

Dennis Dowling,
Chair
Justice Court
Yavapai County

Matt Giordano, Vice
Chair
AZPOST

Christine Shipley,
Secretary
Multihousing
Association

Valerie Beckett
County Administrator
Maricopa County



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CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Mahogany Kennedy,
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Constable
Mohave County

Melissa Buckley
Public Member

Minutes of Public Meeting – November 10, 2022

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on November 10, 2022 at 9:00 a.m. at the offices of Capitol Consulting 818 N. 1st St, Phoenix, AZ 85004. CESTB Board members attending in person: Vice Chair Matt Giordano. CESTB Board members attending via teleconference: Chairman Dennis Dowling, Constable Mahogany Kennedy, Constable Michael Hoggard and Valerie Beckett. Members absent: Secretary Christine Shipley and Melissa Buckley. The following staff was present – Tracy Unmacht. Members of the public attending in person: Steve Jacobs. Members of the public attending via teleconference – Patrice Goodman, Constable Scott Blake, Scott Davis and Robert Aldous.

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

Announcements:

None

Minutes of Previous Meetings:

Corrections: Chairman Dowling pointed out the word "be" was missing from the following sentence during the discussion of the 9/14/22 Rucker v Clark complaint: "*Vice Chair Giordano requested the certificate of service would the focus of the investigation.*" in the October 13, 2022 CESTB meeting minutes.

Constable Kennedy made a motion to approve the minutes as corrected and Constable Hoggard seconded. The motion passed 4-0 with Chairman Dowling abstaining.

Call to the Public:

None

Financial Report: Staff reviewed the September financial report received from Central Services Bureau. Staff reported CSB has corrected revenue assignment now showing the amounts individual counties have paid in writ fees. Staff also reported so far in FY 23, La Paz and Greenlee counties have not paid any fees, but noted La Paz does not have a constable, and Greenlee often does not issue any writs. Staff will continue to monitor. Staff also reported on amounts paid to Knowledge Services for investigative services to date. Vice Chair Giordano made a motion to approve the September financial report and Constable Hoggard seconded. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

Presentation, Discussion & Possible Action on Increasing Budget for Investigations:

Chairman Dowling reported we will soon exceed the amount budgeted for investigations. When the budget amount was set, it was based on a 5-year average on the number of complaints received in a given year. During the first four months of FY23 we have exceeded that average. Board members discussed the value of having the investigative services and agreed for the need to increase the budget. Valerie Beckett made a motion to increase the amount budgeted for investigations to \$20,000 and Constable Hoggard seconded. Staff verified there are additional unused funds available in the budget, and the proposed increase will not result in exceeding the 20% allowed for administrative purposes per statute. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

Presentation, Discussion & Possible Action on Increasing Budget for Cycle III Organizational & New Constable Training Grant

Constable Scott Blake, the AZ Constables Association (ACA) president, reported the ACA will not be requesting an increase in budget for the upcoming Cycle VI Organizational Firearms Training grant application (to be reviewed at the December CESTB meeting). Blake reported that Maricopa County will train all of their constables, and the ACA will train the remaining constables through grant funding.

With regards to the Cycle III Organizational & New Constable Training event, the ACA has trimmed the budget for the event as much as possible and the requested funding amount exceeds the amount budgeted for this cycle by \$11,377. Should the increase in funding not be approved, the ACA will find funding elsewhere to fund the event in full given the importance of the training.

Vice Chair Giordano made a motion to increase the budget by the requested amount and Constable Hoggard seconded. Staff reported budgeted funds for grant cycles I & II were under-utilized, leaving an excess of funds available of nearly \$25,000. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

Presentation, Discussion & Possible Action on Approving Cycle III Organizational & New Constable Training Grant

One application was received from the AZ Constables Association for Organizational Training requesting total funding in the amount of **\$ 136,377.20**. The event is currently scheduled to take place in January in Tubac to provide required continuing education to all constables and deputy constables as well as new constable training. Board members submitted their scores for the record.

