Arizona Criminal Records Infrastructure Improvement

Multi-Agency Strategic Assessment Report
May 30, 2014

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2   ACKNOWLEDGEMENTS

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3   EXECUTIVE SUMMARY

Receiving the right information in a timely manner can mean the difference between justice and injustice. Protecting Arizona citizens and providing a safer community in which people can raise a family, attend school, work, and enjoy the Arizona lifestyle are the ultimate goals of the Arizona Criminal Records Infrastructure Improvement Program. Recognizing the potential impact to public safety and civil rights to the citizens of Arizona, in 2013 the Arizona Criminal Justice Commission (ACJC) initiated a strategic assessment project to identify the nature and impact of issues affecting complete and accurate criminal history data within the state.

In order to achieve the goals of the Arizona Criminal Records Infrastructure Improvement Program, we **must** accomplish the following goals to rebuild and create a new, effective criminal justice system.

- **Goal 1:   Provide Community and Officer Safety**
  A safe community for both the public and our police officers is the objective that forms the foundation for all other goals. From an information systems perspective, the best way to accomplish this is by making sure that our community and officers have timely access to accurate and complete criminal records. From an employer's perspective, it is knowing that a criminal background check is comprehensive and includes any all potential disqualifying events. From an officer's perspective, it is knowing about all outstanding arrest warrants and prior interactions with the justice system for a suspect.

- **Goal 2:   Create an Effective Criminal Justice System**
  Across state and local government, justice agencies face the reality of declining budgets. We can no longer afford to solve technology and data integrity issues through the allocation of endless human capital. Rather, we must think strategically and identify ways that information systems can be leveraged to not only perform functions more quickly, but also with a higher degree of accuracy and timeliness. In the coming years, the correct implementation of information technology will prove to be one of the most powerful force multipliers for justice organizations in Arizona.

- **Goal 3:   Hold Offenders Accountable**
  Our criminal justice system is not vindictive. Our emphasis continues to shift toward the rehabilitation rather than the punishment of convicted offenders. However, rehabilitation and the reintroduction of offenders into society cannot conflict with Goal 1- protecting the public and public safety officers. This means that it is increasingly important that the offender records we maintain must be comprehensive, and that a future employer, or a future prosecutor, will always have a true understanding of a person's criminal career. It is about making sure that the hundreds of statutes that have been passed to prevent victimization of our most vulnerable citizens can be effectively enforced. We can never forget about those that have been through our justice system, and found not guilty of charges. We must ensure that they are not saddled with an ongoing societal debt simply because we failed to maintain correct and accurate criminal records.

Over the past several years, statewide justice agencies in Arizona have introduced a number of focused initiatives to address virtually every aspect of criminal justice records improvement. These

initiatives serve to not only reevaluate every aspect of the current process, but in some situations to fundamentally transform business process that often were developed many years before the current period of technological innovation. To that end, the list of initiatives below represents the comprehensive set of activities sponsored by the ACJC. These initiatives are intended to be implemented in concert to address three critical, and often intertwined, issues: (1) Missing Criminal History, (2) Incomplete Criminal History, and (3) an Inefficient Arrest Warrant Process.

- **Arizona Initiative 1: Simplify Case Disposition Reporting**
- **Arizona Initiative 2: Expand Use of Biometrically-Based Identifiers**
- **Arizona Initiative 3: Arizona Statewide Electronic Arrest Warrant Project**
- **Arizona Initiative 4: National Instant Criminal Background Check System (NICS) Recommendations Implementation**
- **Arizona Initiative 5: Expand Arizona GAP Filler Project**

This report articulates the nature and scope of issues and solutions that will serve to integrate disparate State and Local systems and enhance practitioner capabilities across Arizona's entire criminal justice continuum. The Proposed Solutions section describes the Arizona approach for dealing with these issues. First, the reader will learn the background on how criminal records are currently created and maintained. Then, the report highlights the challenges faced by agencies in ensuring that these records are accurate and complete. Finally, a discussion about the initiatives listed above is presented. Collectively, we believe these efforts will enable criminal justice agencies to share timely and accurate disposition and warrant information; augment deployment of evidence-based best practices; and thereby enhance public and officer safety while protecting the civil liberties of citizens within the State of Arizona and nationwide.

4   BACKGROUND

When criminal histories are not correctly recorded within the Arizona Department of Public Safety (AZ-DPS), Computerized Criminal History (ACCH) repository, felony convicts can potentially obtain a job interacting with high-risk citizens, such as children and the elderly, because the criminal record does not exist to preclude them from obtaining such clearance. Further, incomplete and inaccurate criminal history information can actually delay or preclude lawful citizens from obtaining employment for civil service positions that require a background check.

Over the past several years, the Arizona Department of Corrections (ADC) has conducted a study of incarcerated inmates and identified almost 1,000 that have been admitted into the ADC **with no fingerprint record and no criminal history**. While efforts have been pursued to mitigate troublesome effects of failures in the system, 370 inmates have or will be released into the public with no criminal history that reflects their criminal record or timed served within ADC. These are often individuals who have been convicted of recidivistic and violent crime and therefore their propensity to re-offend is significantly increased once they are released. Additionally, if no criminal history exists, their conviction information cannot be recorded in the National Instant Criminal Background Check System (NICS), thereby giving them access to purchase a firearm.

Recognizing the potential impact of public safety and civil rights to the citizens of Arizona that arise as a result of these systemic anomalies, the ACJC initiated a strategic assessment project to identify the nature and extent of issues affecting complete and accurate criminal history data within the

state. This effort started with the establishment of an interagency taskforce with national representatives that included the ACJC, AZ-DPS, the Arizona Administrative Office of the Courts (AOC), the Arizona Department of Administration Strategic Enterprise Technology (ASET), the National Criminal Justice Association, and SEARCH. Principals from these organizations served on an Executive Team whose work and strategic vision was informed by two discrete working groups focused on disposition reporting and arrest warrant management – two key components of accurate and complete criminal records.

