

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

May 13, 2021

The Arkansas State Police Commission met on Thursday, May 13, 2021 at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Basore called the meeting to order at 10:07 a.m.

MEMBERS PRESENT:

Commissioner Neff Basore, Chairman
Commissioner Steve Edwards - Secretary
Commissioner Jeffery Teague
Commissioner Jim Hinkle
Commissioner Murray Benton, Sr.
Commissioner Ken Reeves

MEMBER ON CONFERENCE CALL:

Commissioner John Allison – Vice-Chairman

STATE POLICE PERSONNEL PRESENT:

Colonel Bill Bryant	Lt. Colonel Shawn Garner
Major Charles Hubbard	Major Forrest Marks
Major Jason Aaron	Major Lindsey Williams
Major David Lafferty	Sherry Woods
Jenna Castleberry	Robin Gifford
Dan Mack	Special Agent Robby Stewart
Corporal Aaron Keith	Corporal Jason Davis
Telecom Supervisor Jason Tubbs	Captain Mike Moyer
Corporal Richard Whitley	Lieutenant Bobby Brown
Lieutenant Darran Austin	Sergeant Daniel L. Nichols
Captain Brady Gore	Captain John Carter
Sergeant Greg Dycus	Captain Todd Shaw
Captain Chris Goodman	Trooper James O. Ray
Lieutenant Brad Lann	Lieutenant Craig Teague
Caitlin Teague	Mary Claire McLaurin
Tess Bradford	Donna Humphries

OTHERS PRESENT:

Jackie Baker, DPS	J. R. Hankins, DPS
Sara Farris, Attorney General's Office	Ret. Major Kathy Sparks

PLEDGE OF ALLEGIANCE:

Commission Chairman Basore led the pledge of allegiance.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on May 11, 2021.

MINUTES:

Commissioner Teague made a motion to approve the minutes of the April 8, 2021 regular monthly commission meeting. Commissioner Edwards seconded and the motion passed.

WEAPON RESOLUTIONS:

Major Jason Aaron presented the following resolutions for consideration by the ASP Commission.

R E S O L U T I O N

WHEREAS: Corporal Flarcell Tate efficiently and effectively served the Arkansas State Police for a period of seventeen years, and seven months.

WHEREAS: Corporal Flarcell Tate retired from this department March 31, 2021;

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 Flarcell Tate 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, May 13, 2021, in accordance with Act 547 of 2003, awards him, his Glock Model 17, Serial Number BMSA567, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

Commissioner Teague made a motion to approve the above weapon resolution presented to the Commission. Commissioner Edwards seconded, and the motion passed.

R E S O L U T I O N

WHEREAS: Corporal Flarcell Tate efficiently and effectively served the Arkansas State Police for a period of seventeen years and seven months;

WHEREAS: Corporal Flarcell Tate retired from this department March 31, 2021;

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 Flarcell Tate 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, May 13, 2021 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D591243M, that Corporal Flarcell Tate has carried be affixed at \$100.00, and that Corporal Flarcell Tate be permitted to purchase the shotgun for his personal use.

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

OFFICIAL COMMENDATIONS:

Captain Todd Shaw gave an overview of the nomination of Telecom Supervisor Jason Tubbs for an Official Commendation.

Captain Shaw stated in the course of researching Troop B history, Chief Radio Operator Jason Tubbs became aware of the line of duty death of a Troop B Radio Operator, Charles Allison Dukes, which had occurred in 1954. Operator Dukes was assisting a Trooper at the scene of a minor vehicle crash near Troop B Headquarters in Newport on Tuesday, December 28, 1954. As Operator Dukes was returning to the headquarters building, he was struck and killed by a passing vehicle. Operator Dukes' death had never been documented in the history of the Arkansas State Police and was unknown to the members of the department and the troop as well. In the course of his investigation, Chief Tubbs was able to discover multiple news articles detailing the events surrounding the death. Chief Tubbs went even further, locating Operator Dukes' son, now an elderly gentleman, still living in the Troop B area. In his contact, Chief Tubbs has provided the Dukes family with the information he has been able to locate. These efforts have resulted in Operator Dukes' son learning details of his father's death, which were unknown to him for almost sixty-six years. Chief Tubbs' efforts have also resulted in the ability to nominate Operator Dukes for departmental awards to give his service and sacrifice the recognition for which it is long overdue. This incident is just one example of Chief Tubbs' dedication to the Arkansas State Police, its members and the community as a whole. Chief Tubbs has gone the extra mile to right a wrong, demonstrating his concern for his fellow man. It is for this reason that Chief Tubbs is deserving of this recognition. Chief Tubbs took it upon himself to further investigate the incident.

Colonel Bryant presented an Official Commendation to Telecom Supervisor Jason Tubbs.

Captain John Carter gave an overview of the nomination of Corporal Robert Stewart for an Official Commendation.

Captain Carter stated on January 17, 2019 Corporal Robert Stewart was on patrol when he received a call for assistance by the Jackson County Sheriff's Office of a suicidal suspect that was armed with a handgun. An officer with the Swifton Police Department had made contact with the suspect and when confronted, the suspect pulled out a pistol from his pocket and fired a round into the ground. Corporal Stewart responded to assist and when he arrived the suspect was walking along a berm beside the county road. There were officers from the Jackson County Sheriff's Office on scene standing behind a patrol vehicle, using it for cover. Family members and friends of the suspect were also there. Corporal Stewart armed with his patrol rifle made his way to the other officers. Corporal Stewart took cover behind a police vehicle and organized a plan to use it for cover to get closer to the suspect who was steadily walking away from them. They started moving down the road when the suspect turned around and began walking back towards them, still armed with the handgun. Corporal Stewart began giving orders to the suspect to drop his weapon. As this continued, the suspect started walking towards them holding the gun. The suspect ignored Corporal Stewart's command and raised the pistol up in the direction of the officers. Corporal Stewart fired his weapon, striking the suspect. Corporal Stewart and the other officers were then able to handcuff the wounded suspect and administer first aid until an ambulance arrived. Corporal Stewart displayed great courage when confronting an armed suspect and his actions that day giving directions obviously saved some lives.

Colonel Bryant presented an Official Commendation to Corporal Robert Stewart.

Captain John Carter gave an overview of the nomination of Corporal Robert Stewart for an Official Commendation.

Captain John Carter stated on April 17, 2019 at approximately 9:30 p.m. Troop C dispatch received information that the Missouri Highway Patrol was involved in a vehicle pursuit on Interstate 55 approaching the Arkansas-Missouri Stateline and they also notified that they would terminate their pursuit at the Stateline. Corporal Brandon Bennett and Mississippi County Deputies made contact with the suspect vehicle and attempted a traffic stop. The suspect continued southbound on Interstate 55 at a high rate of speed and as the officers were pursuing the suspect, he called 911. The suspect stated he had a passenger, and he was going to kill himself with a handgun if officers did not back off. The suspect was identified on that call and was learned that he was wanted for a felony arrest warrant from the State of Mississippi for sexual battery of a minor. The suspect again stated the officers needed to back off before the next exit or it was going to get ugly. The officers provided space and the suspect exited the interstate at Osceola, pulled next to a fuel pump at a gas station where he stepped out of the truck. Officers were able to contact the gas station and lock the station down and were also able to block the parking lot so he couldn't escape. The suspect when he got out of the pickup was holding a handgun down to his side and the officers did notice a female was inside the pickup truck. The suspect got back into the vehicle and drove around to the rear of the building in the parking lot where he parked. An Osceola Police Officer was able to contact the suspect by phone and attempted to get the suspect to surrender. At this point, I requested an ASP Negotiator, and Corporal Robert Stewart from the Crisis Negotiation Team was contacted. As Corporal Stewart was responding to the scene from the Newport area, he was able to gather information about the suspect and the suspect's family. Corporal Stewart was able to make contact with the suspect's wife and learn more about the felony sexual assault charge. Corporal Stewart arrived on scene at approximately 12:20 a.m., he took over negotiations with the suspect a few minutes later. While speaking to Corporal Stewart, the suspect using a second cell phone was also speaking with family members. Corporal Stewart asked the suspect if the female passenger could leave the vehicle and at that point the suspect said not right now. After one and a half hours of negotiating, the suspect was on the second phone with his wife, when she and the female passenger got into an argument. At this point, Corporal Stewart asked the driver if the female could exit the vehicle, he didn't refuse, and she was able to get out and get to safety. At approximately the three hour point the suspect said he would surrender, but he wasn't quite ready. That night there was a heavy rainstorm coming into the area and moving closer to the Osceola area and the tactical officers initiated a plan to use tactics to pressure the suspect. Corporal Stewart continued to speak to the suspect. At approximately 4:00 a.m., tactical officers moved to the pickup in an armored vehicle and made verbal contact with the suspect. Corporal Stewart told the suspect to surrender to the officers which he did. A loaded handgun and drugs were

