

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns March 2019

Inspection # BI2019-0031

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 March 2019 available in IPro **45 cases** were reviewed.

There were approximately 120 criminal cases with charge(s) dismissed from the Maricopa County Justice Courts available in IPro for that month. A random selection of 20 of these cases were also selected for review. A total of **65 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 March 2019.

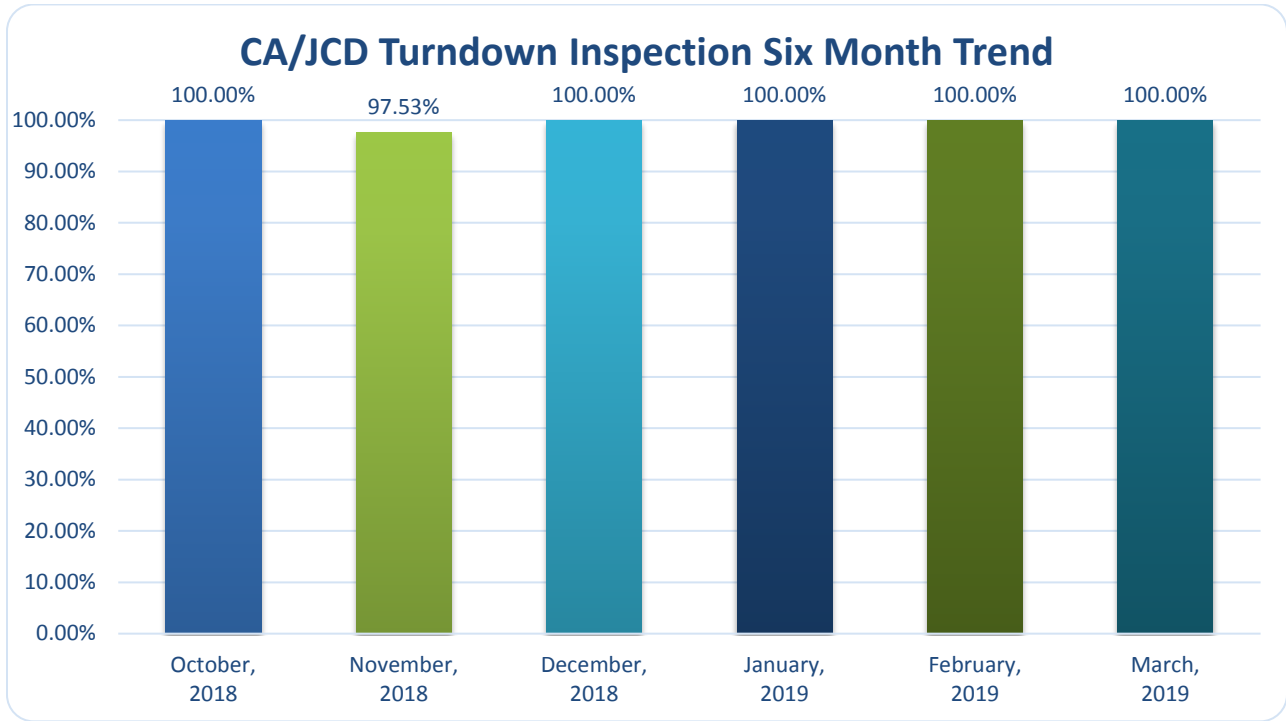
There are **19** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A Allegation	Booking	Citation	Submittal
IR17031941	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18036154	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18019555	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18033640	MCAOTN - NF - Not Filed - Filed Other/Separate Charge	No	No	Yes
IR18037325	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19002940	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18028863	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18033537	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18015787	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18033805	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	No	Yes
IR19006807	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19000371	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18035599	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19004173	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17024101	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17034345	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18035020	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18035860	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18035918	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18028860	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18022767	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18034261	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18034883	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR18036083	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18005621	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17031203	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17038253	MCAOTN - 6170 - CAD for Prefiling Deferred Prosecution	No	No	Yes
IR18026268	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19002492	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19000716	MCAOTN - NF - Not Filed - Filed Other/Separate Charge	Yes	No	Yes
IR18037829	MCAOTN - 6113 - No reasonable likelihood of conviction MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	Yes
IR18037600	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018447	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	No
IR19002067	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter	No	No	Yes
IR18031728	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18035979	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Yes	No	Yes
IR17029221	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18036456	MCAOTN - NF - Not Filed - Filed Other/Separate Charge	No	No	Yes
IR19007088	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17036766	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18019266	MCAOTN - 6128 - Double Jeopardy would result			
IR18021908	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18034557	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18004121	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR19002600	MC19018381	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR15028784	MC15247798	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR18012394	MC18096727	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18035623	MC18267717	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18029695	MC18223756	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18030723	MC18231749	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17021084	MC17172150	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19004857	MC19033835	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18031979	MC18241121	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18027457	MC18207523	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19003136	MC19022380	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR16024305	MC16230277	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18025966	MC18196391	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18026182	MC18197916	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18018180	MC18137193	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18033652	MC18253552	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18024011	MC18181164	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR17015947	MC17132257	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18036483	MC18273718	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18024145	MC18182486	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Non- Compliance Deficiencies**District I (2 BIO Action Forms):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	1.5.19	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for thumb drive. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	12.6.17	Redacted	No Longer Employed	Captain
Deficiency						
1. Seized contraband not listed on property receipt. - GE-3.3.D						
Note: Deputy is no longer employed so no BAF required for this deficiency.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	10.17.18	Redacted	Sergeant	Captain
Deficiency						
1. Deputy doesn't charge felony DUI but cites the subject for Driving suspended/revoked and Misdemeanor DUI.						

