

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING

June 8, 2023

The Arkansas State Police Commission met on Thursday, June 8, 2023, at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Edwards called the meeting to order at 10:04 a.m.

MEMBERS PRESENT:

Commissioner Steve Edwards, Chairman
Commissioner Jeffery Teague, Vice-Chairman
Commissioner John Allison, Secretary
Commissioner Jim Hinkle
Commissioner Ken Reeves
Commissioner Neff Basore
Commissioner Mike Akin

STATE POLICE PERSONNEL PRESENT:

Colonel Mike Hagar	Major Mike Moyer
Major Roby Rhoads	Lt. Colonel Jason Aaron
Lt. Colonel Mike Kennedy	Major Ron Casey
Major Jeff Drew	Major Stacie Rhoads
Kalika Rogers	Dan Mack
Sherry Woods	Susan Tedford
Jenna Castleberry	John A. Smith
Sergeant Byron Curry	Sergeant Robby Stewart
Sergeant Mark Blackerby	Lieutenant Jeff Plouch
Lieutenant Ben Hoyt	Lieutenant Jamie Gravier
Trooper Austin Kennedy	Janai Kennedy
Captain Jeff Sheeler	Lieutenant Michael Bain
Captain Chris Goodman	Captain Todd Shaw
Captain Scott Russell	Captain Kyle Drown
Ashley Easterly	Joseph Martin

OTHERS PRESENT:

Wendy Curry	Piper Curry
Conner Curry	Norris Curry
Mitzi Curry	Amber Stewart
Blair Shannon	Cassie Blackerby
Travis Blackerby	Thomas Blackerby
Jane Blackerby	Jessica Plouch
Barry Burchfield	Dawn Burchfield
Sara Farris, AG's Office	

PLEDGE OF ALLEGIANCE:

Commission Chairman Edwards led the pledge of allegiance.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on May 30, 2023.

MINUTES:

Commission Chairman Edwards stated all of you were mailed out the minutes of the May 11, 2023, regular monthly meeting, I would entertain a motion to approve those.

Commissioner Reeves made a motion to approve the minutes of the May 11, 2023, regular monthly commission meeting. Commissioner Basore seconded the motion. Commission Chairman Edwards stated we have a motion and a second, all in favor, any opposed and the motion passed.

WEAPON RESOLUTIONS:

Major Stacie Rhoads presented the following resolutions for consideration by the ASP Commission.

R E S O L U T I O N

- WHEREAS: Corporal Dwane Scott Luter efficiently and effectively served the Arkansas State Police for a period of thirty-five years, and one month;
- WHEREAS: Corporal Dwane Scott Luter retired from this department April 30, 2023;
- 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 Dwane Scott Luter 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, June 08, 2023, in accordance with Act 547 of 2003, awards him, his Glock Model 43X, Serial Number BLYX602, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

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

R E S O L U T I O N

- WHEREAS: Corporal Dwane Scott Luter efficiently and effectively served the Arkansas State Police for a period of thirty-five years, and one month;
- WHEREAS: Corporal Dwane Scott Luter retired from this department April 30, 2023;
- 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 Dwane Scott Luter 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, June 08, 2023 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D605953M, that Corporal Dwane Scott Luter has carried be affixed at \$100.00, and that Corporal Dwane Scott Luter be permitted to purchase the shotgun for his personal use.

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

Major Roby Rhoads presented the following resolutions for consideration by the ASP Commission.

R E S O L U T I O N

- WHEREAS: Sergeant Wanda James efficiently and effectively served the Arkansas State Police for a period of twenty-five years, six months, and twenty-nine days;
- WHEREAS: Sergeant Wanda James retired from this department March 31, 2023;
- WHEREAS: Her 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 Wanda James has made formal request that her service weapon be retired with her and remain in her 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, June 08, 2023, in accordance with Act 547 of 2003, awards her, her Glock Model 17, Serial Number BMSA170, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

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

R E S O L U T I O N

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

WHEREAS: Sergeant Wanda James retired from this department March 31, 2023;

WHEREAS: Her 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 Wanda James has made formal request that her shotgun be retired with her and remain in her 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, June 08, 2023 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number PC593085, that Sergeant Wanda James has carried be affixed at \$100.00, and that Sergeant Wanda James be permitted to purchase the shotgun for his personal use.

