



# MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES

**Subject**  
**REQUESTING LEGAL OPINIONS  
AND ADVICE FROM THE MARICOPA  
COUNTY ATTORNEY'S OFFICE**

**Policy Number**  
**GB-5**

**Effective Date**  
**02-08-24**

**Related Information**

GH-2, *Internal Investigations*

**Supersedes**

GB-5 (09-14-23)

## PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for the Office when requesting legal opinions and legal advice from the Maricopa County Attorney's Office (MCAO).

## POLICY

It is the policy of the Office to make requests for legal opinions and legal advice from the Maricopa County Attorney's Office in a consistent, accurate, and timely manner.

## DEFINITIONS

**Legal Advice:** Any information, viewpoint, or opinion offered by the Maricopa County Attorney's Office (MCAO).

**Legal Opinion:** A formal written document prepared by the Maricopa County Attorney's Office (MCAO) and issued by the County Attorney directly to the Sheriff, outlining their understanding and interpretation of law as it applies to the assumed facts.

## PROCEDURES

1. **Request for Legal Opinion:** The Sheriff or designee may request a written legal opinion from the Maricopa County Attorney (MCAO) regarding the duties of the Office. The request for a legal opinion shall be managed by the Sheriff's Chief of Administration and as specified in this Office Policy.
2. **Requests for Written Legal Advice:** A request for written legal advice from the MCAO shall include detailed reasons for the request, the specific information desired, and the identity of the originating Office division. The request shall also include a reasonable response date and the reason for a specific response time. The request shall be forwarded, through the division's chain of command, to the respective bureau chief.
  - A. The bureau chief shall review the request and, if the MCAO's legal advice appears to be necessary, the request will be forwarded to the Chief Deputy and Chief of Administration.
  - B. If approved by the Chief Deputy or Chief of Administration, the request for legal advice will be forwarded to the MCAO with a copy to the Administrative Services Division. The Administrative Services Division Director or designee shall log the request.
  - C. Upon receipt of the MCAO's written legal advice, the Administrative Services Division shall log and file the response, make a copy, and forward the legal advice to the Chief Deputy and Chief of Administration, if they have not already received a copy of the written legal advice.

- D. After reviewing the MCAO's legal advice, the Chief Deputy or Chief of Administration shall forward the information to the requesting division, through the respective chain of command.
3. **Requests by Exception:** All requests for legal advice shall be submitted according to the provisions of this Office Policy, with the following exceptions:
- A. Routine reviews of grants, contracts, policies, and other documents from the Human Resources Bureau, Business Operations, Budget and Finance Bureau, and the Administrative Services Division.
- B. Unanticipated exigent situations requiring immediate legal counsel or advice for:
1. Judicial Enforcement Division;
  2. Major Crimes Division;
  3. General Crimes Division;
  4. Professional Standards Bureau (PSB);
  5. Human Resources Bureau;
  6. Special Investigations Division;
  7. Intelligence Information Division;
  8. SWAT Division; and
  9. Bureau of Internal Oversight.
- C. The PSB shall consult with the prosecuting authority on matters involving criminal misconduct, as specified in Office Policy GH-2, *Internal Investigations*. The PSB Commander and PSB investigators are not bound by the requirements, as specified in this Office Policy.
- D. With the exception of PSB and the Human Resources Bureau, all requests by exception, as specified in this Office Policy, shall require that the Chief Deputy, Chief of Administration, and the Administrative Services Division Director be copied.
4. **Active Criminal Cases:** Office employees working criminal cases who use the on-call Maricopa County Deputy Attorney to obtain advice on a case are not subject to the provisions of this Office Policy.
- A. If an Office employee needs assistance regarding charging for an Initial Appearance (IA) case, the MCAO IA Office may be contacted directly to discuss general inquiries about the IA process with a deputy county attorney.
- B. If it is necessary to provide important information regarding a defendant or case submittal to the MCAO IA, the Office employee may contact the IA Court attorneys directly, or through e-mail at [REDACTED]
- C. With regards to a specific case, an Office employee may also contact the on-call MCAO Deputy County Attorney for the Trial Group, or the MCAO Specialty Bureau directly.