The ACJC utilized funding from the United States Department of Justice, Bureau of Justice Assistance to assess current capabilities, conduct a gap analysis, and propose viable solutions to ensure that the State of Arizona can not only leverage advanced technological solutions to enhance timely and accurate sharing of information, but also employ evidence-based practices to inform actions across the criminal justice process.

This report articulates the nature and scope of issues and solutions identified by the Executive Team that will serve to integrate disparate systems and enhance practitioner capabilities across Arizona's entire criminal justice continuum. Collectively, these efforts will enable criminal justice agencies to share timely and accurate disposition and warrant information; augment deployment of evidence-based best practices; and thereby enhance public and officer safety while protecting the civil liberties of citizens within the State of Arizona and nationwide.

5   CONVICTS RELEASED WITH NO CRIMINAL HISTORY

In September of 2007, Juan Gonzalez[1] was released from the ADC for time served on charges that classified him as a prohibited possessor of a firearm in NICS. During his period of incarceration, it was determined that he did not have an official criminal history record in ACCH. While ADC, in collaboration with the Attorney General and AZ-DPS, has devised a limited mechanism to address incidents of no existing criminal history record, in this instance due to state-wide policies that govern the creation of criminal history records, Mr. Gonzalez was released without the creation of a criminal history record that documented his status as a convicted offender. During the six years following his release, he was involved in fifteen new criminal cases ranging from driving under the influence to disorderly conduct, domestic violence, and child abuse.

Figure 1 - "Juan Gonzalez"

Upon release, Mr. Gonzalez **did not have a criminal history** that documented his original charges and therefore, his subsequent charges could not be considered in the context of the original case. This absence of information likely had a significant impact on prosecutorial and judicial decisions in the criminal cases following his first release because a comprehensive depiction of his actual criminal career was not available. Likewise, the lack of a criminal history record for Mr. Gonzalez could have enabled him to obtain a job as a school bus driver or purchase a firearm despite the fact that he was convicted of domestic violence. Law enforcement, prosecutors and the courts use criminal history information to hold individuals accountable to their record of criminal offenses to protect the public and prevent future victimization within our community. Due to failures in the system, Mr. Gonzalez did not have an existing criminal history that would allow these critical stakeholders to connect the public safety dots for this violent offender.

6   SOLVING AND PREVENTING CRIME

When criminal history databases were originally established, their primary function was for investigative purposes. Through state and federal mandates, as well as local practices, their use has broadened significantly beyond this initial scope. For example, in Arizona, the ACCH is used to determine eligibility for over 300 categories of civil employment. It is also used when prosecutors make determinations on enhancing charges, for plea agreements and when court officers make pre-trial bond and sentencing decisions.   Inaccurate and incomplete criminal history data impacts all of our criminal justice stakeholders, from crime scene to courtroom, because they are not appropriately informed to hold criminal offenders accountable to the fullest extent of the law. **The end result is that our public safety officials and the public itself are unnecessarily at greater risk.** Further, we cannot empower our criminal justice practitioners to advance their trade by employing the latest

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[1] Name has been changed to preserve privacy rights.

evidence-based best practices because the systems in place cannot provide the necessary data. We must empower law enforcement and officers of the court to harness the power of accurate and complete criminal history data in support of the public safety decisions made today and into the future.

6.1   KEEPING OUR CHILDREN AND COMMUNITY SAFE

In order to keep our children and community safe, improvements must be made in the collection and management of criminal records. Approximately 120,000 fingerprint clearance cards for civil employment (background checks) were processed by AZ-DPS in 2012, an increase of 26% since 2004. The legislature in Arizona has indicated that over 300 civilian jobs require a biometrically based background check, in this case, fingerprints, to demonstrate that an individual is not currently charged with or has not been convicted of a crime that precludes eligibility for employment. Information for the background check is drawn from ACCH, so the importance of complete and accurate data associated with criminal history records cannot be understated: ***when criminal history is inaccurate or incomplete, it can prevent or delay a legally eligible citizen from being cleared for employment.*** Worse yet, individuals who are statutorily precluded from obtaining jobs, especially those working with vulnerable groups such as children and the elderly, could be cleared to do just that.

6.2   HOLDING OFFENDERS ACCOUNTABLE

Offenders must be held accountable for their actions. Accurate and complete criminal history information is critical to the investigative and judicial process associated with processing of criminal casework. Prosecutors use criminal history information for determining charge enhancements, plea bargains, and other charging decisions. The unfortunate reality is because the information currently contained in ACCH is not complete, prosecutors must increasingly resort to using non-biometric data sources, such as the AOC's Public Access to Court Information System, (http://apps.supremecourt.az.gov/publicaccess/) to piece together criminal backgrounds. This is not only burdensome and time consuming, but poses risk of reliability because public access records are only tied to name and date of birth, not a biometric identifier such as fingerprints.

6.3   KEEPING VIOLENT OFFENDERS OFF THE STREETS

Nationally, justice practitioners are trending toward using data-driven practices to inform the criminal justice process. Recognizing the importance of this trend, Gila, Mohave, Pinal, and Yuma Counties, and the City of Mesa have engaged in a pilot project with a non-profit organization to demonstrate the value of what is known as a 'pre-trial risk assessment tool'. This tool, developed by the Laura and John Arnold Foundation, is designed to help courts and pre-trial court service organizations determine which defendants pose the greatest risk to public safety and should remain in custody, and likewise, who should be released. In order to provide Arizona justice agencies with the ability to improve their business practices through these types of cutting edge and data-driven initiatives, we must facilitate the development of an infrastructure that can serve to support these efforts now and into the future.

6.4   OFFICER SAFETY

Keeping Arizona law enforcement officers safe is a top priority. Officers use criminal records every day as a mechanism for preventing crime as well as solving ongoing cases. In fact, based on the types of crimes that an offender has been found guilty of, agencies often develop automatic filters for criminals that fit a particular profile. When attempting to solve a crime, detectives will then query criminal records using these profile filters to narrow down a list of potential persons of interest.

Moreover, law enforcement will often use warrant history as part of their investigations. If an officer can locate a previously served warrant on an individual, they may be able to contact the agency that originated the complaint and obtain updated information such as a current address, known associates, vehicles, or other information that might assist in their investigation.

6.5   PREVENTING MASS SHOOTINGS

Preventing the next mass shooting incident is an incredibly challenging task, but there are mechanisms being put in place that will help Arizona officials mitigate this risk and deter a tragedy from occurring.   NICS is a point-of-sale authorization system to approve the sale of firearms in the United States. NICS currently functions both as a networking system and a database:

Networking: The networking capability of NICS enables state queries from Federal Firearms Licensees (FFLs) to determine whether an individual prospective buyer is eligible to purchase a firearm by enabling access of criminal history information through the Interstate Identification Index (Triple "I" or "III"). The III network is a biometric (ten print) based system populated by individual states, therefore, the data within III is directly impacted by the quality and quantity of state criminal history information. NICS also obtains warrant and protection order information from the Federal Bureau of Investigation's National Crime Information Center (NCIC) to appropriately inform the FFL of whether an individual is statutorily permitted to possess a firearm or explosives.   It should be noted that unlike III, NCIC information is not linked to a biometric identifier.   Rather, the functionality is based upon query by name and date of birth.

Database: NICS also serves as an independent database to capture and catalog critical information such as when a person is found incompetent or is guilty of misdemeanor domestic violence or ordered by a judicial official to not possess firearms that might classify an individual, either by state or federal statute, as a prohibited possessor.

For Arizona, information contained in and accessed through NICS is primarily obtained from ACCH and other statewide criminal records systems. Therefore, the information contained in or accessed through NICS is *entirely* dependent upon the completeness and accuracy of data contained in these systems. Incomplete criminal records may not only result in a prohibited possessor purchasing a firearm, it could also delay or prevent a citizen from their Second Amendment right to possess a firearm.

Notwithstanding the importance of NICS reporting, the ACJC identified two cross-cutting issues that encumber the timely and accurate reporting of data to statewide criminal justice systems: (1) accurate and complete criminal history data and (2) a dated, paper-based arrest warrant process. The absence of accurate and complete criminal history and arrest warrant information not only impact Arizona's ability to use evidence-based tools to employ more efficient judicial processes, but it can impact public and officer safety and infringe upon the civil liberties of Arizona citizens. Therefore, the remainder of this report will focus on describing the current business processes and the accompanying systemic issues that impact Arizona's ability to fight, solve, and prevent crime while preserving civil rights of upstanding citizens specifically as it relates to statewide criminal records.

7 CRIMINAL HISTORY: OFFENDER ACCOUNTABILITY

Arizona Revised Statute **§**41-1750 states "The department [AZ-DPS] is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information." To this end, AZ-DPS responds to approximately 2.8 million criminal history queries per year – *that is in excess of 7,500 per day* – from state and local agencies within the state. Given the extent to which criminal history is used, it is critical to preserve the integrity of the information contained within these records. In an effort to understand the extent to which criminal history records within ACCH are inaccurate or incomplete, ACJC evaluated the current process for how criminal records are created and updated.

7.1 CRIMINAL HISTORY

To appreciate the value of information contained in criminal history records, it is critical to understand functionally how they are created and updated. In Arizona, all felony and three misdemeanor arrest offenses, DUI's, domestic violence and sex offenses, require fingerprints be captured and a record of the arrest created within the ACCH repository. The AZ-DPS gives local justice agencies wide latitude to capture criminal history beyond these statutorily required charges.

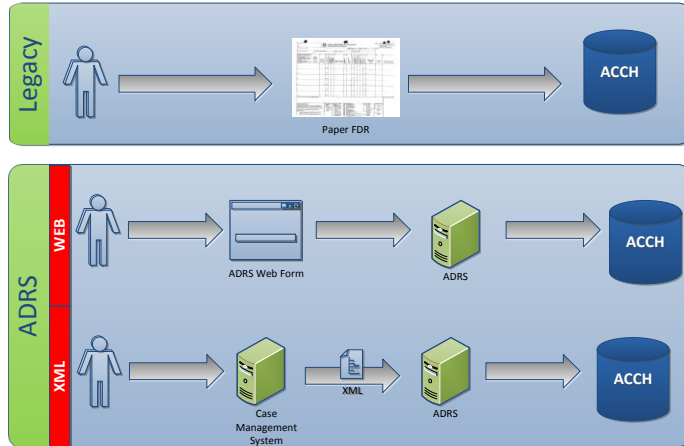#### 7.1.1 HOW CRIMINAL HISTORY IS STARTED

The collection of a Type 01 Fingerprint, typically through a LiveScan booking device, is the only way to initiate the process of creating a criminal history record and identifying the associated charges. Upon receipt of a Type 01 Fingerprint and charges, ACCH will *either* match the fingerprints to an existing identity record or create a new identity record if none exists. ACCH will then associate that identity record to the new arrest which includes a list of the charges indicated by the arresting law enforcement agency. In either situation, a unique Process Control Number (PCN) is generated and associated to this new arrest record. The PCN will be subsequently used to uniquely identify the arrest segment when the prosecutor or court reports an update to the charges. Put another way, we know that charges very often change throughout the investigative and prosecutorial process. The PCN serves as the unique database identifier to ensure that the correct arrest charges are updated. Based on this business

process, it stands to reason that if a Type 01 Fingerprint is **not** captured, no criminal history record will be created in ACCH, no PCN will be generated, and no arrest record will exist within the system.

