

Dennis Dowling,
Chair
Justice Court
Yavapai County

Matt Giordano, Vice
Chair
AZPOST

Christine Shipley,
Secretary
Multihousing
Association

Valerie Beckett
County Administrator
Maricopa County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Mahogany Kennedy,
Constable
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Michael Hoggard
Constable
Mohave County

Melissa Buckley
Public Member

Minutes of Public Meeting – December 8, 2022

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on December 8, 2022 at 9:04 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 Michael Hoggard and Valerie Beckett. Members absent: Constable Mahogany Kennedy, Secretary Christine Shipley and Melissa Buckley. The following staff was present – Tracy Unmacht and CESTB legal representative Ben Norris from the AZ Attorney General's Office. Members of the public attending in person: Steve Jacobs, Michael Sellers, Constable Ruben Mancha and Constable Bridget Bellavigna. Members of the public attending via teleconference – Patrice Goodman, Constable Scott Blake, Scott Davis, Constable Mark Sinclair, Constable Doug Clark, Constable Ken Sumner, Constable Bennett Bernal, Constable Nathan Wallace, Alice Flick, Joseph Jaafari.

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

Announcements:

None

Minutes of Previous Meetings:

Corrections: None

Constable Hoggard made a motion to approve the November 10, 2022 meeting minutes as presented and Vice Chair Giordano seconded. The motion passed 3-0 with Chairman Dowling abstaining.

Call to the Public:

None

Financial Report: Staff reviewed the October financial report received from Central Services Bureau. Staff reported adjustments have not yet been made for 80/20 revenue splits during this fiscal year. CSB was contacted and they indicated those adjustments should be reflected in the November financial report. Staff clarified expected expenditure for investigator listed in the adjustments column on the cash flow projections report is the total amount budgeted less amounts already paid. Vice Chair Giordano made a motion to approve the October financial report and Constable Hoggard seconded. The motion passed unanimously 3-0 with Chairman Dowling abstaining.

Discussion & Possible Action on Grant Contract Extension for CNA21-706:

Pima County continues to experience issues with receiving a portion of the approved equipment for grant CNA21-706 due to supply chain issues and is requesting an extension on the grant contract to April 30, 2023. Vice Chair Giordano made a motion to approve the request and Constable Hoggard seconded. The motion passed unanimously 3-0 with Chairman Dowling abstaining.

Presentation, Discussion & Possible Action on Approving Cycle VI Organizational Firearms Training Grant

One application was received from the AZ Constables Association for Organizational Firearms Training requesting total funding in the amount of **\$ 44,779.27**. Funding available for this grant cycle is \$75,000. Board members submitted their scores for the record. ACA President Scott Blake publicly acknowledged appreciation to Maricopa County for funding the training for all from their county.

Vice Chair Giordano asked for clarifications about the registration fee the ACA collects from attendees. Blake indicated these fees cover shortfalls for unexpected expenses not included in the budget presented in the application such as additional attendees and related costs not anticipated when the grant application budget was calculated. These fees go to the ACA. Giordano suggested instead of a registration fee, the grant budget be adjusted to anticipate possible shortfalls since any unspent funds return to the CESTB.

Vice Chair Giordano also asked for clarification on funding of instructors. Blake responded they contract with one instructor who then recruits the necessary number of instructors needed for the training.

Giordano asked what the ammo bags are for. Blake responded that there is no place at the training facility for all of the equipment and ammo to be stored from day to day. Therefore attendees are responsible for transporting all of the equipment, ammo and supplies themselves to and from lodging and the training facility. The bags are being provided to them for this purpose.

Constable Hoggard made a motion to approve the grant funding for the amount requested and Valerie Beckett seconded. The motion passed with a roll call vote 2-1 with Chairman Dowling abstaining and Vice Chair Giordano dissenting.

Presentation, Discussion & Possible Action on Request for Open Equipment Grants for Appointed Constables

ACA President Blake has made a request to establish a special grant without a cycle number or specific date for the benefit of newly appointed or newly elected constables that come from a county that does not have resources to immediately provide equipment deemed necessary for their duties. Examples of such equipment could include uniforms, apparel, tactical vests, firearms, ammo, holster, and other basic safety equipment. They would like to eliminate the need to provide 3 estimates since all counties already have preferred vendors. This would streamline and expedite the process to get the needed equipment to constables when they take office outside the regular equipment grant cycles.

Staff reviewed the statutes the CESTB is currently required to follow regarding the grant process, which may not allow for the specific process being requested.

President Blake suggested adding additional equipment grant cycles to essentially have a cycle every other month to provide the equipment more quickly. Staff indicated this could be a remedy.

Board members agreed the idea has merit and should be looked into.

Chairman Dowling will ask Board member Constable Kennedy to take the lead in researching the idea.

At 9:47 a.m. Chairman Dowling made a motion to enter into Executive Session and Constable Hoggard seconded. The motion passed 4-0.

Ben Norris clarified that Constable Doug Clark will be allowed to attend the 1st Executive Session but not the second Executive Session.

At 10:32 a.m. Chairman Dowling made a motion to return to regular session and Vice Chair Giordano seconded. The motion passed 4-0.

It was noted that that because the two Executive Sessions were scheduled back to back it was not in the best interest to bring everyone back into general session in between. Legal counsel recommended continuing with the second executive session without going back into general session following Constable Clark's exit from the first executive session.

Status Update on Ongoing Constable Complaint Investigations

Chairman Dowling reported the following complaints are still under investigation and not ready to present to the board for discussion and possible action:

1. CNA302-2023 William Rucker v Constable Doug Clark
2. CNA304-2023 William Rucker v Deputy Constable Steve Perkins
3. CNA307-2023 William Rucker v Constable Doug Clark
4. CNA308-2023 William Rucker v Constable Carolyn Lane
5. CNA309-2023 William Rucker v Deputy Constable Steve Perkins
6. CNA312-2023 William Rucker v Constable Doug Clark
7. CNA317-2023 William Rucker v Constable Doug Clark

Discussion & Possible Action on Constable Complaints:

CNA311-2023 Iva Shaffer v Constable Ruben Mancha

The complaint, constable response and investigative reports were presented to board members prior to the meeting.

Motion by Vice Chair Giordano to forward this complaint to the Gila County Attorney for criminal review and Constable Hoggard seconded. Discussion - Chairman Dowling clarified this is based on the possible violation of the 4th amendment. Motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

CNA305-2023 Nathan Wallace v Constable Doug Clark

The complaint, constable response, additional evidence and investigative reports were presented to board members prior to the meeting.

Vice Chair Giordano made a motion to ask Constable Clark to resign as well as placing the constable on probation for 30 days. Constable Hoggard seconded. Discussion - Chairman Dowling clarified based on legal counsel initiating the 30-day probation period was required. It was also clarified there were no specific terms to the probation. Motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

CNA313-2023 Courtney White v Constable Bridget Bellavigna

The complaint, constable response, additional evidence and investigative reports were presented to board members prior to the meeting.

Chairman Dowling made a motion to continue the investigation and Vice Chair Giordano seconded. Discussion - there is discrepancy between the two parties' accounts of what occurred that need to be further vetted. Motion passed with a roll call vote 4-0.

CNA316-2023 Leslie Manteufel v Constable Bennett Bernal

The complaint, constable response and investigative reports were presented to board members prior to the meeting.

Constable Dowling made a motion to dismiss and Constable Hoggard seconded. The motion passed with a roll call vote 3-1 with Vice Chair Giordano dissenting.

Initial Screening of new Constable Complaints:

Chairman Dowling reminded board members that during initial screening, opening an investigation into any of these complaints requires only one board member requesting to do so. He also explained for any complaints

moved forward that pertain to matters addressed in other complaints, the complaints will be combined into one investigation to utilize resources appropriately. This may cause delay in adjudication of some complaint cases.

CNA319-2023 William Rucker v Constable Doug Clark

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Vice Chair Giordano requested this complaint be moved forward with an investigation into the matter. No second is required, and a roll call was taken resulting in unanimous agreement.

CNA320-2023 William Rucker v Constable Doug Clark

The complaint and initial review report from the investigator were circulated to the board prior to the meeting.

Vice Chair Giordano requested this complaint be moved forward with an investigation into the matter. No second is required, and a roll call was taken resulting in unanimous agreement with Chairman Dowling abstaining.

CNA321-2023 William Rucker v Constable Doug Clark

The complaint and initial review report from the investigator were circulated to the board prior to the meeting.

Constable Hoggard requested this complaint be moved forward with an investigation into the matter. No second is required and a roll call was taken for the record. Vice Chair Giordano and Valerie Beckett disagreed with opening an investigation and Chairman Dowling abstained. Give one board member requested opening, the complaint investigation will be opened.

CNA322-2023 Alice Flick v Constable Oscar Vasquez

The complaint and initial review report from the investigator were circulated to the board prior to the meeting.

Vice Chair Giordano requested this complaint be moved forward with an investigation into the matter. No second is required, and a roll call was taken resulting in 4-0 unanimous agreement.

CNA323-2023 Veronica Ferguson v Constable Denice Garcia

The complaint and initial review report from the investigator were circulated to the board prior to the meeting.

Roll call vote was taken to determine if any board members wished to move forward resulting in no board members wishing to move forward, Chairman Dowling abstained. CNA323-2023 will be dismissed without further investigation.

CNA324-2023 William Rucker v Constable Doug Clark

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Roll call vote was taken to determine if any board members wished to move forward. Chairman Dowling abstained, Vice Chair Giordano and Constable Hoggard do not wish to move forward, Valerie Beckett requested to move forward based on the false information claim. Investigation will be opened for CNA324-2023.

Administrative Update:

Staff reported requests for grant applications for Cycle IV (equipment) and Cycle V (outside training) have been posted to the website. Deadline to apply is noon on January 30, 2023 with funding decisions scheduled for the February board meeting.

Staff sent a second courtesy letter on November 14th to those constables who have not yet met the statutory training requirements for calendar year 2022. Constables have until December 31, 2022 to complete training, and then 30 days to submit completion records. Staff will report at the February meeting any constables that did not meet the requirements.

Staff is working on redactions for 3 open public records requests.

Per request at the previous meeting staff reported in 2018 the board incurred expense in the amount of \$1870 to contract with a rules writer to write and assist in filing the formal rules with the AZ Administrative Code.

Staff announced the office will be moving at the end of December or beginning of January. The new office may not be ready to conduct the January meeting in person and may need to be scheduled telephonically. Vice Chair Giordano offered AZPOST as an alternative. Staff will keep board informed.

Future Agenda and Action Items: None

Adjournment: Vice Chair Giordano made a motion to adjourn the meeting and Constable Hoggard seconded. The motion passed unanimously. Meeting was adjourned at 10:56 a.m.

Dated this 12th day of January, 2023
Constable Ethics, Standards and Training Board

By Dennis Dowling

A handwritten signature in black ink, appearing to read 'D. Dowling', written in a cursive style.

CESTB Chairman