

Minutes of Public Meeting of the Constable Ethics, Standards and Training Board February 21, 2018

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on February 21, 2018 at 10:04 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present were the following members of the CESTB: Constable Mike Cobb, Dan Ryan, Constable David Lester and Valerie Beckett. Present via teleconference were the following members of the CESTB: Sheriff Adam Shepherd, Judge Barbara Brown and Christine Shipley. The following staff was present – Tracy Unmacht. Members of the public in attendance included Constable Doug Clark, Constable Ed Malles, Judge Cecil Ash, Tim Moder, Scott Davis, Constable Dennis Dowling, Constable Ron Williams, Constable Kevin Jones, and Constable Lennie McCloskey.

A quorum was reached and the following matters were discussed and decided at the meeting:

Minutes of Previous Meetings:

Corrections: None

Sheriff Shepherd made a motion to approve the minutes as presented from the January 17, 2018 CESTB meeting. Valerie Beckett seconded the motion. The motion passed with Judge Brown abstaining.

Financial Report: Staff reviewed the January FY 18 reports from the Department of Administration Central Services Bureau (CSB). Constable Lester made a motion to approve the January financial report and Valerie Beckett seconded. The motion passed unanimously.

Call to the Public:

Constable Ed Malles requested to speak and asked that Dan Ryan recuse himself from discussion regarding the complaint against him.

Judge Cecil Ash spoke on Constable Malles behalf stating he always conducts his business in an exemplary manner. He also supported the recusal of Dan Ryan.

Constable Complaints:

CNA217-2018 Malles – This complaint was discussed at the previous board meeting, and was continued, to allow time for the board to review new information that was submitted by the constable and the complainant, and to allow Constable Malles time to respond to the new information. Valerie Beckett made a motion to issue Constable Malles a reprimand based on violation of Canon #3 in the Constables Code of Conduct, and exhibiting a pattern of behavior the constable has been previously reprimanded for. Dan Ryan seconded. Discussion: Ms. Beckett stated that the activity and sharing of information that took place following the proper handling of the service exacerbated an already volatile situation. Once the service had taken place, Constable Malles should have ended conversation. The motion passed unanimously.

Initial Screening of new Constable Complaints:

Complaint received 1-25-18 Rucker – Upon advice by CESTB counsel, this will be handled as a public records request, not a complaint.

Complaint received 2-13-18 Rucker v Clark – Constable Cobb introduced the complaint which alleged collusion between Constable Clark and former Constable Dan Ryan. Valerie Beckett made a motion to dismiss the complaint and Sheriff Shepherd seconded. The motion passed unanimously without further discussion.

Complaint received 2-14-18 Rucker v Clark – Constable Cobb introduced the complaint which accused Constable Clark of providing false information to a peace officer, tampering with public records. Valerie Beckett stated her desire to see the police report before determining if a formal complaint investigation should proceed. Sheriff Shepherd made a motion to request the police report from the complainant and Judge Brown seconded. Motion passed with 1 opposed. Staff was directed to request the complainant furnish the police report to support the allegations.

Complaint received 2-15-18 Rucker & Jones v Clark & Coplan – Constable Cobb introduced the complaint alleging the constables did not keep proper activity logs. Constable Lester made a motion to dismiss as this has already been addressed with this complainant. Judge Brown seconded. Motion passed unanimously without further discussion.

Grant Applications for Constable Outside Training: Four applications were received for constable Outside Training grants requesting funding in total for the amount of \$16,972.69. Funds available for this cycle are \$35,000. Board members submitted their scores for the record. Each grant was discussed and voted on.

- Maricopa County National Conference \$4,296.42
Sheriff Shepherd made a motion to approve the application in the amount requested. Christine Shipley seconded.
Discussion – none. Motion passed 5-2 .

It is duly noted that Constable Lester left the meeting following the previous vote.

- Mohave County National Conference \$4,296.42
Judge Brown made a motion to approve the application in the amount requested. Christine Shipley seconded.
Discussion – Valerie Beckett expressed concern that the training was not unique, and accounted for less than 5% of the amount being requested, the rest was for travel. Judge Brown and Sheriff Shepherd countered that attending these types of training events provides experience that cannot be obtained locally and the knowledge that is brought back and shared can be very beneficial. Motion passed 4-2.
- Navajo County National Conference \$4,172.42
Sheriff Shepherd made a motion to approve the application in the amount requested. Christine Shipley seconded.
Discussion – Dan Ryan suggested we make approval upon condition of a commitment from the attendees they will bring back and share the knowledge gained in a formal training situation. Chairman Cobb pointed out that was not part of the requirements listed in the application, but could be added to future applications. Motion passed 4-2.
- Yavapai County Western States Conference \$4,207.43
Valerie Beckett made a motion to approve the application in the amount requested. Dan Ryan seconded.
Discussion – The constables benefiting from this grant were present and were asked to share what they hoped to gain and how it would benefit the constables in their county. Constables Williams and Dowling indicated they are AZ Constables Association Board members and are involved in the planning of the mandatory training. They both were eager to learn and bring back the information being offered to share with all Arizona constables at upcoming semi-annual training classes. Motion passed unanimously.

Grant Applications for Constable Equipment: Three applications were received for constable Equipment grants requesting funding in total for the amount of \$30,171.96. Funds available for this cycle are \$60,000. Board members submitted their scores for the record. Each grant was discussed and voted on.

- Navajo County Trucks \$26,662.52
Dan Ryan made a motion to approve the application in the amount requested. Sheriff Shepherd seconded.
Discussion – Clarified that the county’s financial situation prevents them from fully funding adequate transportation. Motion passed unanimously.
- Coconino County People Finder System \$1,909.44
Valerie Beckett made a motion to approve the application in the amount requested. Dan Ryan seconded.

Discussion – none. Motion passed unanimously.

- Mohave County Ammunition \$1,600

Valerie Beckett made a motion to approve the application in the amount requested. Sheriff Shepherd seconded.

Discussion – None. Motion passed 5-0 with Constable Cobb abstaining.

Rules Oral Proceeding

Constable Cobb asked for any questions or feedback to the draft rules.

Tim Moder asked for clarification on R13-14-203 B. which states “If the Board finds after a hearing that a complainant is a vexatious litigant, as defined at A.R.S. § 12-3201, the Board may take the same action with regard to the complainant as the Superior Court would be allowed to take under A.R.S. § 12-3201.” whether the CESTB is granted authority to do this. Staff will clarify with the rules writer.

Valerie Beckett questioned the number of days that were considered “service complete” in R13-14-205 A. 2. Staff will clarify with the rules writer.

Constable Cobb discussed the next step was to submit an economic impact statement and the rules would be submitted to the Governor’s Regulatory Review board sometime this spring. Barring unforeseen issues with approval, the process should be complete sometime this fall.

Administration Report:

Staff will be submitting the required documentation to the rules writer to create our economic impact statement.

Staff will begin compiling information to begin drafting a budget for FY19. Approval of a final budget will need to take place by the June board meeting.

Adjournment: Valerie Beckett made a motion to adjourn the meeting and Dan Ryan seconded. The motion passed unanimously. Meeting was adjourned at 11:19 a.m.

Dated this 21 day of MARCH, 2017
Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb