

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns November 2018

Inspection # BI2018-0138

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 November 2018 available in IAPro, **61 cases**, were reviewed.

There were approximately 115 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 **81 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 **2** irreversible error noted. This resulted in a **97.53%** compliance rate for November 2018.

There are **18** other perceived deficiencies that are outside the scope of “irreversible error” and will not be figured into the compliance rate calculation for this inspection.

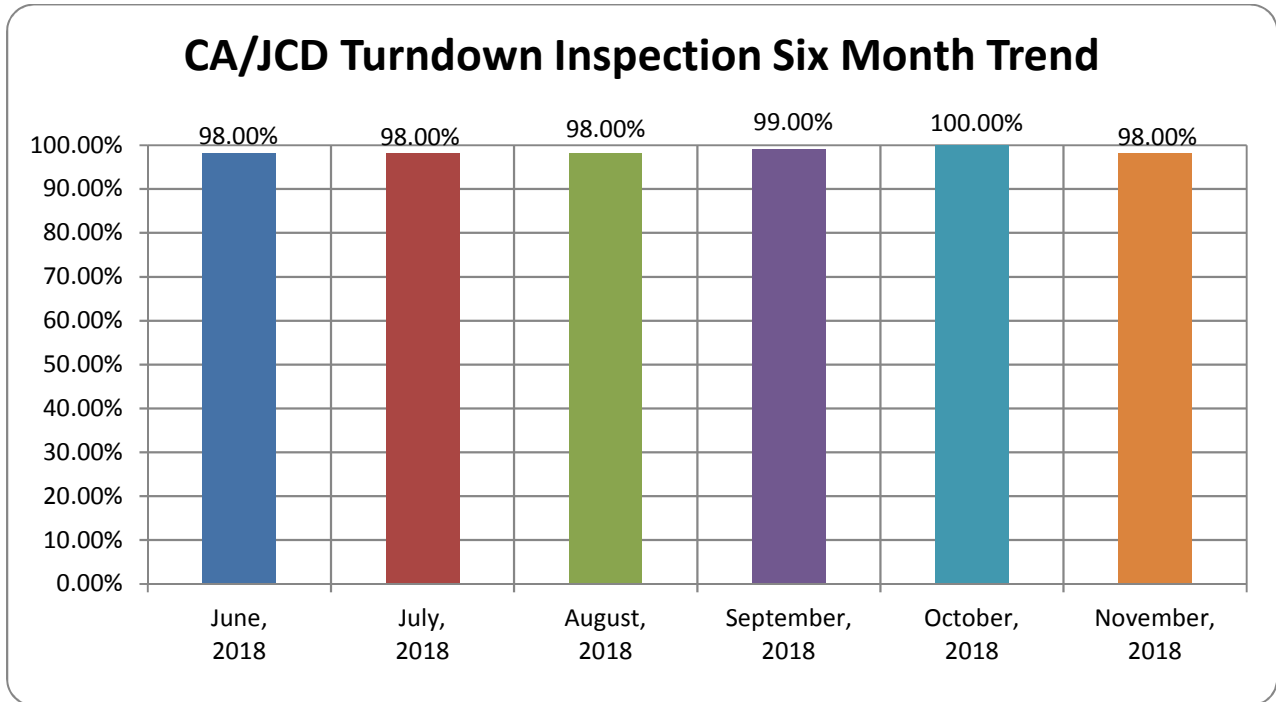
IR	C.A Allegation	Booking	Citation	Submittal
IR18024752	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18022853	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	Yes
IR18013611	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018205	MCAOTN - 6128 - Double Jeopardy would result	Yes	Yes	Yes
IR18026931	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18024219	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18031341	MCAOTN - 6113 - No reasonable likelihood of conviction - MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18008463	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011563	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030483	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017878	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	Yes	Yes
IR18031796	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR17013561	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18026092	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18031749	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030617	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR18011694	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR12004883	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17033455	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18021645	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18033520	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR14029194	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR18001044	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17032841	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012317	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18027715	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032557	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17034082	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18010790	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18024318	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17036732	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18019576	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18028828	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR17021711	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18001408	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18021499	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR15012018	MCAOTN - 6157 - Old case/stale	Unk	Unk	Unk
IR17025477	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012782	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter	No	No	Yes
IR18032552	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032693	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16005468	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17007885	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18033058	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR17037108	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR16018752	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18034537	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18029688	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18014130	MCAOTN - 6109 - Self Defense/Mutual Combat	No	Yes	Yes
IR18034367	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18029752	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18020007	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18031559	MCAOTN - 6109 - Self Defense/Mutual Combat	No	No	Yes
IR18034554	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18026507	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17004283	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17007116	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18013008	MCAOTN - NF - Not Filed - Filed Other/Separate Charge	No	No	Yes
IR18001073	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17006371	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17020922	MCAOTN - 6160 - Pre-file TASC - Successful completion - MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR18023202	MC18174818	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18021672	MC18162962	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18019523	MC18146822	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18019983	MC18150420	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18017374	MC18132058	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18015380	MC18117717	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18006794	MC18053055	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18026712	MC18202046	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18026387	MC18199621	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18023136	MC18174289	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18022627	MC18170266	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18024635	MC18186231	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17025973	MC17212563	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18024383	MC18184202	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18010661	MC18083468	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18021021	MC18158215	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18007144	MC17061116	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18016229	MC18123569	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18017077	MC18129603	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18012984	MC18101008	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Compliance Deficiencies

District IV (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Redacted	Redacted	6.19.18	Redacted	Redacted	Redacted

Deficiency

1. Irreversible Error - Deputy completes numerous TraCS forms with wrong suspect name (Admin Per Se, Citation, Tow Sheet, Property Receipt). Sgt supplements his report stating that the mistake should have been caught earlier in his investigation adding that the suspect gave the Deputy her correct name, but incorrect DOB but went along with the incorrect name (that of her twin sister) after the Deputy used it.
2. Deputy authors a memo directly to ADOT instead of a letter. Policy GD-8.
3. Report lacks articulation of probable cause for the charge of Reckless Driving.
4. Deputy provides property receipt for blood, contradictory to briefing board 17-43.D.3.

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Redacted	Redacted	8.16.18	Redacted	Redacted	Redacted

Deficiency

1. Deputy documents that he wasn't able to photograph injuries due to the victim being transported to hospital (Deer Valley). Deputies later arrest/detain suspect and he requests transport to hospital for chest pain. He is transported to same hospital (Deer Valley) and later admitted overnight. Deputy follows ambulance to hospital, no documentation of any further attempts to photograph victim's injuries. Case appears to be a he said/she said assault with the female subject having un-photographed injuries to her arms. Only charge that both subjects admit to is the preventing use of phone.

Policy EA-8.1.B - Photograph any injuries, damage to property, or a scene in disarray indicating a struggle.

Non- Compliance Deficiencies**District I (3 BIO Action Forms):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	12.06.17	Redacted	Redacted	Redacted
Deficiency						
1. Deputy doesn't articulate sufficient probable cause for the listed charge. Deputy lists a fingerprint on the outside of the vehicle coming back to the suspect who was charged.						
2. No attempted interview with suspect.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	3.15.17	Redacted	Redacted	Redacted
Deficiency						
1. No articulation of probable cause for the charge of robbery. "Due to the victim independently and positively identifying the suspect through open sources and stating the suspect assaulted him and took his personal property through the use of force and against his will and with intent to coerce surrender of property I am requesting that charges be filed on Joseph Planesi for the crime of 13-1902.A-Robbery."						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Redacted	Redacted	1.11.18	Redacted	Redacted	Redacted
Deficiency						
1. Form 4 missing all arresting officer information.						

