

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



May 2018 County Attorney/Justice Court Turndowns

BI2018-0058

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 the case was turned down due to an "irreversible error" and adherence to policy and law. Irreversible errors can be (but not limited) to the following; violations of civil rights, incorrect charges, untimely submitting of charge(s) resulting in exceeding the statute of limitations, or a case lacking proper investigation. Any error or combination of errors that occur as a result of actions or lack of due diligence on behalf of Office personnel that once committed cannot be reversed and may result or be a factor in a case being turned down or charge(s) dismissed.

Inspectors will utilize the "IAPro" program software to generate turndown dispositions entered into IAPro by the Early Intervention Unit (EIS) 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 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 the County Attorney Turndown dispositions from the Maricopa County Superior Court for the month of May 2018 available in IAPro (33 total cases) were reviewed.

There were approximately 122 dismissals of criminal cases from the Maricopa County Justice Courts available in IAPro for that month. A random selection of 20 these cases were also selected for review.

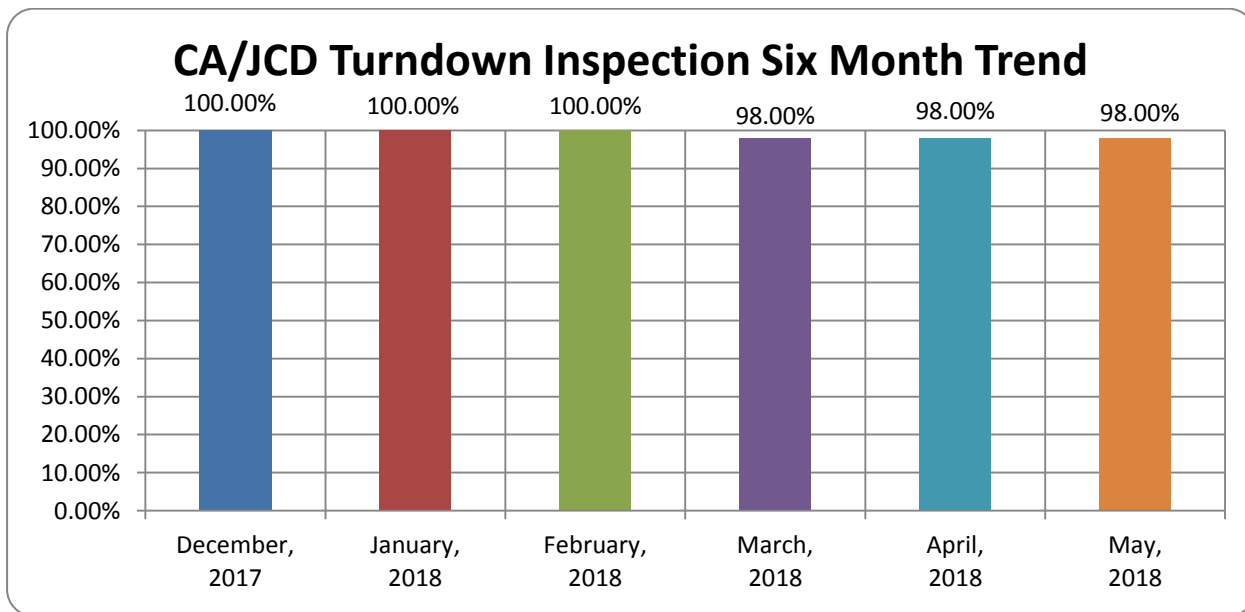
It should be noted that the focus of this inspection is on the identification of “irreversible errors.” During the inspection of the Superior Court and Justice Court turndowns; there was 1 irreversible error noted. This resulted in a 98% compliance rate for May 2018.

IR	CA Disposition	Booking	Citation	Submittal
IR17012382	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17017955	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18011546	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR15015149	MCAOTN - 6157 - Old case/stale	Yes	No	Yes
IR17013207	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012197	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR15028170	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18006813	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012549	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18009271	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18006348	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR18011076	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17010477	MCAOTN - 6157 - Old case/stale	No	No	Yes

IR18008403	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18008510	MCAOTN - 6105 - This case should be referred to other criminal prosecuting agency	No	No	Yes
IR18004350	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR16026003	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17026474	MCAOTN - 6102 - Defendant sented in other case; no need to prosecute this matter	No	No	Yes
IR17017006	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18010426	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18005032	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18012545	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	No	Yes
IR18002287	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR17021045	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR18000487	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	No	Yes
IR17017590	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18014855	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR17025037	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s) MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18004036	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18013835	MCAOTN - 6110 - Mens Rea	No	No	Yes
IR17001525	MCAOTN - 6160 - Pre-file TASC - Successful completion	No	No	Yes
IR17026748	MCAOTN - 6113 - No reasonable likelihood of conviction	No	No	Yes
IR18013957	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	No	Yes
IR	JCD Disposition	Booking	Citation	Submittal
2018-002862	JCD - Dismissed on motion of court or defendant	No	Yes	No
2015-011763	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2017-037787	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-007098	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-008738	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

2018-009198	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-025248	JCD - Dismissed on motion/request of prosecutor	No	Yes	Yes
2018-010688	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
2018-001304	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-005038	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2017-028134	JCD - Dismissed on motion of court or defendant	No	Yes	No
2016-025535	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-028976	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2017-015989	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-004421	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-009268	JCD - Dismissed on motion of court or defendant	No	Yes	No
2017-013742	JCD - Dismissed on motion of court or defendant	No	Yes	No
2018-001713	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-001304	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
2018-009303	JCD - Dismissed on motion of court or defendant	No	Yes	No

Overall Compliance Rate for CA/JCD Turndown Inspections



District/Division:	Case Agent:	Date of Event:	IR# or MC#:	Current Supervisor:	Current Commander:
5043-District III	Deputy	4/8/2017	Redacted	Sgt.	Capt.

Deficiency:

For reasons not articulated in the report, the case agent did not submit two counts (misdemeanor DV- Assault and misdemeanor DV- Criminal Damage) in a timely manner for an incident occurring on 4/8/2017. The case agent later authored a supplemental report on 3/17/2018, just short of a year later, submitting the case to the MCAO for review. The MCAO turned down prosecution on the case, citing "stale/old case". It appears the elements of both crimes were present to arrest or charge both suspects on the date of the event. If follow-up occurred to further the investigation; no documentation was located identifying such.

A total of (1) BIO Action Form is requested from the affected division for the one listed deficiency.

The form shall be completed utilizing Blue Team.

Date Inspection Started: June 11th 2018
 Date Completed: June 27th, 2018
 Time frame Inspected: May 1st to May 31st, 2018

Assigned Inspector: Sergeant Travis Glenn S1626

I have reviewed this inspection report.

Lt. Larry Kratzer S1520
 Lieutenant V. Kratzer S1520
 Commander, Audits & Inspections Unit
 Bureau of Internal Oversight

Date 06/28/2018