

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



September 2017 County Attorney Turndowns

Inspection Report BI2017-0129

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) will conduct on-going, 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 September 2017 (44 total cases). There were approximately 135 dismissals of criminal cases from the Maricopa County Justice Courts for the month of September 2017. A random selection of 20 cases was selected for review.

During the inspection of the Superior Court turndowns, 2 cases were reviewed that potentially had irreversible errors. The potential irreversible errors involved issues of search and seizure, and/or lacking probable cause for an arrest/articulation of probable cause. Memorandums of Concern were generated and forwarded through the chain of command for review. Of the remaining 42 turndowns and Justice Court Dismissals, no deficiencies were found.

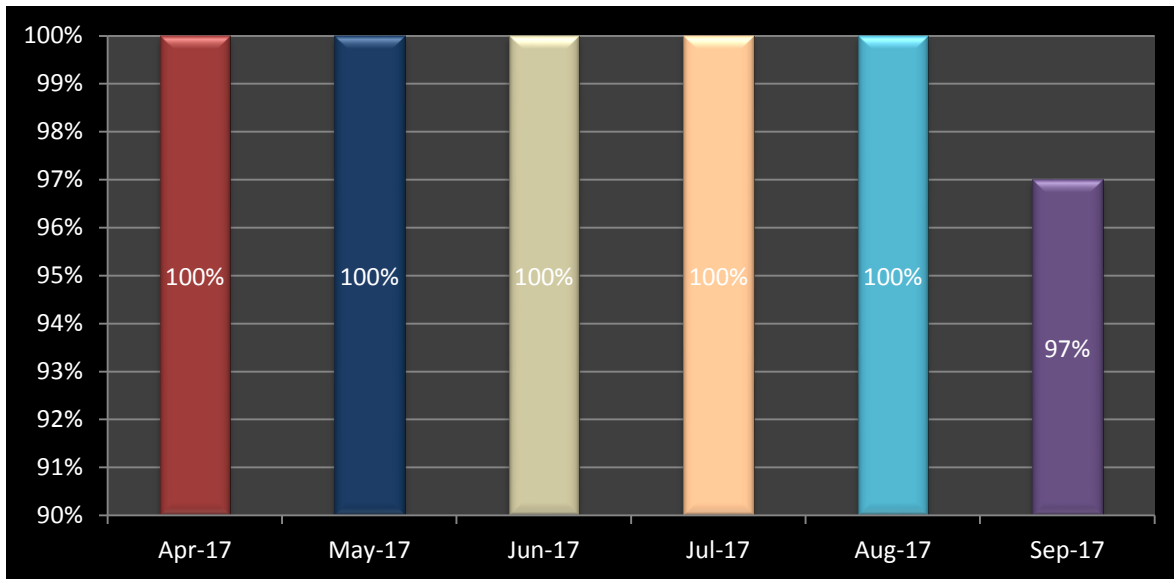
IR Number	C.A. Disposition # and Description	In Custody/Submittal
IR17008244	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17016552	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR16030275	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17002391	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR16009561	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR16025758	MCAOTN - 6160 - Pre-file TASC - Successful completion	Submittal
IR16028418	MCAOTN - 6160 - Pre-file TASC - Successful completion	In Custody
IR16022626	MCAOTN - 6160 - Pre-file TASC - Successful completion	Submittal
IR16035772	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR14025946	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Submittal
IR17008244	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR 17025932	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal

IR Number	C.A. Disposition # and Description	In Custody/Submittal
IR17014572	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter	Submittal
IR16021321	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR17026074	MCAOTN - 6152 - Inadequate evidence of Participation	In Custody
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IR17006139	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Submittal
IR 17007946	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17003735	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Submittal
IR 17019633	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 16030910	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17019885	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17005093	MCAOTN - 6128 - Double Jeopardy would result	In Custody
IR 17014572	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter	Submittal
IR 17001066	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	In Custody
IR 17000024	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 16029691	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	In Custody
IR 17016341	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Submittal
IR 16015948	MCAOTN - 6104 - This case should be submitted to city prosecutor	In Custody

IR Number	C.A. Disposition # and Description	In Custody/Submittal
IR 17017852	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17016317	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 16009561	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17022679	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Submittal
IR 17012067	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR 17024382	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR 16028418	MCAOTN - 6160 - Pre-file TASC - Successful completion	Submittal
IR 16027946	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR 17005542	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	In Custody
IR 16025758	MCAOTN - 6160 - Pre-file TASC - Successful completion	Submittal
IR 17023921	MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody
IR 17015828	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 16030275	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17012192	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17005444	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal

IR#	Justice Court Dismissal Description	In Custody/Citation/Civil
IR17014388	JCD - Dismissed on motion of court or defendant	Citation
IR17020231	JCD - Dismissed on motion of court or defendant	Citation
IR17021693	JCD - Dismissed on motion of court or defendant	Citation
IR17009703	JCD - Dismissed on motion of court or defendant	Citation
IR15033085	JCD - Dismissed on motion/request of prosecutor	Citation
IR17016284	JCD - Dismissed on motion/request of prosecutor	Citation
IR17015873	JCD - Dismissed on motion/request of prosecutor	Citation
IR17023794	JCD - Dismissed on motion/request of prosecutor	Citation
IR17018473	JCD - Dismissed on motion of court or defendant	Citation
IR17023784	JCD - Dismissed on motion/request of prosecutor	Citation
IR16035933	JCD - Dismissed on motion of court or defendant	Citation
IR17023788	JCD - Dismissed on motion of court or defendant	Citation
IR16006111	JCD - Dismissed on motion of court or defendant	Citation
IR17004675	JCD - Dismissed on motion of court or defendant	Citation
IR17023882	JCD - Dismissed on motion of court or defendant	Citation
IR17011305	JCD - Dismissed on motion/request of prosecutor	Citation
IR16033043	JCD - Dismissed on motion of court or defendant	Citation
IR17014462	JCD - Dismissed on motion/request of prosecutor	Citation
IR17017619	JCD - Dismissed on motion/request of prosecutor	Citation
IR17016642	JCD - Dismissed on motion/request of prosecutor	Citation

Overall Monthly Compliance County Attorney Dispositions Mar-Aug 2017



Date Inspection Started: October 16, 2017
 Date Completed: November 8, 2017
 Timeframe Inspected: September 1 – September 30, 2017
 Assigned Inspector(s): Lieutenant T. Brice S1767
 Sergeant T. Glenn S1626

I have reviewed this inspection report.

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

11/27/17
 Date

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

11/29/2017
 Date