

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



December 2017 County Attorney Turndowns

Inspection Report BI2017-0158

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) will conduct monthly County Attorney Disposition Inspections. The purpose for these inspections is to determine compliance with Office policies and promote proper supervision. To achieve this, inspectors will utilize "IAPro" to generate all turndown dispositions from the Superior Court and dismissals from the Justice Courts within the specific month to be inspected. These entries will be uniformly inspected utilizing the Records Division "FileBound" data base and a matrix developed by the AIU. The following procedures, which are outlined in GF-4 and ED-3, will be used in the matrix:

Matrix Procedures:

- Determine what district/division from which the disposition originated
- Ensure the case was assigned a County Attorney administrative status
- Verify what the disposition is for i.e. further, turndown, or charges filed
- Determine if there were any irreversible errors
- Each complainant disposition inspected will be counted as one inspection

Criteria:

MCSO Policy GF-4.11.A.2.3.4 OFFICE REPORTS: 11.A.2. If the case report was forwarded to the County Attorney for prosecution consideration, the case file shall be maintained in a pending/open status. Upon return of the case from the County Attorney's Office, the case will be assigned an administrative case status, in accordance with the County Attorney's disposition, such as turndown, further, or complaint issued.

MCSO Policy ED-3.2.A.B.C REVIEW OF CASES DECLINED FOR PROSECUTION:
2. When the Office receives a turn down or notice of dismissal from the County Attorney's Office, the reason for the action should be reviewed by the commander, or his designee, from the division that submitted the case for prosecution.

- A. The commander, or his designee, shall be responsible for the review and dissemination of pertinent information surrounding turn downs or dismissals and will determine whether the investigation can be completed and resubmitted to the County Attorney's Office for reconsideration of charges.
- B. If the case was turned down or dismissed due to an irreversible error made by Office personnel, the commander, or his designee, will disseminate the information to the supervisor of the investigator who submitted the case.

- C. When an irreversible error is found as the reason the case was turned down or dismissed, the information may be forwarded to the Training Division Commander for inclusion in appropriate training outlines or bulletins in an effort to avoid similar errors in future cases.

Conditions:

The Inspector selected 100% of all County Attorney Turndown dispositions from the Maricopa County Superior Court for the month of December 2017 (8 total cases). There were approximately 146 dismissals of criminal cases from the Maricopa County Justice Courts for the month of December 2017. A random selection of 20 cases was selected for review.

It should be noted that the focus of this inspection is on the identification of “irreversible errors.” 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. Five notifications were sent to the effected Divisions for further review that were outside the scope of this inspection.

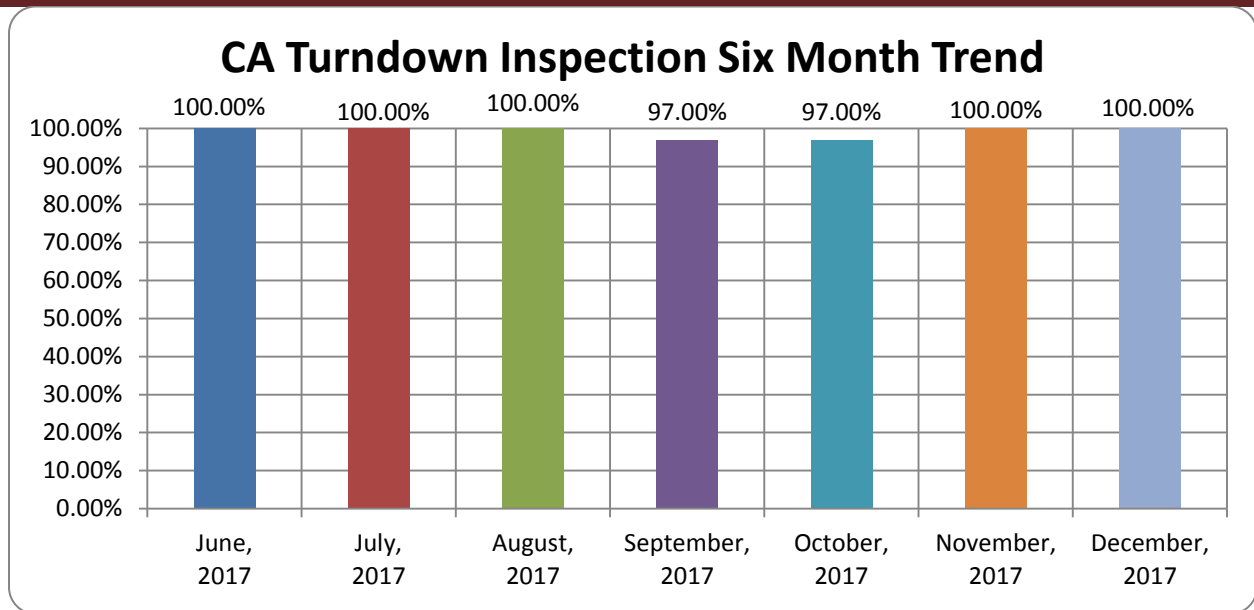
During the inspection of the Superior Court and Justice Court turndowns; there were no irreversible errors noted. This resulted in a 100% compliance rate for December 2017.

