

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING  
July 11, 2013

The Arkansas State Police Commission met on Thursday, July 11, 2013 at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Christenson called the meeting to order at 9:07 a.m.

MEMBERS PRESENT:

Commissioner Jane Christenson, Chairman  
Commissioner Woody Futrell, Vice-Chairman  
Commissioner Wallace Fowler, Secretary  
Commissioner Frank Guinn  
Commissioner John Allison  
Commissioner Dr. Lewis Shepherd  
Commissioner Bob Burns

STATE POLICE PERSONNEL ATTENDING:

Donna Humphries	Lt. Colonel Tim K'Nuckles
Emma French	Josh Loy
Captain Mark Allen	Jenna Castleberry
Captain Lindsey Williams	Gary Glisson
Lieutenant Barry Saffold	Captain Jeff Drew
Captain Shawn Garner	Captain Ron Stayton
Janet Chappelle	Harmony Daniels
Sherry Wood	Captain Steve Coppinger
Lieutenant Joel Mullins	Major J. R. Hankins
Lieutenant Forrest Marks	Sergeant Ken Whitmore
Sergeant Scott Woodward	Sergeant Kim Warren
Sergeant Stuart Woodward	TFC Michael Reed
Corporal Brad Spurlin	Lieutenant Wesley Smithee
Lieutenant David Lafferty	Sergeant Mark D. Johnson
Corporal Mike Moyer	Corporal Jeff Whitlock
Captain Jeff Jester	Corporal Eric Henson
Captain Leonard Hogg	Corporal Scott Pillow
Corporal Dennis Morris	Corporal Shannon Shepherd
Lieutenant Sedrick Reed	Corporal Scotty Dodd
Sergeant Paulette Ward	Corporal Ocie W. Rateliff
Captain Keith Erenea	Corporal Dennis Simons

OTHERS PRESENT:

Michael Krenn, DFA	Meredith Rebsamen, Attorney General's Office
Larry Robinson, Governor's Office	Walter Mallone
Leah Simons	Jason Teague, Grant County Sheriff's Office
Kathy Sparks, Retired Major	Stephen Shirron, 7 <sup>th</sup> Judicial Dist. Pros. Office

PLEDGE OF ALLEGIANCE:

Commissioner Bob Burns led the pledge of allegiance.

Commission Chairman Christenson acknowledged the guests in the audience, Larry Robinson from the Governor's Office, Meredith Rebsamen from the Attorney General's Office, Michael Krenn, DF&A Budget, Jason Teague from the Grant County Sheriff's Office, Stephen Shirron, 7<sup>th</sup> Judicial District Prosecutor's Office, Kathy Sparks, Retired Arkansas State Police Major, and the families of Arkansas State Police Troopers.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on July 3, 2013.

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MINUTES:

Commission Chairman Christenson advised the Commission they should have received two separate sets of minutes in their packets. One set being the Conference Call Meeting of June 3, 2013.

Commissioner Fowler made a motion to approve the minutes of the Conference Call of June 3, 2013. Commissioner Futrell seconded and the motion passed.

Commission Chairman Christenson then turned her attention to the minutes of the regular monthly meeting of June 6, 2013.

Commissioner Fowler made a motion to approve the minutes of the monthly meeting of the June 6, 2013. Commissioner Futrell seconded and the motion passed.

WEAPONS RESOLUTIONS:

Major J. R. Hankins presented the below resolutions for consideration by the ASP Commission.

R E S O L U T I O N

WHEREAS: Sergeant Mack Thompson efficiently and effectively served the Arkansas State Police for a period of thirty-seven years, two months and thirty days;

WHEREAS: Sergeant Mack Thompson retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Sergeant Mack Thompson has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number MPD805, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

R E S O L U T I O N

WHEREAS: Sergeant Mack Thompson efficiently and effectively served the Arkansas State Police for a period of thirty-seven years, two months and thirty days;

WHEREAS: Sergeant Mack Thompson retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Sergeant Mack Thompson has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number PC541285, that Sergeant Mack Thompson has carried be affixed at \$100.00, and that Sergeant Mack Thompson be permitted to purchase the shotgun for his personal use.

R E S O L U T I O N

WHEREAS: Corporal Dustin Rogers efficiently and effectively served the Arkansas State Police for a period of eighteen years, and nine days;

WHEREAS: Corporal Dustin Rogers retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Dustin Rogers has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS212, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

R E S O L U T I O N

WHEREAS: Corporal Dustin Rogers efficiently and effectively served the Arkansas State Police for a period of eighteen years, and nine days;

WHEREAS: Corporal Dustin Rogers retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Dustin Rogers has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D588349M, that Corporal Dustin Rogers has carried be affixed at \$100.00, and that Corporal Dustin Rogers be permitted to purchase the shotgun for his personal use.

