

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns April 2019

Inspection # BI2019-0046

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 the 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 determines 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. If 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" database 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 April 2019 available in IAPro **28 cases** were reviewed.

There were approximately 386 criminal cases with charge(s) dismissed from the Maricopa County Justice Courts available in IAPro for that month. A random sample of 25 cases were selected and out of those, 5 cases were chosen for review. A total of **5** were reviewed for this inspection.

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 were no irreversible errors noted. This resulted in a **100%** compliance rate for April 2019.

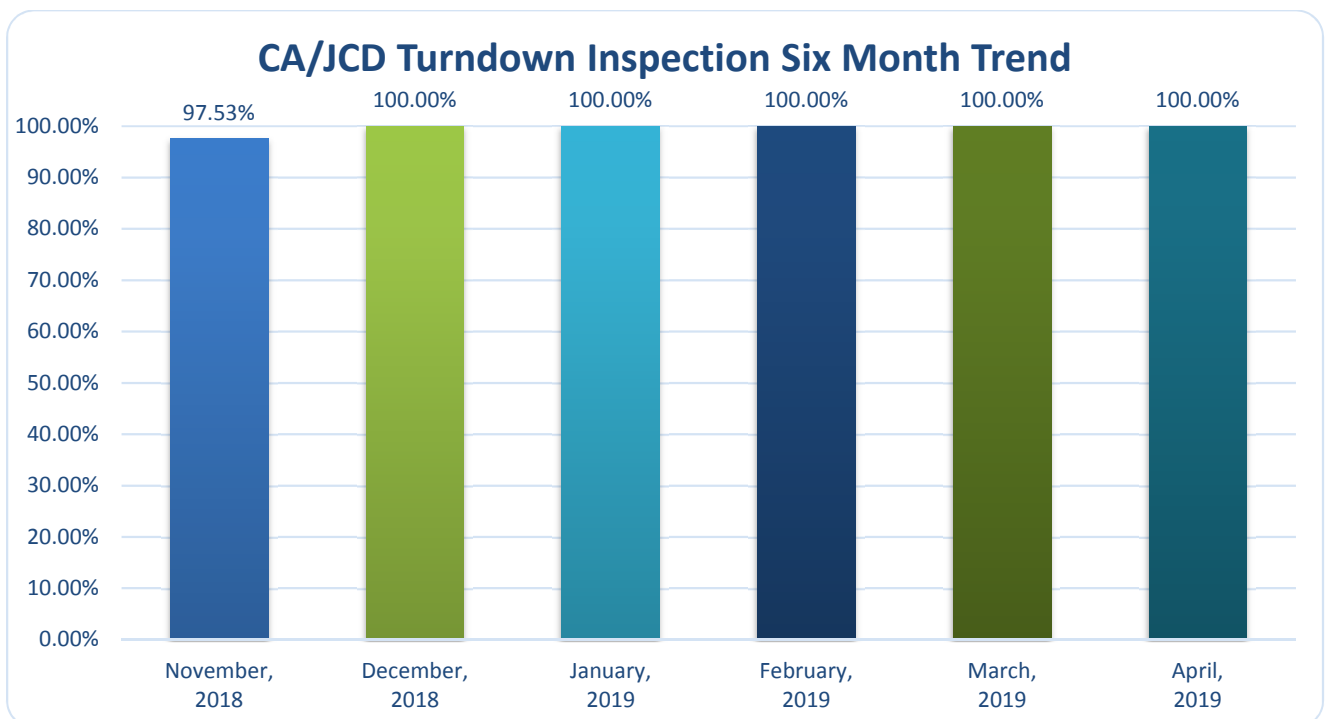
There are **3** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A Allegation	Booking	Citation	Submittal
IR 19006884	MCAOTN - 6113 - No reasonable likelihood of conviction -	yes	no	yes
IR 18005818	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 05013416	MCAOTN - 6157 - Old case/stale -	no	no	yes
IR 18000760	MCAOTN - 6157 - Old case/stale -	no	no	yes
IR 17032260	MCAOTN - 6157 - Old case/stale -	no	no	yes
IR 18025374	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18020968	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR18028974	MCAOTN - 6109 - Self Defense/Mutual Combat -	no	no	yes
IR 18028974	MCAOTN - 6109 - Self Defense/Mutual Combat -	no	no	yes
IR 19001182	MCAOTN - 5905 - Charge Consolidated w/another -	no	no	yes
IR 18034057	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18034057	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18002084	MCAOTN - 6157 - Old case/stale -	no	no	yes
IR 19008630	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18025074	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s) -	no	no	yes
IR 07049286	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s) - MCAOTN - 6157 - Old case/stale	no	no	yes
IR18038020	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18038020	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18028296	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 18016094	MCAOTN - 6113 - No reasonable likelihood of conviction -	yes	no	yes
IR 18029619	MCAOTN - 6113 - No reasonable likelihood of conviction -	yes	no	yes

IR	C.A Allegation	Booking	Citation	Submittal
IR19001804	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR18027649	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR18027649	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR18027649	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes
IR 19007863	MCAOTN - 6113 - No reasonable likelihood of conviction -	yes	no	no
IR19008630	MCAOTN - 6113 - No reasonable likelihood of conviction -	yes	no	no
IR16029627	MCAOTN - 6113 - No reasonable likelihood of conviction -	no	no	yes

IR#	JCD Allegation	Booking	Citation	Submittal
IR18036853	JCD - Dismissed on motion/request of prosecutor	no	yes	no
IR19002211	JCD - Dismissed on motion of court or defendant	no	yes	no
IR19003681	JCD - Dismissed on motion/request of prosecutor	yes	no	yes
IR15021840	JCD - Dismissed on motion of court or defendant	yes	yes	yes
IR18018989	JCD - Dismissed on motion/request of prosecutor	no	yes	no

Overall Compliance Rate for CA/JCD Turndown Inspections



Non- Compliance Deficiencies**District 3 (1 BIO Action Form):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	N/A	9/17/2018	IR18027649	Sergeant	Captain
Deficiency						
1. No property receipt for 2 thumb drives, CD from forensic interview and pictures from the forensic interview that was not Office owned.						

District IV (1 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	N/A	6/1/2018	IR18016094	Sergeant	Captain
Deficiency						
1. The deputy took the initial report and submitted the case to the MCAO without probable cause resulting in a further. The case was later a turndown after detective involvement for no reasonable likelihood of conviction.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	N/A	6/1/2018	IR18016094	Sergeant	Captain
Deficiency						
1. The deputy failed to interview the suspect/investigative lead.						

Recommendations:

There were no irreversible errors in this April Inspection indicating diligence on behalf of Office personnel in overseeing and correcting potential errors which once committed cannot be reversed.

The number of other potential non-compliance deficiencies that have been routinely identified during the review of reports from this Inspection by BIO indicates that further review of reports by Case Agents and Supervisors is recommended prior to approval and submission of charges.

Some common issues noted include:

- No or weak articulation of probable cause for submitted charges
- Failure to provide property receipts when seizing property
- Weak or incomplete investigations resulting from not interviewing suspects.

Supervisors are reminded that a supervisor's approval of the report indicates their agreement that the report contains all of the necessary elements of the legal basis for the action or all of the elements of a reported crime, if applicable.

A total of 2 BIO Action Forms are requested from the affected divisions for the perceived deficiencies listed. It is permissible to complete 1 BIO Action Form covering the same employee with the same perceived deficiency.

The form shall be completed utilizing Blue Team.

Date Inspection Started: May 20th, 2019
 Date Completed: May 30th, 2019
 Time frame Inspected: April 1st to April 30th, 2019

Assigned Inspector: Sergeant S. Hatfield S1897

I have reviewed this inspection report.

Lt. D. Reaulo S1678
 Lt. Dominick Reaulo S1678
 Commander – Audits and Inspections Unit
 Bureau of Internal Oversight

6/11/2019

Date