located in the vehicle after the arrest. Corporal Stewart's skill and professionalism during this event resulted in the safe removal of the female passenger and the armed suspect being taken into custody without incident.

Colonel Bryant presented an Official Commendation to Corporal Robert Stewart.

Sergeant Daniel Nichols gave an overview of the nominations of Corporal Aaron Keith and Corporal Jason Davis for Official Commendations.

Sergeant Daniel Nichols stated on May 29, 2019 at approximately 11:08 a.m. Corporal Aaron Keith, Corporal Shane Alkire and Corporal Jason Davis were involved in a pursuit of a bank robbery suspect that came out of Troop H. Trooper Matt Price of Troop H was the initial officer pursuing the suspect. They traveled northbound in Interstate 49, Trooper Price was able to PIT the vehicle and they went off into a wood line. The suspect would not immediately give up, he would put his hand up in the air, but he had what appeared to be a weapon in his hand and he was fired upon by Corporal Shane Alkire. A couple of shots were fired, the weapon was dropped, about a 20-minute standoff ensued, after about 20 minutes the suspect decided to give up. He exited the vehicle and other officers from the surrounding agencies were able to approach him with a shield and take him into custody without further incident. Corporal Keith and Corporal Davis showed extreme heroism, they kept their cool during the whole pursuit. They were involved in the pursuit and the apprehension of the suspect. They showed extreme professionalism, during the apprehension.

Colonel Bryant presented Official Commendations to Corporal Aaron Keith and Corporal Jason Davis.

AMERICAN ASSOCIATION OF STATE TROOPERS – TROOPER OF THE YEAR

Captain Chris Goodman stated on December 4, 2020 at 10:37 a.m., Trooper James Ray was assisting Officer Matt Young of the Arkansas Highway Police with a vehicle that was parked on the shoulder of I-40 near the town of Ozark. Officer Young had stopped the vehicle to check on the welfare of the driver and had learned that the driver's license was suspended. The side windows of the vehicle were spray painted black, preventing Officer Young from seeing through anything other than the driver's window. Knowing that Trooper Ray was in the area, Officer Young called Trooper Ray to assist with the unusual encounter. When Trooper Ray arrived, he and Officer Young began to make contact with the subject, the subject placed his vehicle in drive and sped away from the scene traveling westbound on Interstate 40. During the ensuing pursuit, the suspect fled at speeds over 100 mph and passed several vehicles on the shoulder as he drove extremely erratically. When given the opportunity to safely end the pursuit, Trooper Ray performed a PIT maneuver on the fleeing suspect vehicle. The suspect vehicle was forced into a clockwise spin in the westbound lanes, unfortunately the suspect was able to regain control of the vehicle and began driving eastbound in the westbound lanes posing an extreme danger to other motorists who are now meeting the fleeing suspect head on. The suspect traveled a short distance before he crossed the median again traveling westbound in the eastbound lanes, again driving head on with the unsuspecting eastbound traffic traveling at interstate speeds. Trooper Ray realizing that he was running out of options to stop an extremely dangerous driver, drove west in the westbound lanes to get ahead of the fleeing driver who was westbound in the eastbound lanes. Trooper Ray was able to get ahead of the fleeing driver and cross the median into the eastbound lanes now facing the direction he knew the suspect vehicle was traveling towards him. With quick thinking, Trooper Ray stopped all eastbound traffic behind him and began slowly driving eastbound as the suspect vehicle approached him traveling westbound. Trooper Ray knew that the next unit to be in a position on the eastbound side of the interstate was several miles behind him and he knew he had one chance to stop the fleeing suspect and prevent a catastrophic collision between the suspect's vehicle and that of an innocent motorist. Trooper Ray aimed his vehicle at the oncoming suspect and waited. He timed it perfectly and at just the right moment when the vehicle was passing in front of him Trooper Ray accelerated quickly and crashed the front of his unit into the front left corner of the suspect vehicle. This action forced the suspect vehicle into the median and disabled both vehicles. Trooper Ray was able to safely place the suspect into custody and miraculously neither he nor the suspect had any major injuries. Trooper Ray briefly had the wind knocked out of him and was very sore the next few days while the suspect had no known injuries. Trooper Ray's extremely selfless act and bravery no doubt kept motorists safe that day. For these reasons, Trooper James Ray was recently awarded the American Association of State Troopers, Trooper of the Year Award.

