

State of Arizona
CONSTABLE ETHICS,
STANDARDS & TRAINING BOARD

MINUTES

March 11, 2015

A subcommittee committee meeting of the Constable Ethics, Standards and Training Board (CESTB) was called to order by Constable Scott Tipton at 10:07 a.m. on March 11, 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 Tipton. Members participating by teleconference included Constable Nozar and Christine Shipley. Also present was staff Tracy Unmacht and members of the public Jason Brown, William Rucker and Edward Ayala of CBS 5 News.

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

Discussion & Possible Recommendation for Open Investigation*

CNA142-2015 – Myers: Constable Tipton pointed out this complaint listed numerous people who are not constables, and noted that the CESTB only addresses complaints against constables. He also noted that procedure dictates each constable must be named in a separate complaint. Constable Myers read a prepared statement in which he stated Mr. Rucker's complaint originated from a public records request that Constable Myers answered in full - he had no records of anyone running Mr. Rucker's license plate through the ACJIS system. Mr. Rucker clarified in his public records request that he was inquiring about records run through ADOT, however, Constable Myers stated he has no information or responsibility to that system. He also stated that the license plate issue has been addressed several times and resolved to the satisfaction of DPS. Further, Mr. Rucker has not provided any evidence that his records were being sought by any constable.

Members of the board discussed the complaint and Constable Myers response. Constable Nozar made a motion to send the complaint back to the complainant for specific allegations. Christine Shipley seconded the motion. The motion carried unanimously.

CNA126-2014 - Clark: At the last subcommittee meeting the board members had requested to receive copies of Constable Clark's logs. All members stated they received and reviewed the logs and found no issues with the logs. Christine Shipley made a motion to recommend to the CESTB board that this complaint be dismissed Constable Nozar seconded the motion. The motion carried unanimously.

CNA128-2014 - Clark: Constable Tipton outlined the complaint to the members of the board. Christine Shipley made a motion to recommend to the CESTB board that a letter of dismissal should be sent to the complainant stating that at such a time evidence is provided to the CESTB showing there is a criminal investigation in the matter, the complaint could be resubmitted. Constable John Nozar seconded the motion. The motion carried unanimously.

CNA134-2015 - Clark: Constable Tipton reviewed the new evidence received for this complaint. Board members agreed the police report did not show any evidence of anything but an accident occurring. There was no evidence in Constable Clark's logs showing he was serving an order of protection as stated in the complaint. The affidavit of service #1053010 was provided showing a juvenile court case paper. Constable Clark left one digit off of the case number when entering on his log, which the board agreed was simply a mistake, not a fraudulent entry. Constable Tipton reviewed the route listed in Clark's logs for the day in question and found no indication that Clark was out of his area of jurisdiction. Board members agreed the evidence does not show anything wrong with the service Constable Clark was performing, nor was there any evidence of records falsification or malicious intent. Constable John Nozar made a motion to recommend to the CESTB board that this complaint be dismissed. Christine Shipley seconded the motion. The motion carried unanimously.

CNA136-2015 - Clark: Constable Tipton outlined the complaint to the members of the board stating this complaint related to Constable Clark's logs and the error in recording affidavit of service #1053010 discussed in prior complaints. Christine Shipley made a motion to recommend to the CESTB board that this complaint be dismissed. Constable John Nozar seconded the motion. The motion carried unanimously.

CNA138-2015 - Clark: Constable Tipton outlined the complaint to the members of the board stating this complaint related to Constable Clark's accident, the claim Constable Clark was out of his area on the date in question, and the error in recording affidavit of service #1053010 discussed in prior complaints. Constable John Nozar made a motion to recommend to the

CESTB board that this complaint be dismissed. Christine Shipley seconded the motion. The motion carried unanimously.

CNA139-2015 - Clark: Constable Tipton outlined the complaint to the members of the board stating this complaint related to Constable Clark's logs, the claim the Constable Clark was engaging in personal activity while on duty, and the error in recording the affidavit of service #1053010, that discussed in prior complaints. Christine Shipley made a motion to recommend to the CESTB board that this complaint be dismissed based on these issues being previously addressed. Constable John Nozar seconded the motion. The motion carried unanimously.

CNA141-2015 - Clark: Constable Tipton outlined the complaint to the members of the board. Board members agreed that other agencies have already addressed and disciplined Constable Clark for these allegations. Constable John Nozar made a motion to recommend to the CESTB board that this complaint be dismissed. Christine Shipley seconded the motion. The motion carried unanimously.

CNA144-2015 - Clark: Constable Tipton outlined the complaint to the members of the board stating this complaint related to Constable Clark's logs and the error in recording affidavit of service #1053010 discussed in prior complaints. Christine Shipley made a motion to recommend to the CESTB board that this complaint be dismissed. Constable John Nozar seconded the motion. The motion carried unanimously.

Call to the Public

Mr. William Rucker handed a prepared document to Constable Tipton, which will be filed with the minutes. The statement could not be reviewed by all board members, nor could it be read in the time allotted to Mr. Rucker. Mr. Rucker proceeded to state that Constable Clark had no business being where he was on the night of his accident, further that Constable Clark lied about what he was doing when he was using county resources for personal business and the CESTB has not fully investigated this matter.

Mr. Jason Brown stated the CESTB has not been investigating these complaints fully and does not have all evidence on file. He claimed the CESTB is allowing constables to commit crimes and not doing anything about it.

Adjournment

There being no further business Christine Shipley made the motion to adjourn and Constable Nozar seconded the motion. The motion carried unanimously the subcommittee adjourned at 11:00 a.m.