

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



October 2017 County Attorney Turndowns

Inspection Report BI2017-0136

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) will conduct monthly County Attorney Disposition Inspections. The purpose for these inspections is to determine compliance with Office Policies and promote proper supervision. To achieve this, inspectors will utilize "IAPro" to generate all turndown dispositions from the Superior Court and dismissals from the Justice Courts within the specific month to be inspected. These entries will be uniformly inspected utilizing the Records Division "FileBound" data base and a matrix developed by the AIU. The following procedures, which are outlined in GF-4 and ED-3, will be used in the matrix:

Matrix Procedures:

- Determine what district/division from which the disposition originated
- Ensure the case was assigned a County Attorney administrative status
- Verify what the disposition is for i.e. further, turndown, or charges filed
- Determine if there were any irreversible errors
- Each complainant disposition inspected will be counted as one inspection

Criteria:

MCSO Policy GF-4.11.A.2.3.4 OFFICE REPORTS: 11.A.2. If the case report was forwarded to the County Attorney for prosecution consideration, the case file shall be maintained in a pending/open status. Upon return of the case from the County Attorney's Office, the case will be assigned an administrative case status, in accordance with the County Attorney's disposition, such as turndown, further, or complaint issued.

MCSO Policy ED-3.2.A.B.C REVIEW OF CASES DECLINED FOR PROSECUTION:
2. When the Office receives a turn down or notice of dismissal from the County Attorney's Office, the reason for the action should be reviewed by the commander, or his designee, from the division that submitted the case for prosecution.

- A. The commander, or his designee, shall be responsible for the review and dissemination of pertinent information surrounding turn downs or dismissals and will determine whether the investigation can be completed and resubmitted to the County Attorney's Office for reconsideration of charges.
- B. If the case was turned down or dismissed due to an irreversible error made by Office personnel, the commander, or his designee, will disseminate the information to the supervisor of the investigator who submitted the case.

- C. When an irreversible error is found as the reason the case was turned down or dismissed, the information may be forwarded to the Training Division Commander for inclusion in appropriate training outlines or bulletins in an effort to avoid similar errors in future cases.

Conditions:

The Inspector selected 100% of all County Attorney Turndown dispositions from the Maricopa County Superior Court for the month of October 2017 (14 total cases). There were 101 dismissals of criminal cases from the Maricopa County Justice Courts for the month of October 2017 located within IAPro. A random selection of 20 cases was selected for review. The inspection completion date was delayed due to issues in receiving the turndown case data for review within the IAPro database.

During the inspection of the Superior Court and Justice Court turndowns; one case was reviewed that had a potentially irreversible error involving a deputy who conducted a traffic stop and notes in his report that he took the driver into custody for driving without ever being issued a license (a civil violation). A Memo of Concern was forwarded through the chain of command to the Professional Standards Bureau.

It should be noted that the focus of this inspection is on the identification of “irreversible errors.” 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.

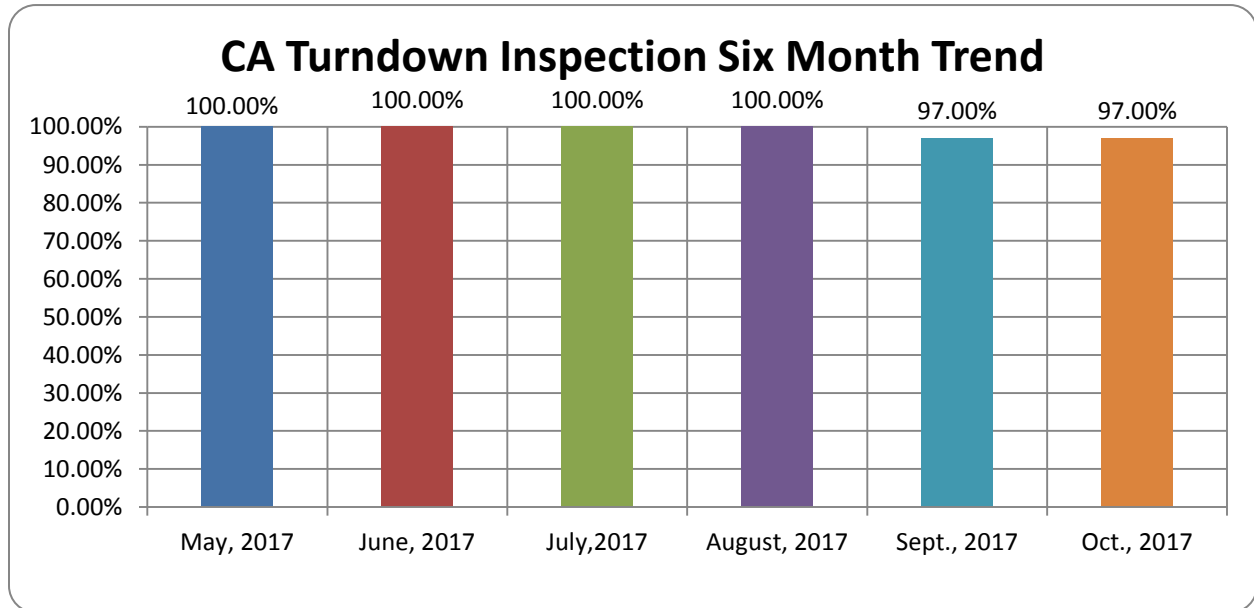
This resulted in a **97%** compliance rate for October 2017.

IR Number	C.A. Disposition # and Description	In Custody/Submittal
IR17020006	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17017697	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17019078	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17019885	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17009769	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17008293	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17024353	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17015852	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR15020119	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR15015141	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR17017822	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17004697	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17004031	MCAOTN - 6113 - No reasonable likelihood of conviction	Submittal
IR 17029507	MCAOTN - 6109 - Self Defense/Mutual Combat MCAOTN - 6113 - No reasonable likelihood of conviction	In Custody

IR#	Justice Court Dismissal Description	In Custody/Citation/Civil
IR17023946	JCD - Dismissed on motion of court or defendant	Citation
IR17024562	JCD - Dismissed on motion of court or defendant	Citation
IR17016788	JCD - Dismissed on motion of court or defendant	Citation
IR17027550	JCD - Dismissed on motion of court or defendant	Citation
IR16021873	JCD - Dismissed on motion/request of prosecutor	Citation
IR17024762	JCD - Dismissed on motion/request of prosecutor	Citation
IR17026643	JCD - Dismissed on motion/request of prosecutor	Citation
IR17019525	JCD - Dismissed on motion/request of prosecutor	Citation
IR17019200	JCD - Dismissed on motion of court or defendant	Citation
IR17011813	JCD - Dismissed on motion/request of prosecutor	Citation
IR17025481	JCD - Dismissed on motion of court or defendant	Citation
IR17027939	JCD - Dismissed on motion of court or defendant	Citation
IR#	Justice Court Dismissal Description	In Custody/Citation/Civil

IR17027191	JCD - Dismissed on motion of court or defendant	Citation
IR17021592	JCD - Dismissed on motion of court or defendant	Citation
IR17024672	JCD - Dismissed on motion of court or defendant	Citation
IR17024597	JCD - Dismissed on motion/request of prosecutor	Citation
IR17020075	JCD - Dismissed on motion of court or defendant	Citation
IR17023946	JCD - Dismissed on motion/request of prosecutor	Citation
IR17024562	JCD - Dismissed on motion/request of prosecutor	Citation
IR17016788	JCD - Dismissed on motion/request of prosecutor	Citation

Overall Monthly Compliance County Attorney Dispositions



Date Inspection Started: November 22, 2017
 Date Completed: December 7th, 2017
 Timeframe Inspected: October 1- 31st, 2017
 Assigned Inspector(s): Sergeant T. Glenn S1626

I have reviewed this inspection report.

Larry Kratzer S1520
 Lieutenant L. Kratzer S1520
 Deputy Commander
 Bureau of Internal Oversight

Date 01/16/18

Captain G. Lugo #1480
 Captain G. Lugo S1480
 Division Commander
 Bureau of Internal Oversight

Date 01/17/2018