District II (6 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	10.20.17	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt to the victim's security camera - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	11.12.17	Redacted	Lieutenant	Captain
Deficiency						
1. Deputy notes that Stolen Vehicle Affidavit is attached but reader is unable to find - Policy EH-2.1.E						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	11.29.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for bullets and magazine - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	3.10.19	Redacted	Sergeant	Captain
Deficiency						
1. Citation not used as part of booking process, EA-8.2.B.1						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	2.8.18	Redacted	Sergeant	Captain
Deficiency						
1. Citation not used for booking for misdemeanor DV. - Policy EA-8.2.B.1						
2. No property receipt for seized marijuana. - Policy GE-3.3.D Inspector Note: Deputy submits long form charges on suspect for marijuana possession.						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	12.14.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for \$2 bill that was impounded into P&E - Policy GE-3.3.D						

District III (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	1.8.19	Redacted	Sergeant	Captain
Deficiency						
1. Seized drug paraphernalia not listed on property receipt - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	9.25.17	Redacted	No longer employed	Captain
Deficiency						
1. No property receipt for seized & impounded DL and plate. - Policy GE-3.3.D						
Note: Deputy is no longer employed so no BAF required for this deficiency.						

District IV (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	1.21.19	Redacted	Sergeant	Captain

Deficiency

1. Reader is unable to find documentation that shows original Deputy verified the order with OIC. - Policy EA-8.4.A

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	3.19.18	Redacted	Sergeant	Captain

Deficiency

1. Deputy documents that he verified the order to be valid but doesn't document the manner. Policy EA-8.4.A specifies that OIC shall be contacted.

District VI (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	1.30.19	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for the broken X-Box controller. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	12.11.18	Redacted	No longer employed	Captain
Deficiency						
1. Deputy notes in his report that he verified the order via a hit on his computer. Reader unable to locate documentation showing that the order was verified by OIC. Policy EA-8.4.A						
Note: Deputy is no longer employed so no BAF required for this deficiency.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	10.30.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for seized drug paraphernalia. - Policy GE-3.3.D						

Major Crimes (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes Division	Deputy	Redacted	5.29.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for documents received from the school (items #113 & 120) - Policy GE-3.3.D						

Professional Standards (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5021-Professional Standards	Sergeant	Redacted	7.23.14	Redacted	Lieutenant	Captain
Deficiency						
1. Form 4 missing arresting officer information.						

Recommendations:

There were no irreversible errors in this March 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 15 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: April 8th, 2019
Date Completed: April 22nd, 2019
Time frame Inspected: March 1st to March 31st, 2019

Assigned Inspector: Sergeant Rob Levy S1881

I have reviewed this inspection report.

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

5/20/2019
Date