

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: February Inspection of County Attorney Dispositions
Review from February 1st through February 29th, 2016
BI #2016-0022

Date: March 1st, 2016

Background:

The Bureau of Internal Oversight conducts monthly County Attorney Disposition Inspections. The purpose for these inspections on turn-down 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 turn-down 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, turn-down, 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 turn-down, 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.

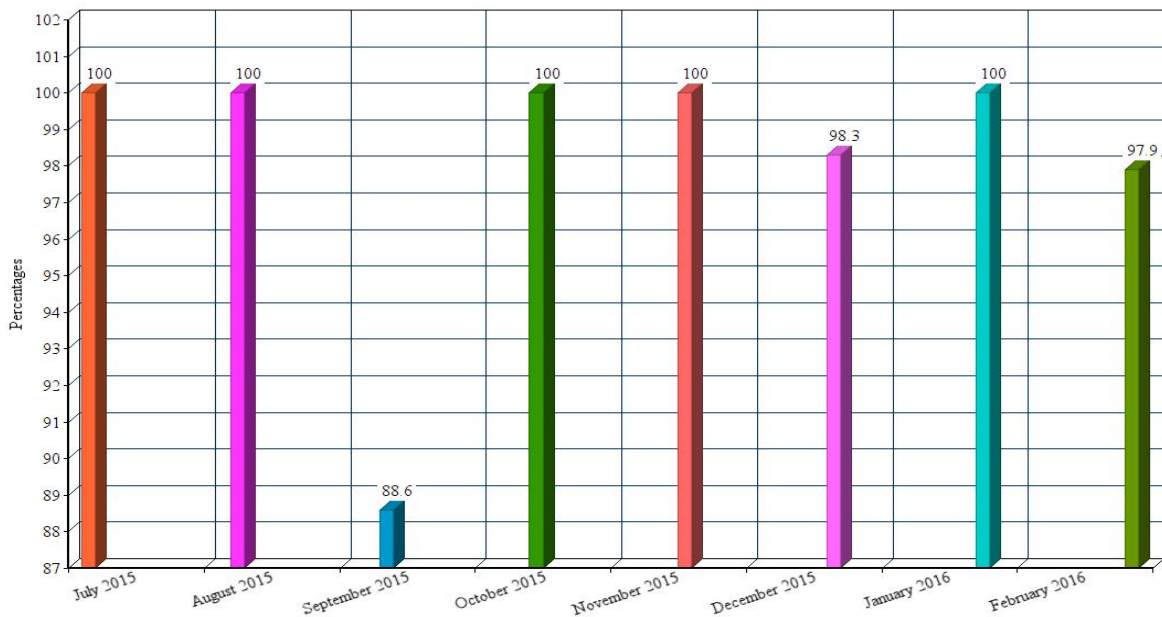
- C. When an irreversible error is found as the reason the case was turned down or dismissed, the information may be forwarded to the Training Division Commander for inclusion in appropriate training outlines or bulletins in an effort to avoid similar errors in future cases.

Observations:

Inspectors selected 100% of all County Attorney Turndown dispositions for the month of February 2016. These entries consisted of 48 turndowns from all divisions. Out of the 48 Turndowns, **97.9%** had no deficiencies.

It was determined by inspectors that one in custody turndown report although it articulated probable cause for arrest, did not support the manner in which the arrest was affected. Based on the Maricopa County Attorneys Office Prosecution Notification Form the above mentioned report was turned down, (disposition #6128 Double Jeopardy).

Overall Monthly Compliance County Attorney Dispositions



Findings:

The Bureau of Internal Oversight conducted a County Attorney Disposition Inspection of all Turndown dispositions for the month of February 2016. An inspector reviewed the dispositions and associated IR's noting an overall **97.9%** compliance rate for the month. This result is slightly lower than the previous month of January 2016, (report # 16-0010) which 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.

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

District/Division	Comments
Dist-3	IR16-004663 Improper entry to affect arrest

C.A. Turndowns

IR Number	C.A. Disposition # and Description	In Custody /Submittal
IR14030054	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15001945	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15023939	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR16001069	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15026959	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15032504	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR16001888	Z-Self-Defense/Mutual Combat 6109	In Custody
IR15029755	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15016381	Z-Deceased 6199	Submittal
IR16002451	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15032544	Z-Use as Aid to Prosecution 6106	Submittal
IR16002262	Z-Profile TASC-Successful Completion 6160	Submittal
IR16002619	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14015927	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14005011	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15018603	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal

IR16002793	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR16003089	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15187194	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15001926	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR16001212	Z-Use as Aid to Prosecution 6106	Submittal
IR15013470	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR16003442	Z-Refer to City Prosecutor 6104	Submittal
IR15002246	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14018430	Z-Civil Matter 6107	Submittal
IR16003058	Z-Use as Aid to Prosecution 6106	Submittal
IR16003442	Z-Refer to City Prosecutor 6104	Submittal
IR15026362	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15015910	Z-Sentenced in other Case 6102	Submittal
IR15015023	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15006850	Z-Limited Resource does not Warrant Prosecution	Submittal
IR15011261	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15027715	Z-Refer to City Prosecutor 6104	Submittal
IR16003605	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15030904	Z-Inadequate Evidence or Domain or Control 6150	Submittal
IR15020242	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15026566	Z-Re Submit as Adult	Submittal
IR14030133	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15001777	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR16004162	Z-Re Submit as Adult	Submittal
IR15023369	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14018220	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15029096	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15028287	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15032153	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15031938	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15033175	Z-In- admissibility of identification 6132	Submittal
IR16000179	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal

Date Inspection Started: February 10th, 2016

Date Completed: March 1st, 2016

Timeframe Inspected: February 1st through February 29th, 2016

Assigned Inspector(s): Sergeant D. Tennyson #1598

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

March 1st, 2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

March 1st, 2016
Date