

# 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:** January Inspection of County Attorney Dispositions  
BI #2016-0010

**Date:** February 1st, 2016  
Review from  
January 1st through  
January 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 January 2016. These entries consisted of 40 turndowns from all divisions. Out of the 40 Turndowns, 100% had no deficiencies.



**Findings:**

The Bureau of Internal Oversight conducted a County Attorney Disposition Inspection of all turnaround dispositions for the month of January 2016. An inspector reviewed the dispositions and associated IR's noting an overall 100% compliance rate for the month. This result is slightly higher than the previous month of December 2015, (report # 15-0149) 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**

<b>IR Number</b>	<b>C.A. Disposition # and Description</b>	<b>In Custody / Submittal</b>
IR15015608	Z-Use as aid to prosecution 6106	Submittal
IR15032535	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15029608	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15032203	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15032062	Z-Self-defense/mutual combat 6109	In Custody
IR15031636	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15032050	Z-Self-Defense/Mutual Combat	In Custody
IR15031329	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15032839	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15033197	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15032796	Z- Refer to City Prosecutor 6104	In Custody
IR15005289	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15019744	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15022987	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15025165	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15030101	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14005996	Z-Profile TASC-Successful Completion 6160	In Custody

IR15026501	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14021648	Z-Sentenced in other case 6102	In Custody
IR15024597	Z-Prefile TASC-Successful Completion 6160	In Custody
IR13014987	Z-V/W unavailable 6118	Submittal
IR15005494	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR13099627	Z-Court Turndown	Submittal
IR15021871	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15027697	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14010966	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14001158	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR11176107	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14018516	Z-Court Turn Down	Submittal
IR14005729	Z-Court Turn Down	Submittal
IR15032337	Z-Self-defense/Mutual Combat 6109	Submittal
IR15000522	Z- Refer to Parole/Probation Officer 6103	In Custody
IR16000684	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15033287	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15024766	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR15015182	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR15032319	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	Submittal
IR14025515	Z-Stale/Old Case 6157	Submittal
IR16001470	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody
IR16001771	Z-County Attorney Turn Down-no reasonable likely hood of conviction 6113	In Custody

**Date Inspection Started:** January 10th, 2016  
**Date Completed:** February 1st, 2016  
**Timeframe Inspected:** January 1st, 2016 through January 31st, 2016  
**Assigned Inspector(s):** Sergeant D. Tennyson #1598

I have reviewed this inspection report.



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Captain Dave Munley  
Division Commander  
Audits and Inspections

February 1st, 2016  
Date



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Deputy Chief Bill Knight  
Bureau Commander  
Bureau of Internal Oversight

February 1st, 2016  
Date