

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**County Attorney/Justice Court Turndowns December 2018**

Inspection # BI2018-0151

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 December 2018 available in IAPro; **28 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. A total of **48 cases** 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 December 2018.

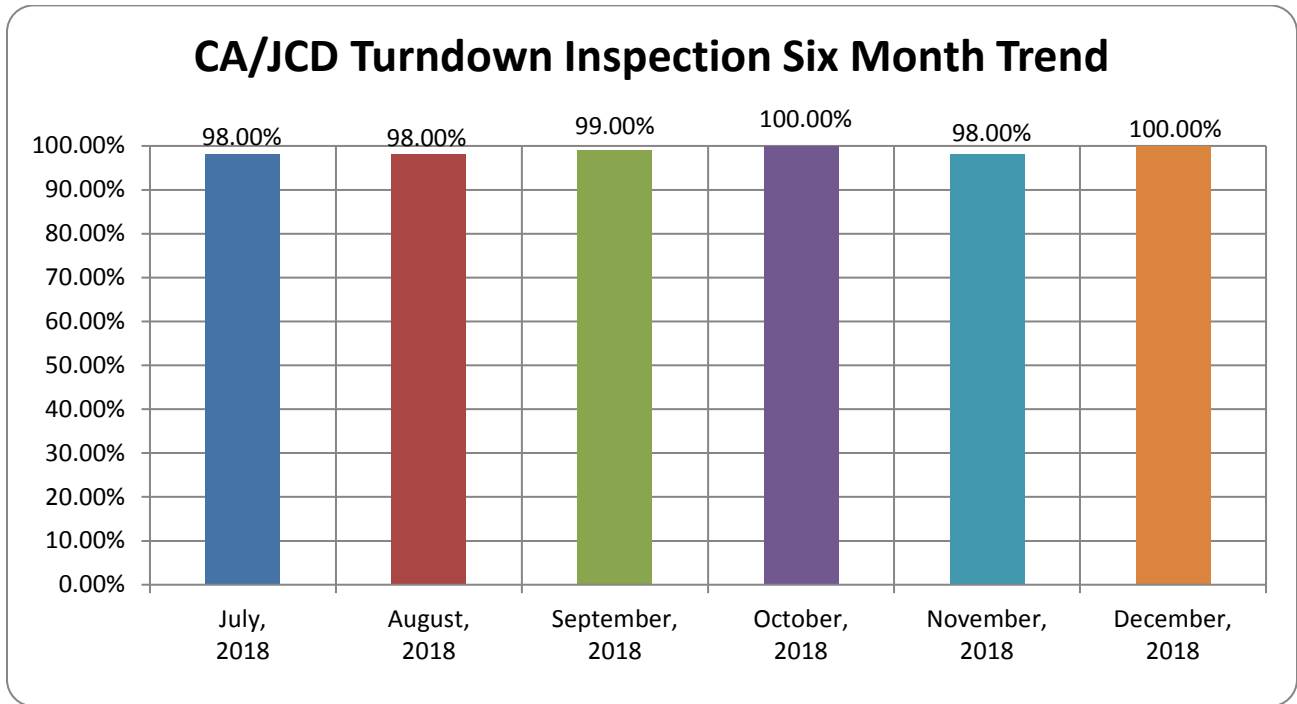
There are **8** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A Allegation	Booking	Citation	Submittal
IR18007481	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Yes	No	Yes
IR18003207	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18027771	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18035841	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18003807	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18027547	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018788	MCAOTN - 6113 - No reasonable likelihood of conviction - MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR17010990	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18035084	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18020522	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18010329	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	No
IR18027387	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17008397	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18033571	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18026642	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18026427	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18014223	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17021531	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
IR18033215	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16027044	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18019569	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR18002433	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17006132	MCAOTN - 6157 - Old case/stale	Yes	Yes	No
IR16019892	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18002408	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18028613	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18003717	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030639	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR18027261	MC18206222	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR16034000	MC16327958	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18015255	MC18117012	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18029301	MC18220832	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18015427	MC18118004	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18033910	MC18255436	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18016109	MC18122834	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18034240	MC18257872	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR18023920	MC18180497	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18026339	MC18199261	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18035367	MC18265809	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR17008176	MC17069353	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
N/A	MC18226635	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18003193	MC18184202	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
IR18036924	MC18276897	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18006274	MC18048683	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18017074	MC18129587	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR16025421	MC16241658	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
IR18025940	MC18196291	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18027199	MC18205833	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No

**Overall Compliance Rate for CA/JCD Turndown Inspections**



**Non- Compliance Deficiencies**

**District I (1 BIO Action Form):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	2.05.18	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. No property receipt for the suspect's shell casing seized from the suspect's property. Policy GE-3.3.D						

**District II (2 BIO Action Forms):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	3.14.18	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. Property receipt not provided for seized cell phone. Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	9.08.18	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. Form 4 missing all arresting Deputy information.						

**District III (2 BIO Action Forms):**

District/Division	Case Agent*	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Redacted	Redacted	Redacted	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. No property receipt for the license plate or methamphetamine seized from the driver's vehicle. Policy GE-3.3.D *Inspector Note: Deputy is no longer employed, <b>no BAF required.</b>						
District/Division	Case Agent**	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Redacted	Redacted	9.15.18	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. No Property receipt for receipt provided by Circle K to Sgt. Policy GE-3.3.D - Deputy documents, "two receipts for his purchases were provided to Sgt." P&E lists item #5 as "2 printed receipts."  2. No Property receipt for gas cap, lighter, cardboard, or gas can. Policy GE-3.3.D - P&E shows items #1-4 with owner.  3. Inconsistent information: Report by Deputy states "All seized items were later secured into the District 3 substation property and evidence." But states at the end that property owner was "given all of property back." At the time of this inspection, P&E showed all items were still impounded.  <b>**2 BIO Action Forms for this case, 1 for each identified employee**</b>						

**District VI (No BIO Action Form):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI Queen Creek	Redacted	Redacted	1.30.18	Redacted	Redacted	Redacted
<b>Deficiency</b>						
1. Investigative deficiency identified. This deficiency was addressed prior to the Audits and Inspections Unit conducting an inspection and resulted in an administrative investigation being opened by the Professional Standards Bureau. That investigation is ongoing at this time. No additional action will be required of the division as a result of this inspection. *Inspector Note: Deputy is no longer employed, <b>no BAF required.</b>						



**District VII (1 BIO Action Form):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5045-District VII	Redacted	Redacted	9.26.18	Redacted	Redacted	Redacted

**Deficiency**

1. Reader unable to locate evidence to support the charged crime within the report. It appears to be a “he said/she said” with no witnesses or evidence.

**Major Crimes Division (1 BIO Action Form):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes	Redacted	Redacted	9.16.18	Redacted	Redacted	Redacted

**Deficiency**

1. No property receipt for the 4 photographs. Policy GE-3.3.D
2. No property receipt for the spatula seized as evidence. Policy GE-3.3.D
3. Form 4 missing arresting Deputy information.

**Recommendations:**

There were no irreversible errors in this December 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 owner property
- Weak or incomplete investigations resulting from not interviewing suspects, victims, and witnesses
- Inconsistent or inaccurate information provided in reports, supplements, and other forms

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 7 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: January 9<sup>th</sup>, 2019  
 Date Completed: January 24<sup>th</sup>, 2019  
 Time frame Inspected: December 1<sup>st</sup> to December 31<sup>st</sup>, 2018

Assigned Inspector: Sergeant Rob Levy S1881  
 Assisting Inspector: Sergeant Travis Glenn S1626

I have reviewed this inspection report.

W.C. Morrison #1509  
 Capt. W. Cory Morrison S1509  
 Commander  
 Bureau of Internal Oversight

02/06/2019  
 Date