7.1.2 UPDATING ARREST CHARGES

Currently, the majority of charge updates (known as charge disposition reporting) are reported using

Arizona Disposition Reporting Methods

a paper Final Disposition Report (FDR) which includes the PCN as the key identifier. At the conclusion of a case, the prosecutor or court will provide an updated FDR to AZ-DPS to record the final disposition. The FDR is typically transferred by hand or U.S. Mail.   This antiquated paper-based process, which has been in place since at least the early 1970s, is not only extremely inefficient; it is wrought with challenges such as illegible handwriting, incomplete information, and transcription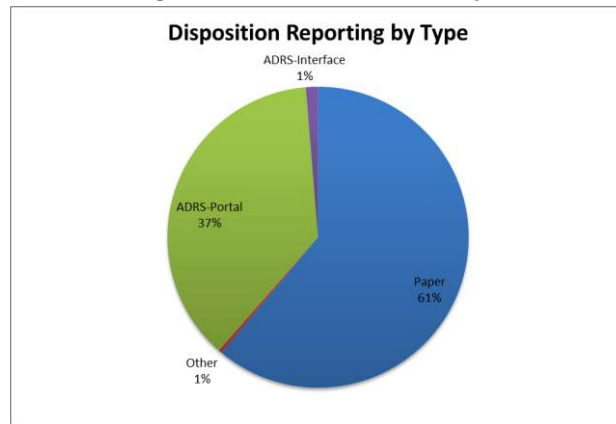 errors. To address this issue, the Arizona Disposition Reporting System (ADRS) was developed as an electronic means to access and update criminal history data.

ADRS is a system that was designed to streamline the process of reporting dispositions into the state criminal history repository. It can be used in two different configurations:

Web Portal: The web version of ADRS provides an electronic representation of the FDR. Prosecution or court personnel documenting case disposition information must enter the update into both their local case management system and then again into the ADRS web portal (in lieu of writing it by hand on the paper FDR).   In 2013, 37% of dispositions were recorded using the ADRS Web Portal.

System Interface: Participating agencies can also transmit disposition information directly from their case management systems into ADRS through a system-to-system interface.   Once disposition information is entered into the local case management system, it is transmitted directly into ADRS with no need for further manual intervention.   The significant benefit of the systems interface approach is that it eliminates the need for duplicate data entry.

While ADRS was certainly a step in the right direction, the assessment revealed that ADRS is not functioning at expected levels. Many issues and challenges were identified through

Disposition Reporting by Method

the strategic assessment that can be resolved to enhance criminal records data exchange throughout the state. For example, the system continues to enforce the exact same business rules that were originally designed for the paper process.

8   ARREST WARRANTS: APPREHENDING SUSPECTS

As identified by the ACJC, a key goal to enhancing criminal justice information sharing in the State of Arizona must include a means by which law enforcement, prosecution, and the courts can leverage technological solutions to automate arrest warrant processing and provide access to arrest warrant history.

8.1   HOW ARREST WARRANTS ARE CREATED

Time studies indicate that as many as 500,000 person hours are spent every year creating, maintaining and serving warrants. Arrest warrants are the legal authority under which law enforcement can arrest and detain an individual.   They are initiated only after probable cause has been established that a crime has been committed and that the subject should stand trial on the allegation(s). As of May 23, 2014, there were 334,764 arrest warrants active and outstanding in Arizona. The majority of these warrants were created in response to one of the scenarios below:

- Grand Jury Indictment: When a grand jury establishes probable cause and returns an indictment against an individual, the prosecutor can request that a summons, an arrest warrant, or a Notice of Supervening Indictment (NSI) be issued. The NSI is issued if the defendant is currently in custody. A summons is issued if the prosecutor has a high degree of confidence regarding the current location of the defendant. An arrest warrant will be used if the defendant either did not respond to the summons or if the prosecutor is not aware of their current location.

Figure 2 - Warrant Maintenance Time Study

- Law Enforcement Investigation: When law enforcement gathers sufficient evidence to prove probable cause to a judicial officer, an arrest warrant or summons can be issued for their arrest.
- Failure to Appear/Failure to Pay: If a subject fails to appear at a scheduled criminal court hearing or fails to comply with the terms of their judgment (i.e., fees and fines), the court can order the issuance of an arrest warrant on its own motion.
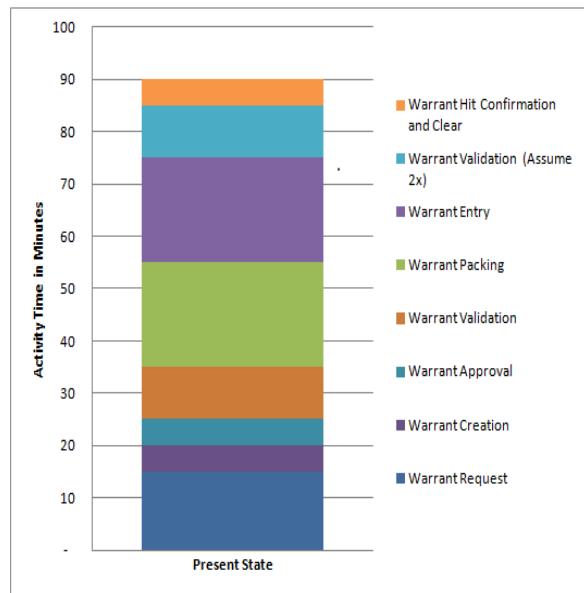
- Violation of Probation/Parole: When a probation/parole officer believes that the supervised offender has violated the terms of their probation or parole, they can request an arrest warrant from the court.

Once the court authorizes and issues a warrant, it is transmitted to law enforcement to act as the warrant "Holder of Record". When an agency is designated the Holder of Record, it obligates that agency to perform a number of tasks:

Warrant Packing: Upon receipt of the warrant from the court, the Holder of Record will research the warrant to ensure that the information contained within the warrant is accurate. They will also initiate queries of other local, state and national databases, including ACCH, to gather as much information about the subject as possible. This information includes physical descriptors such as scars, marks and tattoos and other demographics; registered vehicles; known aliases; and other personal identifiers. If any of the information (i.e., subject name, date of birth, or charges) on the warrant does not correspond with the information that the Holder of Record is able to obtain, the warrant may be returned to the issuing court for corrective action.

Warrant Entry: After "packing" the warrant with relevant and pertinent information about the defendant, the warrant will typically be manually entered into the law enforcement agency Records Management System (RMS). The RMS is used by law enforcement agencies to create and manage reports and cases and maintains a master person index that links persons involved in criminal incidents to incident reports. Likewise, the arrest warrant will be linked to an identity within the master person index. While some agencies have the ability to transmit the warrant directly from their RMS into the ACJIS Wanted Person File, the vast majority must manually reenter the warrant through a dedicated ACJIS terminal co-located in their agency.

Warrant Validation: Three months after issuance, and then every twelve months after the initial entry date, the Holder of Record and the issuing court must validate the status of all active arrest warrants. Accordingly, every month, each county Sheriff's office will distribute a paper list received from AZ-DPS listing the active arrest warrants that are due for validation during that month. Agencies and courts will first review the list to isolate their cases and then will query their own records/case management systems to confirm the status of the warrant. Based on the results of this validation, the Holder of Record may perform corrective actions such as cancelling any arrest warrant that contains errors or was previously quashed/cancelled by the court.

Maricopa County Sheriff Arrest Warrants

Warrant Hit Confirmation: When law enforcement intends to serve an outstanding arrest warrant, they will first determine the warrant status by contacting the agency designated as the Holder of Record. The Holder of Record agency will verify the status of the warrant in a variety of ways. For example, the Maricopa County Sheriff maintains an original, paper copy of the warrant cataloged by the subject's name and date of birth. When a hit validation request is received, a manual search for the hard copy on the shelf is

conducted in order to confirm that the warrant is valid and active. Warrant personnel will then attach a paperclip to the warrant to indicate that service is in-process.

The stacked bar chart above indicates the amount of time it takes to complete each of the activities required to issue, maintain and serve a typical arrest warrant over the course of one year.

9   ISSUES AND CHALLENGES IN TODAY'S ENVIRONMENT

9.1   CRIMINAL HISTORY RECORDS

Many of these statewide criminal justice records systems were initially developed in the 1970s and 1980s. Since then, the business process for adjudicating a criminal case has undergone significant changes. Responding to the pressures of increasing case backlogs, courts devised mechanisms to expedite many routine case types. For example, the Regional Court Center (RCC) provides a streamlined mechanism for adjudicating high-volume case types such as Driving Under the Influence and other criminal traffic infractions. Known colloquially as the "Rocket Docket", these cases are often initiated, adjudicated and sentenced during a single court hearing that is measured in minutes. These modifications to the case workflow succeeded in significantly reducing backlog. However, the underlying process by which criminal records were created and updated was, until now, never comprehensively reevaluated to assess its ability to support the streamlined process.

The scale of this issue is difficult to ascertain because of the multitude of stakeholders and systems that impact the integrity of this data. However, we know that the degree of resiliency in the system to detect and resolve anomalies early in the case depends almost entirely on the jurisdiction in which the person is arrested and adjudicated. ***We also know that in every Arizona County, one or a series of failures have resulted in cases like Mr. Gonzales where no criminal history exists for an individual that is arrested, charged, and convicted to serve time in ADC.*** Are the failures occurring at time of arrest? Are they occurring upon the filing of charges? Are they occurring upon adjudication, sentencing, or intake? In the sections below we discuss the systemic issues that result in failure across three key criminal records areas: (1) Incomplete Criminal History, (2) Missing Criminal History, and (3) Arrest Warrants.

9.1.1   INCOMPLETE CRIMINAL HISTORY: AN ARREST WITH NO OUTCOME

Incomplete criminal history results when an arrest segment has been created in ACCH but the charges are never updated to reflect the final disposition (i.e., charge dropped, guilty, not guilty, etc.). Over the past five years, $2.4 million in National Criminal History Improvement Program (NCHIP) grant funds have been expended on overtime costs within Arizona to research and resolve charges with incomplete criminal history. While this program has been very beneficial, every

year it is estimated that we add another 100,000 incomplete charges within ACCH. So why is it so hard to update a charge with the final disposition?

Throughout the lifespan of a criminal case, charges are added, modified, and sometimes even dropped. As mentioned previously, business rules that have been in place since the 1970s require that every evolution in a charge must be documented and reported in real-time to ACCH. While this is a lofty goal, the reality is that endemic and critical understaffing issues ensure that reconciliation of criminal history is a secondary or even tertiary task for most justice personnel. Any failure or delay by any justice partner to report these changes to ACCH will likely result in failure when the court attempts to update the court adjudicated charges with a final disposition.

9.1.2 ARIZONA'S PAPER DRIVEN PROCESS

The paper-based final disposition report (FDR) process is still currently employed to report dispositions for 61% of cases within the state. Upon receipt, personnel at the AZ-DPS will attempt to update the ACCH based on written information provided on the FDR. If the final charges disposed by the court are different from the charges made at arrest, and if the arrest charges were not updated in ACCH to reflect these changes, AZ-DPS personnel will likely return the FDR to the originating agency (i.e., prosecutor or court) for correction. Consequently, many agencies report having boxes containing thousands of returned FDRs that are waiting for someone to take the time to research and correct. Oftentimes, this research is never completed and the records remain incomplete in ACCH.

9.1.3 ENVISIONING AN ELECTRONIC PROCESS

The Arizona Disposition Reporting System (ADRS) was designed to replace the paper FDR process. However, because it was developed using the same outdated charge matching business rules designed for the paper FDR over 35 years ago, it suffers from the same challenges surrounding the paper FDR process. Moreover, because of these rules agencies report that *it actually takes twice as long to complete charge disposition reporting through the ADRS Web Portal* compared to the paper FDR.

Ultimately, these failures result in a system where 33% of felony charges and 28% of misdemeanor charges are incomplete and do not contain a final disposition in ACCH. In short, even if an arrest is created through the capture and recording of a Type 01 Fingerprint, incomplete criminal history continues to plague the system which will result in incomplete criminal history.

9.1.4 MISSING CRIMINAL HISTORY: LIKE IT NEVER HAPPENED

When criminal history is incomplete, it is a failure that to some degree can be mitigated through the use of grant funded overtime hours. However, as with the Juan Gonzalez case study above, when *no* criminal history exists on individuals who are convicted of a crime, sometimes the most serious and violent crimes, the public is placed at greater risk for victimization. More must be done to protect

the public and the public servants who serve to enforce the laws governing the State of Arizona.

