

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
November 16, 2016**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on November 16, 2016 at 10:11 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 Mike Cobb, and Constable David Lester. Present via teleconference were the following members of the CESTB - Sheriff Adam Shepherd, Constable Scott Tipton and Christine Shipley. The following staff was present – Tracy Unmacht. Members of the public included Constable Bennett Bernal. Absent were the following members of the CESTB – Constable Brandon Schmoll, Stuart Goodman, Dan Field and Judge Barbara Brown.

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

Minutes of Previous Meetings:

Constable Lester made a motion to approve the minutes as presented from the October 19, 2016 CESTB meeting. Sheriff Shepherd seconded the motion. The motion carried unanimously without discussion.

Financial Report: Staff reviewed the October report from the Department of Administration Central Services Bureau (CSB) and reported everything is now up to date. Constable Tipton made a motion to approve the October financial report and Constable Lester seconded. The motion carried without discussion.

Call to the Public: Constable Bernal stated he doesn't understand the appeal process for disciplinary action. He also questioned whether or not a constable's background and stature in the community were considered when issuing disciplinary action.

Constable Complaints:

Chairman Cobb asked the Board if they wanted to open a case file for the action taken by Cochise County against Constable McManaway. Staff reported the letter the board voted via email to send to Judge acknowledging the court action and stating the CESTB would defer any action until the criminal charges were resolved was sent on October 25, 2016. Staff was directed to open a case file and send a letter to the constable stating the case was being initiated and affording him the opportunity to respond at an appropriate time following the criminal investigation.

CNA190-2017 - Bernal - This case was reviewed at the October meeting. When serving an eviction notice, Constable Bernal made the decision to allow the tenants an extra day to vacate due to the health of one of the children in the home. Subcommittee members agreed this action was not out of line as Constables do have authority to make such judgments. However, when the constable completed the service document, he stated the "Defendant Not Home", which was not accurate. The Board voted unanimously to issue a letter of warning to Constable Bernal for not properly recording the document. Constable Bernal appealed stating it was a simple clerical error that was made under duress given the circumstances he was facing with the eviction. The Board reconfirmed they had no problem with how he handled the eviction situation, however, Constable Tipton stated it did not excuse improper record keeping. He also stressed in unusual situations such as this, the need to communicate to the plaintiff why the action was taken is imperative. Constable Bernal did not do this. The service document he provided to the plaintiff said nothing of the situation and state the defendant wasn't home. Constable

Tipton made a motion to confirm the original disposition arrived at on October 19th, 2016 and Christine Shipley seconded. Motion passed with Constable Lester abstaining.

Grant Application for Organizational & New Constable Training: One application was received for Organizational & New Constable Training from the AZ Constables Association requesting funding in the amount of \$87,517.10. Board members submitted their scores for the record. Sheriff Shepherd made a motion to approve full funding of the grant application from the AZ Constables Association and Constable Lester seconded. The motion carried without discussion.

New Constable Rules: Chairman Cobb has been reviewing the proposed changes and suggests we streamline our process by eliminating the step of a preliminary investigation and hearing by a subcommittee. He reasoned that the subcommittee process will not be necessary, particularly since the number of constables serving on the board will be reduced to 2 members. Christine Shipley agreed, stating her feeling that the full body should participate in all of the discussion. Chairman Cobb reiterated to board members the need for their input in developing the rules. Chairman Cobb also reported the process required to process rule changes through the state is complicated and won't be accomplished in just a few months, so the timeline discussed last month will be modified going forward. Staff continues to work on determining the correct process to receive public input and submit our changes.

Constable Training – Staff has audited the constable training records and reported there are 11 constables who have not yet met the required 16 hours for the 2016 calendar year. Staff was instructed to follow up on Deputy constables since the CESTB is now responsible for them as well. Constable Lester made a motion to send a letter to all constables and deputy constables who have not met the requirement stating they have until December 31st to complete, and proof of completion must be submitted within 30 days of the completed training. Constable Tipton seconded the motion and it passed unanimously. Those who do not comply will be presented at the February 2017 board meeting for potential disciplinary action.

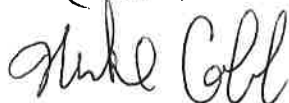
Administration Report: Staff will be working with the Secretary of State office to determine what will be required for our rules.

Adjournment: Christine Shipley made a motion to adjourn the meeting and Constable Tipton seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:03 a.m.

Dated this 18 day of Jan, ~~2016~~ 2017

Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb