

Minutes of Public Meeting of the Constable Ethics, Standards and Training Board January 17, 2018

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on January 17, 2018 at 10:02 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 and Valerie Beckett. Present via teleconference were the following members of the CESTB: Sheriff Adam Shepherd and Constable David Lester. CESTB members absent were 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 and Gregory Kelly.

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 December 20, 2017 CESTB meeting. Dan Ryan seconded the motion. The motion passed unanimously without discussion.

Financial Report: Staff reviewed the December FY 18 reports from the Department of Administration Central Services Bureau (CSB) and stated the final version of the report came too late to send to the board. Only the columns totals were missing from the Expense and Revenue reports originally distributed to the board, and staff will forward the corrected report to the board. Staff included a summary report on grant funding to date. Constable Lester made a motion to approve the December financial report and Sheriff Shepherd seconded. The motion passed unanimously without further discussion.

Call to the Public: No public comments were made.

Constable Complaints:

Initial Screening of new Constable Complaints:

- a. Complaint received 12-22-17 Rucker v Clark - Chairman Cobb reviewed the complaint which alleged Constable Clark did not properly record his logs. Chairman Cobb clarified that the allegations took place prior to the changes in recording procedures, and at the time, Constable Clark was following correct procedure. Dan Ryan stated he reviewed A.R.S. rules and could not find any violation in the evidence provided in the complaint.

Dan Ryan made a motion to dismiss without further investigation and Valerie Beckett seconded. Discussion: Valerie Beckett asked for the effective date of the new constable logs and Chairman Cobb stated they took effect January 1, 2017. The motion passed unanimously without further discussion.

CNA217-2018 Malles – Chairman Cobb reviewed the complaint which alleged that, following the proper handling of a service request, Constable Malles inserted himself into a situation between the parties when he should have ended his involvement once the service was performed. Chairman Cobb agreed this was wrong and the constable should receive some level of written reprimand. The complainant provided some additional documentation just prior to the meeting and also stated he brought video files on a dvd to share with the board. Constable Malles stated that he should have an opportunity to review and comment on this additional documentation. Chairman Cobb stated the additional documentation did not provide anything new that was not already submitted in the original complaint. Constable Malles also stated his belief that Dan Ryan should recuse himself from any discussion and decisions in the matter citing his previous tenure as a constable participating in an incident that occurred between Constable Malles and the AZ Constable Association. Constable Lester stated his belief that Dan Ryan does not have a conflict and should be allowed to take part in the discussion, investigation and decision in this case. Dan Ryan made a motion to continue the investigation, allowing time for the board to review the new information, and Constable Malles time to respond to any new information. Sheriff Shepherd seconded. Discussion: all responses and additional information from the constable and complainant must be received by the CESTB no later than February 14th to allow

the board ample time to review prior their February 21, 2018 meeting, at which time this case will be discussed again. The motion passed 4-1.

Administration Report:

Staff received a list of items our rules writer will need to complete our economic impact statement and will working on gathering all of that data.

Training Audit – There is currently only one constable who is not yet compliant for training records in 2017. Staff reported the constable has stated he completed the training prior to December 31, 2017 and will be submitting the certificates prior to the 30-day deadline.

Adjournment: Valerie Beckett made a motion to adjourn the meeting and Dan Ryan seconded. The motion passed unanimously. Meeting was adjourned at 10:37 a.m.

Dated this 21 day of FEB, ~~2017~~ 2018

Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb