

**Minutes of Public Meeting of the  
Constable Ethics, Standards and Training Board  
January 21, 2015**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on January 21, 2015 at 10:05 am 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 Scott Tipton, Judge Gerald Williams, Constable Dan Ryan. Present via teleconference were the following members of the CESTB – Constable Ron Myers, Stuart Goodman, Christine Shipley, Constable John Nozar. The following staff were present –Tracy Unmacht. Absent were the following members of the CESTB –Sheriff John Drum, Dan Field. Members of the public present were - Todd Madeksza with the County Supervisors Association, Constable Phil Hazlett, Jason Brown, Gilbert Zermemo, CBS 5 Investigative Producer.

The following matters were discussed, considered and decided at the meeting:

**Grant Programs:** Seventeen equipment grant applications were received by the deadline of January 16, 2015. Christine Shipley asked if all of the counties who submitted grant applications were up to date with their writ fees, staff verified they were. Constable Phil Hazlett clarified that there was a typing error in the Maricopa County applications for radios and tablet computers, but indicated the monetary figures were correct as presented in the cover letter. Constable Scott Tipton reduced the amount requested for the Navajo County application for uniforms and ammo to \$4,000.

Total funds requested for the 17 applications was \$76,071.32, which exceeds the \$60,000 amount budgeted. Constable Tipton suggested considering a partial grant award for the Maricopa County application for radios, funding 2 of the 3 requested reducing the amount considered to \$10,964.67.

Scores for each application were submitted by all present and totals were calculated. The grants were rated from highest to lowest. It was determined that funds were available to fund the following 13 requests:

- Gila County Tasers \$4,884.95
- Gila County Ballistic Vests \$2,853.84
- Mohave County Ballistic Vests \$3,879.44
- Yavapai County Ballistic Vest \$775.89
- Coconino County People Finder \$9,224.48
- Maricopa County Printers \$1,389.43
- Yuma County Laser Printer \$2,903.26
- Pima County Major Trauma Kit \$479.43
- Maricopa County Tablet Computers \$9,173.89
- Pima County Laptops (2) \$5,818.00
- Pima County Laptop (1) \$3,580.10
- Maricopa County Radios \$10,964.97
- Navajo County Uniforms & Ammo \$4,000

Judge Gerald Williams made a motion to approve the 13 grant applications as presented following the calculations. Constable Dan Ryan seconded the motion. The motion carried unanimously.

**Minutes of Previous Meetings:** Judge Gerald Williams made a motion to approve the minutes from the December 17, 2014 CESTB meeting. Constable John Nozar seconded the motion. The motion carried unanimously.

**Financial Report:** Chairman Tipton presented the financial report prepared by the Department of Administration for the month ending December 2014. Santa Cruz County continues to ignore the request for their writ fees. Staff verified that numerous letters have been sent to various government officials at the county, citing the statute requiring them to do so. Constable Ryan suggested contacting the constables in the county letting them know they will not have funding provided for their required training. Staff will draft the appropriate correspondence. Judge Gerald Williams made a motion to approve the financial report. Constable Dan Ryan seconded the motion. The motion carried unanimously.

**CESTB Training Bill:** Chairman Tipton reported a bill allowing CESTB to approve constable training in addition to AZPOST is currently being worked on. At a future date the CESTB will be asked to endorse the legislation.

### **Constable Complaints:**

Chairman Tipton reviewed CNA137-2015 complaint against Constable Bearcat, pointing out that she is no longer a constable and therefore out of the jurisdiction of the CESTB. Constable John Nozar made a motion to dismiss CNA137-2015 and Judge Gerald Williams seconded the motion. Motion carried unanimously.

Chairman Tipton reviewed CNA140-2015 complaint by Mr. William Rucker against multiple constables. He indicated the activities listed in the complaint were not in violation of state statute 22-131 regarding constables powers and duties and deemed the complaint frivolous. Constable Dan Ryan made a motion to dismiss complaint CNA140-2015 and Constable John Nozar seconded the motion. The motion carried unanimously.

Chairman Tipton reported that Constable Jimmie Munoz did not attend the new constable training as required by the CESTB board decision on a complaint against Constable Munoz. Constable Phil Hazlet said Constable Munoz came to the training event to inform them he was not going to attend due to a family issue. Judge Williams suggested requesting a letter of response from Constable Munoz on why he didn't attend the required training before taking any further action.

Chairman Tipton reported that rural subcommittee members Constable Tipton, Christine Shipley, and Constable Nozar met on January 21, 2015 to review 4 complaints against Constable Doug Clark: CNA126-2014, CNA128-2014, CNA134-2015 and CNA136-2015. The committee does not have enough evidence to determine if there is any criminality involved. They plan to obtain certified copies of the affidavit of service, a random sample of Constable Clark's logs during the 40 month period prior to May 11, 2014 and the traffic report for Constable Clark's July 7, 2014 accident. Chairman Tipton request permission from the board to hire an independent body to obtain the records. Judge Gerald Williams suggested that if interviews are not needed, there wouldn't be a need to hire someone to obtain these records. He also suggested requesting any documents showing an ongoing law enforcement investigation. The subcommittee will convene at a future date to discuss any new information that is gathered.

Chairman Tipton reported Mr. Jason Brown has requested the decision on CNA124-2014 be set aside. At the December 17, 2014 meeting, the CESTB board decided to send a letter of reprimand to Constable Clark addressing the issue of working an off-duty job in the capacity of law enforcement officer/security guard while wearing the constable uniform, thus closing CNA124-2014. Christine Shipley made a motion to deny the request to set aside the CESTB Board decision on CNA124-2014 and Constable John Nozar seconded the motion. The motion carried unanimously.

**Administration Report:** Staff reported all of the outstanding grant reports have been brought up to date, and with the exception of Santa Cruz county, all other counties are up to date with writ fees. Staff is currently working on updating the administrative procedures document and will forward to the board when complete.

**Call to the Public:** Mr. Jason Brown commented on the denial to set aside the decision on CNA124-2014 stating that the decision was not based on any evidence in the file, and that Constable Ryan should have declared a conflict of interest when voting. Had he done so, the vote would not have been valid. He also stated that Constable Ryan was a witness on July 7, 2014 and could have been called on for input.

The next Board meeting is scheduled for Wednesday February 18, 2015 at 10:00 am

**Adjournment:** Judge Gerald Williams made a motion to adjourn the meeting. Constable Dan Ryan seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:15 am

Dated this 18 day of February, 2014  
Constable Ethics, Standards and Training Board

By   
Chairman Scott Tipton