

Scott Blake, Chair
Constable
Maricopa County

Valerie Beckett
County Administrator
Maricopa County

Melissa Buckley
Public Member

Mike Cobb
Constable
Mohave County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Dennis Dowling, Vice
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Matt Giordano
AZPOST

Christine Shipley,
Secretary
Multihousing
Association

Minutes of Public Meeting – May 13, 2021

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on May 13, 2021 at 9:05 a.m. CESTB Board members present via teleconference were: Chairman Constable Scott Blake, Vice Chair Judge Dennis Dowling, Melissa Buckley, Matt Giordano, Constable Mike Cobb and Christine Shipley. Members absent included Valerie Beckett. The following staff was present – Tracy Unmacht. Members of the public attending included Patrice Goodman, Scott Davis, Constable Doug Clark, Constable Oscar Vasquez and ACA President Ron Williams.

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

Minutes of Previous Meetings:

Corrections: None

Christine Shipley made a motion to approve the minutes as presented from the April 8, 2021 CESTB meeting and Melissa Buckley seconded. The motion passed unanimously 6-0.

Financial Report: Staff reviewed income, expenses, cash flow and grant spending summary. Revenue continues to be down, although has stabilized. Cash flow projections reflect the lower monthly average revenue. Staff met with CSB and they stated their intention to make the 80/20 revenue split adjustments monthly. April report reflects these adjustments for FY to date. Mike Cobb made a motion to approve the financial report and Christine Shipley seconded. The motion passed unanimously 6-0.

Call to the Public: No public comments were received.

Constable Complaints:

It should be noted that Christine Shipley left the meeting at this point.

CNA265-2021 Clark – Chairman Blake discussed the extensive video evidence submitted by both the complainant and Constable Clark. Dennis Dowling's overall conclusion from the video evidence was that Constable Clark did not do anything that should warrant disciplinary action, however after being assaulted by the complainant he should have taken steps to de-escalate the situation. Mike Cobb suggested given the circumstances Constable Clark handled the eviction the best he could, and did not violate any ethics or codes of conduct. Mike Cobb made a motion to dismiss the complaint and Matt Giordano seconded. The motion passed unanimously with a roll call vote, 5-0.

Christine Shipley rejoined the meeting.

CNA267-2021 Vasquez – Chairman Blake reviewed the complaint with board members in which Constable Vasquez was accused of making the decision to delay an eviction, contrary to what is expected. Dennis Dowling reiterated the eviction order was issued out of the court, the issue was heard in the court, it was decided in court, Constable Vasquez received the writ and he chose on his own not to follow the law due to his personal beliefs about evictions during the COVID pandemic. Dennis concluded this is a direct violation of R13-14-103 Code of Conduct A1. Mike Cobb pointed out that the action violated R13-14-103 Code of Conduct A2 as well. Mike also stated that a constable's personal opinions or beliefs

should not come into play while carrying out his/her duties. As elected officials, constables are required to follow rules and regulations associated with the office, and Vasquez did not do that. Christine Shipley stated her concern that in the constable's response to the complaint, he advised that he will act in the same manner if this were to occur again in the future. She went on to state that if he finds it morally unjust to be forced to remove someone when they don't have alternate accommodations, he should not remain in the position. Matt Giordano also expressed concern with Vasquez's written response stating that he is not going to follow the law in the future.

Dennis Dowling made a motion to urge the constable to resign citing the following factors as stated in AZ Administrative Code Rules R13-14-204:

- Prior disciplinary offenses – the constable has been disciplined by the CESTB numerous times
- Dishonest or self-serving motive – the constable is following his beliefs rather than the law
- Pattern and frequency of misconduct – numerous prior offenses that resulted in disciplinary action by the CESTB were cited
- Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board – the Constable has ignored directives by the CESTB in past cases
- Refusal to acknowledge wrongful nature of conduct – the constable stated he will continue to act in the same manner in the future

Mike Cobb inquired about past sanctions by this board and staff indicated the constable has received various letters of reprimand, has been placed on probation several times, and the CESTB also requested the Pima County Board of Supervisors suspend the constable without pay for 30 days for a previous infraction.

