

MARICOPA COUNTY SHERIFF'S OFFICE
November 2016 County Attorney Dispositions



Audit and Inspections Unit
Inspections Report
County Attorney Turndowns
Date: December 14, 2016
Inspection #2016-0145



Joseph M. Arpaio, Sheriff

To: Lt. R. Morris S1014
Commander
Audit and Inspections Unit

From: Sergeant T. Brice S1767
Inspections Sergeant
Audit and Inspections Unit

Subject: 2016 Inspection of County Attorney Dispositions
BI #2016-0145

Date: December 14, 2016
Review from 11-1-16 through 10-30-16

The Audit and Inspections Unit conducts monthly County Attorney Disposition Inspections. The purpose for these inspections on turndown Dispositions is to determine compliance with office policies, promote proper supervision, and support compliance with the Melendres Order. To achieve this, inspectors will utilize "IAPro" to generate all turndown dispositions within a specific month to be inspected. These entries will be uniformly inspected utilizing the Records Division "FileBound" data base and a matrix developed by the Bureau of Internal Oversight. 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 complainant 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:

MELENDRES ORDER, PARAGRAPH 75: The EIS shall include a computerized relational database, which shall be used to collect, maintain, integrate, and retrieve:

- all arrests in which the arresting Deputy fails to articulate probable cause in the arrest report, or where an MCSO Supervisor, court or prosecutor later determines the arrest was not supported by probable cause to believe a crime had been committed, as required by law
- all arrests in which the individual was released from custody without formal charges being sought;

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 for review all of the incident reports with County Attorney Turndown dispositions for the month of November 2016. These entries consisted of 45 turndowns from all divisions. There was one deficient report of the total 45 turndowns. This resulted in a 98% compliance rate for November.

The following table indicates those Submittals/C.A. Dispositions (Turndowns) identified as deficient.

A Bio Action Form is due to address this deficiency.

District/Division	Comments
District 2	IR16-027483 – IR did not articulate probable cause. No probable cause for arrest.

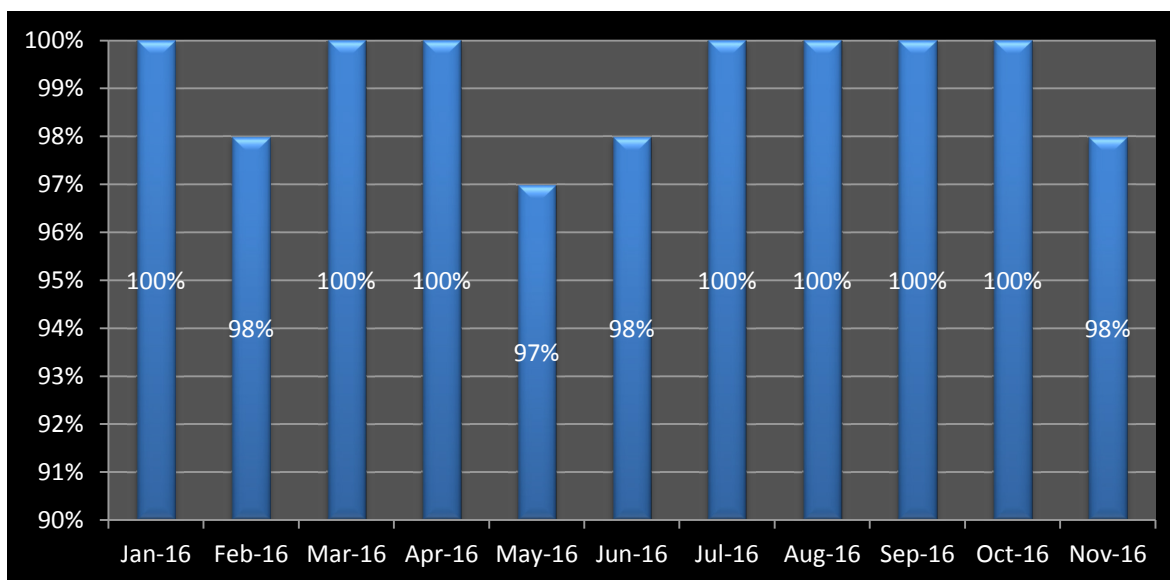
C.A. Turndowns

IR Number	C.A. Disposition # and Description	In Custody/Submittal
16-029615	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-004594	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-000538	Z-County Attorney Turndown -Sentenced in other case	Submittal
16-027483	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-027153	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-029951	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody

16-021804	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-027333	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-017803	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-028851	Z-County Attorney Turn Down-Use as Aid to Prosecution	Submittal
16-025950	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-029857	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-029844	z-County Attorney Turn Down – Self-defense/mutual combat	In Custody
14-009496	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-009563	Z-County Attorney Turn Down-Use as Aid to Prosecution	Submittal
16-029861	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-017786	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-017475	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-027239	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-022348	Z-County Attorney Turn Down-refer to City Prosecutor	Submittal
16-010524	z-County Attorney Turn Down - No Crime	In Custody
16-030640	Z-County Attorney Turn Down-refer to City Prosecutor	In Custody
16-024808	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-028582	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
14-020132	Z-County Attorney Other	Submittal
16-024684	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-021004	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-027317	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal

16-021568	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-012107	Z-County Attorney Other	Submittal
16-015697	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-027781	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
15-031732	Z-County Attorney Turn Down- Successful completion of Prefile TASC	In Custody
16-008343	z-County Attorney Turn Down - Self-defense/mutual combat	In Custody
15-004606	Z-County Attorney Turn Down- Successful completion of Prefile TASC	Submittal
16-027846	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-027808	z-County Attorney Turn Down - Self-defense/mutual combat	Submittal
16-031458	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
15-001236	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-024243	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-032466	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-021157	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-001525	Z-County Attorney Turn Down - Victim/Witness Unavailable	Submittal
16-014000	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-022806	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody

Overall Monthly Compliance County Attorney Dispositions 2016



Recommendation:

- We continue to recommend all incident reports involving arrests are reviewed by command staff daily; to ensure probable cause has been established, as well as, continual communication through onsite mentoring in the necessity for documenting all cases submitted for prosecution utilizing the Case Tracking data base. Consequently, onsite mentoring should be documented in supervisory notes.
- We continue to recommend Sergeants consider implementing the process of reviewing Form 4s for non-warrant arrests prior to the booking process. This would allow immediate and timely intervention if required due to errors. It could also promote improved Form 4s with the added supervisor input.

One Bio Action Form is due to address the deficiency detailed in this report.

Date Inspection Started: December 5, 2016

Date Completed: December 14, 2016

Timeframe Inspected: November 1st, 2016 through November 30th, 2016

Assigned Inspector(s): Sergeant T. Brice S1767

I have reviewed this inspection report.



Lieutenant Rick Morris S1014
Commander
Audits and Inspections

December 14, 2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

December 14, 2016
Date