

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



County Attorney/Justice Court Turndowns May 2019

Inspection # BI2019-0064

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 May 2019 available in IAPro **53 cases** were reviewed.

There were approximately 132 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 **73 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 **2** irreversible errors noted. This resulted in a **97.26%** compliance rate for May 2019.

There are **13** other perceived deficiencies that are outside the scope of “irreversible error” and will not be calculated into the compliance rate for this inspection.

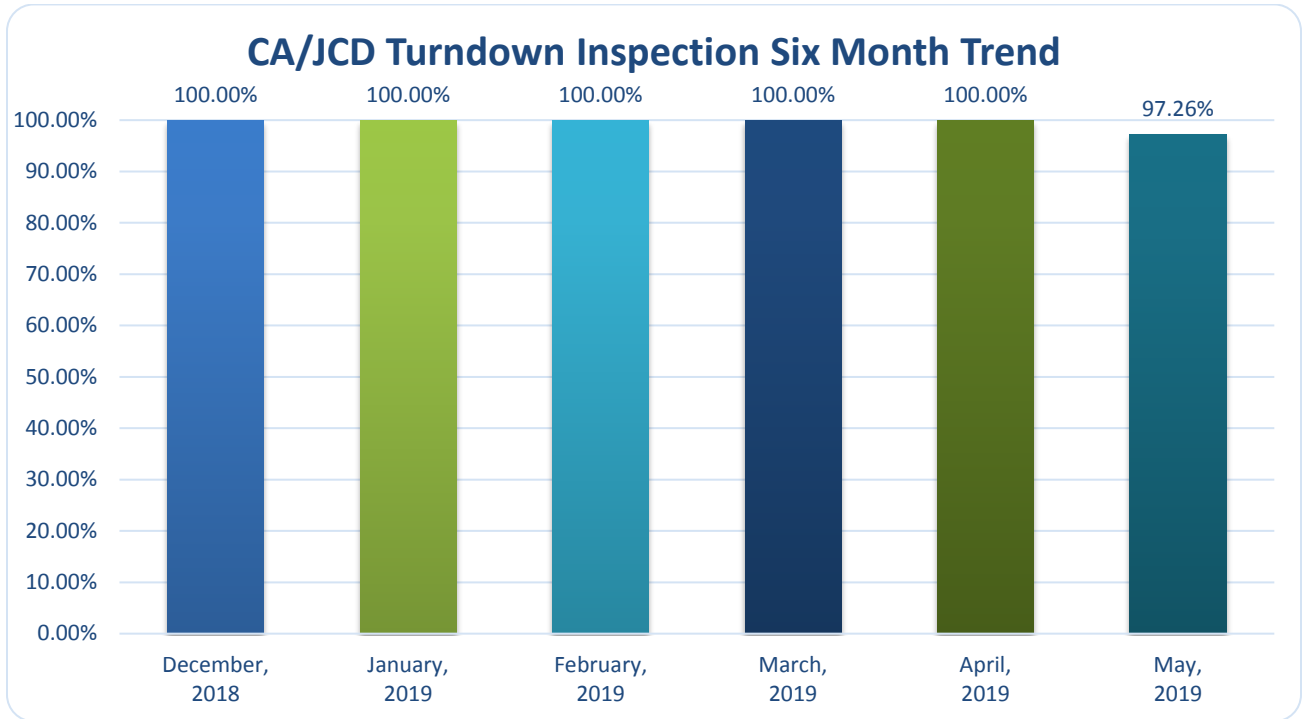
IR	C.A Allegation	Booking	Citation	Submittal
IR19010671	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	No	Yes
IR18020719	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19003344	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032515	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18031575	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR19007863	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18010490	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032822	MCAOTN - 6113 - No reasonable likelihood of conviction	No	Yes	No
IR19012468	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18012520	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18031958	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	No
IR18002012	MCAOTN - 6157 - Old case/stale	Yes	No	Yes
IR19007701	MCAOTN - 6109 - Self Defense/Mutual Combat	No	No	Yes
IR18027138	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19008410	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17022941	MCAOTN - 6128 - Double Jeopardy would result	Yes	Yes	Yes
IR16019859	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18014646	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18017482	MCAOTN - 6107 - Civil Matter, Not criminal	No	No	Yes
IR18030608	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18032183	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17039154	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR12193655	MCAOTN - 6107 - Civil Matter, Not criminal	No	No	Yes
IR19005273	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17004634	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18028296	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18037412	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19002977	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18019175	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19002012	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18024769	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19007872	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19001306	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19003412	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR15029810	MCAOTN - 6128 - Double Jeopardy would result	Yes	No	Yes
IR19010171	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19009538	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18009733	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19001739	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR13174776	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR19004139	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17006142	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18009781	MCAOTN - 6157 - Old case/stale	No	No	Yes
IR18029619	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	No	Yes
IR16033391	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17036941	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR	C.A Allegation	Booking	Citation	Submittal
IR19004755	MCAOTN - 6101 - Limited resources/offense does not warrant prosecution/extradition	No	No	Yes
IR18008598	MCAOTN - 6150 - Inadequate evidence of Dominion/Control/Instrumentality	No	No	Yes
IR19003428	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR19011769	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR19009528	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18026369	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16013302	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes

IR#	MC#	JCD Allegation	Booking	Citation	Submittal
IR19014910	MC19102839	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19005034	MC19035027	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19004754	MC19033196	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19006774	MC19047290	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19001127	MC19008025	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19004857	MC19033835	JCD - Dismissed/Juvenile Diversion	No	Yes	No
IR19008721	MC19061439	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19003971	MC19027941	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR17006382	MC17054807	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR19008489	MC19059737	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19007282	MC19022380	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19003219	MC16230277	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19004421	MC19031088	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19011506	MC19080880	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18035971	MC18270073	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR19009241	MC19065055	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19011476	MC19080769	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR19009606	MC19067773	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR19009938	MC19070073	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18028949	MC18218288	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



Compliance Deficiencies

District II (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	3.23.19	Redacted	Sergeant	Lieutenant
Deficiency						
1. Reader unable to locate articulation for charges against female subject. Policy EA-11.6.B.2						

District III (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	2.3.19	Redacted	Sergeant	Captain
Deficiency						
1. Reader is unable to locate the articulation for charging juvenile for assault instead of adult for disorderly conduct. Policy EA-11.6.B.2						

Non- Compliance Deficiencies**District II (2 BIO Action Forms):**

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	10.26.18	Redacted	Sergeant	Lieutenant
Deficiency						
1. No property receipts for shirt seized from suspect or flash drive from victim. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5042-District II	Deputy	Redacted	1.14.19	Redacted	Sergeant	Lieutenant
Deficiency						
1. No property receipt for the seized drugs. Policy GE-3.3.D						

District III (3 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Sergeant	Redacted	5.1.18	Redacted	Lieutenant	Captain
Deficiency						
1. No property receipt for the seized pipe. - Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	12.31.17	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for the pills seized from suspect. Policy GE-3.3.D						

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5043-District III	Deputy	Redacted	3.26.18	Redacted	No longer employed	Captain
Deficiency						
1. No property receipt for the seized items. 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
5043-District III	Deputy	Redacted	4.23.19	Redacted	Sergeant	Captain
1. No property receipt for the credit card dropped off by victim. Policy GE-3.3.D						

District IV (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	4.12.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for evidentiary items received from the gas station. Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5044-District IV	Deputy	Redacted	3.17.19	Redacted	Sergeant	Captain
Deficiency						
1. Deputy submits aggravated assault charges via longform instead of a physical arrest on a DV incident that caused one party to seek treatment in a hospital for physical injury. Policy EA-8.2.C						

District VI (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5056-District VI	Deputy	Redacted	4.5.18	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for the seized items. Policy GE-3.3.D						

District VII (1 BIO Action Form):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5045-District VII	Deputy	Redacted	4.27.19	Redacted	Sergeant	Captain
Deficiency						
1. Citation not used as part of booking process for misdemeanor DV charge. Policy EA-8.2.B.1						
Note: Documented in SN2019-00018512 so no BAF required for this deficiency.						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5045-District VII	Deputy	Redacted	2.2.18	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						

Major Crimes (2 BIO Action Forms):

District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes Division	Deputy	Redacted	1.18.19	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for the seized axe handle. Policy GE-3.3.D						
District/Division	Case Agent	Serial #	Date of Event	IR#	Current Supervisor	Current Commander
5063-Major Crimes Division	Deputy	Redacted	4.22.19	Redacted	Sergeant	Captain
Deficiency						
1. No property receipt for the green dot card and other documents provided by victim during initial report. Policy GE-3.3.D						

Recommendations:

There were 2 irreversible errors in this May Inspection indicating that further review of reports by Case Agents and Supervisors is recommended prior to approval and submission of charges.

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 13 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: June 11th, 2019
 Date Completed: June 24th, 2019
 Time frame Inspected: May 1st to May 31st, 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

7/25/2019
 Date