

**MINUTES OF THE
ARKANSAS CRIME INFORMATION CENTER
SUPERVISORY BOARD**

JUNE 3, 2011

The meeting was held in the ACIC training room at One Capitol Mall in Little Rock. Members present:

Mr. Jack Lassiter, Chairman
Chief Danny Bradley, Vice-Chairman
Hon. Dustin McDaniel by Mr. David Raupp
Sheriff Larry Sanders
Mr. Gary Grimes
Judge Michael E. Irwin
Ms. Debbie Wise
Colonel JR Howard by Lt. Col. Tim K’Nuckles

Also attending were: Danny Ormand, ACIC Director; Richard Selakovich, Administrator of the Administration Division; Letha Osborne, Administrator of the Information Services Division; Brad Cazort, Administrator of the Field Services Division; Bill Clinton, Administrator of the Operations Division; Ralph Ward, ACIC; Lesa Winston, ACIC; Paula Stitz, ACIC; Rick Stallings, ACIC; Warren Readnour; Monty Vickers; Tom James; Clay Simpson; Rick McClain; Angie Tatom, ACIC; and Judy Lepper, ACIC.

Chairman Jack Lassiter called the meeting to order and asked for approval of the minutes of the March 4, 2011 regular meeting.

Judge Michael E. Irwin said that before they are approved, there is a reference to the stipend approval on page 11 of those minutes that says state employees do not receive reimbursement. But it is referring to mileage reimbursement. Judge Irwin stated that state employees do receive mileage reimbursement but they don’t receive the stipend. He said that probably needs to be corrected in the minutes.

Judge Irwin moved that the minutes of the March 4, 2011 regular meeting be approved with that one correction. The Board minutes of the March 4, 2011 regular meeting have been amended to reflect the following: “Warren Readnour said that §25-16-902 is the mileage reimbursement. The state employees do receive that.”

MOTION: That the minutes of the March 4, 2011 regular meeting be approved.

MOTION BY: Judge Michael E. Irwin

SECONDED BY: Sheriff Larry Sanders

VOTING: Unanimous

Introduction of new Board member

Chairman Jack Lassiter introduced Colonel JR Howard as the newest Board member. Colonel Howard represents the Arkansas State Police and replaces Colonel Winford Phillips. Chairman Lassiter welcomed him to the ACIC Supervisory Board.

Petition for Reinstatement of ACIC access by Monty Vickers

Chairman Jack Lassiter said that the next item on the agenda was the reinstatement of ACIC access by Monty Vickers. Mr. Lassiter said that he was going to pass on that until the ACIC representative from the Attorney General's Office was in attendance. Chairman Lassiter stated that Warren Readnour would be here around 10:30.

Operations Committee Report

New Terminal Site Applications

Bill Clinton reported that there were five applications to consider for direct access to ACIC, and those applications are included in the packet. The first application was Black River Technical College-Law Enforcement Academy. Black River Technical College-Law Enforcement Academy has a mobile DWI interdiction lab that works with various law enforcement agencies. They requested a workstation to install in that mobile lab for these projects. Mr. Clinton said the problem is that we applied for an ORI from the FBI for the Law Enforcement Academy and they don't meet the definition of a law enforcement agency according to the FBI's definition. They had a piece of legislation passed in the last session which specifically named them as a law enforcement agency, but they don't conduct the administration of criminal justice as defined by federal regulations. If the Board approved, we could approve a workstation for them and basically they would pay the bill for the operation of the workstation. When they work with these various agencies, any transactions would be done under the name and authority of the law enforcement agency that they would be working with.

Chief Danny Bradley asked how that would operate in a practical sense.

Bill Clinton responded that Black River Technical College would have to notify us every time they go out to work with an agency and we would activate the workstation. We would plug in the ORI for the agency they would be working with. When they finished, then they would let us know and we would deactivate it until they take it out again.

David Raupp asked what the Committee thought of that, and Bill Clinton responded that the Committee was unable to have a meeting.

Sheriff Larry Sanders said that as long as you have an agency operator who's been trained and certified that it shouldn't be an issue.

Chief Danny Bradley asked Bill Clinton what the agency's recommendation was.

Bill Clinton responded that technically we can do this, and we can do it within regulations.

Chief Bradley said in essence Black River would supply the equipment, but it would only be operated under the authority of local agencies that they would be working with.

Bill Clinton answered yes. The DWI interdiction lab is a big truck that has been modified to do roadblocks. It is used not only for DWI testing, but drug testing as well.

Chief Bradley stated that he's seen it and it is a first class operation.

MOTION: That the application for Black River Technical College-Law Enforcement Academy be approved, with the stipulation that they complete the training before installation.

MOTION BY: Chief Danny Bradley

SECONDED BY: Sheriff Larry Sanders

VOTING: Unanimous

Judge Michael E. Irwin asked if there was any downside to approving the application.

Bill Clinton responded that it would be a little more cumbersome to make it work because someone will have to go in and modify the configuration and the workstation every time they go out to work with somebody, but it's not insurmountable.

Judge Irwin asked if it would be cumbersome time-wise.

Bill Clinton said employee time-wise. They'll have to notify us when they're going to go out and work, so we will have to go in and do a couple of transactions on the computer to set it up and then they'll call us back and tell us they're finished, and then take that out. It's going to be a little bit of a coordination issue.

Bill Clinton said that the next application was the Arkansas State Parks. The park rangers have law enforcement authority and have an ORI. This would be a workstation install across the hall from our office in the Parks Department and it would be operated by the chief ranger and he would use it to help support the park rangers.

MOTION: That the application for the Arkansas State Parks be approved.

MOTION BY: David Raupp

SECONDED BY: Chief Danny Bradley

VOTING: Unanimous

Bill Clinton said that the next application was the Madison Police Department. They are applying for a mobile workstation to be installed in one of their patrol cars.

Chief Bradley asked Bill Clinton if they had a fixed station house.

Bill Clinton responded no, that they are a small department in St. Francis County.

MOTION: That the application for the Madison Police Department be approved.

MOTION BY: Chief Danny Bradley

SECONDED BY: David Raupp

VOTING: Unanimous

The next application is for Rose Bud Police Department, and they are applying for a mobile workstation to be installed in one of their patrol vehicles.

MOTION: That the application for the Rose Bud Police Department be approved.

MOTION BY: Judge Michael E. Irwin

SECONDED BY: Debbie Wise

VOTING: Unanimous

The last application is from Gainsboro Constable Melvin McGill, located in Independence County. Mr. McGill attended the ACIC Conference last week.

Sheriff Larry Sanders asked if Mr. McGill would go through the training.

Bill Clinton responded yes.

Chairman Jack Lassiter asked Bill Clinton who was the last constable that we addressed.

Bill Clinton stated that he didn't recall the last one, but that there had been about three constables that have come before the Board. One of them was actually voted out of office in the last election, so that terminal came out. Mr. Clinton said he thought there was one other constable that had come before the Board since January.

Chairman Lassiter asked Bill Clinton if he recalled the Board's action with that constable.

Bill Clinton stated that he believed we approved it.

Chief Danny Bradley asked if this was publicly funded.

Bill Clinton responded that he didn't know what his source of funding was.

Chief Danny Bradley stated that he didn't think very many constable offices get funded.

Chairman Jack Lassiter asked if Mr. McGill had a law enforcement background and if he had been to ALETA.

Bill Clinton stated he didn't remember and didn't recall the legislation. There was some legislation that was changed back a few years ago that requires them to have at least a part-time level II course before they get an ORI. Mr. Clinton said that if ACIC receives a request from a constable to obtain an ORI, he contacts Law Enforcement Standards to see if his training qualifies him under that piece of legislation to get an ORI. Mr. Clinton said that Mr. McGill does have an ORI, so he has some level of law enforcement training. He suspects it's probably a part-time II class, but would have to go back and look to make sure.

David Raupp asked if Bill Clinton had heard anything from the local agencies, Independence County or nearby municipalities.

Bill Clinton answered that he had not. Mr. Clinton said that constable McGill approached him at the Conference last week about an application. Mr. Clinton sent it to him and he sent it back the same day. It was received yesterday.

David Raupp said the reason he asked is because he said he doesn't want to tie up the Sheriff's Office dispatch and he wondered if that was an issue and that we may want to hear from the Sheriff.

Mr. Raupp asked Sheriff Sanders if he would want to know about a constable in his county getting access.

Sheriff Sanders answered that he would want to know.

Mr. Clinton said that we could do some further research if the Board so wished.

MOTION: That the application for Gainsboro Constable Melvin McGill be tabled.

MOTION BY: David Raupp

SECONDED BY: Debbie Wise

VOTING: Unanimous

Division Status Reports

Operations Division

On-Line System

Bill Clinton reported and included a handout with statistics from Network Control and the Operations Division. The handout showed the number of trouble calls that Network Control has handled, the number of DL photo requests that they received, stolen vehicles entered and offline searches conducted, etc. Mr. Clinton added that 47 audits have been processed since March 4 and we have 53 audits remaining for the year.

Field Services Division

Training and Legal

Brad Cazort said that the packets included a report on training. He pointed out the hours spent in training this last quarter. The majority of that was due to the fact that we have now rolled out our new electronic Sex Offender Registry named CENSOR and provided training to 277 potential users of that system statewide. The training hours do not reflect all of the training that we did during the Conference last week. Below that is the testing data for the last quarter.

Mr. Cazort reported ACIC was currently not involved in any litigation.

Vine/JusticeXchange

Rick Stallings reported for Vine, JusticeXchange, AlertXpress, LeadsOnLabs and Field Agents, etc., and included a handout. Mr. Stallings gave an update on the field agent's activities. Their normal activities included training, replacing broken equipment and audits. They have done a couple of re-audits. They have been going around to our sites handling the registration of sex offenders and installing the cameras and the signature pads for the CENSOR program. They are getting very close to finishing all of those installations, with 130 sites completed.

Concerning Vine, JusticeXchange, LeadsOnLabs and AlertXpress we held classes in April at Bryant, Monticello and Clarksville. The Bryant class was our largest. There was a good turnout and it was a success. We have been visiting with some agencies about AlertXpress. Some people have opted to start using that system. We are starting the process of converting our SOMS-Lite booking software that Appriss maintains to a DSI-Lite booking software. It's going to be more stable, it's online and web-based. If a computer goes down or crashes, they should be able to log into another computer and book or release that inmate. So victim notification can continue to be processed in a timely fashion.

We are also working with the SAVIN grant funds for registration link. We will start the testing phase in about two weeks. They are looking at the data to make sure everything is correct and what information within that booking record is going to be linked. This will allow victims to maintain registration through the entire criminal justice process, from the incarceration to parole/probation and then back to reincarceration. Currently, the victim registration does not follow through that process entirely, so this will solve that issue.

Mr. Stallings said that they are talking with the Administrative Office of the Courts to link with their court management system to boost the Vine court process. Mr. Stallings said it's not performing as he would like to see it. We have less than 300 people registered and there are over 100,000 records, but he doesn't believe all of those records in the system are accurate or active at this point.

There are 38,457 current registrations in the system on inmates. On parolees there are 2,758 registrations. There are a little over 3,800 users in JusticeXchange and over 300,000 searches that have been performed from January 1st to June 1st. There is also a report on LeadsOnLabs.

Sex Offender Registry

Paula Stitz reported and included a chart of numbers. She stated that the Sex Offender Registry has been busy getting the CENSOR program up and running, with a little over 300 registered users to date in the system. Benny Battles, Jennifer Tomlin and Ms. Stitz have been going around the state training law enforcement on how to use CENSOR and have completed about 15 classes for law enforcement. The SOR has also been approved through the Arkansas Chief's Association for six regional workshops that we do about every other year. We are planning those for later this year with the Sex Offender Assessment Committee. It's a one-day workshop going over all aspects of the sex offender registry law and any new procedures. The SOSRA, Sex Offender Screening and Risk Assessment people participate in that. It's an effort of the Sex Offender Assessment Committee. We all go out around different regions throughout the state and do these one-day workshops. Since the Legislative session, there have been some new changes in the law, and we will be talking about those. Other than the CENSOR program getting up and running, things have been pretty routine.

Criminal Justice Information Division

Arkansas Incident Based Reporting System (AIBRS)

Ralph Ward provided a handout and reported on the current program status for NIBRS. There are 272 agencies that are required or requesting to report to NIBRS. 264 of those agencies have been cleared to report NIBRS. We have two agencies that are changing vendors and testing with us and we have three agencies that have brand new systems and are testing. Regarding the NIBRS repository upgrade, we are finalizing the processing of the 2009 and 2010 data submissions into the new repository database. We are using the 2009 data to test with the FBI to certify the new system. On the last page you will see that Arkansas is one of sixteen states that are 100 percent NIBRS compliant.

Mr. Ward noted some 2010 preliminary statistics. There were approximately 240,000 offenses reported last year and 145,000 arrests. Of those arrests, 10.3 percent involved drugs, or about 15,000. Regarding the Law Enforcement National Data Exchange (N-DEx) Program, North Little Rock Police Department and ACIC are now successfully submitting incident report data to the FBI N-DEx program. We currently have processed and submitted over 55,000 records since April.

Chief Danny Bradley asked what had to be done to become NIBRS compliant.

Ralph Ward responded that to be 100 percent NIBRS compliant all agencies submit data using the National Incident Based Reporting System verses the paper format that they used earlier. They tally up their statistics and send them in and we key them in for them and forward those to the FBI. They now report using software. They'll enter their incident report and at the end of the month they'll click a button and generate a submission. It extracts all the data that's NIBRS reportable and sends us a submission. We process that and forward a submission to the FBI which they process and get their crime in the United States statistics. It also goes to the Bureau of Justice Statistics, Department of Justice, for grant purposes. Most grants require that they report at least three years of UCR NIBRS data or crime data to the federal Department of Justice.

Criminal History Division

Lesa Winston provided a printout for the Criminal History Division and stated that Criminal History is currently up to date. However, there were a few counties that called last month stating they had some things in file cabinets that they weren't sure had been turned in. We are working with that, but other than that we are up to date. Ms. Winston said that she and Terry Smith actually go out and train the district and circuit courts. We have another conference coming up in November for the circuit courts.

Administrative Division

Richard Selakovich reported for the Administrative Division and included a handout that reflected the activity for the first eleven months of fiscal year 2011. Toward the bottom of the first page shows the background collections for the past twelve months, net of fees, and the far right hand total shows the amount that we actually collected net-wise. The second page is activity for the first eleven months for these different fund centers. We also have the sex/child offender collections for the past twelve months, net of fees. And the last five sections are the different active federal grants that we have at this point in time.

Chairman Jack Lassiter asked if we had to apply for these grants annually.

Mr. Selakovich answered that first you have to apply for the grant and that grant be awarded. If the grant needs to be extended then we can apply for an extension. We would be able to extend it into the next fiscal year.

Danny Ormand explained that most of the grants that we receive are a twelve month cycle, but they always allow you to extend those grants if needed.

Information Services Division

Letha Osborne reported for the ISD Division and provided a handout. She stated that CENSOR is up and it's been an agency-wide project to get that up and running. You will notice on your QSOF, which is your query sex offender transaction, that some new fields have been included that have been collected in CENSOR. These new fields include vehicles, vessel information, Facebook and email accounts. Hopefully that will help law enforcement.

Last summer the FBI conducted a sex offender audit and found a few things that we needed to fix. We have fixed those and we were notified today by the FBI that we can send them a new file to get everything in compliance. We're going to send that up Tuesday morning and we will be in compliance with the FBI for sex offenders.

We are now collecting the assessment data electronically with the Arkansas Department of Correction, once we got CENSOR up. Paula Stitz won't have to get her fact sheets in and manually enter all of that assessment data.

The QW transaction, which is the query/warrant transaction, has been modified due to Revenue changing their driver's license photos. They have larger photos, so we had to make some modifications on our side to accommodate that.

Ms. Osborne stated that the last thing ISD is working on is a new imaging system that will save our agency a lot of money in the future. We have all our hardware in and the next week or two we're going to start importing our software and all of the data from the previous system. We are constantly working on ways to save money and improve what we do.

Legislative Update

Brad Cazort reported and included an update of the summary of the bills that pertain to or affect ACIC from this last session. Mr. Cazort said that this last session was essentially a sex offender session.

Act 143 is a new requirement of ours to start collecting email addresses, screen names, and user ID accounts of any sex offender's online access. That is actually part of the Attorney General's packet, and it brought us a little closer to federal compliance with requirements of data that we are supposed to collect from sex offenders.

Act 1009 now requires sex offenders who are moving here from out of state to pay the mandatory DNA fee. Currently there is an additional sex offender registration fee that does not apply to sex offenders moving here from out of state. We intend to use this bill as our guide for the next session to get that fee applied to the registration fee as well as the DNA fee.

Act 286 allows agencies to continue to notify their communities of sex offenders based on their assigned risk level, even if they appeal. Under prior law, if a sex offender appealed his assessment level agencies had to notify the lower level of that. So sex offenders were typically appealing just to get a little additional time at a lower level.

Act 1127 extends the Statute of Limitations for prosecuting sex offenses against minors at the time that the minor reaches the age of 28. Under previous law it was the time that the minor reaches age 21. The Statute of Limitations has been age 24 on some crimes and age 27 on others, but it is now age 28 for all crimes.

Act 812 mandates the sex offender fee. The fee that is currently on the books is somewhat mandatory. Half of that goes to ACIC to run the Sex Offender Registry and half of it goes to the Department of Correction to do the assessment. That has now been made mandatory, given the fact that we are registering 600-800 new sex offenders a year. We're actually only collecting that fee on about 40 people. Mr. Cazort is also working with the Administrative Office of the Courts and the Sentencing Commission to make sure this fee is included in the new judgment and commitment forms so that prosecutors and judges don't overlook assessing this fee upon conviction.

Act 100 allows law enforcement agencies to conduct community notification of a sex offender who moves here from out of state prior to their being assessed.

Act 64 was the one bill that we pushed this session and that was the one that allowed us to create the electronic sex offender registry and eliminated our need to send certified mail notices to sex offenders. They are now receiving that electronically or a printed copy when they go and file, which we anticipate will save us \$50,000 or more a year just in postage.

Act 816 prevents a level 3 or 4 sex offender from being at a water park owned by a local government. It does not apply to privately-owned water parks, such as Wild River County. Mr. Cazort said it doesn't apply to level 1 or 2 sex offenders and he doesn't know how it's enforced, but this is a bill that came out of Alma. Apparently Alma does have a city-owned water park and they got the bill passed.

Act 1023 is in response to a Supreme Court case where there was a particular person convicted of violating the sex offender law. He was a carpenter in a day-care center and they determined that he was not working with children and therefore he had not violated the sex offender law. In response to that the Legislature passed this that said even if you are a carpenter or independent contractor, if you are working in an area where there are children present, when they are present, that that is against the law. If you do like carpentry and children are not present, that would be legal. But you cannot be in a place where children are present even if you're not working with children.

Finally, Act 344 makes a rebuttable presumption for judges in custody cases that if there is any sex offender living in the house that it is not in the child's best interest to be there either for visitation or custody.

Regarding budget areas, Act 1234 was our budget. Governor Beebe exercised his only veto of the session. Mr. Cazort said that the Act that ACIC pushed was to get the Electronic Sex Offender Registry. We explained that we anticipated there being some budget savings due to postage. One state Senator decided that she wanted that savings taken immediately and put into the Department of Economic Development for grant programs. We tried to explain to her that the savings would take about a year. It's going to take us a year to get people off the paper system and onto the electronic system. Governor Beebe line-item vetoed it and put that item back in. We will not see savings for about a year.

Act 83 re-appropriated our capital funds.

Act 231 added appropriation for the Scrap Metal Log, and we now have a budget to pay for that. In the past it has not been part of our budget. This year we have an appropriation and authorization to continue to run the Scrap Metal Log.

Some bills that affect ACIC are as follow. Act 1224 changes the penalty for misuse from a D felony for all counts to basically an A misdemeanor unless it's due to one of four specified reasons, in which case it would be a D felony. The interesting thing about this bill is it passed the House fairly easily and failed in the Senate. They voted it down 20-6, and on the last day of the Session they expunged their vote and passed it 35-0.

Act 304 passes the Prescription Drug Monitoring Act and ACIC was not named in any capacity to operate, manage or run that. We were very pleased about that.

Act 588 changes the pharmacist's roles in dispensing ephedrine and pseudoephedrine but does not change the reporting requirements that ACIC administers through LeadsOnline.

Act 1193 changed and strengthened the selling law of various scrap metals but did not change the reporting requirements to LeadsOnLine.

Under expungements, Act 626 amended the expungement law dealing with the sealing of misdemeanor drug offenses. Mr. Cazort said that the law of expungements in Arkansas is a mess.

Act 1233, the Prosecuting Coordinator's Office changed that Act from two years ago that if someone committed a violent felony they were not eligible for a first offense sealing of the record.

Chairman Jack Lassiter said that he hasn't looked at Act 1233 and asked Brad Cazort if it applied to all of our numerous first offender acts.

Brad Cazort answered that the House Judiciary Committee has decided during this off session that they are going to take a look at the revision of the entire expungement laws. You have to start all over with a blank sheet of paper, figure out what you want it to say and repeal everything else. Mr. Cazort said he thought they would take that suggestion, but at what point they're going to start is unclear. Chairman Williams semi-tasked that Committee to do that during the off session.

Petition for reinstatement of ACIC access by Monty Vickers

Chairman Jack Lassiter stated that he passed on an earlier agenda to allow time for Warren Readnour to join the Board meeting.

Warren Readnour said that his office was putting on their CLE today and he was speaking on the legislative updates.

Chairman Lassiter said that we have on the agenda the petition for reinstatement of ACIC access by Monty Vickers. Mr. Vickers had access and was denied for reasons which Mr. Cazort will outline.

Brad Cazort included a handout. On November 15, 2010 Mr. Cazort received a letter from the Arkansas Insurance Department informing him that Mr. Vickers had resigned as an investigator with their agency and they had determined that he had misused the system. As we normally do when someone is terminated, fired or resigns due to an issue of misuse, we immediately terminated his access to our system. We heard no more about that until after the first of the year. After an election, Mr. Vickers was hired as the investigator for the new prosecutor of the 20th Judicial District, which includes Faulkner, Van Buren and Searcy counties. He applied to get reinstated to access our system and ACIC denied him at that point and informed him under our regulations that he had the right to come to the Board and petition the Board to have his access rights reinstated.

On March 7, 2011 he wrote this letter to the Board, which is essentially his summary of the reasons why he believes his access should be reinstated. Formally a few days ago, we received a

letter from Mr. Vickers dated May 11, 2011, which is a more formal recitation by him of the reasons he believed his access to ACIC should be reinstated. Therefore, we are here today because our system regulations require he petition this Board for reinstatement of access. Mr. Cazort then turned it over to Chairman Lassiter to proceed.

Chairman Lassiter asked the Board to look over the letters before Mr. Vickers addressed the Board.

After review of the letters, Chairman Lassiter gave Mr. Vickers or his attorney the opportunity to address the Board.

Mr. Clay Simpson, an attorney in Searcy, Arkansas, stated that prior to going into private practice he worked as the Chief Counsel with the Criminal Investigation Division with the Arkansas Insurance Department. Monty Vickers was an investigator, and Mr. Simpson had the chance to work with him on a daily basis and could speak about his integrity, character and dedication to law enforcement. The Insurance Department applied to the Legislature to get law enforcement status. We were able to accomplish that and all of the investigators had access to ACIC and had all law enforcement powers and duties. Mr. Simpson said that Mr. Vickers was probably the most dedicated law enforcement officer that we had. Throughout Mr. Simpson's five years that he worked with Mr. Vickers, he never had an issue with him, a problem with ACIC or disseminating information that was questionable or not above-board. Mr. Simpson said that Mr. Vickers understands the importance of ACIC and the importance of protecting that information and disseminating it in a proper manner and using it for the purposes for which it was intended. Mr. Simpson said there were also some individuals present that can speak to the incident that the Insurance Department alleged. There was no indication from the Insurance Department that he knew of that this was an ongoing thing that they had a problem with, but said he would let Mr. Vickers and the other individuals speak directly to the incident that may be in question. Mr. Simpson has known Mr. Vickers for about 11 years and still works with him in his role as an investigator with Cody Hiland, the new prosecutor in Faulkner and Searcy Counties. Mr. Simpson said he spoke with Mr. Lassiter briefly and he indicated that it would be a good idea if we were here so that we could answer any questions. He then turned it over to Mr. Vickers and explained the importance of ACIC in his new role and the reason for his petition to be reinstated to have access to ACIC.

Monty Vickers addressed the Board and stated he has been a cop for 42 years. In the early 1970's he was a homicide detective. He was the first investigator to send two cases to the criminal profilers in Washington, D. C. During that time he worked five serial rape cases and two serial murders. He talked to the behavior science unit founders on a daily basis. His entire career at the Little Rock Police Department was as a detective or a detective supervisor. Mr. Vickers said he and Tom James put together the largest successful arson investigation in United States history. He started with the Arkansas Insurance Department and worked with every major case that the AID had. Mr. Vickers put together the largest crash ring in United States history right out of Arkansas and convicted five people. He was the International Association of Special Investigator's Investigator of the Year in 2007.

Mr. Vickers said he has never intentionally used ACIC improperly. The incident was from a call received from the Mountain Home Police Department. They are looking at this guy. The Security Director for Clinton for President Campaign was murdered out on Chenal Parkway. In his very first contact with ACIC, Mr. Vickers said you can interrogate me, advise me of my rights, and do whatever you want to. He would come in and give you everything you want. This rocked on four weeks until a few days after the meeting in March and it has taken this long for me to get up here. When Mr. Vickers went to work up here he didn't have a clue that they had sent a complaint in on him. The chief investigator was appointed the day he turned in his resignation. At the time they had made these allegations, other allegations were made that Mr. Vickers had run people in ACIC that he didn't have cases on. Mr. Vickers said he had done this. A lot of people are involved in these crash rings and he had five separate crash rings working. Mr. Vickers said he was initially fired and then they decided to let me resign and he advised them that he was not going to resign until he got the ACIC issue resolved. The director told him that if he didn't resign, he wouldn't get his vacation pay. He then turned in his resignation. That day the director appointed Bill Bryan as chief investigator. The very next day Bill Bryan sent in his complaint on him. Mr. Vickers then said he would answer any questions.

Chief Bradley asked Mr. Vickers if while he was at the Insurance Department was he also working as a private investigator.

Mr. Vickers answered yes, to serve and process. He stated he didn't work any insurance case, conflict, or criminal case. He simply served papers.

Chief Bradley asked if any of the allegations made by the Insurance Department alleging that Mr. Vickers had used ACIC information in his private investigation business were true.

Mr. Vickers answered that no, he did not.

Chairman Lassiter asked Mr. Vickers if he currently had any private sector business.

Mr. Vickers said that he worked for Waste Management doing their security surveys.

Chairman Lassiter asked what that involved.

Mr. Vickers answered that if they had problems he would check things out.

Chairman Lassiter asked if this was strictly security-related and not private investigator work.

Mr. Vickers said yes.

Chief Bradley asked Mr. Vickers if he still had his private investigator license.

Mr. Vickers said that he has kept his license active.

Chairman Lassiter asked if there were any questions for Mr. Vickers.

David Raupp asked Mr. Vickers if he knew that Tom James was not law enforcement when he sent him information.

Mr. Vickers responded yes.

Chairman Lassiter asked if there were any other questions.

Chairman Lassiter asked Clay Simpson if he had anything further.

Mr. Simpson said that Tom James and Rick McClain from the FBI were present if they have any statements or if the Board has any questions or concerns about the types of cases that Mr. Vickers has worked.

Chairman Lassiter said that they are welcome to address the Board if they wish.

Tom James said he has known Mr. Vickers since 1974. ACIC was a part of Mr. James' world while he was with the Intelligence Detail for almost 17 years. They helped put people in jail that truly needed to be there. That part of the investigation is important, and he understands secrecy. Mr. James said that Mr. Vickers is the premier investigator. His heart, soul and life are in investigation. He is currently working for Faulkner County and is unable to access ACIC.

Judge Michael E. Irwin asked Mr. James what his position was at the time Mr. Vickers released this information to him.

Mr. James stated that he retired in 1997 from the police department. About 1-1/2 years ago he obtained a private investigator's license. At the time, information was being requested out of Mountain Home on a subject that was connected with Jerry Parks' homicide out on Highway 10 in 1995. Mr. James said he worked that homicide and no arrests were made. Mountain Home was working an investigation and he had heard through Ken Blankenship that the Little Rock Police Department was working on a family member up there that may have had something to do with Mr. Parks' death. He was working for Progressive Insurance at that time and did not have his private investigator license. Mr. James was in Harrison, AR investigating a claim and there was a name that came up that triggered something in his mind. It triggered enough to where he called the Little Rock Police Department and talked with Mr. Blankenship. He also talked to the investigator in Mountain Home about this suspect. It turns out there wasn't any connection. Mr. James stated he also talked with Mr. Vickers about it because he was working for an insurance company and Mr. Vickers was with the DOI at that time. Mr. James said he did not receive any information from ACIC that he didn't already have.

Chief Bradley asked at the time that this allegedly occurred if Mr. James was working for Progressive Insurance Company without a private investigator license.

Mr. James stated that he was not working for Progressive. However, he was working for Allstate Insurance Company as a private investigator.

Chief Bradley asked if he was a licensed private investigator at that time.

Mr. James answered yes.

Chief Bradley asked if he and Mr. Vickers had shared or worked together on any private cases.

Mr. James responded no. People would call Mr. Vickers and he would refer them to me.

Chief Bradley asked if there was any active law enforcement people within the Little Rock Police Department involved in this. Chief Bradley said he understood this case was originally handled by the Little Rock Police Department, probably when Mr. James worked there.

Chief Bradley asked if there was anyone with the Little Rock Police Department still actively employed by the department involved in this investigation.

Mr. James answered Ken Blankenship would have been involved through Mountain Home making inquiries to the Intelligence Office. Those inquiries referred to the Memorandums that he would have written back in 1995.

Chief Bradley said so this would be like a cold case for the Little Rock Police Department.

Mr. James answered yes. It's being worked as a cold case.

FBI Agent Rick McClain addressed the Board on Mr. Vickers' behalf. Mr. Vickers discussed some joint investigations that he worked with the Bureau. Several times Mr. McClain would contact Mr. Vickers and some of the crash rings he's talked about. Mr. McClain has a large one that's still working. Of the twelve subjects named right now, he stated that he and Mr. Vickers ran a lot more people than that to identify those people. It would also include Mr. McClain calling Mr. Vickers late at night.

Chairman Jack Lassiter said that he believed Brad Cazort was responsible for looking into this matter for the agency.

Brad Cazort passed around a handout. All he had prior to this hearing was the initial letter that ACIC received from the Insurance Department and understands that Mr. Vickers is going to petition to have his access reinstated. Mr. Cazort asked the Insurance Department to please send him some more detailed information to supplement the initial letter that we received from them back on November 15, 2010 and that is what he is passing around. According to Mr. Sink's letter, Mr. Vickers had a Ms. Baker run an ACIC search on a John Cline, which was not an active case. That information was then sent to Mr. James who at that time was not law enforcement. Chief Bradley, along those same lines that you were thinking here when we received the letter from Mr. Vickers dated May 11, I forwarded that letter to Stuart Thomas, Little Rock Police Chief, and asked him to review the allegations or the statements that were made in that letter to verify Mr. Vickers' statement. Mr. Cazort passed around a letter he received from Chief Thomas yesterday, that basically determines that Mr. Vickers' position is that he ran anything at the request of any of the Little Rock Police investigations and that those assertions are incorrect. The attached memorandums are from Lt. Blankenship and Detective

Heard who said that they have not asked Mr. Vickers to assist in any investigations. Just to clarify those statements made in Mr. Vickers' letter, Chief Thomas was asked to respond and we now have his reply. Mr. Cazort said that was all that he had.

Chief Danny Bradley asked Brad Cazort if the Insurance Department's case was based upon this one transaction.

Brad Cazort said he couldn't answer if that was the only basis. Mr. Cazort asked the Insurance Department to send him supporting documentation to support what they sent him in their initial letter of November 15, 2010 when we first determined that Mr. Vickers had resigned due to a misuse investigation and terminated his access. Mr. Cazort said that he requested supporting documentation to support that November 15, 2010 letter and this is what they provided.

Tom James stated that he worked with Mr. Vickers from 1999-2005 and during that time there were no such allegations, incidents or any concerns over Mr. Vickers use of any ACIC information.

Brad Cazort said he would close where he opened and again say that we are here because as staff we received information that a person had been terminated or resigned due to misuse and we are always going to terminate their access to our system at that point. Under our regulations, it is his right to come and ask this Board whether or not to reinstate him.

Chairman Jack Lassiter asked the Board if there was any further discussion.

Mr. James asked if they needed to leave the room during discussion.

Warren Readnour answered that they were welcome to leave, but it was a public meeting under the FOI. This is purely an administrative matter. You regulate who you grant access to, whether it's agencies or individuals. This is not much different than the applications that the Board has approved earlier for people who have applied. You are making that same type of decision. This is just one where this individual has been denied access based on an alleged wrongdoing.

David Raupp asked Warren Readnour or Brad Cazort if we could condition access like that appropriately under our guidelines.

Warren Readnour answered that access is purely discretionary. No one has a right to access ACIC or anything. Just like you could set your fees for what you want to do and any security requirements. Certainly you can impose restrictions. Mr. Readnour said that technically the restriction is they can only have access on cases that they're working on for their agency. Mr. Readnour would argue that's already in the system regulations. Mr. Readnour said that if he had access because he worked at the Attorney General's Office, it's for cases he is working on for the Attorney General's Office for that law enforcement purpose.

MOTION: That Mr. Monty Vickers' ACIC access be reinstated on the condition that he surrender his private investigator license and use ACIC only for those investigations authorized by his supervisor.

MOTION BY: Chief Danny Bradley
SECONDED BY: Lt. Col. Tim K'Nuckles
VOTING: Motion carries by majority vote. Judge Mike E. Irwin opposed.

Chairman Jack Lassiter asked if there was any further discussion.

Gary Grimes asked Chairman Lassiter at what point do we know if in fact Mr. Vickers relinquished his private investigator license. Who is going to determine when that happens.

Lt. Col. Tim K'Nuckles answered that that's regulated by agency.

Warren Readnour said that would be Mr. Vickers choice. If he wanted to pursue access then he would have to surrender his private investigator license. One of the requirements would be returning that and then they could simply call and verify with the Arkansas State Police, the private investigator board that they have out there, that it has been surrendered and is not an active license.

Brad Cazort said that after reinstatement began, we would verify with Arkansas State Police that he has in fact met the requirements.

Election of Officers

MOTION: That the current Chairman and Vice-Chairman be re-nominated by acclamation.

MOTION BY: David Raupp
SECONDED BY: Judge Mike E. Irwin
VOTING: Unanimous.

Chairman Jack Lassiter asked if there was any other business.

Warren Readnour apologized for being late. He said he understood from talking to Gary Grimes that there was an issue about the stipend in the minutes from the last Board minutes on page 11.

Judge Irwin said he wanted the minutes to reflect that the state employees are not entitled to the stipend, but there is not a problem with them receiving reimbursement for mileage.

Warren Readnour stated that is correct. The state employee cannot receive the stipend but they are eligible for the mileage. He said the minutes can just be amended to make clear that the state employee is not eligible for the stipend but is eligible for the mileage. You may want to insert that if you want it in your minutes. They are only eligible for the mileage if they're not getting mileage from their own agency. Lt. Col. K'Nuckles came over here in a state vehicle, so he is

not entitled to mileage since he is already in a state vehicle. But for personal use of their vehicle to get here, the agency could pay mileage for that.

Other Business

Danny Ormand spoke about the ACIC Conference. We had a good conference this year with a large turnout. Mr. Ormand wanted to tell the group here how hard the staff had worked to put that together every year. They did a great job this year. We had more room than we have ever had and had a lot of different speakers and it was really a good conference. Mr. Ormand wanted to give the staff all the credit for that.

Mr. Ormand said that we did have a sad thing happen. Debbie Wells, one of our employees, passed away while at the conference. She came to the conference and wasn't feeling well and went to her room. Some of the other staff couldn't get her on the phone and they broke into her room and found her. We have a staff member who is a paramedic and he worked with her until the paramedics from Hot Springs got there and they continued to work with her but there was nothing we could do to save her.

A lot of us went to her funeral Saturday. There was a good turnout and I know the family appreciated everything we did. It started out on a sad note, but we pressed on and the staff held up and did a good job. Mr. Ormand said he appreciated the staff's hard work that they do to make ACIC what it is.

Chairman Lassiter wanted to thank the staff again. The Board appreciates efficiency with reports and the comprehensive nature which you present the information to us.

There was no further business and the meeting was adjourned at 11:43 a.m.

ACIC Director

Date