

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
April 20, 2016**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on April 20, 2016 at 10:10:01 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present at the meeting were the following members of the CESTB - Constable Ken Sumner, Constable Mike Cobb, Sheriff Adam Shepherd, and Constable Scott Tipton. Present via teleconference were the following members of the CESTB - Constable Brandon Schmoll. The following staff was present – Tracy Unmacht. Members of the public present included Mr. William Rucker, Constable Dennis Dowling, and Gilbert Zermeno of CBS5 News. Absent were the following members of the CESTB – Judge Barbara Brown, Christine Shipley, Dan Field and Stuart Goodman.

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

Minutes of Previous Meetings: Constable Schmoll made a motion to approve the minutes from the March 16, 2016 CESTB meeting. Constable Cobb seconded the motion. The motion carried unanimously. Constable Tipton made a motion to approve the minutes from the March 16, 2016 CESTB Executive Session. Constable Cobb seconded the motion.

Financial Report: Staff presented the financial report prepared by the Department of Administration for the month ending March 2016. All counties with constables have paid into the fund this fiscal year, however Greenlee county has not made a payment since August. Staff will send a letter of inquiry. Constable Cobb made a motion to approve the financial report. Sheriff Shepherd seconded the motion. The motion carried unanimously.

Call to the Public:

Mr. William Rucker made a statement about the unprofessional behavior exhibited in the recent constable response to his complaint.

Constable Dowling addressed the board providing more information on the equipment grant application from Yavapai county that was not approved at the last meeting.

Constable Complaints:

CNA179-2016 Gradillas – Chairman Sumner reported this complaint was initiated by the CESTB because the constable did not meet the training requirements in 2015. At the time, the CESTB was not aware that Constable Gradillas had resigned by the end of the 2015. Constable Tipton made a motion to dismiss this complaint since Gradillas is no longer a constable. Sheriff Shepherd seconded the motion. The motion carried unanimously without further discussion.

CNA180-2016 Canez - Constable Cobb reported the findings of the subcommittee investigation. The complaint was initiated by the CESTB because the constable did not meet the training requirements in 2015. After the complaint was filed the constable submitted proof of training to meet the requirement. The constable went on medical leave shortly after the training was completed, and remains so, and relied on someone else to submit the certificate on his behalf. The subcommittee agreed to accept the certificate and recommends the complaint be dismissed. Constable Cobb made a motion to dismiss this complaint. Constable Tipton seconded the motion. The motion carried unanimously without further discussion.

CNA184-2016 Clark - Constable Cobb reported the findings of the subcommittee investigation. Following interviews of the private investigators the subcommittee believes the original investigation into CNA145-2015, CNA146-2015, CNA155-2015 and CNA157-2015 is tainted and recommends it be disregarded and a new investigation conducted. The video evidence submitted with CNA184-2016 relating to the activities of Constable Clark in July of 2014 should also be added to the new investigation. They found no other elements of the complaint were under the purview of this board.

Constable Tipton made a motion to that the original investigative report for CNA145-2015, CNA146-2015, CNA155-2015 and CNA157-2015 by Lochmoor Investigations be disregarded, those complaints be reopened, and a new investigation completed for those complaints as well as the new video testimony submitted in CNA184-2016. Constable Cobb seconded the motion. Discussion – Constable Schmoll disagrees with this board hiring investigators, but should be conducting the investigations like a court case with each side providing testimony. Sheriff Shepherd asked for clarification on how the CESTB would go forward with the hiring process. Chairman Sumner explained an investigator would be obtained through the state procurement system. The CESTB would need to form a list of questions and guidance on who should be interviewed. The motion carried unanimously with no further discussion.

FY16 Grant Program

Chairman Sumner requested the board reconsider the equipment grant application from Yavapai County that was not approved at the last meeting. The request is for technology equipment in the amount of \$10,419.55. It was pointed out that the constables this grant would benefit don't have an office, they don't have computers and other items that other constable offices may have. Constable Tipton asked for clarification that the amount requested was available within the budget for that grant cycle, staff reported yes. Sheriff Shepherd pointed out the importance of technology, and based on his review of previously approved expenditures that were similar in nature, he didn't feel this request was out of line. Constable Tipton made a motion to approve the grant for the requested amount. Sheriff Shepherd seconded the motion. There was no further discussion. The motion carried with 1 opposed.

Administration Report: Staff reported the training database is finally complete and we now need to set up every constable in the system with a userid. Staff requests the information about the new system be distributed at the upcoming training event. Staff is working on a draft budget. Staff completed a draft of the FY16 complaint synopsis report to be posted on the website. Staff will update with the decisions made today and prepare for posting. Staff continues working on cataloging historical files and creating digital files prior to sending to the state archives.

Adjournment: Constable Tipton made a motion to adjourn the meeting. Sheriff Shepherd seconded the motion. The motion carried unanimously. Meeting was adjourned at 10:47 a.m.

Dated this 18 day of May, 2016
Constable Ethics, Standards and Training Board

By


Vice Chairman Scott Tipton