

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Captain Munley #777
Commander
Bureau of Internal Oversight

From: D. Tennyson #1598
Inspections Sergeant
Bureau of Internal Oversight

Subject: April 2016 Inspection of County Attorney Dispositions
BI #2016-0058

Date: May 3, 2016
Review from April 1st through April 30, 2016

Background:

The Bureau of Internal Oversight 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, GJ-35 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

Authorities:

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;

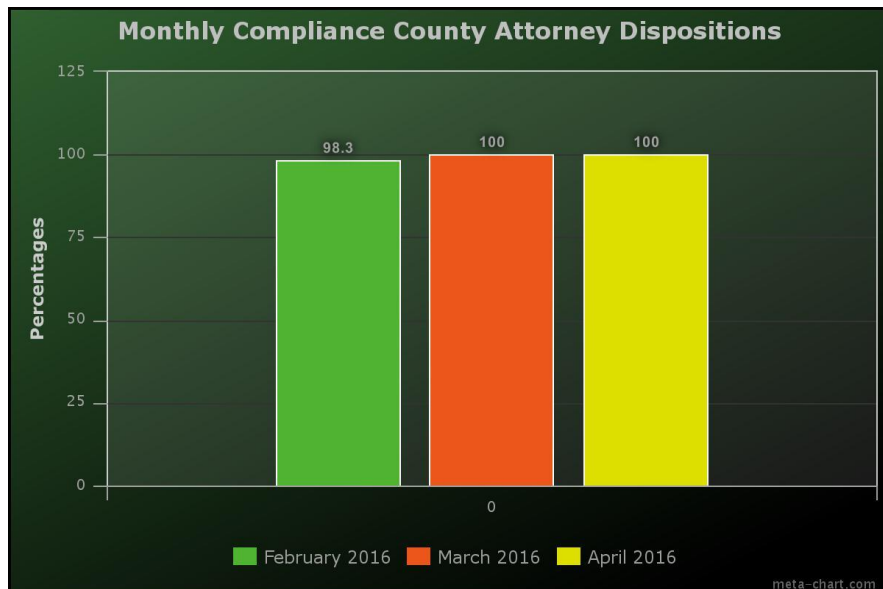
MCSO Policy GF-4.11.A.2.3.4 OFFICE REPORTS: 11.A.2. If the case report was forwarded to the County Attorney for prosecution consideration, the case file shall be maintained in a pending/open status. Upon return of the case from the County Attorney's Office, the case will be assigned an administrative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

Observations:

Inspectors selected 100% of all County Attorney Turndown dispositions for the month of April 2016. These entries consisted of 26 turndowns from all divisions. Out of the 26 Turndowns, 100% had no deficiencies.



Findings:

The Bureau of Internal Oversight conducted a County Attorney Disposition Inspection of all Turndown dispositions for the month of April 2016. An inspector reviewed the dispositions and associated IR's noting an overall 100% compliance rate for the month. This result is equal to the previous month of March 2016, (report # 16-0037) which also reflected a 100 % compliance rate as illustrated in the graph above.

Recommendation:

It is recommended 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.

C.A. Turndowns

IR Number	C.A. Disposition # and Description	In Custody/ Submittal
IR10162301	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
IR16001543	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR16007968	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
IR16005548	Z-County Attorney Turn Down – Self-defense/mutual combat	Submittal
IR16004635	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR16001603	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR14017919	Z-County Attorney Turndown - Stale/Old Case	In Custody
IR15032543	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR16002433	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR15027715	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR15009141	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR16009127	Z-County Attorney Turn Down-Use as Aid to Prosecution	In Custody
IR16009242	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
IR15020967	Z-County Attorney Turn Down-Use as Aid to Prosecution	Submittal
IR15024636	Z-County Attorney Turn Down- Successful completion of Prefile TASC	In Custody
IR16009242	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR16009359	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
IR16000048	Z-County Attorney Turn Down-Inadequate evidence or dominion or control	Submittal
IR16009466	Z-County Attorney Turn Down-Inadequate evidence or dominion or control	In Custody
IR16000424	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR14001412	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
IR15002663	Z-County Attorney Turn Down-refer to City Prosecutor	Submittal
IR15023429	Z-County Attorney Turn Down - No Crime (6114)	In Custody
IR16009460	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
IR16009460	Z-County Attorney Turn Down-refer to City Prosecutor	Submittal
IR16010465	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody

Date Inspection Started: April 10th, 2016
Date Completed: May 2nd, 2016
Timeframe Inspected: April 1st, 2016 through April 30th, 2016
Assigned Inspector(s): Sergeant D. Tennyson #1598

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

May 3, 2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

May 3, 2016
Date