

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



June 2018 County Attorney/Justice Court Turndowns

BI2018-0070

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 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 perceives to be a potential violation of policy, law, or industry best practices/standards.

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. In an instance that 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 (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 by primarily 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 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, 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 June 2018 available in IAPro (36 total cases) were reviewed.

There were approximately 116 criminal cases with charge(s) dismissed from the Maricopa County Justice Courts available in IAPro for that month. A random selection of 20 these cases were also selected for review.

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 was 1 irreversible error noted. This resulted in a 98% compliance rate for June 2018.

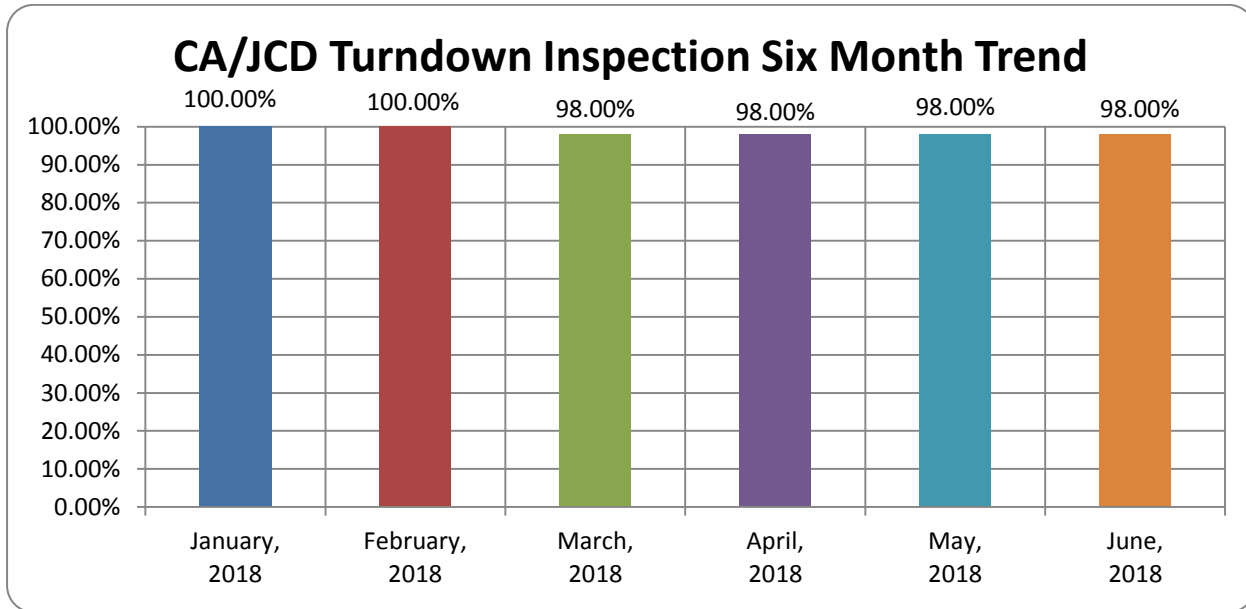
There were (7) noted deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A Allegation	Booking	Citation	Submittal
IR18009478	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	No	Yes	No
IR17017590	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	Yes
IR18010381	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	Yes	Yes
IR16023724	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18015351	MCAOTN - 6109 - Self Defense/Mutual Combat	Yes	No	Yes
IR16035556	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
IR18012784	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR10233488	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR17021388	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17037819	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	Yes	Yes
IR17009693	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17032909	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18005720	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17033750	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR17022633	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	No
IR17036665	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17034453	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR16001921	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR15006103	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17029796	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18005040	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011020	MCAOTN - 6102 - Defendant sented in other case; no need to prosecute this matter	No	No	Yes
IR17007112	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18010440	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18007452	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR18010032	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17007452	MCAOTN - 6157 - Old case/stale	Yes	No	Yes
IR18013272	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18004010	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR 18005119	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011386	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18000563	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18010113	MCAOTN - 6109 - Self Defense/Mutual Combat	No	No	Yes
IR18013248	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018302	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR16001787	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR	J.C.D Allegation	Booking	Citation	Submittal
2018-011466	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-035548	JCD - Dismissed on motion/request of prosecutor	No	Yes	Yes
2017-023132	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
2018-015661	JCD - Dismissed on motion of court or defendant	Yes	Yes	Yes
2018-001977	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2016-005473	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-035592	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-003731	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-024747	JCD - Dismissed on motion of court or defendant	Yes	No	Yes
2015-014512	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
2018-015462	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-011452	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-014613	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-014519	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-015788	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-013032	JCD - Dismissed on motion of court or defendant	No	Yes	No

2017-038711	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-012945	JCD - Dismissed on motion/request of prosecutor	No	Yes	Yes
2018-011635	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-008205	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Compliance Deficiency:

<u>District/Division:</u>	<u>Case Agent:</u>	<u>Date of Event:</u>	<u>IR# or MC#:</u>	<u>Current Supervisor:</u>	<u>Current Commander:</u>
5042-District II	Case Agent	3/11/2017	Redacted	Supervisor	Commander

Deficiency:

Suspect was booked on date of offense; 3/11/17. The MCAO requested further investigation on this case and the investigator did not resubmit the case until a year later on 3/26/18, although the follow-up investigation was conducted on 3/25/17. The MCAO turned down the case for prosecution citing, “stale/old case”.