Mike Cobb seconded the motion to urge the constable to resign with a requested amendment to include a request to the Pima County Board of Supervisors suspend the constable without pay for a minimum of 30 days. Dennis Dowling seconded the amendment. Discussion ensued. Constable Vasquez was offered an opportunity to speak and addressed the previous probationary period and stated that he completed the required training in question. He also described the homeless situation due to COVID-19 and the lack of resources for those who are evicted so finding alternate accommodations takes much longer. He stated in the case in question, justice was served; it just took longer than usual.

Dennis Dowling asked Constable Vasquez a number of questions to clarify what authority he had to determine the eviction should not take place due to COVID. The Constable answered that the reason he delayed the eviction was because the tenant didn't have a place to go, and he needed to find alternate accommodations for the tenant before he would complete the eviction.

Mike Cobb pointed out that in the case of nearly every eviction, the tenant/defendants do not typically have anywhere to go. The job of constable is to follow court orders and rules and laws of the state, and it is not the constable's choice to postpone things because of personal beliefs.

Melissa Buckley stated her appreciation of Constable Vasquez's empathizing with the tenant, however there are laws in place that govern elected officials and he did not abide by them.

Scott Blake requested an amendment to the motion to extend the request for suspension without pay to 180 days. Blake's justification was due to the serious nature of the offense given the constable decided he was not going to obey a lawful order signed by a judge. Dennis Dowling seconded the amendment.

The motion to urge the constable to retire and request the Pima County Board of Supervisors suspend Constable Vasquez without pay for 180 days passed with a roll call vote 6-0.

Initial Screening of new Constable Complaints:

Complaint received 4-11-21 Dittmar v Tipton – Chairman Blake reviewed the complaint with board members which accused the constable of taking too long to conduct lawful service. However, the timeframe listed in the complaint was within standards and therefore considered lawful service.

Dennis Dowling made a motion to dismiss the complaint and Mike Cobb seconded. Motion passed unanimously with a roll call vote 6-0.

Discussion & Possible Action on Training Non-compliance by Newly Elected Constables:

The AZ Constables Association (ACA) notified the CESTB that 3 newly elected constables missed all or a portion of statutorily required new constable training that was offered during the January training event. Following that notification, it was determined that while Constables Denice Garcia and Luke Palmer did attend the training event, they were initially reported as absent for one or more sessions because they had not signed in on the attendance sheets. Affidavits were obtained from fellow attendees who verified their attendance at said classes. The ACA verified with AZPOST that they could accept these statements as proof of training and sent amended training certification documentation to the CESTB. This documentation, if accepted by the CESTB, puts Constables Garcia and Palmer in compliance with the statutory training requirements.

Matt Giordano made a motion to accept the amended certificates for Constables Denice Garcia and Luke Palmer and Christine Shipley seconded. Motion passed unanimously with a roll call vote 6-0.

The third, Constable Kristen Randall, registered to attend the event but did not end up attending any of the classes and is now in violation of statutes. The new constable training school is specialized training that is only offered by the ACA every two years and there are not currently any alternate training classes available to Constable Randall to meet the statutory requirements. The Board discussed possible options on how to proceed.

Dennis Dowling made a motion to initiate the complaint process and as part of the investigation, obtain advice from the attorney general's office. Matt Giordano seconded. Discussion ensued. Mike Cobb pointed out that Constable Randall submitted a list of classes she was hoping would be eligible as substitute training, however ACA President Ron Williams explained the courses included in the new constable training school were specialized and there is a specific process for obtaining approval to teach the courses. Constable Randall would need to submit proof that the courses she has attended or plans to attend include the specialized subject matter specific to new constable training and that AZPOST approved those courses for the purpose of meeting the statutory requirement for new constable training.

Dennis also pointed out a provision in A.R.S. §22-131 Constables; powers and duties; prohibited acts which states in part that "constable duties may be enforced by the presiding judge of the superior court in the county, including the use of the power of contempt." Dennis amended his motion to include providing notice to the presiding judge in Pima County which may provide a resource to the CESTB for mitigating the situation. Mike seconded the amendment. The amended motion passed unanimously with a roll call vote 6-0.