IR Number	C.A. Disposition # and Description	In Custody/Submittal
2017-036942	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	In Custody
2017-027750	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-034824	MCAOTN - 6150 - Inadequate evidence of Dominion/Control/Instrumentality	In Custody
2017-031961	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-012978	MCAOTN - 6101 - Limited resources/offense does not warrant prosecution/extradition	Submittal
2017-021888	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Submittal
2017-037311	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	In Custody
2017-033795	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Submittal

IR#	Justice Court Dismissal Description	In Custody/Citation/Civil
2017-027407	JCD - Dismissed on motion of court or defendant	Citation
2017-031515	JCD - Dismissed on motion of court or defendant	Citation
2017-026157	JCD - Dismissed on motion of court or defendant	In-Custody
2017-012886	JCD - Dismissed on motion of court or defendant	Citation
2017-023945	JCD - Dismissed on motion/request of prosecutor	Citation
2017-030313	JCD - Dismissed on motion/request of prosecutor	Citation
2017-017528	JCD - Dismissed on motion/request of prosecutor	Citation
2017-024587	JCD - Dismissed on motion/request of prosecutor	Citation
2017-017606	JCD - Dismissed on motion of court or defendant	In- Custody
2017-024726	JCD - Dismissed on motion/request of prosecutor	Citation
2017-030570	JCD - Dismissed on motion of court or defendant	Citation
2017-018400	JCD - Dismissed on motion of court or defendant	Citation
	Justice Court Dismissal Description	In Custody/Citation/Civil

2017-022449	JCD - Dismissed on motion of court or defendant	In- Custody
2017-019704	JCD - Dismissed on motion of court or defendant	Citation
2017-028028	JCD - Dismissed on motion of court or defendant	Citation
2017-031209	JCD - Dismissed on motion/request of prosecutor	Citation
2017-034372	JCD - Dismissed on motion of court or defendant	Citation
2017-016953	JCD - Dismissed on motion/request of prosecutor	Citation
2017-035001	JCD - Dismissed on motion/request of prosecutor	Citation
2017-021662	JCD - Dismissed on motion/request of prosecutor	Citation

Overall Monthly Compliance County Attorney Dispositions



Date Inspection Started: January 11th, 2018
 Date Completed: January 22nd, 2018
 Timeframe Inspected: December 1-31st, 2017
 Assigned Inspector(s): Sergeant T. Glenn S1626

I have reviewed this inspection report.

Larry Kratzer S1520
 Lieutenant L. Kratzer S1520
 Deputy Commander
 Bureau of Internal Oversight

Date 01/22/18

Captain G. Lugo #1480
 Captain G. Lugo S1480
 Division Commander
 Bureau of Internal Oversight

Date 01/22/2018