The results of the ACJC assessment discovered many underlying reasons for this anomaly. Based on the GAP Filler Programs in use at Maricopa County Adult Probation and at the ADC, we can *conservatively* estimate that every year 716 felony arrests are never recorded in ACCH. However, based on work being done in Pinal County to identify missing felony criminal history, many court personnel agree that as many as 4,000 felony arrests are not recorded in ACCH every year. Because misdemeanors are primarily charged through cite and release, it is likely that the number of misdemeanor arrests missing in ACCH every year is even higher.

Upon assessing the root causes of how and why an individual can have a final court disposition and even serve time in ADC with no existing criminal history on file, it was determined that this problem is a result of individuals not being fingerprinted at the time that they are charged with offenses that

require fingerprinting. For example, a driver charged with driving under the influence will typically be charged, issued a citation, and released if alternate transportation can be arranged. The subject is ordered to report to their local police department for fingerprinting. However an AZ-DPS study indicates that defendants comply with the order less than 16% of the time and the enforcement mechanisms to ensure compliance are not robust. Similarly, when an individual is arrested on a warrant issued from a court outside of their jurisdiction, the arresting agency will often not create a Type 01 Fingerprint because the warrant was issued by a different jurisdiction. In either situation, since arrest information contained in ACCH must be tied to a fingerprint biometric, if the individual does not receive a Type 01 Fingerprint, the criminal history will never exist in the system.

9.2   ARREST WARRANT RECORDS

Creation and ongoing maintenance of arrest warrant information is a labor intensive and time consuming process. In large part this is because it is a paper driven process that requires entry and sometimes reentry for each involved stakeholder. Furthermore, after an arrest warrant is authorized and submitted to the Holder of Record, depending on the current warrant backlog it can take several days to enter a felony warrant or even weeks to enter a misdemeanor warrant. ***Similar to criminal history reporting, the current arrest warrant process is highly manual and brittle. A single error, anywhere in the process, can result in significant delays and many hours of rework.***

Regardless of how warrants are initiated, processed or validated, once a warrant is served, it is cleared from ACJIS and no statewide historical record of the warrant will remain. Historic warrant information is a critical piece of the criminal history puzzle and is used by public safety and officers of the court as complimentary criminal history data to inform pre-trial decisions, conditions of release and can provide valuable predictors for future criminal activity. Studies have proved that if an individual has failed to appear for a court hearing in the past, there is an increased likelihood that it will occur again. Careful analysis over the past 18 months indicates that it would not be enough to revisit and tweak the business process. Rather, we propose to reinvent the warrant

issuance and maintenance process through the implementation of a new system called the Arizona Statewide Arrest Warrant Project (ASAWP).   This potential solution is detailed below.

10 PROPOSED SOLUTIONS

It is clear that fundamental business and technological gaps exist that result in missing and incomplete criminal records. While several efforts have served to deal with the symptoms of these challenges, it is critical that statewide solutions are developed to address the root cause of these issues and thereby mitigate impacts on public safety and in the public interest. *Criminal history is one of the most valuable tools to predict whether an individual is a danger to the community.* Accurate and complete criminal records data has been demonstrated as being a highly effective tool to identify suspects and in achieving crime prevention. Measures must be pursued to equip our public safety and judicial officers with accurate and complete information to enable the most effective systematic approach to the processing of criminal casework. Likewise, the rights of Arizona citizens must be protected by ensuring they are not denied civil employment as a result of failures in the system. Finally, and perhaps most importantly, we must ensure that we leverage technological solutions not only to ensure criminals are held accountable to the fullest extent of the law, but also to ensure that violent offenders are never permitted to obtain employment that could put Arizona citizens at risk for victimization.

Importantly, the barriers that exist between stove-piped systems such as those in the arrest warrant process must be broken down to streamline the system and address timeliness and accuracy issues. The proposed integrated statewide criminal records strategy described below intends to improve the accuracy and completeness of criminal records by revisiting underlying assumptions such as archaic business rules to ensure that information entered into ACCH and ACJIS is resilient to the dynamic criminal justice business process.

10.1 INITIATIVE #1: SIMPLIFY CASE DISPOSITION REPORTING

A significant challenge identified through the ACJC assessment was that of the legacy charge reconciliation rules incorporated into the original design of ADRS requires that every charge evolution be documented. AZ-DPS recognizes the challenge that these rules have created for its justice partners as well as the impact on fulfilling its statutory mandate related to complete and accurate criminal history records. As such, AZ-DPS is actively working to improve the disposition reporting process by updating these business rules.   When implemented, ADRS will accept charge dispositions from the courts regardless of whether or not they match the original arrest charges recorded in ACCH. This "auto-add" approach, which was approved by key stakeholders at the AOC, the AZ-DPS, and ACJC, allows for additional counts to be automatically added to criminal history regardless of whether modifications to arrest charges have been updated in a timely manner.

Once this charge-matching requirement is addressed, attention will focus on expanding utilization of the ADRS system–to-system interface throughout the state. In fact, AZ-DPS is already working with Maricopa and Pima Superior Courts to implement the ADRS Extensible Markup Language (XML) interface. Modifications to the AOCs Superior Court Case Management System (AJACS) that is used in 13 Arizona Counties are already underway to incorporate the auto-add capability. Simultaneously, AZ-DPS will continue to coordinate with prosecuting attorney offices and Limited Jurisdiction (LJ)

courts to expand utilization of ADRS XML. A more detailed deployment strategy for implementing the direct interface will be pursued on a jurisdictional basis.

10.2 INITIATIVE #2: EXPAND USE OF BIOMETRIC IDENTIFIERS

Failure to capture a Type 01 Fingerprint at some point during the arrest or court adjudication process will result in missing criminal history. It is paramount that the entire business process from arrest to adjudication be understood and simplified to ensure the capture of a Type 01 Fingerprint. The current business rules for determining when, where, and under what circumstances a subject should receive a Type 01 Fingerprint are complicated and dependent on many factors. As such, it is not uncommon for justice personnel to inadvertently miss critical steps in the process. A missed step has significant implications, such as resulting in a missed fingerprint. Furthermore, in many situations, caseload and proximity to the nearest Type 01 capable fingerprint device may result in a law enforcement officer issuing a citation rather than taking the subject into custody. Finally, defendants are often charged through means other than law enforcement arrest. For example, the grand jury will often use a summons to advise the defendant of a pending criminal indictment – this places the burden for fingerprinting on the defendant.