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

OFFICIAL COMMENDATIONS:

Sergeant Jackie Stinnett gave an overview of the nomination of Corporal Mark Morton for an Official Commendation. Sergeant Stinnett stated on July 16, 2022 at approximately 12:10 a.m. Senior Corporal Mark Morton heard a call come out on the Baxter County radio of a boating accident on Lake Norfork not far from Henderson Marina, that had one severe injury and one fatal injury. Senior Corporal Morton was the first law enforcement person on scene. He knew that a fishing tournament was being held in the area and knew that other fishermen would be at the end of the dock. He made contact with a fisherman who took him to the accident scene in his boat. Once at the scene, he radioed his position to EMS responders to make it easier to find them. Senior Corporal Morton then hooked the boats together and towed them to the shore where the injured boater was flown out by helicopter. Senior Corporal Morton's quick actions and knowledge of the area no doubt contributed to the injured person's surviving this accident. Senior Corporal Morton's actions that night, getting medical attention so quick is one reason the boater is expected to make a full recovery. Senior Corporal Mark Morton is the only trooper I know who carries a life jacket in his car. So, we do work up in North Arkansas where there is a lot of lakes.

Colonel Mike Hagar presented Senior Corporal Mark Morton with an Official Commendation Award.

PROMOTION CERTIFICATE:

Colonel Mike Hagar presented a promotion certificate to Lieutenant Colonel Mike Kennedy promoting him to Lieutenant Colonel in the Director's Office, Administrative Operations.

Colonel Mike Hagar presented a promotion certificate to Captain Craig Teague promoting him to Captain in the Administrative Services Division, Administration.

Colonel Mike Hagar presented a promotion certificate to Lieutenant Benjamin Hoyt promoting him to Lieutenant in the Administrative Services Division, Administration.

Colonel Mike Hagar presented a promotion certificate to Lieutenant Jeff Plouch promoting him to Lieutenant in the Highway Patrol Division, Troop L.

Colonel Mike Hagar presented a promotion certificate to Sergeant Mark Blackerby promoting him to Sergeant in the Highway Patrol Division, Troop A.

Colonel Mike Hagar presented a promotion certificate to Sergeant Robert Stewart promoting him to Sergeant in the Highway Patrol Division, Troop B.

Colonel Mike Hagar presented a promotion certificate to Sergeant Byron Curry promoting him to Sergeant in the Highway Patrol Division, Troop F.

Commission Chairman Edwards stated congratulations to everyone and next we have our division reports.

Fiscal Section – John Smith

John Smith gave an overview of the monthly report. Mr. Smith stated last time I told you we were working on our FY24 budget, that will start July 1. We got the budget turned in and we are looking real good for the next year, I do not see any issues. We were able to get the funding to budget a second troop school which will start this fall, it will be for certified officers. It will be a shorter school, but we anticipate getting more people in for that. We are in the middle of closing out our current fiscal year which ends June 30 and what makes this one the most crazy is every ten years, you have a year that has 27 payrolls, and this is it. So, you are talking about saving money and holding it until June 30, when the last payroll kicks out. We are doing a lot of juggling, but we are making it work, it is going to be smooth. When we were here the last meeting, I told you we were going to ask for \$5.8 million in special revenue to purchase vehicles, we received that money, we got the appropriation, we have ordered those cars. I have never seen a smoother transaction go through for that big of a process, ordering that many vehicles at once and we just knocked it out. So, now it is up to Dodge, if they can get us the cars, we have the money to equip them. Commissioner Teague asked what do you attribute the smoothness to? Mr. Smith stated with COVID it really slowed down getting vehicles, we had a few conference calls with Dodge and that window to order vehicles nationwide was opened for a very short period. They told us if we could get them a PO timely, which we couldn't have done it any more timely, they should be able to follow through, so I feel real good about the promise they made to us and getting those. We anticipate getting those this fall. Mr. Smith stated the last thing I have is the average fuel for the year is \$3.15 per gallon and that is without aircraft and with aircraft it is \$3.25. So, we budgeted high there for FY23, we budgeted, I think it was \$4.50. I am going to have some savings there that we can realize and move around for year end. For FY24 starting in July, I took a gamble and moved that down to \$4.00 a gallon for the whole year. Since we have not reached that peak, I do not feel like it is that big of a gamble, but ya'll are with it just like I am, it is a gamble. We will do what we have to, to make it work. Commissioner Hinkle stated we received a copy of the audit report and asked Mr. Smith, were you present at that legislative joint audit committee meeting? Mr. Smith stated I was. Commissioner Hinkle stated just one question, were there any unanswered questions? Mr. Smith stated no sir. We are going through our next audit right now. That one was closing out FY21 and we are going through FY22 audit now and I anticipate it ending mid-summer. It will take them a couple of months to put their report together, so far there has not been anything brought to my attention that's a big problem, that one could have a hearing by the end of the calendar year. But we will all be notified; you will be notified, and I will try to remember to tell you myself.

Administrative Services – Major Roby Rhoads

Major Rhoads presented an oral summary of the written report distributed to the Commission. He began by reporting the Human Resources/Personnel transactions for the month, on the uniformed noncommissioned side we had two new hires, three terminations, and one demotion that was voluntary. The commissioned transactions included two reinstatements, two promotions, a lateral transfer, and two retirements. Currently we have four military deployments.