Non-Compliance Deficiencies:

<u>District/Division:</u>	<u>Case Agent:</u>	<u>Date of Event:</u>	<u>IR# or MC#:</u>	<u>Current Supervisor:</u>	<u>Current Commander:</u>
5041-District I	Case Agent	2/24/2018	Redacted	Supervisor	Commander

Deficiency:

This case involved a domestic violence assault turned down for prosecution. The investigation notates the suspect in this case left prior to the deputy’s arrival. No attempt to follow-up or interview the suspect was documented although the report indicates the suspect’s address was the same as the victim’s address and the suspect was the victim’s son. The investigation appears to be incomplete.

<u>District/Division:</u>	<u>Case Agent:</u>	<u>Date of Event:</u>	<u>IR# or MC#:</u>	<u>Current Supervisor:</u>	<u>Current Commander:</u>
5042-District II	Case Agent	5/6/2018	Redacted	Supervisor	Commander

Deficiency:

This case involved criminal speed and the charge was dismissed. The driver is cited by the deputy for criminal speed in a non-business/non-residential area. The violator should have been cited for a civil violation.

<u>District/Division:</u>	<u>Case Agent:</u>	<u>Date of Event:</u>	<u>IR# or MC#:</u>	<u>Current Supervisor:</u>	<u>Current Commander:</u>
5042-District II	Case Agent	4/23/2018	Redacted	Supervisor	Commander

Deficiency:

This case involved a suspended driving violation in which the deputy failed to seize and impound the suspended driver’s license in accordance with EB-1.13.B.

<u>District/Division:</u>	<u>Case Agent:</u>	<u>Date of Event:</u>	<u>IR# or MC#:</u>	<u>Current Supervisor:</u>	<u>Current Commander:</u>
5043-District III	Case Agent	3/14/2018	Redacted	Supervisor	Commander

Deficiency:

This case involved a C5F criminal damage DV submittal in which the MCAO Checklist indicates; “confirmed estimates of damage or property value”. No official estimate appeared to be attached or included in the report with the only documentation regarding the value of damage being damage to a windshield estimated to be \$300. The value range of damage for a C5F charge is \$2,000 to less than \$15,000.

District/Division:	Case Agent:	Date of Event:	IR# or MC#:	Current Supervisor:	Current Commander:
5043-District III	Case Agent	8/18/2017	Redacted	Supervisor	Commander

Deficiency:

This case involved an assault in which the deputy notes that detective supplements should be referred to for further interviews. It was confirmed that detectives did not author any supplemental reports for this investigation. The report also indicates that the victim made statements that he may have stabbed the suspect with a pocket knife during the altercation; however no investigation or further information is provided in the report about this allegation or if injuries were sustained to the suspect as a result, even though the suspect was transported to the hospital and then booked into jail.

District/Division:	Case Agent:	Date of Event:	IR# or MC#:	Current Supervisor:	Current Commander:
5043-District III	Case Agent	4/21/2018	Redacted	Supervisor	Commander

Deficiency:

This case involved a driving on a suspended license violation in which the deputy indicates in his report that the driver was “Terry Frisked” for weapons and placed in the back of the patrol vehicle. The report does not articulate the suspicion that the driver is armed and presently dangerous as required by case law and MCSO policy regarding conducting Terry Frisks. The deputy does have legal authority to conduct a search incident to arrest on the driver and the deputy does also request permission to search the driver prior to her being placed in the back of the patrol vehicle, to which the driver consents. The TraCS Contact Form indicates “No” regarding whether a driver search was conducted and the search option is left blank. The citation is blank for the areas of gender, eye color, hair color, height and weight, although these fields are completed in the IR. The IR also indicates the report type as “Info Only” when this incident was a criminal offense for 910S. Additionally, the case status in the IR lists “submitted”, as opposed to “cleared by arrest”. The IR face sheet listed “No” in the “Arrested” field, but “Yes” on the VSCF for arrested.

District/Division:	Case Agent:	Date of Event:	IR# or MC#:	Current Supervisor:	Current Commander:
5056-District Queen Creek	Case Agent	5/30/2018	Redacted	Supervisor	Commander

Deficiency:

Driver's MVD suspension status not attached to report as required by policy EB-1.

A total of **(8)** BIO Action Forms are requested from the affected divisions for the listed deficiencies. The form shall be completed utilizing Blue Team.

Date Inspection Started: July 9th 2018
Date Completed: July 23rd, 2018
Time frame Inspected: June 1st to June 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 08/01/2018