

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
January 20, 2016**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on January 20, 2016 at 10:03 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present at the meeting were the following members of the CESTB - Constable Ken Sumner. Present via teleconference were the following members of the CESTB - Constable Mike Cobb, Constable Scott Tipton, Constable Brandon Schmoll, Christine Shipley, Dan Field and Judge Barbara Brown. The following staff was present – Tracy Unmacht. Members of the public present included Constable Doug Clark and Constable Jimmie Munoz. Member of the public present via teleconference was Daniel Romm representing the County Supervisors Association. Absent were the following members of the CESTB – Stuart Goodman.

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

Minutes of Previous Meetings: Constable Sumner made a motion to approve the minutes from the December 16, 2015 CESTB meeting. Dan Field seconded the motion. The motion carried unanimously.

Financial Report: Staff presented the financial report prepared by the Department of Administration for the month ending December 2015. Constable Tipton made a motion to approve the financial report. Christine Shipley seconded the motion. The motion carried unanimously.

Constable Complaints:

CNA175-2016 - Munoz: Constable Cobb reported the findings of the subcommittee investigation, which voted unanimously to recommend the complaint be dismissed. Constable Schmoll made a motion to accept the recommendation of the subcommittee to dismiss the complaint against Constable Munoz. Constable Cobb seconded the motion. Discussion: Chairman Sumner pointed out that both the Constable and Complainant were present and asked if they had any further comment. Constable Munoz stated that at times circumstances beyond the control of the constable make it difficult for constables to carry out their duties, and this was one of those situations. The complainant made no comment. The motion carried unanimously.

CNA177-2016 – Clark: Chairman Sumner reported that the CESTB did not receive Constable Clark’s response to the complaint within the time allotted. Prior to the deadline, Constable Clark requested an extension, and was granted an extra 5 days. His response came in 5 days past the extension. The subcommittee voted to proceed without the response and voted unanimously to recommend to the CESTB board that the constable be urged to retire from office. Chairman Sumner reminded the board that CESTB rules state a constable who is the subject of a complaint may appear before the full board to present evidence on his or her behalf, and Constable Clark was allowed to read his response to the board. Constable Clark apologized for his late response and explained he had turned his duties over to a deputy while he prepared for a court case. Board members proceeded to ask the constable questions about his route on the night of his accident, about the speed monitor on his vehicle, what duties he was performing for the Sojourner Center. He was also asked about his previous infractions and what the consequences were – in 2013 he was reprimanded for speeding and was required to attend driving school. Constable Tipton made the observation that on the day Constable Clark’s vehicle speed registered 91 mph, he was not driving with any lights or siren – this is a very hazardous situation. Board members agreed that the constable exhibits the attitude that he is a first responder, which he is not. His behavior puts the public in danger and is a liability to the county. Constable

Cobb made a motion to send a letter to Constable Clark urging him to retire from office. Constable Tipton seconded the motion. After no further discussion, the motion carried with 1 opposed.

Discussion regarding requests from constables for extension to respond to complaints – members agreed that 20 days should be sufficient response time, but if extenuating circumstances arise the Chair can extend the response time by 5 days.

Board Meeting Time/Day Change: Staff had circulated a potential time change for future board meetings but it was not agreeable to all board members there will be no change to the regular board meeting day or time

Administration Report: Staff reported that the sheriff position on the board remains open. Anyone interested needs to apply with the Governor's office. Staff raised a situation that arose prior to this morning's subcommittee meeting regarding a member of the public submitting their public comment via email prior to the meeting instead of in person. Staff will investigate the requirements under the open meeting laws to determine if the CESTB is required to accept and read those comments during the public comment period of a meeting. Staff will be conducting a training audit at the beginning of February and will report to the Board at the next meeting.

Call to the Public:

No comments were received by members of the public.

Adjournment: Constable Tipton made a motion to adjourn the meeting. Constable Cobb seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:09 a.m.

Dated this 16 day of March, 2016
Constable Ethics, Standards and Training Board
By

Chairman Ken Sumner