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Major Rhoads stated we have twenty-nine recruits still in troop school and they are in week 18 and today they are doing crowd and riot control. Graduation for this school is set for June 29, 2023 at 6:00 p.m. at the Capitol.

For the 2023B school we have 122 qualified applicants still in the process, pending some more reviews. They are moving on to the polygraph phase right now.

Regarding the ASP Health Plan, May paid claims were \$1,115,524.00 which was an increase of almost \$86,000.00 from last month and the fund balance is \$15,218.00 higher than last month for a total fund balance of \$12,190,616.00.

Commission Chairman Edwards stated the next report is going to be Crimes Against Children.

Major Jeff Drew stated the CACD Hotline received 6173 calls in May, which is an increase from last year of 5,337 with 2,758 of those calls being accepted for investigation. There were 19 child deaths reported, six of those were investigated, thirteen were assessed and none documented. The investigations unit accepted 527 new investigations, closed 527 investigations, with 162 of those being found true, which gives us a substantiation rate of 31%. Some of you had asked last time about the new system that we are going to; we are moving from CHRIS to ARFOCUS. We made the release 1 transition last week; we had the assistance of Red Mane and the CHRIS people here to help us with it. I think we had a few hiccups that first night and like they say it was during the week, so we are in the process of working out a little bug that is still continuing, but they appear to be taking care of it as we get to them.

Commission Chairman Edwards asked how many investigators do you have? Major Drew stated 73. Commission Chairman Edwards stated a lot of ground to cover.

Major Stacie Rhoads stated for the month of May CID opened 130 cases, eight of those were related to homicide investigations, three of those were in custody deaths and two of those were investigations involving officers using their firearms in the line of duty. I want to take a minute to brag on our Internet Crimes Against Children Task Force that we have, if you will recall back in February with your support, Colonel Hagar promoted Sergeant Corwin Battle to that role. Our Internet Crimes Against Children is a very underappreciated area of our Criminal Investigation Division simply because I think people would prefer to not know that there is a sexual exploitation of our children and especially across the internet. But since Sergeant Battle has been in charge, we have been able just for the month of May, we made fifteen arrests across the State of Arkansas related to people who are exploiting our children. So, I just wanted to take a minute to thank you for making that, because we have really been trying to get him promoted in that role for quite some time. Just so you can have some context for the month of May we received 450 cyber tips from the National Center for Missing and Exploited Children, just for the month of May. For the year 2020, we received 4500 and these are tips related to the sexual exploitation of children. So, I just wanted to highlight that and let you know that we are really doing some extensive work in that area, and I really appreciate you all making that promotion, because it has been crucial to us being successful in that area.

Major Ron Casey stated for the Highway Patrol Division, we have a real good month to brag on these guys. They put 1691 people in jail on physical arrests, 312 total DWI and DUI arrests for the month of May. Total tickets written was 17,274, we had 14 air support missions, 58 pursuits, accidents investigated was 1428 and 32 of those were fatality crashes with people killed. Troopers drove 781,871 miles during the month of May. There was 18,708 DL and CDL tests given. What I would really like to brag about is, Operation Safe Streets was put together with cooperation of the Little Rock PD and the Pulaski County Sheriff Office on May 13 through the 15. During this operation, which is very impressive, there was 29 troopers, two Sergeants, two Lieutenants and a Captain and three pilots from Air Support. This was just a Pulaski County, Little Rock area saturation and there was 26 DWI arrest, 1 DUI arrest, 111 criminal arrests, which with everything included there was 610 arrests, that was 610 tickets written and 952 OVCs total in those two days, pretty impressive. This was put together actually to combat street racing that wasn't a big focus when this got started because social media and they backed off. In this activity also 9 guns, 10 pursuits, 453 grams of meth, a little over 1,000 grams of marijuana, 1 stolen car, and \$2800.00 cash seized. We are also doing this operation again this month and we are looking at trying to do it sporadically through the rest of the year. We are going to focus on the street racing and the

congregating and loitering in places where they block streets, intersections even parts of the highways and we are going to combat that the best we can. It was a great effort, and this doesn't include what Little Rock and Pulaski County's activity was. Two other special things I want to address to you all and make you aware, even though the troopers around the state do a great job every day, in Pulaski County in Troop A Troopers they just make outstanding arrests on a daily basis, they are probably in pursuits two or three times a day. But one particular incident that happened on June 3, 2023 around 5:22 a.m. Trooper Kyle Ellison stopped a van that was involved in a BOLO, that was supposed to have a kidnapping. Kyle did stop that vehicle, that van, and he located two missing children that was involved in this kidnapping and placed two people under arrest. So, he did recover some kidnapped kids. On the 5th, just a few days ago, Trooper Ana Escamilla stopped a vehicle and went through her investigative skills and confiscated 11.3 pounds of Fentanyl over 5,000 tablets. That could have killed half of the people in the United States. These two are just a very few of what they do each and every day in the Highway Patrol Division and I don't think we could be prouder.

