

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns February 2019

Inspection # BI2019-0016

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 February 2019 available in IPro **50 cases** were reviewed.

There were approximately 142 criminal cases with charge(s) dismissed from the Maricopa County Justice Courts available in IPro for that month. A random selection of 20 of these cases were also selected for review. A total of **70 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 no irreversible errors noted. This resulted in a **100%** compliance rate for February 2019.

There are **20** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

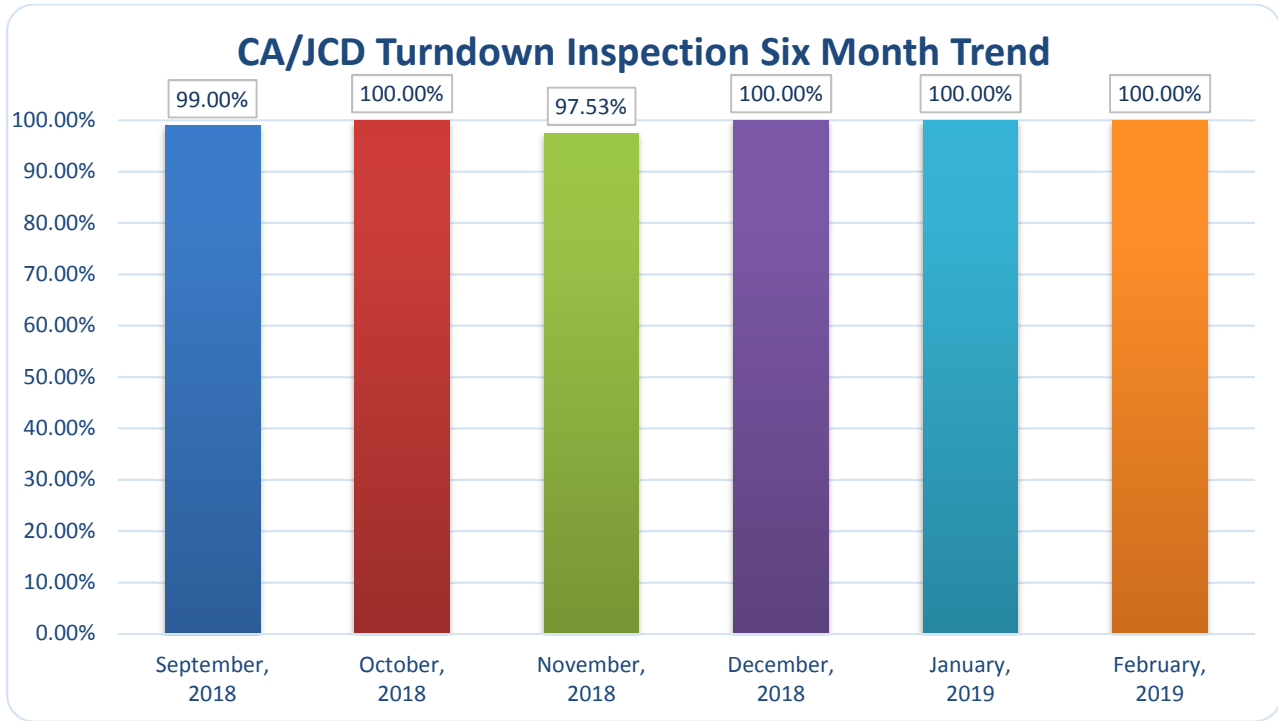
IR	C.A Allegation	Booking	Citation	Submittal
IR18037402	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18000986	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18002722	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18008949	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17027328	MCAOTN - 6102 - Defendant sentenced in other case; no need to prosecute this matter	Yes	No	Yes
IR18037642	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18026913	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17035471	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19001668	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17014215	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18015387	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18018741	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17028315	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18037613	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18029619	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18021513	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17028334	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18021391	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030703	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18033941	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18026635	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19001985	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR18005753	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030506	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18014954	MCAOTN - 6148 - Inadequate evidence of Corroboration	No	No	Yes
IR18017216	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR19003518	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	Yes	No	Yes
IR18034452	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18030617	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR14010500	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19002769	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18022815	MCAOTN - 6101 - Limited resources/offense does not warrant prosecution/extradition	No	No	Yes
IR18028550	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR18036025	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18019902	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19001116	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	No
IR18031601	MCAOTN - 6113 - No reasonable likelihood of conviction MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	Yes	Yes
IR18035479	MCAOTN - 6128 - Double Jeopardy would result	Yes	Yes	Yes
IR18033136	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16015977	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17001000	MCAOTN - 6199 - Defendant Deceased	Yes	No	Yes
IR18004567	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18023627	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18028967	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR18036691	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR18037984	MC18284422	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18012891	MC18100399	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18032325	MC18243972	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18030064	MC18226450	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18022240	MC18167191	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17037002	MC17299884	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18035164	MC18264334	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18023001	MC18173133	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18023463	MC18176850	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18030357	MC18228806	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18016325	MC18124163	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19001095	MC19007872	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR18035240	MC18264918	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18016318	MC18124138	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18026863	MC18203220	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR16036005	MC16346906	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR17027301	MC17222658	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18024546	MC18185566	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18021750	MC18163575	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19001095	MC19007872	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Non- Compliance Deficiencies

