

MARICOPA COUNTY SHERIFF'S OFFICE
May 2016 County Attorney Dispositions



Bureau of Internal Oversight
Inspections Report
Date: June 14, 2016
Inspection #2016-0068

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Lieutenant R. Morris S1014
Division Commander
Bureau of Internal Oversight

From: Sergeant T. Brice S1767
Inspections Sergeant
Bureau of Internal Oversight

Subject: 2016 Inspection of County Attorney Dispositions
BI #2016-0068

Date: June 6, 2016
Review from May
1st through May
31st, 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 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 May 2016. These entries consisted of 35 turndowns from all divisions. Out of the 35 Turndowns, 97.1% had no deficiencies.

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

District/Division	Comments
Dist-2	IR16-011921 - Improper Search
Dist-2	IR16-011921 - Failure to read Miranda Warnings

C.A. Turndowns

IR Number	C.A. Disposition # and Description	In Custody/Submittal
16-000233	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-010847	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-007839	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-008701	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-008736	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-009687	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-022707	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal

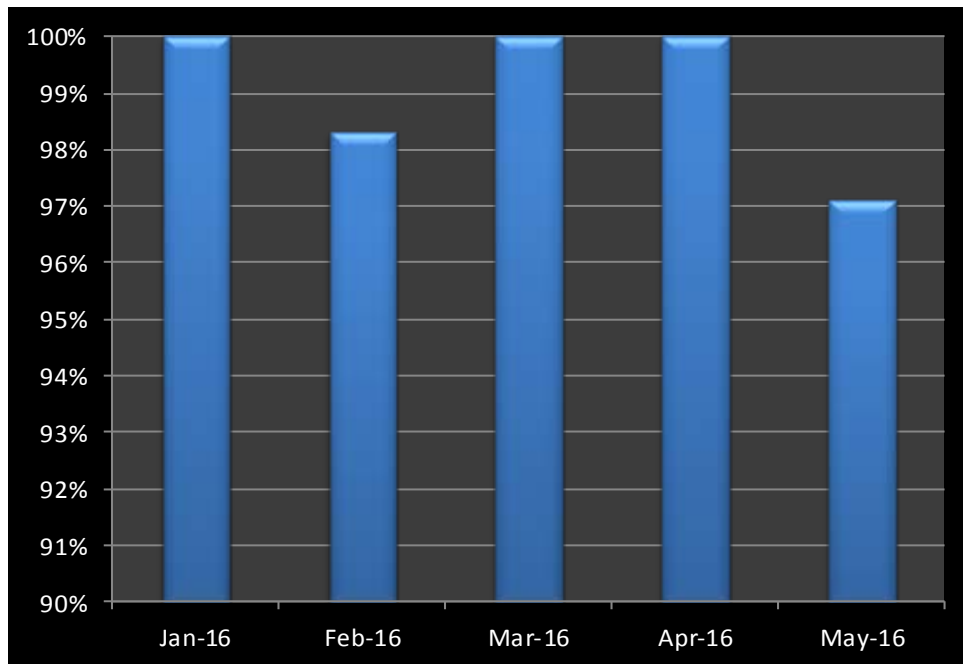
16-008125	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-026470	Z-County Attorney Turn Down-Use as Aid to Prosecution	Submittal
16-011941	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
09-098921	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-011921	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-003908	Z-County Attorney Turn Down-Use as Aid to Prosecution	Submittal
16-001601	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-003654	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-003442	Z-County Attorney Turn Down-refer to City Prosecutor	In Custody
16-003164	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-027527	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
14-022400	z-County Attorney Turn Down - No Crime (6114)	Submittal
16-013106	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-001481	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-012416	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
16-013303	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
15-020224	Z-County Attorney Turn Down-refer to City Prosecutor	Submittal
14-022190	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
15-018415	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-013106	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
14-011098	Z-County Attorney Turn Down-no reasonable likely hood of conviction	In Custody
15-024424	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal

09-099044	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-008870	Z-County Attorney Turn Down-refer to City Prosecutor	Submittal
15-008485	Z-County Attorney Turn Down-Use as Aid to Prosecution	In Custody
16-011611	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal
16-013193	Z-County Attorney Other	In Custody
16-012747	Z-County Attorney Turn Down-no reasonable likely hood of conviction	Submittal

Findings:

The Bureau of Internal Oversight conducted a County Attorney Disposition Inspection of all Turndown dispositions for the month of May 2016. An inspector reviewed the dispositions and associated IR's noting an overall 97.1% compliance rate for the month. This result is 2.9% less when compared to the previous month of April 2016, (report #16-0058) which reflected a 100% compliance rate as illustrated in the graph below.

Overall Monthly Compliance County Attorney Dispositions



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.

Date Inspection Started: May 23rd, 2016
Date Completed: June 6th, 2016
Timeframe Inspected: May 1st, 2016 through May 31st, 2016
Assigned Inspector(s): Sergeant T. Brice S1767

I have reviewed this inspection report.



Lieutenant Rick Morris
Division Commander
Bureau of Internal Oversight

Date: 06/14/16



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

Date: 06/14/16