Over the past six months, assessment team members have been meeting intensively with stakeholders from the courts, probation, and ADC. More recently, we have started to meet with local law enforcement agencies to develop a deeper understanding of fingerprinting business rules which vary from agency to agency. Through these discussions, we will continue to develop a deeper understanding of the variety of business rules and workflow models that span Arizona's local law enforcement agencies. This understanding will lead to the introduction of modified procedures to simplify the process and ensure more defendants are Type 01 Fingerprinted prior to court adjudication.

If Type 01 Fingerprinting does not occur during the initiation of the criminal charge, the next most logical point to capture fingerprints is during the court adjudication process. This strategic assessment proposes expanding courthouse and courtroom biometric identification capabilities through mobile fingerprinting devices and LiveScan booking devices.

10.2.1 DETERMINE SUBJECT IDENTITY

Mobile fingerprinting devices are inexpensive and can be used to capture biometric identifiers such as a fingerprint. These devices quickly verify the identity of an individual. While they cannot be used to create criminal history, the information returned can serve as a mechanism to link law enforcement, prosecution, and court processes through a common person-based identifier called the AFIS Record Number (ARN). Once fingerprinted, a person is assigned an ARN which will be tied to their identity forever. For example, the ARN can be used to tie the subject stopped by police with the defendant that appears in the courtroom and finally to the inmate that appears for intake at ADC. Other advantages of enabling this mobile fingerprint capability include the ability to create a high-resolution image of the defendant's fingerprint.

ARS §13-607 requires that the defendant fingerprint be captured on the sentencing order. This fingerprint is used as part of the certification process when a prosecutor seeks to enhance charges because of multiple prior convictions. However, analysis of records indicates that the current 'ink and roll' method used to comply with ARS §13-607 results in an *unusable* print 35% of the time. Introduction of the mobile fingerprint device resolves this issue by providing immediate feedback on the quality of the fingerprint, ensuring that the fingerprint on the sentencing order will always be usable by prosecutors for charge enhancement purposes. After capturing the defendant fingerprint, the court generates a label that includes the fingerprint and applies this label to the sentencing order in lieu of the current ink and roll process.

10.2.2 PREVENT MISSING CRIMINAL HISTORY

Recognizing that many defendants were appearing with no criminal history, or did not have an arrest event associated with the presenting charges, in 2010 the Pinal County Early Disposition Court and the Pinal County Sheriff jointly funded a full-time Deputy position to review the criminal history for every new case filed to the EDC. If the Deputy determines that the defendant has not been fingerprinted on the presenting charges, they advise the court and are responsible for escorting the defendant to be fingerprinted using LiveScan booking equipment co-located at the courthouse. Since inception of this program, over 1,000 criminal histories have been created that would otherwise be missing from ACCH.

Therefore, a critical safeguard built into this comprehensive criminal history strategic plan is the deployment of LiveScan booking devices within the courthouse to capture Type 01 Fingerprints and ensure subjects appearing before the court have up-to-date criminal history. The enclosed budget proposes funding eight courthouse LiveScan machines and fingerprint operators for Arizona Courts with a minimum of 900 felony criminal cases per year.

Clearly, Arizona's criminal justice practitioners rely heavily on the availability of accurate and complete statewide criminal records. However, criminal records do not stop with criminal history. An accurate accounting of all active and historical arrest warrants is just as essential to public and officer safety. As such, the next initiative area we will examine in detail involves the Arizona Statewide Arrest Warrant Project.

10.3 INITIATIVE #3: THE ARIZONA STATEWIDE ARREST WARRANT PROJECT

Leveraging information technology through an automated, integrated electronic workflow for arrest warrants will not only reduce duplicate data entry and transcription errors, but will enable active and historic warrant information to be made available in real-time. As a result, Arizona's law enforcement community will be equipped with timely and accurate warrant data; and ultimately, those suspected of perpetrating crime will efficiently and effectively be processed through the justice system. The proposed electronic warrant initiative will support standardization and automation of the warrant process in a secure environment throughout the State of Arizona. This will be achieved through the development of an integrated, web-based system to enable automated workflow throughout the entire warrant lifecycle. The primary goal is to improve data quality and streamline the time and effort required by law enforcement, prosecutors and the courts in initiating, authorizing, entering and validating warrants-thereby reducing administrative burdens and enhancing public safety.
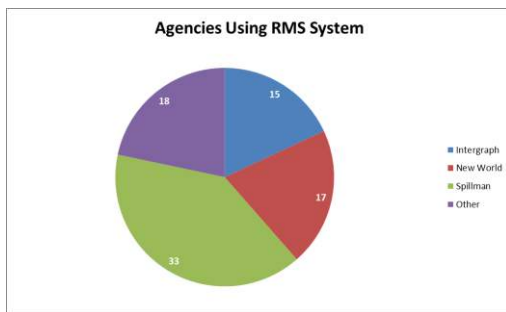
In 2012, the AOC began a project to seek a comprehensive solution for implementing a statewide electronic warrant system. The integrated ASAWP takes into account not only the users of warrant data, but also the various resources queried to "pack" the warrant document. The proposed statewide solution will support data driven best practices for the State of Arizona into the future and

provide real-time access to public safety officials across all stakeholders and jurisdictions throughout the state. It is estimated that the implementation of the ASAWP workflow will reduce warrant processing time expenditures by nearly one-half, thereby making the statewide process significantly more efficient. The workflow will also implement a standard warrant template, enabling Arizona to leverage national standards and more effectively support law enforcement and officers of the court.

