

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
February 15, 2017**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on February 15, 2017 at 10:05 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, Constable David Lester, Constable Scott Tipton and Valerie Beckett. Present via teleconference were the following members of the CESTB - Sheriff Adam Shepherd, Constable Brandon Schmoll and Judge Barbara Brown. The following staff was present – Tracy Unmacht. Member of the public in attendance – Constable Kevin Jones and Constable Lennie McCloskey. Absent were the following members of the CESTB – Christine Shipley, Stuart Goodman.

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

Minutes of Previous Meetings:

Staff noted a needed correction – The motion to approve the Gila County Ballistic vests was seconded by Constable Tipton. The constable's name had been omitted.

Constable Tipton made a motion to approve the minutes as corrected from the January 18, 2017 CESTB meetings. Sheriff Shepherd seconded the motion. The motion passed unanimously without discussion.

Financial Report: Staff reviewed the January report from the Department of Administration Central Services Bureau (CSB) and reported everything is up to date. Constable Schmoll asked about the income from Pinal & Pima Counties. Staff reported on figures over the last several years, indicating the deposits first rose to a high in 2014 and have been declining since. Constable Schmoll asked about the frequency of the deposits, noting it appears from the reports that some months there are no deposits. Staff noted that deposits from Pinal County are made by direct deposit to the state and we only see the total reflected in the reports. Those deposits are posting monthly. Pima County mails monthly deposits to the CESTB. Depending on the timing of receipt of the payments and when the deposits are posted by the state, sometimes 2 checks may post in a given month and none in others. Constable Schmoll made a motion to approve the January financial report and Constable Tipton seconded. The motion passed unanimously without further discussion.

Call to the Public: no public comments.

Outside Training Grant Applications: Four grant applications were received requesting funds in total of \$32,318.52. Funds available are \$35,000. Scores were submitted and tallied and staff reported the results.

Chairman Cobb pointed out there was an error in the grant application. While the historical intent of this particular cycle was to fund non-traditional outside training, to include training courses that take place outside the state of Arizona, the application included a statement that eligible projects were those taking place within the state of Arizona. This was purely a typographical error, and the CESTB has historically been offering and approving grants of this nature for quite some time. It is unclear why or when the error occurred. Three of the applications received were for training that would take place outside the state.

Constable Scott Tipton made a motion to accept all applications for consideration and Constable Lester seconded. The motion passed unanimously without further discussion.

Constable Lester made a motion to amend the language in the application to eliminate the requirement that projects be limited to those within Arizona. Constable Schmoll seconded and the motion passed unanimously.

Chairman Cobb reminded the board of the rule that no more than 50% of the funds could be awarded to any given county. Maricopa County applied for 2 grants totaling \$23,183.18. Navajo County applied for the other 2 grants totaling \$9,135.34.

Constable Tipton made a motion to waive the 50% rule to consider all applications for this cycle and Constable Schmoll seconded. The motion passed unanimously without further discussion.

The following applications were considered:

1. Maricopa County requested \$17,723.18 to fund attendance for 8 constables at the National Constables and Marshalls Association Conference. Constable Lester motioned for approval of the request and Constable Tipton seconded. Discussion ensued. Concerns were raised about the absence of AZPOST certification of the training and the large number of constables that would be attending. Several board members strongly suggested that only those constables in leadership positions should be funded by the grant citing their ability in their roles to share widely the training they will receive. The motion failed with 3 in favor and 4 opposed. Constable Tipton motioned to approve partial funding in the amount of \$8,861.50 to send 4 constables who are in leadership roles. Constable Lester seconded. Discussion – the application was reviewed and verified there were 4 constables listed who are in leadership roles. The motion passed unanimously.
2. Navajo County requested \$4,623.59 to fund 2 constables' attendance at the National Constables and Marshalls Association Conference. Constable Lester motioned for approval of the request. The motion failed for lack of second. Constable Tipton motioned to approve 50% funding in the amount of \$2311.80 to send 1 constable who is in a leadership role. Constable Lester seconded. Discussion – the application was reviewed and verified there was 1 constable listed who is in a leadership role. It was pointed out there was a fixed cost for the rental car that would have been shared by 2 people, so the amount funded should cover the entire expense. Constable Tipton amended his motion to fund \$2500 to cover the rental car cost, and Constable Lester agreed to the amendment. The motion passed unanimously without further discussion.
3. Navajo County requested \$4,511.75 for all the constables in the county to attend a firearms training course in Nevada. Constable Lester motioned to approve the funding and Valerie Beckett seconded. Discussion: While the training is not AZPOST certified, it provides specialized training the constables need. It is also a team building activity since all constables in the county will be attending. Motion passed unanimously with Constable Tipton abstaining.
4. Maricopa County requested \$5,460 for Constable David Lester to attend specialized law enforcement classes at Glendale Community College. Constable Tipton motioned to approve the requested funding and Constable Schmoll seconded. Discussion: concern was expressed about the cost and scope, but it was pointed out that while the funds are for just one constable, the constable will bring everything he learns to the organized training events which will elevate future training of all constables in the state. Motion passed unanimously with Constable Lester abstaining.

Constable Training: Staff reported that no additional proof of training was submitted prior to the deadline of January 31st by the 3 constables who were deficient in 2016 – Constables Bruce Austin, Colette Philip and Richard Curtis. The board agreed that the 1 hour that Constable Philip was missing was due to recording keeping error at the organizational training event; other constables verified her attendance at a class that was not reported to the CESTB. The board agreed that no action would be taken against Constable Philip. It was pointed out that Constable Austin did not run for re-election, however that position was not filled, and he has not resigned. Staff was directed to initiate a complaint against Constable Austin and suggest he resign his position if he doesn't intend to continue as constable. Staff was also directed to open a complaint against Constable Curtis.

Constable Complaints:

Richard Coplan – the complaint process will be initiated with a request for response from the constable.

Jimmy Munoz - the complaint process will be initiated with a request for response from the constable. Because of the long history of complaints against the constable with no positive results affected, Chairman Cobb suggested hiring an investigator to document the constable's health issues, interview the various property managers who have been affected, interview the other constables in his precinct affected by his job performance.

Administration Report: Staff was in contact with the Secretary of State's office to start the rules process. They referred us to Jeanne Hann as an expert rule writer who could be hired to complete the process for the CESTB. Staff contacted Ms. Hann and she provided a resume and quote for services that will most likely not exceed \$5,000 for the entire package start to finish. The CESTB has budgeted \$30,000 for this purpose. Staff also reported that the Governor currently has a moratorium on rule writing, and Ms. Hann has provided information to file an exception. Staff will proceed. Staff is also auditing all awarded grants looking for those that have not filed the required reports or final funding requests as well as those more recently awarded who have not returned the required contract to needed to encumber their funds.

Adjournment: Constable Tipton made a motion to adjourn the meeting and Constable Schmoll seconded. The motion passed unanimously. Meeting was adjourned at 11:26 a.m.

Dated this 15 day of MARCH, 2017
Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb