

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
June 15, 2016**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on June 15, 2016 at 10:08 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 Mike Cobb and Constable David Lester. Present via teleconference were the following members of the CESTB - Constable Scott Tipton, Sheriff Adam Shepherd, Constable Brandon Schmoll. The following staff was present – Tracy Unmacht. Members of the public present included Mr. William Rucker. Absent were the following members of the CESTB – Christine Shipley, Judge Barbara Brown, 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 Lester made a motion to approve the minutes from the May 18, 2016 CESTB meeting. Constable Tipton seconded the motion. The motion carried unanimously.

Financial Report: Staff presented the financial report prepared by the Department of Administration for the month ending May 2016. Staff also provided a report showing the status of all grants for FY16. There are a number that are under contract but not yet funded. Counties are currently working on submitting final funding requests. Sherriff Shepherd made a motion to approve the financial report. Constable Lester seconded the motion. The motion carried unanimously.

Call to the Public: No public comments were made.

New mandated Constable Logs: Chairman Cobb noted that the recently passed legislation changed requirements for constable logs, and would like to form a committee of constables from around the state to discuss. Constable Schmoll reported that Maricopa County has met to discuss and drafted a proposal. Consideration will need to be given to counties who may not have the necessary technology to submit digitally. Mike will work on getting a rep from each county and report back at the next meeting.

Chairman Cobb also discussed the potential need to increase contracted administrative hours to accommodate handling of the logs. Constable Schmoll stated he believes the CESTB will not have any responsibility with regard to the logs. Chairman Cobb will look into further for clarification.

Discussion on how old a complaint can be to accept as a complaint – Chairman Cobb discussed the need to set some parameters on how much time can pass between when a complaint is filed and the incident that prompted the complaint. This can be addressed during the rules process that will need to take place as a result of the new legislation that was passed regulating the CESTB. Constable Cobb stated that DPS has a parameter that this board could consider adopting.

Constable Complaints:

CNA178-2016 Lee, CNA181-2016 Duarte, CNA182-2016 Velasquez were all initiated by the CESTB due to insufficient training in 2015. Constable Lester reported the rural subcommittee met prior to this board meeting to discuss these complaints and voted to recommend the CESTB issue a letter of warning to each constable.

Sherriff Shepherd suggested the CESTB follow the same procedure as AZPOST, which requires the missing hours to be made up.

Constable Lester made a motion to send a letter of warning and require Constables Lee, Duarte and Velasquez to complete additional training in 2016 to make up the difference for the deficiency in 2015. Sherriff Shepherd seconded the motion. Discussion ensued. Constable Schmoll expressed concern there might not be enough opportunity for them to receive the extra hours and if the board is going to require additional training, that it provide the training opportunities. Constable Tipton disagreed stating there are plenty of opportunities each year to complete much more than the required 16 hours. Motion carried 4-1.

CNA183-2016 Lee – Constable Lester reported the Rural subcommittee discussed this complaint and voted to recommend issuing a letter of warning to Constable Lee for conduct unbecoming of an officer. Constable Lester made a motion to accept the recommendation of the subcommittee and Constable Tipton seconded it. There was no discussion. Motion carried 4-1.

CNA167-Acton – This complaint was previously placed on hold pending a criminal investigation. Charges were filed and the constable was found guilty of disorderly conduct. The time period for appeal just expired, and Chairman Cobb directed the Rural subcommittee to resume investigation of the case. Staff was directed to obtain the official ruling.

Complaints newly received:

Kubac vs. Constable Ed Malles – The CESTB received a letter from Ms. Kubac accusing the constable of unethical behavior. Ms Kubac stated she wasn't filing a formal complaint. Chairman Cobb stated the information contained in the letter was disturbing and should be looked into. Constable Tipton made a motion to send the complaint to the subcommittee and Constable Lester seconded the motion. Discussion: Constable Schmoll wanted clarification on who was filing the complaint, since Ms. Kubac stated she wasn't filing a formal complaint. Constable Tipton amended his motion to state the CESTB would file a complaint based on the information submitted by Ms. Kubac and Constable Lester seconded the amendment. There was no further discussion. Motion passed unanimously.

Anderson vs. Constable Steve Allen – Chairman Cobb reviewed the complaint. The complainant accused the constable of not providing his logs in a timely manner. Constable Schmoll stated that the timeframe for processing such requests was reasonable and made a motion to dismiss the complaint, Chairman Cobb seconded. The motion passed unanimously.

2017 Fiscal Year Budget Planning: Staff reported the draft budget presented last month was updated with financial figures from May. Chairman Cobb reported grant funding for firearms training in the amount of \$47,000 should be added. Chairman Cobb made a motion to approve the revised budget with the inclusion of \$47,000 grant funds for firearms training. Constable Lester seconded. The motion passed unanimously.

Administration Report: Staff will continue to look into an improved teleconference system of some type.

Adjournment: Constable Tipton made a motion to adjourn the meeting and Constable Lester seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:09 a.m.

Dated this 20 day of JULY, 2016

Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb