

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



August 2018 County Attorney/Justice Court Turndowns

Report # BI2018-0097

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) will conduct monthly County Attorney/Justice Court Disposition Inspections.

The purpose of this inspection is to determine if cases turned down for prosecution by a prosecutorial agency or cases involving the dismissal of charges were due to an "irreversible error" by the investigator, as well as determining adherence to policy and law by Office personnel.

Irreversible errors may include but are not limited to the following: violations of an individual's civil rights, the incorrect charge or classification of crime being charged, the untimely submittal of charge(s) resulting in exceeding the statute of limitations, or a case lacking a thorough and/or proper investigation. Additionally, any error or combination of errors occurring as a result of actions, or lack of due diligence on behalf of Office personnel which once committed cannot be reversed and potentially factoring into or resulting in a case being turned down or charge(s) dismissed, will result in the determination that the case involved an "irreversible error".

The inspection will also identify any other perceived deficiencies which may fall outside the scope of the inspection, such as issues not deemed as irreversible errors but that the Inspector perceives to be a potential violation of policy, law, or industry best practices/standards.

Perceived deficiencies determined by the Inspector that are outside of scope of the inspection will not affect the overall compliance rate of the inspection; however, will still result in the issuance of a BIO Action Form for the deficiency to be addressed by the employee's chain of command through the BIO Action Form process. In an instance that the noted deficiency has previously been addressed and documented by a supervisor, the corrective action taken shall be documented through the BIO Action Form process for tracking Inspection Report compliance.

Inspectors will utilize the "IAPro" program software to generate turndown dispositions entered into IAPro by the Early Intervention Unit (EIU) each month from the Superior Court and dismissals from the Justice Courts within the specific month to be inspected. The terms "turndown" and "dismissals" are generic nomenclature (from the courts) and refer to a variety of court dispositions. No bias shall be implied or inferred as to the reason of the court disposition based on these generic terms.

These entries will be uniformly inspected by primarily utilizing the Records Division "FileBound" data base and a matrix developed by the AIU. Each complainant disposition inspected will be counted as one inspection. The following procedures, which are outlined in GF-5 and ED-3, will be used in the matrix.

Matrix Procedures:

- Determine if there were any “irreversible errors”
- Note other potential violations of policy, law, or best practices
- Note what district/division from which the disposition originated
- Note the County Attorney disposition reason/type
- Note the Sheriff’s Office method of charging (In-Custody/Booking, Citation, or Long-form)

Criteria:

MCSO Policy EA-11, *Arrest Procedures*

MCSO Policy CP-2, *Code of Conduct*

Briefing Board # 17-17; Policy change to GF-5, *Incident Report Guidelines*

MCSO Policy GF-5, *Incident Report Guidelines*

Melendres Order, Paragraph 75

MCSO Policy ED-3, *Review of Cases Declined for Prosecution*

MCSO Policy ED-3, *Review of Cases Declined for Prosecution*, provides a mechanism for command level review of the same cases involved in this inspection to identify/address minor issues and/or additional training issues/concerns that are outside the scope of this inspection.

Conditions:

All County Attorney Turndown dispositions from the Maricopa County Superior Court for the month of August 2018 available in IAPro (60 total cases) were reviewed.

There were approximately 98 criminal cases with charge(s) dismissed from the Maricopa County Justice Courts available in IAPro for that month. A random selection of 20 of these cases were also selected for review.

The primary focus of this inspection is on the identification of “irreversible errors.” During the inspection of the Superior Court and Justice Court turndowns, there was **1** irreversible error noted. This resulted in a **98%** compliance rate for August 2018.