Commission Chairman Edwards asked Major Casey since the fleeing has become a felony, does that slow down the fleeing any? Major Casey stated well Mr. Chairman that actual law doesn't take place until after July 1, but it won't, prison and felony doesn't stop anything hardly, and it is a sad situation. Hopefully it will some of these that are getting new into the business of fleeing. Maybe if they get nailed pretty hard, then word will spread and that is what we are hoping and that was the intent of the law. I hope it does, realistically who knows.

Major Mike Moyer, Regulatory and Building Operations Division, stated during the month of May the ID Bureau and AFIS processed 23,811 civil background checks and 9,441 criminal fingerprint submissions. The Used Motor Vehicle Division processed 289 dealer applications, while PI Security processed 688 applications during the month of May. Our ASP Bomb Squad attended a weeklong nuclear stabilization class this past month with bomb techs from across the state and also the National Guard. They also handled 5 separate explosive calls since the last commission meeting. The fire investigators conducted 4 origin and cause investigations in the month of May.

Commission Chairman Edwards asked Major Moyer how has the concealed weapons changed. Major Moyer stated we are seeing a gradual decline in applications just since last month, I am sorry, since March. In March we had close to 4000 and we dropped down to 3000 this month. Major Moyer stated over the past 6 months we have definitely seen a gradual decline in applications. Commission Chairman Edwards stated so just clarify for me please, the way I understand it you don't have to have a concealed carry permit to carry now in Arkansas, is that correct? Major Moyer stated after July 1, that is correct, but the benefit of the CHCL is one, you can still purchase a firearm without doing a background check and also it allows you to carry in certain prohibited places and of course carry out of state. Commission Chairman Edwards asked so do you still have to have the enhanced to do the certain places. Major Moyer stated correct, yes.

NEW BUSINESS:

Commission Chairman Edwards asked Colonel Hagar if we have any new business to discuss?

Colonel Hagar stated yes sir, we have some business to discuss in executive session.

Commissioner Hinkle stated Mr. Chairman, before Commissioner Reeves makes that motion probably, it probably goes without saying, but if you are a part of any division in this organization no matter what role you play, you are playing a very, very important part of being one of the best organizations in the State of Arkansas, if not the United States. I hope everyday you go to work; you are proud of the job that you do and your leaders sitting here up front, I know they are proud, it is evident by the statements they make. But whether you can save two little kids that had been abducted or whether you could take tremendous drugs off the streets, or whether you are part of the aviation department or are part of our Fiscal operations, it matters not, you are still out there every day doing your job. I think every once in a while, we need to say how much we, the seven of us sitting up here, appreciate the strong work that you do. It is quite evident by the family support that you have sitting in this room today. I want to say thanks to your family members for coming to witness a promotion or commendation, but I am extremely humbled to be a minute part of a great organization and I thank you for what you are doing. Commissioner Basore stated well said.

Commissioner Allison stated I have one comment, we attended a retirement meeting last month and I was very impressed. If you remember in 08-09 we were down about \$150 to \$200 million dollars, the people that are managing our money are doing a much better job and I was impressed with the performance, what they are doing in a market that is pretty scary. So, thought I would share. Commission Chairman Edwards stated thank you sir.

EXECUTIVE SESSION:

Commissioner Reeves stated I move that we retire into Executive Session to consider personnel matters. Commissioner Hinkle seconded, and the motion passed. The Commission went into Executive Session at 10:43 a.m.

Commission Chairman Edwards called the meeting back to order at 11:34 a.m.

Commission Chairman Edwards stated we are not taking any action today. The only thing that we have to do is we have the Anthony Dail Hearing that is scheduled for July 13 following our commission meeting, does that work okay for everybody?

Commissioner Reeves stated I think we discussed starting the commission meeting at 9:00 a.m. and the hearing immediately thereafter is what we want to do. Commissioner Basore stated yeah, I think so.

NEXT MEETING:

Commission Chairman Edwards stated the next regularly scheduled meeting will be held on Thursday, July 13, 2023, scheduled at 9:00 a.m. followed by the Anthony Dail Appeal Hearing at 10:0 a.m. or upon adjournment.

Commission Chairman Edwards stated if there no other business, I will entertain a motion to adjourn. Commissioner Reeves made a motion to adjourn the meeting, Commissioner Basore seconded the motion. With no more business to come before the commission, Commission Chairman Edwards adjourned the meeting at 11:35 a.m.

Commission Chairman

Commission Secretary