

STANDARDIZATION OF CRIMINAL CODE TABLES

-ACJC 12/19/12 Meeting-

Background

The Criminal code tables are used by every law enforcement agency, prosecuting agency and court in the state. There are a number of "systems" in use by these various agencies, each with its own quirks and requirements. They all have one thing in common-they use a criminal code table. There is an alphabet soup of systems including AFIS, AJAX, and, as we well know, each County Attorney/prosecutor office has its own CMS system. (you may recall we had a year of meetings on how to reconcile all the disparate CMS systems and we did an APAAC poll to find out what systems were in use and it was clear there were way too many barriers to standardizing systems).

Tables history

In 1997-98 stakeholders group went through the statutes to formulate the table we have today. ACJC on behalf of DPS creates the table from the statutes that identifies down to the level of felony /misdemeanor and goes by subsection but not the classification of the crime. AOC drills down further for fines, fees, etc. Then MVD has its own table which is created based upon action to ADL. AOC is the umbrella table as it has the greatest level of detail and the need to communicate with every other agency. Each year when new legislation is passed all of these various agencies must update their version of the table to reflect the changes. This is done by non-law trained folks and often by the IT people themselves, despite the fact that the table is intended to include all chargeable offenses. At AOC it is done by lay people although they certainly get input from Jerry Landau.

The result: so many different versions. Interest is peaking as ADRS matching up is needed and so many agencies are in the midst of computerization, such as AJAX to cover the lower courts. The big elephant in the room is that at some point the Supremes will likely order the Prosecutors to create complaints that are consumable by the systems. To some extent, that would be the proverbial tail wagging the dog.

Joe Sweeney noted that although the County may have the same need as AOC to drill down to the more finite details, the problem is with agreeing on what is chargeable between the AOC and PCAO, for example. In addition you have juvenile and probation as other variations on the theme as well as law enforcement with potentially 216 versions of electronic filing which also requires tables.

The need is for a common table-one every system uses. As they all have a table anyway the big issue is just determining the table and then one clearing house for establishing the legislative updates each year once new bills are passed. It seemed to this group that the prosecutors, through APAAC, should be the group defining the table because in the end it will end up identifying all the possible charging permutations.

Law enforcement is involved as they have a table in their own RMS; currently cops will cite a definition but because they don't have the authority they are guessing. So they may cite something "citable" and it may get an amended charge. Prosecutors sort through the detail later, but this creates an issue at the initial appearance for determining bond which happens before the prosecutor review. Standardizing the table down to the most finite detail should help guide law enforcement citations.

The Official Table:

The thought is to establish one official table, as defined by the prosecutors. The table would then go to everyone for use in their system.

Because it is just the table it would not require any jurisdiction to change their CMS system. Rather, it would require a tweak of the system to accommodate the Official Table and the updates coming from APAAC as new laws become effective. The overall savings would be great, removing the cost of each and every jurisdiction repeating this process for their own system each time a new law comes in. It would also obviate the need for massive CMS standardization, getting all the systems on the same page from working from the inside out instead of the other way around, in deference to the major barriers to having everyone standardize their CMS.

APAAC would identify the initial table and do the update. This would give the prosecutors control over the table as they are the lawyers who ultimately make the charging decisions. Our mission, should we choose to accept it, is to:

- a) garner Council buy-in to the Official Table
- b) obtain commitment to putting the table together
- c) be in charge of the table creation and updates

How big a job is this? It took the IT folks in Pima one month to go through the text and come up with all the ways something could be charged. We could use the talents of volunteer law students, interns and externs. Marianne Sullivan can be accessed as a resource under the grant to start the process and manage the group (she is an attorney) for the initial table review. Joe Sweeney of Pima County Attorney IT department has offered his expertise to provide some computer based tools that will aid in making the complex task easier by automating some aspects. He anticipates about 300 man hours to complete the initial Official Table. The annual update will obviously be less onerous and depend upon the number of an complexity of new criminal laws.

