

Summary of complaints to the Constable Ethics, Standards and Training Board in Fiscal Year 2015

From July 1, 2014 through June 30, 2015 there were a total of 36 complaints filed with the CESTB against Constables for a variety of allegations. Of these, 23 have been dismissed by the Board.

Thirteen (13) complaints resulted in disciplinary action being taken by the Board.

Those complaints were as follows:

CNA147-2015 was filed on March 18, 2015 by the CESTB against Constable Roger Curtis. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Curtis failed to complete any of the required training and did not respond to the complaint. The CESTB met and issued an admonishment which is one step above the minimum punishment the Board can administer.

CNA148-2015 was filed on March 18, 2015 by the CESTB against Constable Phil Freestone. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Freestone fell short of the required training by 1 hour. The constable was given an opportunity to respond and submitted certificates well past the deadline to respond. The certificates were also not date verified. The CESTB met and issued a reprimand which is two steps above the minimum punishment the Board can administer.

CNA149-2015 was filed on March 18, 2015 by the CESTB against Constable Alfredo Gamez. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Gamez failed to complete any of the required training. The constable responded to the complaint stating extenuating circumstance that prevented him from attending scheduled training classes. The CESTB met and issued an admonishment which is one steps above the minimum punishment the Board can administer. The CESTB pointed out there are sufficient opportunities outside of scheduled training classes for constables to complete the required training hours, but considered the constable's circumstances and reduced the action from a reprimand to an admonishment.

CNA150-2015 was filed on March 18, 2015 by the CESTB against Constable Cory Hazlett. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Hazlett failed to complete any of the required training. The constable responded to the complaint acknowledging his lack of training and pledged to correct the situation going forward. The CESTB met and issued a reprimand which is two steps above the minimum punishment the Board can administer.

CNA151-2015 was filed on March 18, 2015 by the CESTB against Constable Maria Ligocki-Russell. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Russell fell short of the required training by 7 hours. Upon receipt of request from the CESTB, the constable completed

digital training and submitted proof of training to the CESTB, however, training completed outside of the calendar year in question does not satisfy the requirements. The CESTB met and, because the constable attempted to satisfy the requirements, reduced the action from a reprimand to an admonishment.

CNA153-2015 was filed on March 18, 2015 by the CESTB against Constable Jimmie Munoz. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Munoz fell short of the required training by 2 hours. The constable did not respond to the complaint. The CESTB met and, because the constable failed to respond and has a history of violations, issued the constable a reprimand.

CNA154-2015 was filed on March 18, 2015 by the CESTB against Constable Billy Joe Spurlock. Constables are required to complete a minimum number of training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Spurlock did not submit any training records for 2014. The CESTB received verbal confirmation from another constable that Constable Spurlock had given him certificates showing proof of attending 11 hours, which fell short of the required training by 5 hours. The certificates were never sent to the CESTB, and Constable Spurlock did not respond to the complaint. The CESTB met and, because the constable failed to respond and has a history of violations, issued the constable a reprimand.

CNA159-2015 was filed on April 7, 2015 against Constable Ed Malles of Maricopa County. The allegation was the constable was driving in an unsafe manner. The complainant stated she witnessed the constable suddenly slowing then swerving into her lane. She attempted to pass and noticed the constable was holding a cell phone on his shoulder and writing with a pen and paper. She followed the driver until he stopped, identified the county markings on his vehicle, recorded the license plate and through a series of calls identified the driver as Constable Malles.

Constable Malles responded that he doesn't make it a practice to engage in unsafe driving behavior, but acknowledged that in this particular instance he did to quickly write down a correct phone number he needed to complete an assignment. He added that he made certain nobody was in the lane beside him when he did so. He further stated he will stop in the future when he needs to make notes.

The CESTB met and issued the constable a verbal warning.

CNA162-2015 was filed on April 30, 2015 against Constable Jimmie Munoz. The allegation was the constable did not process service in a timely manner. The constable responded that he did, however CESTB has found this to be a pattern of behavior for the constable and voted to issue a letter of reprimand.

The CESTB also forwarded information to the Chief Presiding Maricopa County Superior Court Judge for action against Constable Jimmie Munoz who was reprimanded for actions that occurred in FY 2014 and who was also ordered to attend new Constable training again. Constable Munoz failed to attend the required training ordered by the CESTB. The judge ordered Constable Munoz to submit monthly activity

logs to the CESTB from July 2015 to December 2015. The CESTB will review the logs for completeness, accuracy and timeliness of service and report any infractions to the Judge.

CNA164-2015- was filed on May 29, 2015 against Constable John Acton. The allegation was the constable was having difficulty in performing his duties at the level required, even after being spoken to and provided with extra training. The complaint included numerous incidences where the constable made errors with his paperwork, did not follow procedures for receiving and executing process, issues with submission of accurate service logs, not serving documents in a timely manner, and a claim that the constable altered a court document. The CESTB met on numerous occasions to discuss and investigate the allegations. The CESTB agreed most of the incidences referenced clerical errors that additional training and more experience on the job and personal attention on the part of the constable regarding his duties could remedy. The CESTB was concerned about the allegation that the Constable altered a court document and hired an investigator to look at it further. The investigator interviewed numerous individuals and did not find concrete evidence that proved Constable Acton altered the document. Constable Acton denied altering the document. The CESTB agreed there was not enough evidence available to prove or disprove his alteration. The CESTB voted to issue a warning to Constable Acton for failing to serve documents in a timely manner.

CNA165-2015- was filed on June 23, 2015 against Constable Scott McManaway. The allegation was the constable contacted the wrong person by phone and shared personal confidential information with someone who should not have received it. The constable used resources available to him to look up a phone number and mistakenly contacted the complainant's son, who has the same name as the complainant. In his response, the constable stated the son never stopped the constable to let him know he had reached the wrong person. The CESTB agreed the constable made an honest mistake, but should have apologized to the complainant, which he did not do. Failing to do so resulted in a letter of warning.

CNA166-2015- was self-reported by Constable Jay Parkison on June 22, 2015. The Constable reported on numerous accounting and reporting errors he had made in carrying out his duties. Constable Parkison failed to deposit funds he collected for several years. The funds were not stolen, but rather filed away and ignored. The constable accepted all responsibility including the possibility of having to repay any funds that aren't recoverable and began working with the county finance director to mitigate the situation. Following notification from the presiding judge that he had ordered the suspension of Constable Parkison for nonfeasance, and following further evaluation by the CESTB of some conflicting statements put forth by Constable Parkison, the CESTB voted to urge Constable Parkison to retire immediately from his position. Constable Parkison submitted his letter of resignation effective January 15, 2016. The Yavapai County Board of Supervisors accepted the resignation at their January 20, 2016 meeting.

CNA167-2015- was filed on May 29, 2015 against Constable John Acton by the City of Apache Junction surrounding a road rage incident. There were criminal charges against the constable involved, so the CESTB case was put on hold until those charges were resolved. The court found the constable guilty of 2 counts of disorderly conduct class I misdemeanors, fined and ordered to attend anger management classes. In July 2016, following the completion of the criminal case, the CESTB resumed its investigation.

The CESTB found Constable Acton acted well outside the scope of his duties and in a manner unbecoming an officer of the court. The CESTB considered the Constable has paid the fines and attended the required courses and voted to issue a letter of warning.