

State of Arizona
CONSTABLE ETHICS,
STANDARDS & TRAINING BOARD

MINUTES

November 4, 2015

A subcommittee committee meeting of the Constable Ethics, Standards and Training Board (CESTB) was called to order by Constable Ken Sumner at 10:04 a.m. on November 4, 2015. The meeting was held in the Capitol Consulting office located at 818 North First Street, Phoenix AZ 85004. Members participating in the meeting included Constable Sumner. Members participating via teleconference included Constable Brandon Schmoll and Christine Shipley. Also present was staff Tracy Unmacht. Members of the public present included Constable John Acton and his attorney Colleen Cox Thomas.

The following matters were discussed, considered and decided at the meeting:

Constable Sumner explained a miscommunication resulted in agenda items B.d. (CNA171-2016 Philip) and B.e. (CNA171-2016 Roberts) being added to the agenda in error. Constable Schmoll made a motion to remove B.d. (CNA171-2016 Philip) and B.e. (CNA171-2016 Roberts) from the agenda, Christine Shipley seconded the motion. The motion carried unanimously without further discussion.

Discussion & Possible Recommendation for Open Investigation*

CNA164-2015 – Acton: Constable Sumner updated the committee on the progress of the investigation into this complaint. A private investigator was hired to look into the allegation that Constable Acton altered the date on a Writ of Restitution (identified as Item #10 in the original complaint). The investigator submitted his report to the board on November 2, 2015 and it was forwarded to all subcommittee members prior to the meeting. Constable Sumner noted a statement in the report by Judge Shaun P Babeu of the Apache Junction Justice Court identifying three potential violations of law if the Constable did indeed alter the document. Christine Shipley questioned why the Constable had not participated in an interview requested by the investigator. Ms. Thomas, the constable's counsel, indicated they were contacted late in the day on October 30th and were still conferring on whether or not the constable would agree to an interview. Christine referred to the report from the interview of the Pinal County Court Administrator, who stated that Sheriff Paul Babeu was referring a criminal investigation to the county attorney's office, and asked if the CESTB had any information. Ms. Thomas stated there were pending charges that were unrelated to this complaint. Christine also asked if the CESTB had received the additional 50 complaints the Court Administrator said they'd be filing. Staff reported none had been received to date. Christine also referred to the statement in the report by Constable Hoffman that he witnessed Constable Acton altering a document. However, the dates Constable Hoffman said he spent training Constable Acton, did not include the date that the alleged alteration in question took place, so this testimony cannot be considered as proof in this matter. Christine Shipley made a motion to grant an extension to Constable Acton to respond to the request by the investigator for an interview in the amount of 20 days from the date of the original request, which was October 30. Constable Sumner seconded the motion. The motion carried unanimously without further discussion.

CNA131-2014 – Crabtree: Constable Sumner reviewed the nature of the allegations in the complaint. One was regarding criminal charges against Constable Crabtree for a domestic violence issue and the second was the Constable attempted to manipulate the system by using the Veterans Court process. Constable Sumner reviewed a letter from Constable Crabtree's attorney explaining the how the Lake Havasu City Municipal Court Veteran's Treatment Court program works. Committee members agreed from this evidence that the Constable had no way of manipulating the system. Further, the Constable pleaded not guilty to all charges, and following the Veteran's Treatment Court process, the Lake Havasu City Attorney dismissed all charges with prejudice. Constable Schmoll made a motion to recommend to the CESTB board that this complaint be dismissed. Christine Shipley seconded the motion and it passed unanimously without further discussion.

CNA166-2015 – Parkison: Constable Sumner provided a status update on this complaint, which was put on hold pending the outcome of the investigation by the county. The CESTB received a letter from Yavapai County Judge David Mackey informing us that he ordered the suspension of Constable Parkison. He stated "At minimum, the conduct appears to be nonfeasance" and that he would be referring the case to the county sheriff as well as the county attorney. Constable Sumner pointed out to the committee that a press release about the suspension made several statements that were contrary to statements made by Constable Parkison when he appeared before the CESTB subcommittee on July 21, 2015. The release stated the investigation was implemented by the county, however the Constable Parkison stated he was the one who came forward. In addition, Constable Parkison's self-report letter stated his record keeping errors dated back to 2013, however, the news release indicated the infractions went back to 2011. The CESTB sent a letter to Judge Mackey asking for clarification on what precipitated

Constable Parkison self-reporting this issue to the CESTB. The judge replied that he spoke with the constable on May 15th and told him the issue needed to be reported to the CESTB. He gave the constable the opportunity to self-report, but made it clear that if he didn't, the judge would contact the CESTB. Christine Shipley pointed out that she had asked Constable Parkison at the July 21st meeting why he decided to come forward. He answered that he couldn't bear the responsibility any longer and needed to do something about it. Christine also pointed out that it took the constable more than 30 days to report the issue to the CESTB following the directive from Judge Mackey to do so. Constable Schmoll made a motion to recommend to the CESTB board that Constable Parkison retire immediately from his position. Christine Shipley seconded the motion and it passed unanimously without further discussion.

Call to the Public

No public comments were made.

Adjournment

There being no further business the subcommittee adjourned at 11:00 a.m.