R E S O L U T I O N

WHEREAS: Corporal Daniel Busch efficiently and effectively served the Arkansas State Police for a period of eight years, eleven months, and eleven days;

WHEREAS: Corporal Daniel Busch retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Daniel Busch has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS128, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

R E S O L U T I O N

WHEREAS: Corporal Daniel Busch efficiently and effectively served the Arkansas State Police for a period of eight years, eleven months, and eleven days;

WHEREAS: Corporal Daniel Busch retired from this department May 31, 2013;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Daniel Busch has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Thursday, July 11, 2013 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number PC622746, that Corporal Daniel Busch has carried be affixed at \$100.00, and that Corporal Daniel Busch be permitted to purchase the shotgun for his personal use.

Commissioner Fowler made a motion to approve all of the above weapons resolutions presented to the Commission. Commissioner Futrell seconded and the motion passed.

OFFICIAL COMMENDATION:

Sergeant Mark Hollingsworth gave an overview of the event, a homicide in Searcy County, for which Special Agent Dennis Simons was nominated for an Official Commendation. He stated on January 8, 2013 Searcy County Sheriff's Office received a request for a welfare check on a 55 year-old male living in the Witt Springs area of Searcy County. He had been missing since November 2012. The Sheriff's Office originally went to the Witt Springs area and was told that the man had moved from the area. They also found a note on the front door which had been left by a family member back in mid-December 2012.

Special Agent Dennis Simons was in Searcy County on a non-related investigation and met with the Searcy County investigator about the missing man. After receiving the case information, Special Agent Simons began gathering information related to the case. He contacted an Agent in Company A and requested assistance in locating and interviewing family members of the missing man who lived in and around central Arkansas. It was learned that family members had gone to his cabin in mid-December and left a Christmas gift for him inside a vehicle parked at the cabin as well as a note on the door of the cabin.

On January 9, 2013, Special Agent Simons traveled to the Witt Springs area and talked with neighbors learning that they feared he may have been killed by a man and his son who lived within about 300 yards of the missing man. Special Agent Simons learned the witnesses had seen several weapons belonging to the missing man in the possession of this close neighbor and that he had been caught hunting with one of his rifles after he had gone missing. Special Agent Simons also learned the neighbor's live-in girlfriend had forged a bill of sale for his vehicle which was now parked in front of the neighbor's cabin.

On this same day Special Agent Simons traveled to the cabin and found it unoccupied with little or no furnishings or food. He also noted the bottom of the stairway had been painted green which seemed unusual because none of the other areas in the cabin had been painted.

Special Agent Simons learned that the son attended school in Marshall and subsequently met him when he exited his school bus on the afternoon of January 9, 2013. Special Agent Simons spoke with him and accompanied him to the cabin he shared with his father and his father's girlfriend.

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Special Agent Simons attempted to make contact with both the father and his girlfriend but did not receive any response from inside the cabin. Special Agent Simons also made note that the missing man's truck was parked near the cabin.

On January 10, 2013 Special Agent Simons applied for and obtained a search warrant for the neighbor's cabin which was executed the following morning. On arrival at the cabin, the girl-friend and teenage son were taken into custody and interviewed. During the search of the cabin and surrounding area, agents and deputies located several firearms and personal property items such as a vehicle and furniture which belonged to the missing man. The neighbors were then taken to the Sheriff's Office for formal interviews. The father reportedly left the cabin the previous day before law enforcement made their initial visit to the cabin.

A statewide bulletin was released stating this gentleman was wanted for questioning and he was subsequently taken into custody later that evening.

During the next several hours, Special Agent Simons conducted a series of interviews of the three. Information led Special Agent Simons to locate the partially decomposed body of the missing man buried in a shallow grave on the banks of a creek near his cabin.

The father, son, and girlfriend were all charged in relation to Special Agents Simons' investigation. The father told Special Agent Simons that his son had shot and killed his neighbor and the son later told Special Agent Simons he had shot him and painted the floor to conceal blood from the shooting.

Throughout the investigation Special Agent Simons maintained his focus and a "cool patience" which is indicative of an experienced homicide investigator. This is typical work for Special Agent Simons. He worked almost non-stop on this case without slowing down until he had come to a successful conclusion.

Special Agent Simons displayed exemplary service through his diligence and perseverance and performed well beyond the call of duty under unusual circumstances and conditions which is the reason he should be awarded an Official Commendation.

Commission Chairman Christenson congratulated Special Agent Simons; she said it is always rewarding to hear of the diligent work by our officers.

### DIVISION REPORTS:

#### Fiscal Report – Josh Loy

Mr. Loy reviewed the reports which had been distributed to the Commission. He stated the reports are from June 30<sup>th</sup> which concludes FY13. He advised we ended the year successfully and were able to pay all of our bills. We also paid both Merit and Certificate pay. Starting July 1 all employees were given a 2% cost of living adjustment. He stated we were very thankful that the Governor gave us that.

Commission Chairman Christenson asked if there were any questions. She stated she had spoken with Emma French earlier and decided to try to schedule a meeting before the September meeting to go over the budget for this coming year.

Commissioner Allison asked Mr. Loy how long he had been with the agency and if he was a CPA. Mr. Loy replied he had been in his position for a year on June 1 and that he is a CPA.

#### Administrative Services – Sergeant Mike Hagar

Sergeant Hagar presented an oral summary of the written report distributed to the Commission. He reported the last recruit class graduated in June and also had annual firearm qualification over this

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last quarter. He reported under Human Resources/Personnel transactions; we had seven civilian new hires, four civilian volunteer resignations, three civilian retirements, one civilian promotion and five extra help persons hired with three extra help positions terminated and one full time position terminated. On the Commission side we had one commissioned retirement, two voluntary resignations, 27 lateral transfers which of course includes the 25 recruits which were sent to their Highway Patrol assignments. We had 3 disciplinary actions and 7 military deployments.

Sergeant Hagar then reported on the Health Plan. He stated there were no surprises. The medical claims were lower this month by \$142,009. The total fund balance is higher by just over \$69,000. In a comparison between this and last year, June medical claims compared to last year were higher by \$28,766. The June medical fixed costs, administrative costs were higher by just over \$29,000, almost \$30,000. However the June 2013 total fund balance compared to June 2012 is higher by \$670,931.

Sergeant Hagar advised he had one other item to discuss. He advised Wayne Eddy, retired major, has been serving on the oversight committee as a retiree representative. He has recently resigned the position and we need to select a replacement for him. At the April meeting of the ASP retirees, Kathy Sparks, retired major, was voted to replace Wayne as the retiree representative. I ask for a motion and a vote to add Kathy Sparks as the retiree representative to the ASP Health Oversight committee.

Commissioner John Allison made that motion and Commissioner Frank Guinn seconded it. The motion passed.

### NEW BUSINESS:

Colonel Witt requested the Commission retire to Executive Session to discuss personnel matters.

Commission Chairman Christenson advised they would go into Executive Session and when they returned they would go over next month's meeting schedule and then go into the Appeal Hearing.

The Commission retired into Executive Session at 9:23 and resumed their regular meeting at 10:44.

Colonel Witt advised he had some recommendations to make for promotions today. He first recommended the Commission consider Captain Shawn Garner for the vacant Major position in the Highway Patrol Division, Administration. Commissioner Futrell made the motion that Captain Shawn Garner be promoted to Major, Commissioner Dr. Lewis Shepherd seconded, and the motion passed.

Colonel Witt then recommended the Commission consider Lieutenant Joel Mullins for the vacant Captain position in the Director's Office, Executive Protection. Commissioner Allison made the motion that Lieutenant Joel Mullins be promoted to Captain, Commissioner Burns seconded, and the motion passed.

Colonel Witt then recommended the Commission consider Corporal Dennis Morris for the vacant Sergeant position in the Criminal Investigation Division, Company C. Commissioner Shepherd made the motion that Corporal Dennis Morris be promoted to Sergeant, Commissioner Futrell seconded, and the motion passed.

Colonel Witt then recommended the Commission consider Corporal Scott Pillow for the vacant Sergeant position in the Criminal Investigation Division, Company F. Commissioner Guinn made that motion that Corporal Scott Pillow be promoted to Sergeant, Commissioner Fowler seconded and the motion passed.

Colonel Witt then recommended the Commission consider Corporal Shannon Shepherd for the vacant Sergeant position in the Highway Patrol Division, Troop K. Commissioner Shepherd made the motion that Corporal Shannon Shepherd be promoted to Sergeant, Commissioner Futrell seconded and the motion passed.

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Colonel Witt then recommended the Commission consider Corporal Mike Moyer for the vacant Sergeant position in Regulatory and Building Operations Division, Administration. Commissioner Guinn made the motion that Corporal Mike Moyer be promoted to Sergeant, Commissioner Fowler seconded and the motion passed.

Commission Chairman Christenson congratulated all those officers who just received promotions.

NEXT MEETING:

The next scheduled meeting will be Thursday, August 8, 2013 at 9:00 a.m. with the Appeal Hearing for James McCoskey at 10:00 a.m.

Commission Chairman Christenson announced after adjournment, the Commission would have a ten minute break before beginning the appeal hearing for Mitch Grant.

With no new business to come before the Commission, Commissioner Shepherd moved the meeting be adjourned. This was seconded by Commissioner Fowler and the motion passed. The meeting was adjourned at 10:48 a.m.

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Commission Chairman

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Commission Secretary