	Aggravated assault
13-1302	Custodial interference
13-1303	Unlawful imprisonment
13-1304	Kidnapping
13-1406	Sexual Assault
13-1502	Criminal trespass in the third degree
13-1503	Criminal trespass in the second degree
13-1504	Criminal trespass in the first degree
13-1602	Criminal Damage
13-2810	Interfering with judicial proceedings
13-2904.A.1-3 or 6	Disorderly conduct
13-2910.A.8-9	Cruelty to animals; interference with working or service animal
13-2915.A.3	Preventing use of telephone in emergency
13-2916	Use of telephone to terrify, intimidate, threaten, harass, annoy or offend.
13-2921	Harassment
13-2921.01	Aggravated harassment
13-2923	Stalking
13-3019	Surreptitious photographing, videotaping, filming or digitally recording or viewing
13-3601.02	Aggravated domestic violence
13-3623	Child or vulnerable adult abuse