

Mike Cobb, Chair
Constable
Mohave County

Scott Blake
Constable
Maricopa County

Dennis Dowling
Justice Court
Yavapai County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

PO Box 13116 Phoenix, AZ 85002
cestb.az.gov

cestb@azcapitolconsulting.com
602-343-6280
FAX 602-712-1252

Valerie Beckett
County Administrator
Maricopa County

Adam Shepherd
Sheriff
Gila County

Vacant
Public Member

Christine Shipley
Multihousing
Association

Minutes of Public Meeting – September 18, 2019

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on September 18, 2019 at 10:01 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 8500. Present were the following members of the CESTB: Chairman Mike Cobb, Constable Scott Blake, Valerie Beckett and Judge Dennis Dowling. Members present via teleconference were Sheriff Adam Shepherd and Christine Shipley. The following staff was present – Tracy Unmacht. Members of the public in attendance included Constable Ron Williams, Patrice Goodman, Constable Mike Branham.

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

Minutes of Previous Meetings:

Corrections: None

Valerie Beckett made a motion to approve the minutes as presented from the August 21, 2019 CESTB meeting and Judge Dowling seconded. The motion passed unanimously.

Financial Report: July/August financial report was sent to the board prior to the meeting. CSB has been understaffed the last several months and is still trying to get caught up, so there are outstanding claims that are not reflected in the Expense and Cash Flow reports. The state is still not splitting revenue 80/20 through the new AFIS system. Staff has discussed with CSB and reported that the state is working on a pilot program to accommodate the split. CESTB will be a participant in the pilot program. Staff reported that the only county not reporting income during the first two months of the fiscal year is Santa Cruz. They issue very few writs in any given year, so this is not unexpected. There were a number of administrative adjustments to expenses and anticipates additional in September – these adjustments are for FY19 expenses that were not paid prior to the end of June. Sheriff Shepherd made a motion to accept the Jul/Aug 2019 financial report and Christine Shipley seconded. The motioned passed unanimously 6-0.

Call to the Public: None

Constable Complaints:

CNA240-2019 Vasquez – At the August 21, 2019 board meeting, Constable Vasquez was placed on 30 days probation and the presiding constable was asked to monitor his behavior and report back to this board. Chairman Cobb spoke with Presiding Constable Stevenson, who indicated Constable Vasquez did not want to discuss the complaint with him. Constable Stevenson further reported that his office was aware of another situation and potential complaint against Constable Vasquez. Constable Stevenson shared the account his office provided and indicated the office advised the complainant to file a formal complaint with the CESTB. The CESTB has not received this complaint at the present. The Board discussed what action could/should be taken to close this particular complaint. Judge Dowling made a motion to issue a written reprimand to Constable Vasquez and Valerie Beckett seconded. Discussion – Chairman Cobb pointed out that the 30 day probationary period cleared the path for more severe action against Constable Vasquez should that become necessary. The motion passed unanimously 6-0.

CNA243-2019 Bernal - At the August 21, 2019 board meeting, a written warning was issued to Constable Bernal and the presiding constable was asked to set up a mediation between the complainant and Constable Bernal and ensure procedures going forward are understood by both parties. Chairman Cobb spoke with Presiding Constable Stevenson, who stated they

attempted to set up a meeting with the complainant but their requests for a meeting went unanswered. However, Constable Stevenson reported that he is confident Constable Bernal is clear on appropriate procedures going forward. Consensus was no further action is required and this case is now closed.

CNA244-2019 Bernal – Chairman Cobb reviewed the complaint and constable response regarding an incident that allegedly took place in June of 2018, but not reported to this board until June 19, 2019. The complainant claimed the constable damaged personal property. Chairman Cobb spoke with the complainant and asked if he witnessed the constable damaging the property and he said no. He also did not bring it up with the constable at the time. This situation surrounds a neighborhood HOA dispute and has nothing to do with the execution of the constable's duties. There was no proof of wrongdoing provided by the complainant, therefore Constable Blake made a motion to dismiss the complaint. Sheriff Shepherd seconded and the motion passed unanimously 6-0.

Grant Applications for Constable Equipment: Five applications were received for constable Equipment grants requesting total funding in the amount of \$50,458.09. Funds available for this cycle are \$55,000. Board members submitted their scores for the record.

The board discussed and voted on the following:

Pima County Ballistic Vests & Tasers \$9,590.77 - Judge Dowling made a motion to approve the requested funding and Constable Blake seconded. Motion passed unanimously 6-0.

Administrative note, Christine Shipley left the meeting at this time.

Navajo County Truck \$26,271.22 – Constable Blake made a motion to approve the requested funding and Judge Dowling seconded. Motion passed unanimously 5-0.

Apache County Radios \$1,585.44 – Valerie Beckett made a motion to approve the requested funding and Sheriff Shepherd seconded. Motion passed unanimously 5-0.

Yavapai County Taser Equipment \$9,110.66 – Judge Dowling raised a question about training in conjunction with taser equipment. Yavapai Constable Ron Williams was present and reported that all 5 constables would receive training before the tasers will be used. Constable Blake made a motion to approve the requested funding on the condition that all constables will receive taser training prior to being issued the weapons. Sheriff Shepherd seconded and the motion passed unanimously 5-0.

Judge Dowling amended his previous the motion to approve Pima County's grant request to add the condition that constables receive taser training before being issued the weapons. Constable Blake seconded and the motion passed unanimously 5-0.

Administrative note, Chairman Cobb turned the meeting over to Vice Chair Judge Dowling at this time.

Mohave County Ammunition \$3900 – Constable Blake made a motion to approve the requested funding and Valerie Beckett seconded. Motion passed 4-0 with Chairman Mike Cobb abstaining.

Administrative note, Chairman Cobb resumed control of the meeting at this time.

Administrative Update

Staff has been working on several large public records requests, one of which was to provide meeting minutes for the last 5 years. Staff reported that the CESTB website does have the last 12 months minutes available for download, but the format does not lend itself to including more than that. Other agency websites use a different format that provides meeting minutes multiple years in a user friendly manner and staff has initiated a service request to revise the CESTB website to do the same.

Staff also updated the board on the status of open/expiring board positions. Staff has requested an update from the Governor's office since we understand several people have applied for the open public position. AZPOST has indicated they will be re-appointing Sheriff Shepherd to serve in that position. The County Supervisors Association has reported

they are re-appointing Valerie Beckett to serve in that position. Staff is awaiting formal appointment letters from those entities.

Staff reported back on the question about the amount of writ fees being submitted by counties not being the full \$5 amount. A memorandum from Supreme Court of Arizona Administrative Office of the Courts stated that SB1113 resulted in collection of fees being made by the courts instead of the constables, and are now subject to the 5% Fill the Gap Set Aside. Staff asked for direction on if and how we should now collect the number of writs being issued by each of the counties so we can properly report to the Governor's office through our annual Budget and Strategic Planning process. Constable Branham offered to provide the board with some feedback at the next meeting on this subject.

Constable Blake inquired about the status of board materials with regards to public access. Staff reviewed the public records and open meetings law requirements.

Adjournment: Judge Dowling made a motion to adjourn the meeting and Constable Blake seconded. The motion passed unanimously. Meeting was adjourned at 11:04 a.m.

Dated this 18 day of Dec., 2019
Constable Ethics, Standards and Training Board
By



Chairman Mike Cobb