

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



November 2017 County Attorney Turndowns

Inspection Report BI2017-0151

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 November 2017 (10 total cases). There were approximately 209 dismissals of criminal cases from the Maricopa County Justice Courts for the month of November 2017. A random selection of 20 cases was selected for review.

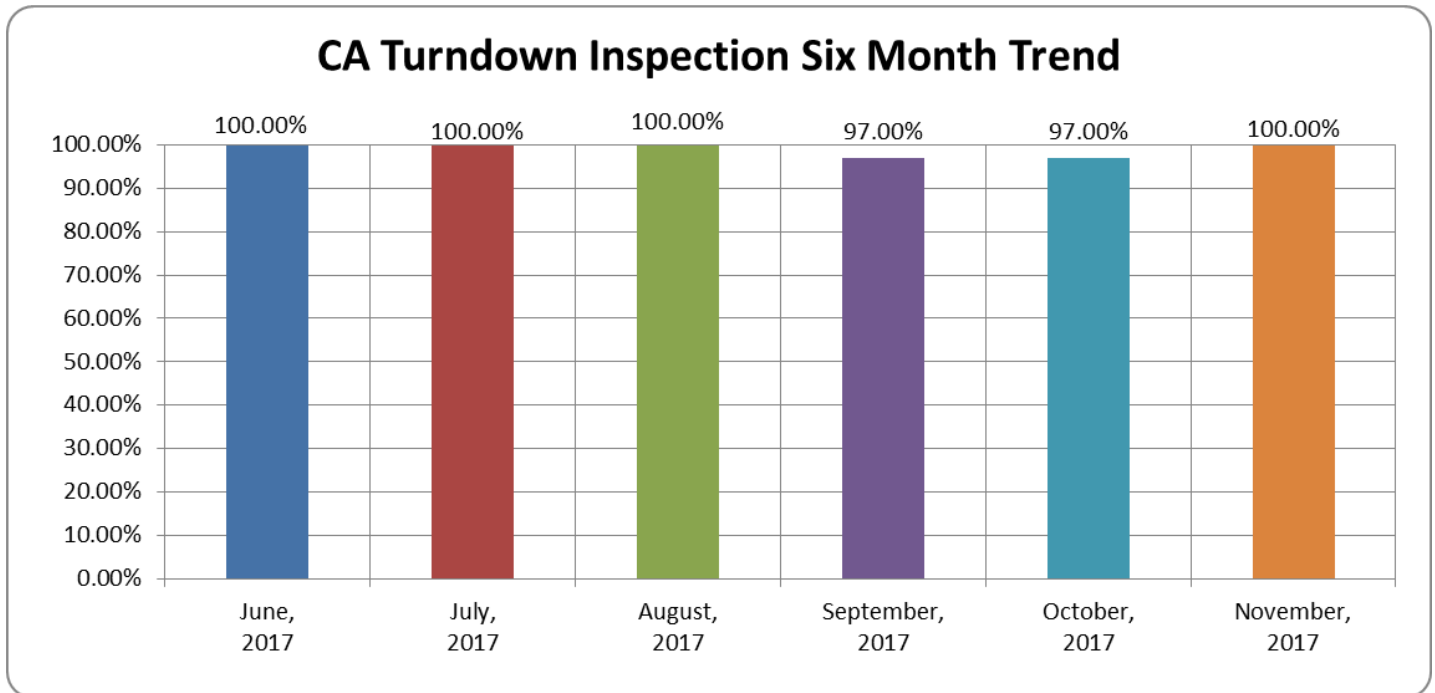
It should be noted that the focus of this inspection is on the identification of “irreversible errors.” MCSO Policy ED-3, *Review of Cases Declined for Prosecution*, provides a mechanism for command level review of the same cases involved in this inspection to identify/address minor issues and/or additional training issues/concerns that are outside the scope of this inspection.

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

IR Number	C.A. Disposition # and Description	In Custody/Submittal
2017-025460	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-022740	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-033429	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-013994	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-017798	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-021854	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-003824	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2016-013614	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-006326	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
2017-029575	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal

IR#	Justice Court Dismissal Description	In Custody/Citation/Civil
2017-016643	JCD - Dismissed on motion of court or defendant	Citation
2017-028505	JCD - Dismissed on motion of court or defendant	Citation
2014-029469	JCD - Dismissed on motion of court or defendant	Citation
2016-034817	JCD - Dismissed on motion of court or defendant	Citation
2017-020041	JCD - Dismissed on motion/request of prosecutor	Citation
2017-026032	JCD - Dismissed on motion/request of prosecutor	Citation
2015-031846	JCD - Dismissed on motion/request of prosecutor	Citation
2017-019364	JCD - Dismissed on motion/request of prosecutor	Citation
2017-018245	JCD - Dismissed on motion of court or defendant	In- Custody
2017-014273	JCD - Dismissed on motion/request of prosecutor	Citation
2017-019764	JCD - Dismissed on motion of court or defendant	Citation
2017-017003	JCD - Dismissed on motion of court or defendant	Citation

IR#	Justice Court Dismissal Description	In Custody/Citation/Civil
2017-020878	JCD - Dismissed on motion of court or defendant	Citation
2017-023859	JCD - Dismissed on motion of court or defendant	Citation
2017-018400	JCD - Dismissed on motion of court or defendant	Citation
2017-017727	JCD - Dismissed on motion/request of prosecutor	Citation
2017-027597	JCD - Dismissed on motion of court or defendant	Citation
2017-023787	JCD - Dismissed on motion/request of prosecutor	Citation
2017-031209	JCD - Dismissed on motion/request of prosecutor	Citation
2017-015236	JCD - Dismissed on motion/request of prosecutor	Citation

Overall Monthly Compliance County Attorney Dispositions


Date Inspection Started: January 3rd, 2018
 Date Completed: January 8th, 2018
 Timeframe Inspected: November 1-30th, 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
 Commander
 Bureau of Internal Oversight

Date 01/22/2018