District I (6 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. Reader unable to locate documentation showing order was verified through OIC as valid and current. - Policy EA-8.4.A						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	No Longer Employed	Captain
Deficiency						
1. No property receipt for surveillance footage - Initial Deputy. - Policy GE-3.3.D						
Note: Deputy is no longer employed so no BAF required for this deficiency.						
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 handwritten note from suspect - Initial Deputy. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Reader unable to locate documentation in original report showing order was verified through OIC as valid and current. - Policy EA-8.4.A						
Inspector Note: Investigation was furthered by MCAO regarding a copy of the OOP.						
2. Form IV missing all arresting Deputy information.						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5041-District I	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Reader unable to locate documentation showing order was verified through OIC as valid and current at time of report. - Policy EA-8.4.A						
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						
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 driver's license sent to MVD. Policy GE-3.3.D						

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	Captain

Deficiency

1. Court listed on citation is for a JC in Yuma AZ.
2. Deputy cites and books subject but also submits longform paperwork for same misdemeanor charge.

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain

Deficiency

1. Reader unable to locate documentation that articulates the aggravated assault (13-1204A) charge against female subject. Reader believes the intended charge was assault (13-1203A).

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain

Deficiency

1. No property receipt for document retrieved from bar. Policy GE-3.3.D
2. "Served" criminal citation to attorney of defendant via fax. Also sent longform to MCAO for same charge on same subject.

District IV (3 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Supplement from second Deputy details a separate violation and was reported after the initial case was submitted to MCAO.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Reader unable to locate documentation showing order was verified through OIC as valid and current at time of report. - Policy EA-8.4.A						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Training/Tactical Considerations.						

District VI (1 BIO Action Form):

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 items taken from suspect (evidence and safe keeping) - Policy GE-3.3.D						
2. Reader unable to find documentation showing that stolen vehicle affidavit was completed. - Policy EH-2.1						

District VII (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5045-District VII	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Property receipt provided for blood kit - Briefing Board 17-43.						
2. Deputy submits aggravated DUI charges but reader is only able to locate articulation of 1 prior conviction.						

Lake Division (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5046-Lake Division	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for video provided by witness - Assisting Deputy. - Policy GE-3.3.D Inspector Note: Report is vague on how the video was provided so a property receipt may not be applicable.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5046-Lake Division	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. Citation used a charging document in the booking process for a Felony (13-1204.A2).						

Major Crimes Division (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes Division	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for victim's phone seized by Detective. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes Division	Deputy	Redacted	Redacted	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for GoPro camera. - 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	N/A	N/A	N/A
Deficiency						
<p>1. Deputy issues citation to both subjects for Disorderly Conduct and files a longform submittal for the exact same charges on both subjects. Deputy used a form that was hanging on wall at district that instructed him to take the described actions.</p>						

Recommendations:

There were no irreversible errors in this February 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 **18** 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: March 4th, 2019
 Date Completed: March 25th, 2019
 Time frame Inspected: February 1st to February 28th, 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

4/9/2019
 Date