

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



April 2018 County Attorney/Justice Court Turndowns

BI2018-0046

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 primary purpose for this inspection is to determine if there were any "irreversible errors". Irreversible errors can be defined as, but not limited to the following: Lack of probable cause for an arrest/booking, unlawful search/seizure, excessive use of force, or other violations of constitutional/ civil rights.

Inspectors will utilize the "IAPro" program software to generate turndown dispositions entered into IAPro by the Early Intervention Unit (EIS) 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 utilizing the Records Division "FileBound" data base 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 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, Citation, or Long-form)

Criteria:

Briefing Board # 17-17; Policy change to GF-5; INCIDENT REPORT GUIDELINES

MCSO Policy GF-5; INCIDENT REPORT GUIDELINES

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 the County Attorney Turndown dispositions from the Maricopa County Superior Court for the month of April 2018 available in IPro (40 total cases) were reviewed.

There were approximately 96 dismissals of criminal cases from the Maricopa County Justice Courts available in IPro for that month. A random selection of 20 these cases were also selected for review.

It should be noted that the focus of this inspection is on the identification of “irreversible errors.” During the inspection of the Superior Court and Justice Court turndowns; there was 1 irreversible error noted. This resulted in a **98%** compliance rate for April 2018.*

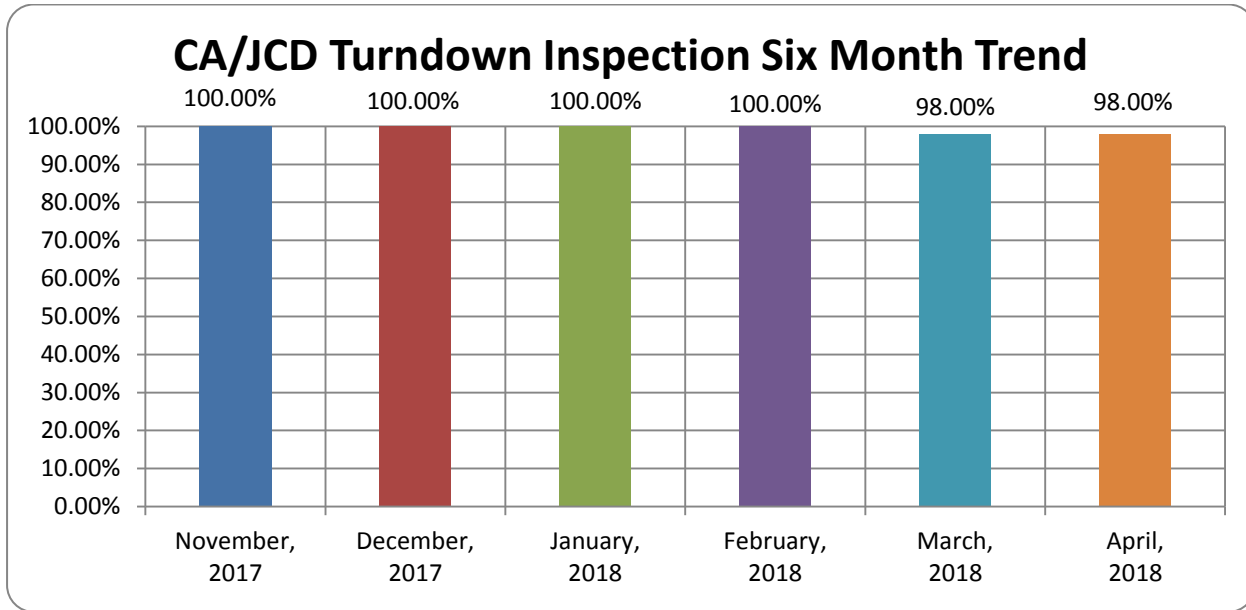
During this inspection, two cases involving Use of Force incidents were not reviewed as a part of this inspection, as on-going internal administrative reviews are currently being conducted for these cases. *It should be noted that if both of these cases were included in the inspection and both were found to have irreversible errors, the overall compliance score for this inspection would still be 94%, which complies with the Court Ordered requirement for compliance.

IR	CA Disposition	Booking	Citation	Submittal
2017-021048	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	No	Yes
2016-028091	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
2017-033374	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-035904	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
2018-001597	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	Yes
2017-010839	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
2018-005030	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-035045	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-038150	MCAOTN - 6157 - Old case/stale MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-005637	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-017006	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-032147	MCAOTN - 6113 - No reasonable	No	No	Yes

	likelihood of conviction			
2017-010596	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2018-001487	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2018-006758	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-039056	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-025088	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	No	Yes
2017-015202	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	No	Yes
2017-003736	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-019660	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
2018-008839	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
2018-005199	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-032263	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
2016-029314	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2015-026755	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	Yes
2018-011095	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
2017-035469	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-035643	MCAOTN - 6128 - Double Jeopardy would result	No	Yes	Yes
2017-014320	MCAOTN - 6160 - Pre-file TASC - Successful completion	Yes	No	Yes
2015-010662	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2017-021623	MCAOTN - 6109 - Self Defense/Mutual Combat	Yes	No	Yes
2018-000856	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2018-000211	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2016-004693	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2018-010876	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2016-030910	MCAOTN - 6109 - Self Defense/Mutual Combat MCAOTN - 6113 - No reasonable	No	No	Yes

	likelihood of conviction			
2017-010627	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2016-032866	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2016-034272	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
2014-007461	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR	JCD Disposition	Booking	Citation	Submittal
2017-021613*	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
2018-006998	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-022628	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-002860	JCD - Dismissed on motion/request of prosecutor	No	Yes	Yes
2018-003004	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-001613	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-001204	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2017-027600	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-007081	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-003818	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-002860	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-004722	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
2018-007762	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-038399	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2017-034426	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-009165	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-016557	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
2017-035099	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-032925*	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
2017-021963	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
2016-024259	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
2018-062004	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



District/Div.	Case Agent:	Date of Event:	IR#/ MC#	Current Supervisor:	Current Commander:
Lake Patrol	Deputy	7/15/2017	Redacted	Supervisor	Commander

Deficiency:

Suspect was booked on two counts of felony Aggravated Assault (DV) and no articulation of Probable Cause was present in the report for either charge. The deputy authored a supplemental report five days after the suspect was booked indicating the felony counts were a clerical error and that the suspect should have been booked on a C1 Misdemeanor of Assault (DV). The deputy notes notification being made to the County Attorney of the error; but there is no indication of a timely re-submittal/cite (C1M) or of the County Attorney receiving the notification of the charging error to vacate the felony charges.

Due to the nature of the irreversible error; a memorandum of concern was authored by the AIU and forwarded to the PSB. Due to this, no BIO Action Form is required by the division for the deficiency, as referral to PSB has already taken place.

Date Inspection Started: May 7th, 2018
Date Completed: May 31st, 2018
Time frame Inspected: April 1st to April 30th, 2018

Assigned Inspector: Sergeant Travis Glenn S1626

I have reviewed this inspection report.

Lt. Larry Kratzer S1520
Lieutenant V. Kratzer S1520
Commander, Audits & Inspections Unit
Bureau of Internal Oversight

Date 05/31/2018