

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING
October 9, 2014

The Arkansas State Police Commission met on Thursday, October 9, 2014 at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Futrell called the meeting to order at 10:06 a.m.

MEMBERS PRESENT:

Commissioner Woody Futrell, Chairman
Commissioner Wallace Fowler, Vice-Chairman
Commissioner Frank Guinn, Secretary
Commissioner Bob Burns
Commissioner Jane Christenson

MEMBERS ABSENT:

Commissioner John Allison
Commissioner Dr. Lewis Shepherd

STATE POLICE PERSONNEL ATTENDING:

Colonel Stan Witt	Donna Humphries
Lt. Colonel Tim K’Nuckles	J. R. Hankins
Sergeant Ronnie Qualls	Sergeant Eric Henson
Corporal Blake Wilson	Sergeant Brad Spurlin
Corporal Greg McNeese	Corporal Brenda Stephenson
Corporal Billy Ealy	Corporal Jeff Whitlock
Captain Ron Stayton	Debbie Roark
Tammy Dulaney	Michelle Gatlin
Captain Jeff Drew	Kathy Finnegan
Gary Glisson	Lieutenant Brant Tosh
Lieutenant Charles Hubbard	Captain Steve Coppinger
Lieutenant Stacie Rhoads	Captain Wesley Smithee
Captain Forrest Marks	Lieutenant David Lafferty
Lieutenant Mark Hollingsworth	Major Shawn Garner
Sergeant Kenneth Whitmore	Lieutenant David Sims
Captain Lindsey Williams	Janet Chappelle
Harmony Daniels	Jackie Baker
Sergeant Paulette Ward	Emma French
Jenna Castleberry	Linda Powell
Major Mike Foster	Sergeant Mike Moyer
Bridget White	Sherry Woods
Lieutenant Jason Aaron	Corporal Chuck Lewis

OTHERS PRESENT:

Joe Thielke, ASP Foundation	Jaimie Henson
Amy Ford, AG’s Office	Tim Healy, FBI
Erin Healy	Natalie Gatlin
Carrie Gatlin	Michael Hollister
Ryan McGeeney	

PLEDGE OF ALLEGIANCE:

Commissioner Fowler led the pledge of allegiance.

Commission Chairman Futrell welcomed all the guests, ASP personnel, friends, and Foundation members to the Commission Meeting.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on September 30, 2014.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

October 9, 2014 – Page 2

MINUTES:

Commissioner Fowler made a motion to approve the minutes of the September 10, 2014 monthly Commission Meeting. Commissioner Christenson seconded the motion. The motion passed.

WEAPON RESOLUTIONS

Major Shawn Garner presented the below resolutions for consideration by the ASP Commission.

R E S O L U T I O N

WHEREAS: Captain Jeff Jester efficiently and effectively served the Arkansas State Police for a period of twenty-eight years, nine months, and twenty-seven days;

WHEREAS: Captain Jeff Jester retired from this department August 31, 2014;

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: Captain Jeff Jester 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, October 09, 2014, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS187, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

Commissioner Burns made a motion to approve the above weapon resolution presented to the Commission. Commissioner Fowler seconded the motion and the motion passed.

R E S O L U T I O N

WHEREAS: Captain Jeff Jester efficiently and effectively served the Arkansas State Police for a period of twenty-eight years, nine months, and twenty-seven days;

WHEREAS: Captain Jeff Jester retired from this department August 31, 2014;

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: Captain Jeff Jester 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, October 09, 2014 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number PC530959, that Captain Jeff Jester has carried be affixed at \$100.00, and that Captain Jeff Jester be permitted to purchase the shotgun for his personal use.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

October 9, 2014 – Page 3

Commissioner Christenson made a motion to approve the above weapon resolution presented to the Commission. Commissioners Burns and Fowler seconded the motion and the motion passed.

R E S O L U T I O N

WHEREAS: Sergeant Jeff Thomas efficiently and effectively served the Arkansas State Police for a period of twenty-six years, nine months, and twenty-nine days;

WHEREAS: Sergeant Jeff Thomas retired from this department August 31, 2014;

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 Jeff Thomas 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, October 09, 2014, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS011, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

Commissioner Fowler made a motion to approve the above weapon resolution presented to the Commission. Commissioner Burns seconded the motion and the motion passed.

R E S O L U T I O N

WHEREAS: Sergeant Jeff Thomas efficiently and effectively served the Arkansas State Police for a period of twenty-six years, nine months, and twenty-nine days;

WHEREAS: Sergeant Jeff Thomas retired from this department August 31, 2014;

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 Jeff Thomas 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, October 09, 2014 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D624519M, that Sergeant Jeff Thomas has carried be affixed at \$100.00, and that Sergeant Jeff Thomas be permitted to purchase the shotgun for his personal use.

Commissioner Burns made a motion to approve the above weapon resolution presented to the Commission. Commissioner Christenson seconded the motion and the motion passed.

Major Mike Foster presented the below resolutions for consideration by the ASP Commission.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

October 9, 2014 – Page 4

R E S O L U T I O N

WHEREAS: Corporal John R. Norris efficiently and effectively served the Arkansas State Police for a period of fourteen years, nine months, and seventeen days;

WHEREAS: Corporal John R. Norris retired from this department August 31, 2014;

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 John R. Norris 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, October 09, 2014, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS245, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

Commissioner Christenson made a motion to approve the above weapon resolution presented to the Commission. Commissioner Fowler seconded the motion and the motion passed.

R E S O L U T I O N

WHEREAS: Corporal John R. Norris efficiently and effectively served the Arkansas State Police for a period of fourteen years, nine months, and seventeen days;

WHEREAS: Corporal John R. Norris retired from this department August 31, 2014;

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 John R. Norris 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, October 09, 2014 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number DS88819M, that Corporal John R. Norris has carried be affixed at \$100.00, and that Corporal John R. Norris be permitted to purchase the shotgun for his personal use.

Commissioner Christenson made a motion to approve the above weapon resolution presented to the Commission. Commissioner Fowler seconded the motion and the motion passed.

PROMOTION CERTIFICATES:

Colonel Stan Witt presented a promotion certificate to Sergeant Eric Henson promoting him to Sergeant in the Highway Patrol Division, Troop G.

OFFICIAL COMMENDATIONS:

Captain Ron Stayton gave an overview of the incident for which Michelle Gatlin and Katherine Finnegan were nominated for Official Commendations. He stated that on January 13th our Hotline received a call from the Medical personnel in Garland County regarding a 9 month-old child with what they described as a “buckle” fracture to the wrist. They weren't so concerned, they didn't believe that the fracture alone constituted abuse. What they were concerned about was that the young parents of this child had no explanation for this injury. The Hotline accepted the report and it was assigned to Michelle Gatlin our Area Supervisor who in turn assigned it to Kathy Finnegan to investigate. The following morning she initiated the investigation conducting interviews with medical staff.

She observed this child, because the child was non-verbal being so young, who appeared to be happy and healthy. She interviewed the young parents. They were very cooperative and seemed to be very loving and caring parents. The child care staff where this child stayed during the day described these parents as loving and caring parents. There was really nothing to support the preponderance of evidence to say this child was being abused. But Kathy, like many of our investigators, refused to accept things at face value. They will turn over every rock to try to find a way to help these children. After discussing the case with Michelle Gatlin, they decided to speak with Dr. Karen Farst at Arkansas Children's Hospital. She specializes in child abuse pediatrics. What Kathy had requested was that Dr. Farst examine this child and do a skeletal exam because of the lack of explanation for the injury. Dr. Farst had also expressed that she was not too concerned about the injury which was pretty common for young children who are just starting to pull up on things and trying to walk, but she agreed to do the exam.

On the 17th of January they took the child to Arkansas Children's Hospital where they did a skeletal examination and found this was the only fracture the child had had. They also noticed multiple calcifications around the child's liver. So around the 31st of January, the child went back to the hospital where they did a needle biopsy showing a large cancerous tumor connected to this child's liver. Subsequent to that there had to be an aggressive treatment plan for this child. The child has now undergone chemotherapy and has had surgery.

I'm happy to tell you today, this child is now cancer free. This child is healthy and happy and there is no doubt in my mind that without the diligence, professionalism, and the caring of Kathy Finnegan and Michelle Gatlin this case could have turned out much differently.

For all their caring and diligence on the job, they were nominated for Official Commendations.

Colonel Stan Witt presented an Official Commendation to both Michelle Gatlin and Kathy Finnegan.

Colonel Stan Witt stated this is not on today's agenda, but I would like to ask Special Agent Tim Healy with the FBI to come forward. Tim is a Special Agent with the FBI here in Little Rock and has assisted the Arkansas State Police over the last few years, especially in training with the Crisis Negotiations Team. Tim is a very valuable asset to the Arkansas State Police in general and has been the Field Coordinator for negotiations. Tim has worked with the Crisis Negotiations Team since 2010 and has rarely missed a call out. Colonel Witt presented Tim with a Certificate of Appreciation for his years of service and all he has done for the Arkansas State Police. Colonel Witt explained that Tim will be leaving Little Rock and moving back to his home state, and he will be missed by the Arkansas State Police.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

October 9, 2014 – Page 6

Corporal Blake Wilson stated as Colonel Witt has already explained, Special Agent Healy has been a very valuable member of our crisis negotiations team and has responded to all of the call-outs, maybe missing one. We have a very special relationship in Arkansas with the FBI and a very special relationship with their crisis negotiators, they respond to every call with us. We have always considered them a part of our team and a part of our State Police Family. On behalf of the Arkansas State Police Crisis Negotiation Team, I would like to present this plaque to you in appreciation for your years of service and commitment to the Arkansas State Police Crisis Negotiation Team and thank you for helping keep the citizens of Arkansas safe.

Commission Chairman Futrell said he wanted to voice his appreciation to the FBI, our Local Law Enforcement agencies, State Police, and the Hotline for all the work they do in protecting this great State of Arkansas and the help and work they all do together. He stated he knows the Hotline is a very depressing deal, just like the troopers who work out there, and he just wanted to take a minute to express thanks from the Commission to everybody for the way they protect and guard the state of Arkansas.

DIVISION REPORTS:

Fiscal Report – Emma French

Ms. French gave an overview of the reports which were distributed to the Commission. She stated we are about a fourth of the way through the year so far. We are doing fine financially, we've got an eye on everything. We did have a subcommittee meeting on September 30th. It took us a while to get the dates firmed up. We had to work with Senator Woods and get where he could work it around, but we did get that finalized and had the meeting. We had 16 legislators come, and it was a very successful meeting. We were able to secure sponsors for some of the projects that we want to get done in the session. It was an excellent meeting and worked well for us to get the support we needed. Our budget hearing is going to be October 21st sometime between 9:00 and 12:00. We should see the Executive Req next week which will basically let us know what the Governor is going to support of our request that we submitted, and then we will go before the Legislature on October 21st and present those items that have executive support.

Administrative Services – Lieutenant Mike Kennedy

Lieutenant Kennedy presented an oral summary of the written report distributed to the Commission. He began by reporting the Human Resources/Personnel transactions for the month of August; we had six civilian new hires, two civilian voluntary resignations, one retirement and four promotions. The Commission transactions include 27 new hires which will be our 2014-B class which started on September 7th. We had one reinstatement, four resignations, 3 of them were recruits, two promotions and eleven lateral transfers. Currently we have five military deployments.

The 2014-B Troop School has 24 recruits, we're still housing. This will probably be their last week to sit in the classroom, they will be moving the rest of the time. Tomorrow they will get OC sprayed and Friday we're going to tase them, so we will see how many we have next time we come back for the monthly meeting. They will be up and moving doing basic training for the rest of the time, so they won't be in the classroom a lot after this week.

Regarding the ASP Health Plan, the Plan is doing fine. A snapshot of the savings report for claims incurred through today indicates discount savings at 67% which is higher than expected. On Medical our prescription claims for the month of September are \$1.2 million which is pretty high. This is due to several large claims coming in for the month of September. Our total Fund Balance is \$9,294,644. This is \$493,000 lower than we were this time last year.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

October 9, 2014 – Page 7

Commission Chairman Futrell asked on the average what do we have in military deployment. Lieutenant Kennedy stated that we run about 5 every month. He asked if most of these are two weeks, thirty days or extended periods right now. Lieutenant Kennedy stated that 3 of the 5 are for an extended period.

Commission Chairman Futrell asked Ms. Humphries to acknowledge the guests in attendance, and she noticed Amy Ford with the Attorney General's Office, Joe Thielke with the State Police Foundation and the families of our CACD Investigator and Supervisor and the FBI agent and family.

OLD BUSINESS:

Greg Downs advised the Chairman and Commission that they have before them the Colonel's Motion for reconsideration of the Scott Pillow Appeal, and you also have Scott's attorney's response. You have previously received those, and you should have your package before you. The parties have agreed that the Commission can decide this motion based on the written motions and briefs. The Assistant Attorney General is here today, so if you have any questions on the perimeters of the decision or you need any guidance there. We've basically agreed of course that we're not going to present any argument today.

Commission Chairman Futrell asked if Mr. Pillow was here to speak today, and Mr. Downs stated he has not seen him here.

Commission Chairman stated before we go to Executive Session, I will go to Colonel Witt for any new business and then we will first go into Executive Session to take care of personnel matters and then Colonel Witt will exit and the Commission will discuss and decide on the Scott Pillow matter in closed session.

NEW BUSINESS

Colonel Witt advised they would need to go into Executive Session to discuss personnel matters. Commission Chairman Futrell advised they will go into Executive Session to talk about personnel matters.

The Commission went into Executive Session at 10:31 a.m. and returned at 11:12 a.m.

Commission Chairman Futrell asked Colonel Witt if there were any recommendations. Colonel Witt recommended the Commission consider Lieutenant Mike Hagar for the vacant Captain position in the Director's Office, Executive Protection Section. Commissioner Christenson made a motion that Lieutenant Mike Hagar be promoted to Captain, Commissioner Burns seconded and the motion passed.

Commission Chairman Futrell stated at this time we are taking into consideration the Motion for reconsideration of Scott Pillow's appeal. Commissioner Guinn made a motion that it is the desire of the Commission to immediately reinstate Scott Pillow to the rank of Sergeant and any pay that he has lost since July 7 be restored retroactive to his demotion and the Commission further recommends that Sergeant Pillow should receive a 10-day disciplinary suspension without pay effective with the next pay period. Commissioner Fowler seconded this motion and the motion passed.

NEXT MEETING:

The next meeting will be Thursday, November 13, 2014 at 9:30 a.m. An appeal hearing for Chad Conder will follow.

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING
October 9, 2014 – Page 8

Commissioner Fowler made a motion to adjourn the meeting and it was seconded by Commissioner Christenson. The motion passed and Commission Chairman Futrell announced the meeting was adjourned at 11:15 a.m.

Commission Chairman

Commission Secretary