

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: March 2016 Inspection of County Attorney Dispositions
BI #2016-0037

Date: April 1st, 2016
Review from March 1st through March 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;

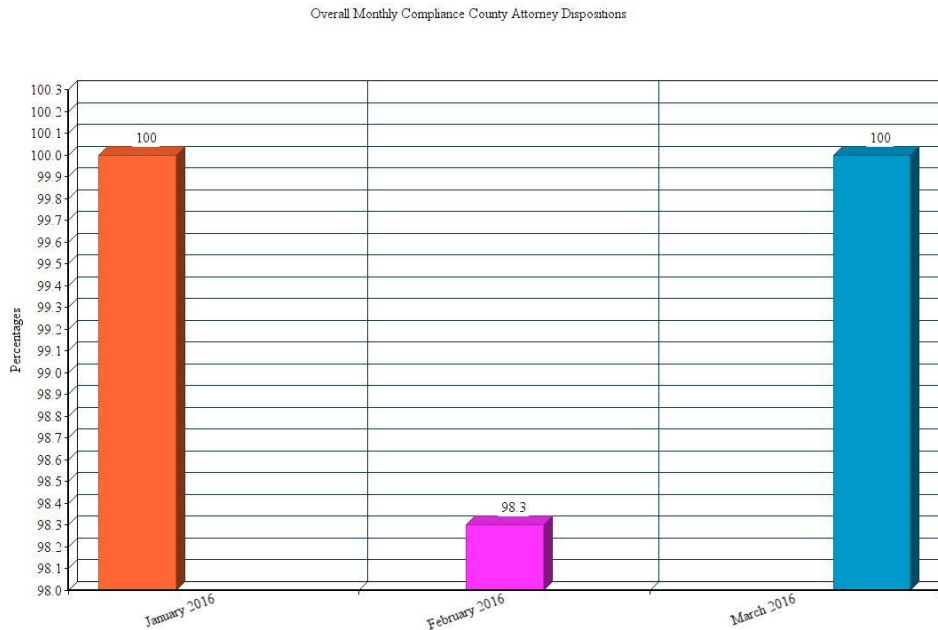
MCSO Policy GF-4.11.A.2.3.4 OFFICE REPORTS: 11.A.2. If the case report was forwarded to the County Attorney for prosecution consideration, the case file shall be maintained in a pending/open status. Upon return of the case from the County Attorney's Office, the case will be assigned an administrative 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 March 2016. These entries consisted of 42 turndowns from all divisions. Out of the 42 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 March 2016. An inspector reviewed the dispositions and associated IR's noting an overall 100% compliance rate for the month. This result is 1.7% greater when compared to the previous month of February 2016, (report # 16-0022) which reflected a 98.3% 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
16000071	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
14015460	Z-County Attorney Turn Down- use as aid to prosecution 6106	Submittal
14030129	Z-County Attorney Turn Down-resubmit as adult	Submittal
15004183	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
14014148	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15017713	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
09106129	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
15022941	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15026407	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15011689	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
14008748	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15031217	Z-County Attorney Turn Down- use as aid to prosecution 6106	Submittal
15023853	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
15015189	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15028521	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15019879	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15018584	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16000232	Z-County Attorney Turn Down- use as aid to prosecution 6106	Submittal
16006540	Z-Refer to Parole/Probation Officer 6103	In Custody
15027631	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15025816	Z-County Attorney Turn Down- use as aid to prosecution 6106	Submittal
14006665	Z-County Attorney Turn Down-Successful completion of Profile TASC 6160	In Custody

15008373	Z-County Attorney Turn Down-Successful completion of Prefile TASC 6160	Submittal
14003332	Z-Court Turn Down	Submittal
16006849	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
15027702	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15015572	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15027798	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16007106	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
16000864	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16004906	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15024385	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15252713	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
15021664	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
14001894	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16001405	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16007727	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
16005518	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16003620	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
16001352	Z-County Attorney Turn Down-Sentenced in other Case 6102	In Custody
16006349	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody

Date Inspection Started:

March 10th, 2016

Date Completed:

April 1st, 2016

Timeframe Inspected:

March 1st, 2016 through March 31st, 2016

Assigned Inspector(s):

Sergeant D. Tennyson #1598

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

April 1st, 2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

April 1st, 2016
Date