Presentation, Discussion & Possible Action on Constable Training Grant:

One application was received from the AZ Constables Association for Organizational Training requesting total funding in the amount of \$111,485.74. The event is currently scheduled to take place in July in Tubac to provide required continuing education to all constables and deputy constables. Funds available for this cycle are \$125,000. Board members submitted their scores for the record.

Mike Cobb made a motion to approve the application as submitted and Matt Giordano seconded. Motion passed with a roll call vote unanimously 5-0-1 with Chairman Blake abstaining.

Presentation, Discussion & Possible Action on Equipment Grants

Seven (7) applications were received during this cycle, requesting total funds of \$43,852.81. Total funds available are \$55,000. Board members submitted their scores for the record.

Dennis Dowling expressed some concern about several of the applications from Pima County, particularly tasers, firearms and ammunition, since there are issues with several of the constables regarding compliance issues. Chairman Blake also discussed adding contingencies to grant approvals that require training be completed prior to funding.

It should be noted Christine Shipley was no longer in attendance.

The board discussed and voted on the following:

Maricopa County Tasers \$27,120.55 – Dennis Dowling made a motion to approve the requested funding contingent upon completed taser training by all constables receiving them. Melissa Buckley seconded. Discussion included clarification by Maricopa County Constables Administrator Patrice Goodman on what the 5-year contract meant and what the warranty included. Motion passed unanimously with a roll call vote, 5-0.

Pima County Ballistic Vests \$4,039.84 – Mike Cobb made a motion to approve the requested funding and Matt Giordano seconded. Discussion – Mike Cobb reported he spoke with Pima County Presiding Constable Mike Stevenson and he indicated the majority of the equipment grants from Pima County will benefit new constables John Dorer and George Camacho, which he believes are in compliance. Motion passed unanimously with a roll call vote, 5-0.

Pima County Firearms & Ammunition \$3,622.27 – Dennis Dowling made a motion to approve the grant at 75% of requested funding, the reduction due to the compliance concerns expressed previously. Additionally, funding is contingent upon proving compliance by all constables who would receive the equipment and they are properly trained. Mike Cobb seconded. Motion passed unanimously with a roll call vote, 5-0.

It should be noted Dennis Dowling left the meeting at this time.

Pima County Printer \$949.04 – Matt Giordano made a motion to approve the requested funding and Mike Cobb seconded. Motion passed unanimously with a roll call vote, 4-0.

Pima County Tasers \$4,670.67 – Scott Blake made a motion to approve the requested funding contingent upon completed taser training by all constables receiving them and Melissa Buckley seconded. Motion passed unanimously with a roll call vote, 4-0.

Pima County Uniforms & Equipment \$2,306.54 – Chairman Blake pointed out that some of the equipment in this application is for firearm related equipment and one of the constables who would receive the equipment is currently not allowed to retain a firearm. Mike Cobb made a motion to approve the grant at 75% of requested funding, and Melissa Buckley seconded. Motion passed unanimously with a roll call vote, 4-0.

Yavapai County Ballistic Vests \$1,143.90 – Matt Giordano made a motion to approve the requested funding and Mike Cobb seconded. Motion passed unanimously with a roll call vote, 4-0.

Discussion & Possible Action on Recognition for Outgoing Board Member – this item was tabled to a future meeting.

FY22 Budget Review – staff pointed out the updated draft provided to the Board prior to the meeting reflected the removal of the 3rd equipment grant cycle per the discussion at the previous meeting. A final draft will be updated with the most current revenue information and must be approved at the June meeting.

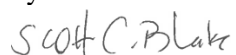
Administrative Update

Staff met with Central Services Bureau to further discuss the 80/20 revenue split corrections. Staff also attended webinars for state FY21 closeout as well as Digital Migration. Staff will be following up with Board member Melissa Buckley whose term will expire in August of this year. Staff will be prepping for FY21 year-end closeouts for finance, grants, etc. Staff is also working on the annual complaint synopsis report.

Adjournment: Mike Cobb made a motion to adjourn the meeting and Melissa Buckley seconded. The motion passed unanimously 4-0. Meeting was adjourned at 10:54 a.m.

Dated this 10th day of June, 2021
Constable Ethics, Standards and Training Board

By The Hon. Scott Blake



CESTB Chairman