There were **(7)** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

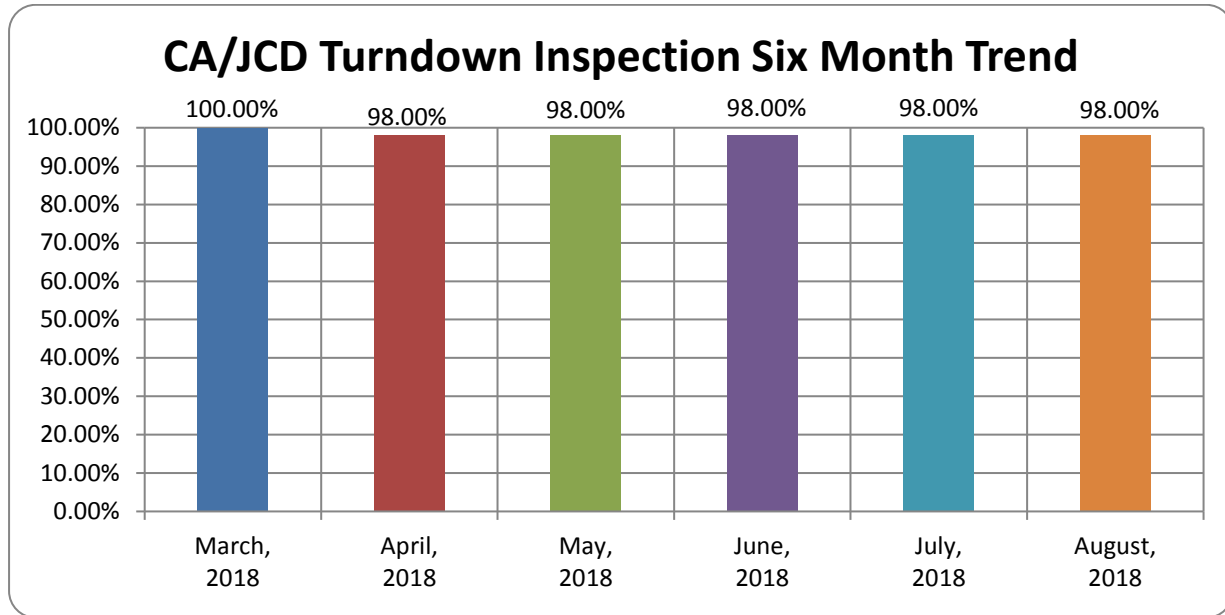
IR	C.A. Allegation	Booking	Citation	Submittal
IR18020883	MCAOTN - 6114 - No crime committed	No	No	Yes
IR17011105	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18022138	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18006603	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18016546	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18021066	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16002563	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR17032980	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017072	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18011691	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011195	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18016713	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18016388	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR16012694	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018583	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018583	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011191	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18021222	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR17038782	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18020758	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018535	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012866	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	Yes
IR15033420	MCAOTN - 6113 - No reasonable likelihood of conviction MCAOTN - 6157 - Old case/stale	No	No	Yes
IR16031830	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes

IR18019568	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR17032872	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18023371	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18016987	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18022190	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18022190	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18015774	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18016348	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18019768	MCAOTN - 6117 - Victim/Witness credibility problems	No	No	Yes
IR17007150	MCAOTN - 6128 - Double Jeopardy would result	No	Yes	No
IR18016016	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR15024268	MCAOTN - 6102 - Defendant sented in other case; no need to prosecute this matter	No	No	Yes
IR17019721	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18016347	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18023087	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17009677	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16012694	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017776	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Yes	No	Yes
IR16026237	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18008263	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	Yes	No	Yes
IR18008417	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18014841	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18020704	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18021806	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18009244	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR18021479	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17006441	MCAOTN - 6150 - Inadequate evidence of Dominion/Control/Instrumentality	No	No	Yes
IR17019990	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR17027662	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17029671	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17021395	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR07094083	MCAOTN - 6157 - Old case/stale	Yes	Yes	Yes
IR18001308	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017915	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17026386	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18022756	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
MC#	J.C.D Allegation	Booking	Citation	Submittal
MC18100151	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
MC18117609	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC17310154	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC18071516	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC18068131	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC18067297	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
MC17237161	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
MC18129411	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC17298579	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC17220720	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC18171068	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC18072796	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
MC18137812	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC18118488	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
MC16142542	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC18103101	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

MC18140383	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC18049288	JCD - Dismissed on motion of court or defendant	No	Yes	Yes
MC18100679	JCD - Dismissed on motion of court or defendant	No	Yes	No
MC18085908	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Compliance Deficiency

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	7/13/2018	Redacted	Redacted	Redacted
Deficiency						
<p>1. IR does not articulate probable cause for the charge. Deputy states suspect was arrested and transported to the substation, however report does not provide details to support the elements of the crime. MCAO declines prosecution on case citing "No Crime Committed". Deputy's comments in report indicates he does not believe the elements of the crime are present. A physical arrest is still made on scene according to the IR and the subject was transported to the sub-station for further questioning where he was ultimately released, and the charges were submitted to MCAO.</p>						

Non-Compliance Deficiencies

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	6/28/2017	Redacted	Redacted	Redacted
Deficiency						
<p>1. Deputy authoring original report notes break in Video (BWC) "Yes", reason for break- "turned off camera while conducting records check in my patrol vehicle." Policy GJ-35 states the BWC shall be in event mode for "A. All calls for service." The listed explanation is not an exigent circumstance or other approved reason for the deactivation of the (BWC).</p>						
District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	7/31/2018	Redacted	Redacted	Redacted
Deficiency						
<p>1. Case lacks articulation of probable cause in IR or Form IV to support the submittal of charges on suspect for a DV related offense. 2. County Attorney turns down case for prosecution and the County Attorney identified the wrong case agent based upon the info contained on the Form IV misidentifying the deputy submitting the case.</p>						
District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	3/26/2018	Redacted	Redacted	Redacted
Deficiency						
<p>1. No Property Receipt provided to violator for seized Driver's License for MVD return due to a DUI, as noted in BB17-43 and seizure of License was not documented in report pursuant to Policy GE-3.</p> <p>* Note- BIO has requested a review of Policy GE-3 to further clarify the requirement of providing a Property Receipt for item(s) not being impounded into P&E, such as an MVD Driver's License seizure. Currently, policy requires a Property Receipt to be issued for all item(s) seized.</p>						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5044-District IV	Redacted	Redacted	4/1/2018	Redacted	Redacted	Redacted
Deficiency						
1. IR and Form IV lacks articulation of probable cause for DV related charges on suspect. Report identified the aggressor of the incident but does not articulate how the suspect was determined to be the aggressor. There were no witnesses, injuries, or evidence articulated within the report that articulated charges, other than two conflicting statements from the involved parties.						
District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5044-District IV	Redacted	Redacted	12/21/2017	Redacted	Redacted	Redacted
Deficiency						
1. Two vials of blood listed on property receipt. Per Briefing Board 17-43 (effective 10/3/17); "A PROPERTY RECEIPT SHOULD NOT BE PROVIDED FOR ANY DNA SAMPLES, BLOOD OR URINE." Other item noted; no issues.						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Redacted	Redacted	12/7/2017	Redacted	Redacted	Redacted
Deficiency						
1. Property Receipt "signature not obtained" not marked and signature block blank.						
District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Redacted	Redacted	3/2/2018	Redacted	Redacted	Redacted
Deficiency						
1. IR notates a break in BWC to "administer Intoxilyzer". Per MCSO Policy GJ-35, this is not a situation in which employees should deactivate BWC. Training Division was contacted, and AXON Taser was consulted to determine this is not a recommendation from Training or AXON. 2. No Property Receipt provided to violator for seized Driver's License for MVD return due to a DUI, as noted in BB17-43.						
* Note- BIO has requested a review of Policy GE-3 to further clarify the requirement of providing a Property Receipt for item(s) not being impounded into P&E, such as an MVD Driver's License seizure. Currently, policy requires a Property Receipt to be issued for all item(s) seized.						

A total of **(8)** BIO Action Forms are requested from the affected divisions for the perceived deficiencies listed.

The form shall be completed utilizing Blue Team.

Date Inspection Started: September 12th, 2018
Date Completed: September 28th, 2018
Time frame Inspected: August 1st to August 30th, 2018

Assigned Inspector: Sergeant Travis Glenn S1626
Assisting Inspector: Sergeant Brandon Uptain S1326

I have reviewed this inspection report.

Lt. Larry Kratzer S1520
Lt. Larry Kratzer S1520
Deputy Commander
Bureau of Internal Oversight

10/08/2018
Date