Trooper James Ray was introduced to the ASP Commissioners.

PROMOTION CERTIFICATES:

Colonel Bill Bryant presented a promotion certificate to Lieutenant Craig Teague promoting him to Lieutenant in the Administrative Services Division, Training.

DIVISION REPORTS:

Fiscal Section – Jenna Castleberry

Ms. Castleberry gave an overview of the reports which were distributed to the Commission. Ms. Castleberry stated we have just a little over a month and a half left in the fiscal year, so we are watching things carefully. We are in a good position for June, everything is looking good. We did receive our annual operation packet and we are working on FY22 budget and it is due next week, so that is what we are working on.

Commissioner Edwards asked what are these crazy fuel prices going to do to the budget. Ms. Castleberry stated we are anticipating increases and we are loading a much higher budget for fuel next year.

Administrative Services – Major Charles Hubbard

Major Hubbard presented an oral summary of the written report distributed to the Commission. He began by reporting the Human Resources/Personnel transactions for the month. The uniformed noncommissioned transactions include one new hire and seven terminations which were voluntary resignations. The commissioned transactions include two promotions, three terminations, and one transfer. Currently we have seven military deployments.

Regarding the ASP Health Plan, April paid claims were \$1,030,800 which is an increase of \$16,439 from last month and the fund balance is \$5,053 higher than last month for a total fund balance of \$10,019,794. The average discount savings for the month of March was about 70%.

OTHER BUSINESS:

Commission Chairman Basore asked Colonel Bryant do we have personnel matters to attend to? Colonel Bryant stated yes Mr. Chairman, we have two promotions to consider.

EXECUTIVE SESSION:

Commissioner Edwards made a motion to go into Executive Session for the purpose of considering employment, appointment, promotion, demotion, disciplining, or resignation of employees, Commissioner Hinkle seconded, and the motion passed. The Commission went into Executive Session at 10:33 a.m.

Commission Chairman Basore called the meeting back to order at 11:18 a.m. and asked Colonel Bryant if he has any recommendations.

Colonel Bryant stated the first promotion is an ASP Captain position in the Highway Patrol Division, Administration. My recommendation to the Commission would be Lieutenant William Brad Lann. Commissioner Edwards made a motion that Lieutenant William Brad Lann be promoted to Captain in the Highway Patrol Division, Administration. Commissioner Hinkle seconded and the motion passed.

Colonel Bryant stated the next position is an ASP Sergeant position in the Director's Office, Office of Professional Standards, I am going to use the Director's discretion for a lateral transfer of Sergeant Marcus Daniels into the Sergeant position in the Director's Office, Office of Professional Standards.

NEXT MEETING:

Commission Chairman Basore stated just for the record we have changed the September Commission meeting to Thursday, September 2, 2021 at 10:00 a.m.

Commission Chairman Basore stated the Appeal Hearing for Jarueben Lee has been rescheduled until the October 14 meeting to begin at approximately 10:00 a.m. or upon adjournment of the ASP Commission Meeting.

Commission Chairman Basore stated the next regularly scheduled meeting will be held on Thursday, June 10, 2021 at 10:00 a.m.

With no more business, Commissioner Hinkle made a motion to adjourn the meeting, Commissioner Edwards seconded, and the motion passed. Commission Chairman Basore adjourned the meeting at 11:25 a.m.

Commission Chairman

Commission Secretary