

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns June 2019

Inspection # BI2019-0082

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 June 2019, available in IAPro were reviewed. As a result, **36 cases** were identified for review.

There were approximately 118 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 **56 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 **0** irreversible errors noted. This resulted in a **100%** compliance rate for June 2019.

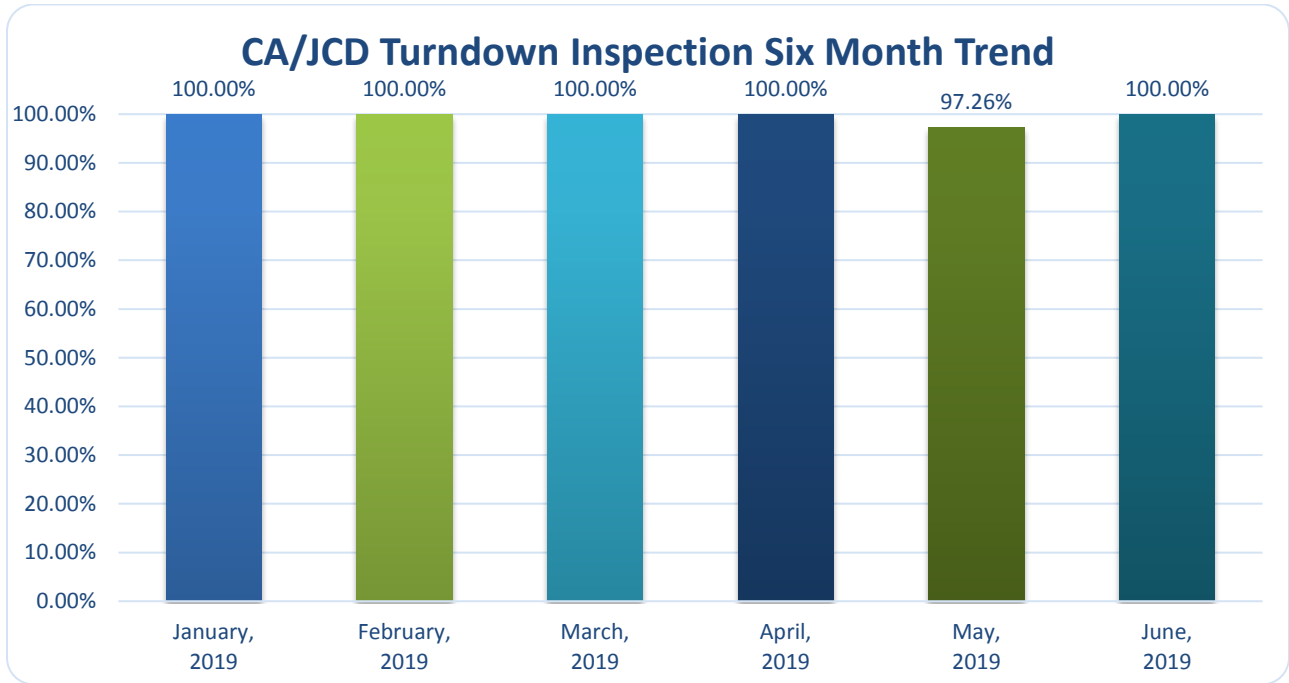
There are **11** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

IR	C.A Allegation	Booking	Citation	Submittal
IR19014233	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19015622	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19013049	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18036227	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18004149	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19008391	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19014061	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18020385	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	Yes
IR18029517	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR19000699	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR19006474	MCAOTN - 6107 - Civil Matter, Not criminal	No	No	Yes
IR19014594	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19002621	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR19015350	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19011795	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Yes	No	Yes
IR19009530	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	Yes	No	Yes
IR18036996	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
IR18027067	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16016529	MCAOTN - 6157 - Old case/stale	Yes	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR19008194	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18013193	MCAOTN - 6157 - Old case/stale	Yes	No	Yes
IR19013277	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032904	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18017014	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16004035	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18025011	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18025310	MCAOTN - 6148 - Inadequate evidence of Corroboration	No	No	Yes
IR16022334	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19012998	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19009299	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18007264	MCAOTN - 6118 - Victim/Witness unavailable	No	No	Yes
IR18025690	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19012717	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18004188	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	No
IR18035085	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19009102	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR16002730	MC16023522	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR16015116	MC16133875	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR17019460	MC17158845	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18004854	MC18036941	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18011088	MC19008025	JCD - Dismissed on motion/request of prosecutor	No	No	Yes
IR18021587	MC18162324	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18034072	MC18256551	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18036701	MC18275122	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19000510	MC19003693	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19002616	MC19018484	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19003122	MC19022213	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19007078	MC19049397	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19010652	MC19075098	JCD - Dismissed/Juvenile Diversion	No	Yes	No
IR19011114	MC19078480	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19011587	MC19081458	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19011626	MC19081582	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19013225	MC19091602	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19013946	MC19096566	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19015721	MC19108397	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19016486	MC19113499	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Non- Compliance Deficiencies

District I (4 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for seized drugs. Policy GE-3.3.D Inspector Note: Only property receipt in TraCS was for 2 lighters.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Citation not used as complaint in booking process for misdemeanor DV. Policy EA-8.2.B.1						
Prior Actions						
No supervisor note in IAPro. No prior BAFs.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt provided for voided check from victim. Policy GE-3.3.D Inspector Note: Only property receipt in TraCS was for documents provided to initial Deputy.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs for this issue.						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt provided for trespass notice. Policy GE-3.3.D Inspector Note: No property receipt in TraCS.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs for this issue.						

District II (3 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	Redacted	Redacted	Sergeant	Lieutenant
Deficiency						
1. Deputy cites and releases female subject for Disorderly Conduct DV. Policy EA-8.2.B.1. Inspector Note: Deputy later submits motion to dismiss with the court. Reader unable to locate supplement.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	Redacted	Redacted	Sergeant	Lieutenant
Deficiency						
1. No property receipt for seized DL. Policy GE-3.3.D Inspector Note: No property receipt in TraCS.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs for this issue.						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	Redacted	Redacted	Sergeant	Lieutenant
Deficiency						
1. Deputy lists blood kit on property receipt. Briefing Board 17-43, ref policy GE-3.3.D						
Prior Actions						
No supervisor note in IAPro. 1 prior BAF for property receipts, same supervisor.						

District III (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Report has inconsistencies from related report regarding whether or not subject was in-custody/detained in regards to Miranda. Policy GF-5.1.H						
Prior Actions						
No supervisor note in IAPro. No prior BAFs.						

District IV (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for DL or LP. Policy GE-3.3.D						
Inspector Note: No property receipt in TraCS.						
Prior Actions						
No supervisor note in IAPro. 2 prior BAFs regarding property receipt issuance.						

District VI (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for prescription seized as evidence. Policy GE-3.3.D Inspector Note: No property receipt in TraCS.						
Prior Actions						
No supervisor note in IAPro. No prior BAFs for this issue.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Citation not used as part of booking process for misdemeanor DV charges. Policy EA-8.2.B.1						
Prior Actions						
No supervisor note in IAPro. No prior BAFs for this issue.						

Recommendations:

There were no irreversible errors in this June 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 **11** 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: July 2nd, 2019
Date Completed: July 24th, 2019
Time frame Inspected: June 1st to June 30th, 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

8/20/2019
Date