

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**March 2018 County Attorney/Justice Court Turndowns**

BI2018-0032

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 primary purpose for this inspection is to determine if there were any "irreversible errors". Irreversible errors can be defined as, but not limited to, the following: Lack of probable cause for an arrest/booking, unlawful search/seizure, excessive use of force, or other violations of constitutional/ civil rights.

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 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:**

Briefing Board # 17-17; Policy change to GF-5; INCIDENT REPORT GUIDELINES

MCSO Policy GF-5; INCIDENT REPORT GUIDELINES

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 March 2018 available in IPro (58 total cases) were reviewed. There were approximately 132 dismissals of criminal cases from the Maricopa County Justice Courts available in IPro for the month of March 2018. A random selection of 20 of those cases was 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 one irreversible error noted. This resulted in a **98%** compliance rate for March 2018.

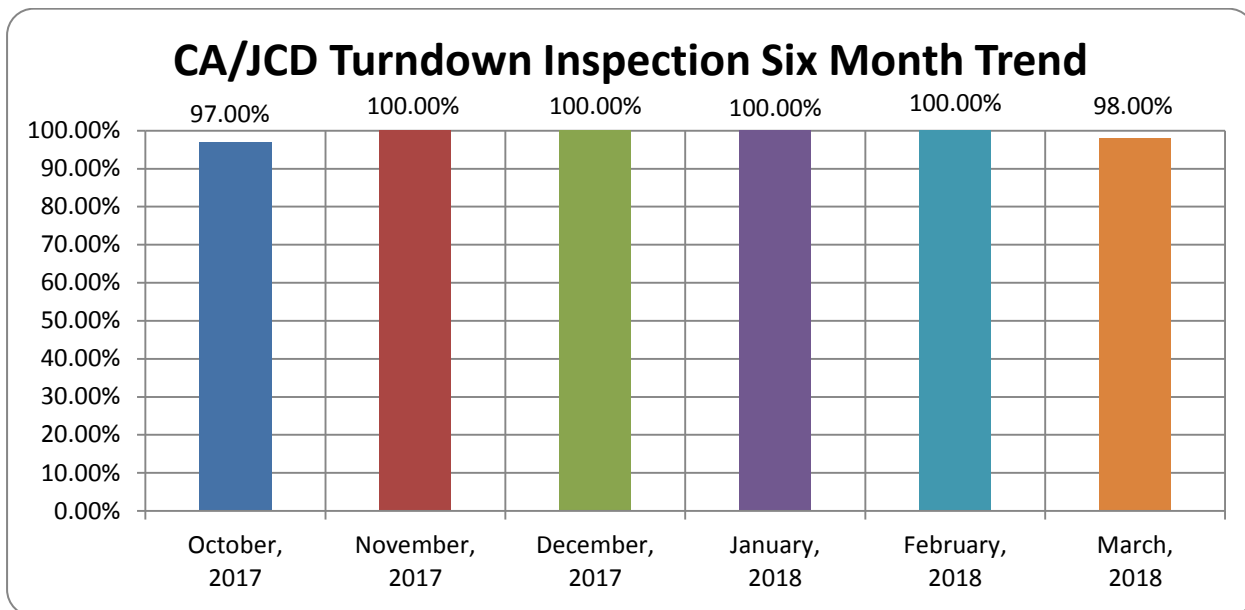
IR	CA Disposition	Booking	Citation	Submittal
IR17029758	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	NA	Yes
IR16034773	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18003342	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17034876	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17033586	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17035255	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17039192	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR1728402	MCAOTN - 6110 - Mens Rea	No	NA	Yes
IR17035746	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	Yes	Yes
IR17031270	MCAOTN - 6109 - Self Defense/Mutual Combat	Yes	Yes	Yes
IR17034922	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18000016	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17031538	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17002697	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17010474	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17033442	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	NA	Yes
IR18006433	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	NA	Yes

IR18006433	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	NA	Yes
IR16012578	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18006457	MCAOTN - 6104 - This case should be submitted to city prosecutor	Yes	Yes	Yes
IR17006803	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	Yes	NA	Yes
IR17033799	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17007920	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR16015877	MCAOTN - 6128 - Double Jeopardy would result	Yes	Yes	No
IR 15025872	MCAOTN - 6102 - Defendant sent in other case; no need to prosecute this matter	No	NA	Yes
IR18007000	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	NA	Yes
IR17035420	MCAOTN - 6128 - Double Jeopardy would result	Yes	NA	Yes
IR17035091	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17034650	MCAOTN - 6104 - This case should be submitted to city prosecutor	No	NA	Yes
IR17028411	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17035805	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	NA	Yes
IR17035582	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	NA	Yes
IR17034721	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17037169	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17028019	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18003001	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17036197	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17039024	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	NA	Yes
IR17034868	MCAOTN - 6128 - Double Jeopardy would result	Yes	NA	Yes
IR17017313	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17036349	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17035725	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17032116	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes

IR17001708	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17002697	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18005767	MCAOTN - 6116 - Victim/Witness reluctance/refusal to prosecute	No	NA	Yes
IR17021254	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	NA	Yes
IR18000086	MCAOTN - 6149 - Inadaquate evidence of Identification	No	NA	Yes
IR16018604	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17031598	MCAOTN - 6106 - This case should be used as an aid to prosecution of other case(s)	No	NA	Yes
IR17031654	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17031538	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR18002084	MCAOTN - 6148 - Inadaquate evidence of Corroboration	No	NA	Yes
IR17022437	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
IR17023359	MCAOTN - 6109 - Self Defense/Mutual Combat	No	NA	Yes
IR18008067	MCAOTN - 6113 - No reasonable likelihood of conviction	Yes	NA	Yes
IR17020343	MCAOTN - 6148 - Inadaquate evidence of Corroboration	No	NA	Yes
IR17006122	MCAOTN - 6113 - No reasonable likelihood of conviction	No	NA	Yes
<b>IR</b>	<b>JCD Disposition</b>	<b>Booking</b>	<b>Citation</b>	<b>Submittal</b>
IR17028806	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR17037097	JCD - Dismissed on motion of court or defendant	Yes	Yes	No
IR17037097	JCD - Dismissed on motion/request of prosecutor	Yes	Yes	No
IR17036417	JCD - Dismissed on motion of court or defendant	No	Yes	No
NO IR	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18001316	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR17035415	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18004329	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR17022636	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17026867	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17032580	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

IR17036296	JCD - Dismissed on motion/request of prosecutor	No	Yes	YES
IR17027536	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17016806	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR18000232	JCD - Dismissed on motion of court or defendant	No	Yes	No
IR17023260	JCD - Dismissed on motion of court or defendant	No	Yes	YES
IR17039044	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17033761	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR17025183	JCD - Dismissed on motion/request of prosecutor	No	Yes	No
IR18001488	JCD - Dismissed on motion/request of prosecutor	No	Yes	No

**Overall Compliance Rate for CA/JCD Turndown Inspections**



District/Div.	Deputy Reviewed:	Date of Event:	IR#/ MC#	Current Supervisor:	Current Commander:
Six	Deputy	1/25/2018	IR17028806/MC17234821	Supervisor	Commander

Deficiency:
Deputy issued cite (C1M) for 28-1381A1 and 28-1381A3 on booking date 1/25/18 ; case was (C4F) aggravated DUI (DUI on suspended license 28-1383). Case should have been submitted to Superior court/MCAO submittal (No long form Submittal, No Form 4, No MVD record requested for felony charge). Defendant took plea to (C1M) charge. No DRE attempt/consult noted in report or CAD (DUI-Drugs). The report(taken on 9/21/2017) didn't indicate any observed driving issues or if alcohol was a factor (PBT use noted in CAD only).

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: April 9<sup>th</sup>, 2018  
 Date Completed: April 26<sup>th</sup>, 2018  
 Time frame Inspected: March 1<sup>st</sup> to 31<sup>st</sup>, 2018

Assigned Inspector: Sergeant Travis Glenn S1626  
 Assisting Inspector: Sergeant Jeremy Blain S1361

I have reviewed this inspection report.

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

Date 05/01/2018