

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



July 2018 County Attorney/Justice Court Turndowns

BI2018-0084

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.

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. 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 (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" 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 July 2018 available in IAPro (53 total cases) were reviewed.

There were approximately 63 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.

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 July 2018.

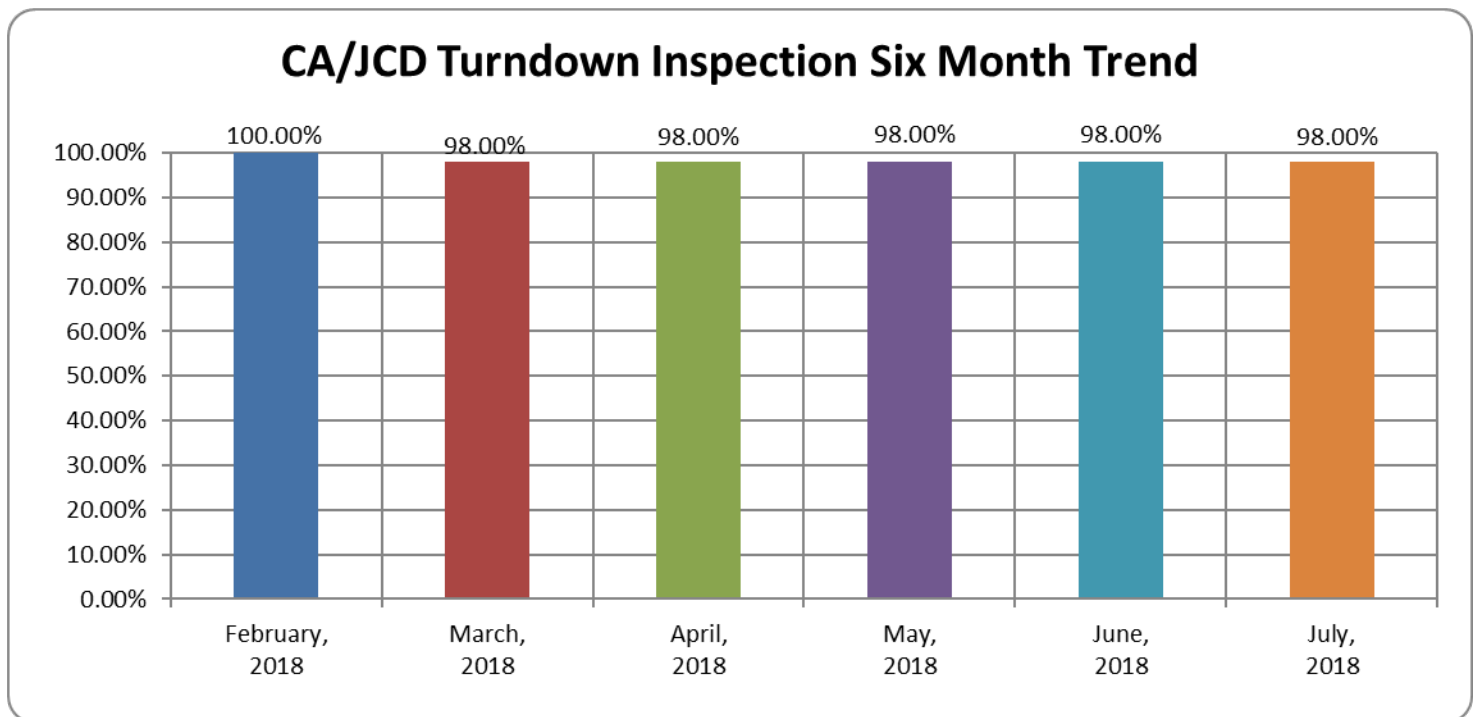
There were (7) other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A. Allegation	Booking	Citation	Submittal
IR18012194	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	Yes
IR18018628	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18009704	MCAOTN - 6128 - Double Jeopardy would result	No	Yes	Yes
IR17036665	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018422	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17025204	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011515	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17003010	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17001273	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
IR18009566	MCAOTN - 6106 - This case should be used as an aid to prosecution of other	No	No	Yes
IR18014624	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018741	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	NA
IR17011699	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
IR18020013	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18020010	MCAOTN - 6109 - Self Defense/Mutual Combat	Yes	No	Yes
IR18009241	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18019188	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18020365	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17034876	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017914	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18008808	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16018820	MCAOTN - 6157 - Old case/stale	Yes	No	Yes
IR17033374	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16001921	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18021579	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes

IR17036329	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18014294	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18019700	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011525	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	No
IR18021192	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR17000948	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18013776	MCAOTN - 6113 - No reasonable likelihood of conviction	NA	NA	Yes
IR18016388	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	No
IR	J.C.D Allegation	Booking	Citation	Submittal
IR18019140	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17032863	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18014628	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR17031304	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR14019912	JCD - Dismissed on motion of court or defendant	No	Yes	Yes
IR18017117	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR16011257	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17036462	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17035598	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
IR15029856	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18016635	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18009973	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18010329	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18016684	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	Yes
IR18000590	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR15020813	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18012458	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

IR18015495	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18019771	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18012303	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Compliance Deficiency

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5042-District II	Deputy	N/A	7/12/2016	Redacted	Supervisor	Commander
Deficiency						
Case submitted on 6/20/2018 (about one year and three months later) for (1ct) of failure to comply with a court order (C1M) listing a single date of offense as 7/12/16 (no new information listed in PC statement). Based on totality of the case, appears aggravated harassment may be charged as several other documented violations occurred.						