10.3.1 SYSTEMS INTEGRATION

Automation of the arrest warrant process and integration with existing legacy software systems is a priority requirement of the ASAWP. The system will leverage the existing ACJIS infrastructure including integration with the AZ-DPS Records Management System and the three primary court case management systems used by Arizona Superior Courts. In the coming years, the AOC will be rolling out an updated case management system called AJACS, to Limited Jurisdiction (LJ) courts. As LJ courts upgrade to AJACS, they will benefit from the integrated arrest warrant capabilities provided by AJACS.

RMS Utilization in Arizona

Over eighty percent of Arizona Law Enforcement Agencies use one of three records management systems. In order to maximize the project return on investment, the ASAWP will focus on integrating with these key law enforcement systems. This will be accomplished by working with each of these vendors to implement the ASAWP interface protocol once and then making that capability available to other Arizona agencies at no additional cost. Agencies not using one of these three products will have the option of either paying their vendor to implement the interface, or directly entering and maintaining arrest warrants through the ASAWP Web Portal.

10.3.2 COMMERCIAL OFF-THE SHELF SOFTWARE

Over a period of fifteen months, the AOC assembled a diverse team of arrest warrant experts that represented both business practitioners and technologists. As part of this initiative, the AOC engaged the National Center for State Courts and SEARCH to conduct a survey on the availability of a commercial off-the-shelf (COTS) product that can be used for statewide arrest warrant management. After extensive research, it was determined that no commercial product exists for statewide arrest warrant management.

With that determination, the ASAWP project team began to explore alternatives. The most promising design envisions using a COTS workflow management system. After reviewing the specifications of the Microsoft Dynamics workflow management system, the team believes that this innovative approach will enhance the capabilities of the system while minimizing the risks typically associated with large custom software development efforts. Since Arizona would be first state utilizing this approach for a statewide arrest warrant system, the AOC plans to first implement a prototype of the system to ensure that this approach will meet business needs and user requirements.

10.4 INITIATIVE #4: NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

In 2012 the Arizona Criminal Justice Commission established a NICS Task Force that developed a series of thirty two recommendations for improving reporting into NICS. All of these recommendations were formally adopted by ACJC in March 2013. Several of these recommendations necessitated the passage of legislation, and on April 30, 2014, House Bill 2322 was signed into law by Governor Brewer.

Despite these accomplishments, the role of the NICS Task Force has not ended. Rather, focus has shifted from identifying improvements to providing input and feedback on many of the solutions identified in this report. The task force has been critical in offering detailed information on the current business process and will continue to meet on a quarterly basis for the foreseeable future. More information about the NICS recommendations and progress toward their fulfillment can be found at the ACJC web site.

10.5 INITIATIVE #5: EXPAND ARIZONA GAP FILLER PROJECT

Implementation of above four initiatives will certainly improve the issues surrounding missing and incomplete criminal history. However, there will always be unique situations where offenders slip through the system and end up being sentenced with no criminal history. Since 2006, the Arizona GAP Filler project has proven very adept at providing a safety net to catch those situations where an offender is adjudicated with no criminal history. In the past eight years, agencies involved in the project have identified thousands of cases and retroactively created criminal history.

Under this initiative we propose to expand the GAP Filler project in two ways:

- Arizona Department of Corrections: Upon intake, corrections personnel only check for the presence of criminal history - not whether the inmate has criminal history on the presenting offense for which they were sentenced to prison. We propose to work with the ADC to develop a process whereby intake classification personnel check criminal history and report missing offenses to the Gap Filler personnel for remediation.
- Adult Probation: Maricopa County Adult Probation has proven the efficacy of checking for criminal history when offenders are sentenced to supervision. We propose to work with Adult Probation organizations across Arizona to introduce the process of checking for presenting charges in criminal history.

11 BUDGET NARRATIVE

The proposed solutions involve information technology organizations from across the Arizona criminal justice community. To be successful, components cannot continue to operate in an isolated environment when developing technology solutions. Rather, both technology and policy must be blended to ensure that justice practitioners have access to accurate information on a timely basis.

A budget summary is presented in the section below. The ACJC has utilized funding from a number of disparate sources to build many of the capabilities described in this strategic assessment report. Recently, the ACJC began the Project Investment Justification (PIJ) process for Initiatives 2 and 3. The PIJ process is a strategic oversight methodology that is used for Information Technology Projects to help ensure that the costs and risks associated with a project are commensurate with the value and benefits provided to the public. The budget detailed below and in Appendix 1: Project Investment Justification Forms, indicates the cost to implement Initiative 2 and 3.

11.1 BUDGET SUMMARY

The table below represents the costs associated with Initiative 2 and 3. As indicated in the "Funding Source" column, budget allocations from the Automation Project Fund will only be requested for the expansion of LiveScan fingerprinting machines and the implementation of the statewide arrest warrant system.

Initiative	Cost	Funding Source
Initiative #1: Streamline disposition reporting	$ 143,250	Federal NICS Grants
Initiative #2: Expanded Use of Biometrically Based Identifiers:		
Determine Defendant Identity (Mobile Fingerprinting)	443,000	CJ RIP Funds (Multi Year)
Expand Fingerprint Capability (LiveScan)	451,519	**PIJ/Automation Projects Fund**
LiveScan Operators (8 Full Time)	640,000	ACJC Special Budget Request, Likely to be for first year only.
Initiative #3: The Arizona Statewide Arrest Warrant Project:		
Arrest Warrant Standardization	50,000	Federal NICS Grants
Statewide Arrest Warrant Project	5,046,413	**PIJ/Automation Projects Fund**
Initiative #4: NICS Recommendations Implementation	2,617,852	Federal NICS Grants
Initiative #5: Expand GAP Project	-	No cost - business process modification
	$ 9,392,034	

12 CONCLUSION

Recognizing that Arizona justice agencies must leverage every dollar allocated to criminal justice improvements, the ACJC Assessment Executive Team identified arrest warrants and criminal history as key problem areas where technology is likely to offer the highest return on investment for public safety and officer safety. The solutions described in this strategic assessment report provide a solid foundation to ensure that critical statewide criminal records infrastructure is able to meet business needs today and into the future. Without support for these solutions, criminals will continue to be unaccounted for, personnel resources will be exhausted, the State will struggle technologically and community safety will continue to be compromised.