District II (5 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	8.01.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt provided by Deputy Komorowski for flash drive from Times Square. Policy GE-3.3.D.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	10.28.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt provided for the shovel that was seized as evidence. Policy GE-3.3.D.						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	4.15.18	Redacted	Redacted	Redacted
Deficiency						
1. No articulation as to why wife was not arrested at time of initial response. Policy EA-8.2.C.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	7.02.18	Redacted	Redacted	Redacted
Deficiency						
1. No documentation that detective supervisor was notified (per policy EA-8.1.F.5F) reference strangulation allegation. Inspector note: Suspect was charged with Agg Assault - Strangulation.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Redacted	Redacted	10.06.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt for the disc that was seized as evidence from the Circle K. 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	Redacted	Redacted	11.04.17	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt provided for the Gatorade bottle. Policy GE-3.3.D.						

District IV (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Redacted	Redacted	11.23.18	Redacted	Redacted	Redacted
Deficiency						
<ol style="list-style-type: none"> Deputy asked interrogative questions to subject who was in custody prior to reading Miranda. Deputy documents "at this point I was not sure if a crime was committed." Additionally, he goes on to document how he made a simulated gun out of cardboard and gave it to the subject to demonstrate how the subject had the gun. He then documents reading Miranda after he "believed a crime may have happened." Deputy documents providing subject with a property receipt for the seized firearm but no property receipt located (TraCS, FileBound, District W: drive). Policy GE-3.3.D. 						

District VI (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Redacted	Redacted	11.25.18	Redacted	Redacted	Redacted
Deficiency						
<ol style="list-style-type: none"> No documentation that detective supervisor was notified (per policy EA-8.1.F.5.F) reference strangulation allegation. Inspector note: Suspect was charged with Agg Assault - Strangulation. 						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Redacted	Redacted	5.06.18	Redacted	Redacted	Redacted
Deficiency						
<ol style="list-style-type: none"> Deputy provides property receipt for blood, contradictory to Briefing Board 17-43.D.3. 						

Lake Patrol Division (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5046-Lake Division	Redacted	Redacted	5.26.18	Redacted	Redacted	Redacted
Deficiency						
<ol style="list-style-type: none"> Narrative of report starts by explaining that Deputy Hossack made the stop. VSCF was completed by Carrillo-Torres, who is listed as the primary unit. 						

SWAT Division (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5055-SWAT	Redacted	Redacted	8.04.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt for the fake driver's license seized. Policy GE-3.3.D.						

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	4.23.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt provided for Deborah's laptop computer. Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes	Redacted	Redacted	7.21.18	Redacted	Redacted	Redacted
Deficiency						
1. No property receipt provided for flash drive from Buffalo Chip. Policy GE-3.3.D						

Other:

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
N/A	N/A	N/A	N/A	Redacted	N/A	N/A
Deficiency						
1. Unable to locate any charging paperwork in TraCS, Filebound, or District file. Policy GF-5; report shall be forwarded to records. Inspector unable to determine responsibility for the deficiency.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
N/A	N/A	N/A	N/A	Redacted	N/A	N/A
Deficiency						
1. Unable to locate any charging paperwork in TraCS, Filebound, or District file. Policy GF-5; report shall be forwarded to records. Inspector unable to determine responsibility for the deficiency.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
N/A	N/A	N/A	N/A	Redacted	N/A	N/A
Deficiency						
1. Unable to locate any charging paperwork in TraCS, Filebound, or District file. Policy GF-5; report shall be forwarded to records. Inspector unable to determine responsibility for the deficiency.						

Recommendations:

There were 2 irreversible errors in this November 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 **17** 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: December 6th, 2018
Date Completed: January 3rd, 2018
Time frame Inspected: November 1st to November 30th, 2018

Assigned Inspector: Sergeant Rob Levy S1881

I have reviewed this inspection report.

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

01/09/2019
Date