Non-Compliance Deficiencies

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5042-District II	Deputy	N/A	12/4/2017	Redacted	Supervisor	Commander
Deficiency						
No property receipt.						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5043-District III	Deputy	N/A	10/29/2017	Redacted	Supervisor	Commander
Deficiency						
Driver's MVD suspension status not attached to report as required by EB-1. This case involved a suspended driving violation in which there is no documentation FileBound that the deputy seized and impounded the suspended driver's license in accordance with EB-1.13.B. File document attachments noted in TraCS are not attached.						
District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5043-District III	Deputy	N/A	11/26/2017	Redacted	Supervisor	Commander
Deficiency						
Deputy advised suspect (after suspect was in custody; before Miranda warning) he could smell burnt marijuana coming from suspect's vehicle and asked if there was anything he should be aware of prior to conducting an inventory search of the vehicle. Deputy located marijuana after incriminating statements made by the driver. (For reference only: m marijuana/contraband would have been discovered during lawful search/inevitable discovery.) Driver states he smoked marijuana "about three hours ago" prior to driving. No noted possible impairment or no impairment investigation noted in departmental report.						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5044-District IV	Deputy	N/A	4/11/2018	Redacted	Supervisor	Commander
Deficiency						
<p>No property receipt provided. Driver's license seized for return to MVD in reference to DUI. Seizure not noted in report per MCSO policy GE-3. (For reference: BIO has requested a review of MCSO Policy GE-3 to further clarify providing a property receipt for item(s) not impounded into Property and Evidence; such as MVD driver's license seizure.) Admin. Per Se form has incorrect box checked indicating person in an accident that resulted in (human) death or serious physical injury. Vehicle not towed per 28-3511, even though deputy had PBT result and other information providing grounds for 3511 tow.</p>						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5044-District IV	Deputy	N/A	5/1/2018	Redacted	Supervisor	Commander
Deficiency						
<p>Suspended driver's license was impounded and marked for Destruction. Per MCSO Policy, EB-1 and GE-3, suspended driver's license should be impounded as Evidence. Property and Evidence Division advised the item was disposed of on 7/10/18. For reference only: Suspect entered into a plea agreement on 7/12/18 and the suspended license charge was dismissed.</p>						

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Deputy	N/A	6/10/2018	Redacted	Supervisor	Commander
Deficiency						

Driver's MVD suspension status not attached to report as required by policy EB-1. Property receipt no signature and no signature obtained blank (form incomplete).

District/Division	Case Agent	Serial #	Date of Event	IR# or MC#	Current Supervisor	Current Commander
5056-Patrol District VI Queen Creek	Deputy	N/A	6/7/2018	Redacted	Supervisor	Commander

Deficiency

For reference only: Suspect #2 (Anthony) cited and released (cite was signed by suspect) (for 13-1203A1-DV) due to medical issue. It was not documented in the report if the supervisor was contacted or if the supervisor made the determination to not book the subject (and cite and release) due to the medical issue as noted in MCSO Policy EA-8.D. 1. No documentation of required fingerprinting (or Mandatory Fingerprint Compliance Form) per MCSO policy EA-11.#5/and ARS 41-1750. 2. Suspect #2 was provided a property receipt and property was impounded listing item detail, "plastic bag containing green leafy substance",

category: "Marijuana". No information in the report narrative (or supplement) detailing any information reference this event. 3. Form Four for suspect #1 (LEO) "E. Crimes of Violence" 1 thru 4 and "F. Domestic Violence issues" (11) check boxes all blank. Several pertinent questions relating to the crime seem to apply as they are noted on the Form Four Risk Assessment attachment.

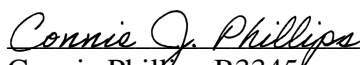
A total of **(8)** BIO Action Forms are requested from the affected divisions for the perceived deficiencies listed.

The form shall be completed utilizing Blue Team.

Date Inspection Started: August 6th, 2018
Date Completed: August 30th, 2018
Time frame Inspected: July 1st to July 31st, 2018

Assigned Inspector: Sergeant Travis Glenn S1626
Assisting Inspector: Sergeant Brandon Uptain S1326

I have reviewed this inspection report.



Connie Phillips B3345
Acting Commander, Audits & Inspections Unit
Bureau of Internal Oversight

Date 9/12/2018