[For all Titles anything that is chargeable currently 157 pages: I suggested that consistent with the rumbling that I am starting to hear on the national scene about too many crimes on the books, getting a comprehensive "official" list of all the crimes might spur a look at what could be compacted, or eliminated. It would also be very valuable in our efforts to improve reporting of our outcomes--to date prosecutors have great difficulty tracking and reporting what they do because of the vast number of variations-this would simplify that process through standardization. And it will serve to improve our understanding of the system as a whole; improve access to data so we can understand what we do and ACJC can make better reports.] Of course there will be a need to review not only current charges, but historical charges. The end result should be a "merger" of the AOC and ACJC tables currently in use.

Once we have the Official List, law enforcement will take whatever ACJC gives them. They need to standardize to AFIS anyway. Marianne is going to discuss it with Jonathon Rodriguez, the Coconino County Sheriff whose system (RMS) interfaces with AFIS.

The impact on the individual offices will be in adapting the system to the table structure which may be a programming expense. Since they all currently use a table it is likely they can easily duplicate it in their system but it could entail a rewrite of their system. In the long run, though, a savings would be realized as they would no longer be tasked with adjusting their own tables to include new laws. It was suggested that a webservice could be set up that pulls the updates into the individual systems.

Will depend upon the skills of their computer staff. ACJC may have some grant money to help the jurisdictions with the transition, including the municipalities and with an eye to creating a web app for contract prosecutors in smaller jurisdictions.

Details:

The Official Table would go all the way down to Petty offenses, county and city ordinances, to include classifications and a flag that indicates the actual jurisdiction to reflect local ordinances for updates so they don't pull unrelated ordinances in doing the update. Each iteration of crime would be included to capture such conditions that change the crime class, i.e. assault on a peace officer or amount of damage and mandatory/discretionary provisions, i.e. juvenile transfer and flag for victim's rights and so on.

AOC is providing a chart of all the current systems that use the table. Joe Sweeney provided the attached screen shot example of how the statutes are stored in their system.

Full Statute	Header Text	Crime Class	Reference	Condition	MADLC	Effective Date	Repeal Date	Victim Rights	Mandatory 13501	Discretionary 13501
13-1204A1	AGG ASLT - SPI	F2	13-1204C	victim age < 15	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A1	AGG ASLT - SPI	F2	13-1204D	on a peace officer	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A1	AGG ASLT - SPI	F2	13-1204E1	on a prosecutor	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A10a	AGG ASLT-IMPRISONED/CUSTODY	F5	13-1204C	imprisoned or in custody	L	10/1/1978	NULL		FALSE	FALSE
13-1204A10b	AGG ASLT-CORREC EMPLOYEE	F5	13-1204C	correctional employee		10/1/1978	NULL		FALSE	FALSE
13-1204A2	AGG ASLT-DEADLY WPN/DANG INST	F2	13-1204C	victim age < 15	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A2	AGG ASLT-DEADLY WPN/DANG INST	F2	13-1204D	on a peace officer	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A2	AGG ASLT-DEADLY WPN/DANG INST	F2	13-1204E1	on a prosecutor	MADLC	10/1/1978	NULL		FALSE	FALSE
13-1204A3	AGG ASLT-TEMP DISFIGUREMENT	F3	13-1204D	on a peace officer		10/1/1978	NULL		FALSE	FALSE
13-1204A3	AGG ASLT-TEMP DISFIGUREMENT	F3	13-1204E2	on a prosecutor		10/1/1978	NULL		FALSE	FALSE
13-1204A8a	AGG ASLT-OFFICER	F5	13-1204D	physical injury	L	10/1/1978	NULL		FALSE	FALSE
13-1204A8f	AGG ASLT-PROSECUTOR	F5	13-1204E3	physical injury		10/1/1978	NULL		FALSE	FALSE
13-1204A9a	AGG ASLT-CONTROL OFCR FIREARM	F2	13-1204C	victim age < 15	L	10/1/1978	NULL		FALSE	FALSE