Vice Chair Giordano asked for clarifications on conference dates, lodging dates, meals covered, registration fees and printed materials. Constable Blake clarified ACA Board members come early and stay later to set up and tear down and attendees/instructors coming a great distance will have need for additional nights of lodging and meals. He also stated new constable training is more extensive which requires additional nights lodging and meals. New constables are also arriving a day early to be assigned mentors. Blake confirmed the per diem meal rate is used to calculate the grant funding request - the actual cost of meals is greater and is covered by ACA registration fees. Giordano also wanted verification the grant is not funding attendance for sheriffs and deputy sheriffs and Constable Blake confirmed.

Vice Chair Giordano made a motion to approve the grant funding for the amount requested and Constable Hoggard seconded. Discussion - Chairman Dowling expressed his appreciation for the detailed clarification of points in the application as such action serves to improve the process going forward. The motion passed 4-0 with Chairman Dowling abstaining.

Discussion & Possible Action on Constable Complaints:

CNA303-2023 Lane

Chairman Dowling announced Constable Lane has retired, consequently Vice Chair Giordano made a motion to dismiss since the CESTB no longer has jurisdiction to pursue. Constable Hoggard seconded and the motion passed unanimously with a roll call vote 4-0 with Chairman Dowling abstaining.

CNA306-2023 Harris

Chairman Dowling is abstaining from discussion of this matter and asked Vice Chair Dowling to take over as chair for this agenda item.

Board members pointed out one of the orders of protection at issue didn't include an address, making it very difficult to serve. However, with two other orders of protection cited there was a delay in process. Of further concern was Constable Harris's statement in his response to the complaint that he is a "part time" constable and using that as justification for not completing the responsibilities of his position as constable is not

acceptable. Constable Hoggard made a motion to issue a reprimand and place Constable Harris on probation for a period of 30 days. Vice Chair Giordano seconded and the motion passed unanimously with a roll call vote 4-0 with Chairman Dowling abstaining.

Chairman Dowling needed to step out momentarily and asked Vice Chair Matt Giordano to take over as Chair of the meeting at this point.

Initial Screening of new Constable Complaints:

Complaint received 10-11-22 Lilly Harley v Constable Roger Curtis - A copy of the complaint and the investigator's initial review report were provided to the Board prior to the meeting. Vice Chair Giordano asked if any board members wished to move the complaint forward, none requested so the complaint will be dismissed. Roll call verification was made, none of the 4 board members wished to move the complaint forward to an investigation.

Presentation, Discussion & Possible Action on Review and Updating of Rules of Operation

Vice Chair Giordano has reviewed the rules and pointed out that with the addition of a regular investigator for complaints, some of our rules may need some modifications. We will be required to conduct a 5-year review in 2023, so at question would be if we need to request emergency rule changes now or wait until the 5-year review. Vice Chair Giordano briefly reviewed the rule change process and asked Board members as well as the investigator to look over the rules and make recommendations for potential changes to be discussed at the January board meeting.

Administrative Update:

Staff reported three new public records requests have been received. Two are currently pending. The AG's office is reviewing some materials for possible redactions before the records can be released.

Staff continues to work on the audit of training records. Courtesy letters were sent in October to those constables and deputy constables who have not yet met the mandatory 16 hours of continuing education for the calendar year 2022. Confirmation of resignation/retirement of some on the list has since been received, as well as additional training records submitted by others, leaving seventeen (17) who still need to submit records of completed training. Staff will send a second courtesy letter to those individuals next week.

Future Agenda and Action Items: None

Adjournment: Constable Hoggard made a motion to adjourn the meeting and Constable Kennedy seconded. The motion passed unanimously. Meeting was adjourned at 10:02 a.m.

Dated this 8th day of December, 2022
Constable Ethics, Standards and Training Board

By Matt Giordano



CESTB Vice Chairman