

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING
July 13, 2023

The Arkansas State Police Commission met on Thursday, July 13, 2023, at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Chairman Edwards called the meeting to order at 9:05 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:

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| 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 | Lieutenant Morris Knight |
| Sergeant Ryan Jacks | Sergeant David Forthman |
| Captain Jeff Sheeler | Captain John Carter |
| Lieutenant Seth Pinner | Captain Chris Goodman |
| Captain David Williams | Captain Scott Russell |
| Sergeant Brad Spurlin | Captain Kyle Drown |
| Captain Todd Shaw | Corporal Trey Keller |
| Captain Rick Neill | Hugh Finkelstein |
| Tess Bradford | Phillip Warriner |
| Cindy Murphy | Donna Humphries |

OTHERS PRESENT:

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| Julie Chavis, AG's Office | Clayton Orr, AG's Office |
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PLEDGE OF ALLEGIANCE:

Commission Chairman Edwards led the pledge of allegiance.

NOTIFICATION OF MEDIA:

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

MINUTES:

Commission Chairman Edwards stated all of you were mailed out the minutes of the June 8, 2023, regular monthly meeting, I would entertain a motion to approve those.

Commissioner Reeves made a motion to approve the minutes of the June 8, 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 Ron Casey presented the following resolutions for consideration by the ASP Commission.

R E S O L U T I O N

WHEREAS: Sergeant Tony Austin efficiently and effectively served the Arkansas State Police for a period of twenty-six years, eight months, and twenty-two days;

WHEREAS: Sergeant Tony Austin retired from this department May 31, 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: Sergeant Tony Austin 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 13, 2023, in accordance with Act 547 of 2003, awards him, his Glock Model 17, Serial Number BMSA299, 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 Hinkle seconded the motion, and the motion passed.

R E S O L U T I O N

WHEREAS: Sergeant Tony Austin efficiently and effectively served the Arkansas State Police for a period of twenty-six years, eight months and twenty-two days;

WHEREAS: Sergeant Tony Austin retired from this department May 31, 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: Sergeant Tony Austin 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 13, 2023 in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D578666M, that Sergeant Tony Austin has carried be affixed at \$100.00, and that Sergeant Tony Austin be permitted to purchase the shotgun for his personal use.

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

PROMOTION CERTIFICATE:

Colonel Mike Hagar presented a promotion certificate to Lieutenant Morris Knight promoting him to Lieutenant in the Criminal Investigation Division, Company B.

Commission Chairman Edwards stated next, we have our division reports.

Fiscal Section – Jenna Castleberry

Jenna Castleberry gave an overview of the monthly report. Ms. Castleberry stated we have had a busy month this past month closing out our fiscal year, but we ended well, in a good spot. Ms. Castleberry stated we had a good year end, we ended on a good note. She stated we have been busy with the startup processes beginning our new budget for the year and new procurements is always a big deal, playing catch up from closeout processes. We spent \$3.1 million on fuel last year and budgeted \$4.5 million, so we were very glad to see that it did not reach the \$4.5 million that we had estimated.

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 three new hires, six terminations, one which was a retirement and five were voluntary. The commissioned transactions included two involuntary demotions, seven terminations which were three retirements, two voluntary terminations, one

involuntary termination, and one probationary employee.

We currently have three military deployments.

Major Rhoads stated we currently have 110 applicants in the process for the 2023B school, and they are doing polygraphs, backgrounds, and some of them are being interviewed today. We are moving through that process pretty quickly.

Commission Chairman Edwards stated this is a certified school, right. Major Roby Rhoads stated yes sir.

Commissioner Teague asked Major Roby Rhoads to tell us a little about the terminations, not maybe specific names. Major Roby Rhoads asked on the commission side, sir. Commissioner Teague stated what were the terminations, were they trooper terminations? Major Roby Rhoads stated for the commissioned we had three retirements, two voluntary terminations, one involuntary termination, and one probationary employee.

Major Roby Rhoads stated we are making promotions off the new test that we just finished a few months ago. Just to give you an overview on that, we start off with a job task analysis that is done. PSI gives us information and we review it to make sure that it goes along with what is important to know. Then there is a written test, which is open and closed book for the Sergeants and Lieutenants and that covers criminal code and policy, procedures, and leadership. Then there are oral boards, Sergeants do a one on one and a career review board and the Lieutenants do a one on one, a career review and a command exercise. Then they compile the results and get them to us.

Regarding the ASP Health Plan, June paid claims were \$1.4 million for an increase of \$362,000.00 and the fund balance is \$431,000.00 lower than last month.

Commissioner Basore stated I have a question back on testing for Lieutenants and Sergeants exams. The last couple of cycles we have had about a 10-point spread. We used to do the band system, which I don't believe any of us up here understood, and then we went to another system to try to be more inclusive. It had something to do with top score of the person who applied for a particular position and then it would apply that score down to a certain score. How is that determined, is that mathematical. Major Roby Rhoads stated yes sir, whoever puts in for that position, sets the top score and creates the band. So, they are at the top of the band, there is a statistical break, that PSI, the company that grades the test, gives us and they apply that to the scores, with seniority points and veteran's points. We have the spreadsheets and program, and we check and will include the veteran's points, seniority points are already included, all of the information then goes to HR. They compile their list and check the results and then they forward me the information, I double check it to make sure that everything is correct, including veteran's points and seniority points and then the results are put out.

Commissioner Basore stated so if Commissioner Edwards is applying for a position and he scored 100 points on the Sergeant's exam, then there is a statistical number that has been close to 10 points from his 100 down to 90 and somebody calculates all of the possible points of everybody other than the top scorer, you wouldn't add any points to that I don't guess, and that is who comes through as eligible for promotion. Major Roby Rhoads stated right, and the point spread is different for repeat promotional exams. Commissioner Basore stated and that is determined on some kind of mathematical analysis, what is it this year? Major Roby Rhoads stated we don't make that public. Commissioner Basore stated but it does change every test cycle. Major Roby Rhoads stated yes sir, where PSI feels that it is most defensible, what is legally defensible.

Colonel Mike Hagar stated Commissioner I spoke with Major Roby Rhoads before the meeting about this briefing and we discussed that some of the information that is not released to the public could be discussed in Executive Session if that is alright. Commissioner Basore stated that is fine, I wasn't sure whether it was common knowledge, it wouldn't take someone very long to figure out about what it is, when I said about 10 points or whatever, it hasn't been exactly 10 points, but it seems to be that was the number in the last couple of cycles, is that about accurate. Major Roby Rhoads stated it is going to be in that range, yes sir. Commissioner Basore stated the better the scores are on the whole group, the narrower the band. Commissioner Basore stated thank you, I know we just got through a cycle and are about to have a long list of promotions and I wanted to be comfortable sort of understanding how we got the list.

Commission Chairman Edwards stated next, we have Crimes Against Children.

Major Jeff Drew stated the CACD Hotline received 4,300 calls this past month, last year was 4,177 for June, 2,041 of those were accepted, and 2,120 were accepted last year. We had 15 child deaths reported, five of those were investigated, nine were assessed and one was documented. The investigations unit accepted 490 cases, closed 629 cases, with 395 of those being found true, which gives us a substantiation rate of 35%.

Commissioner Basore asked what was the volume of calls for June of this year? Major Drew stated 4,300 calls. Commissioner Basore stated that was this year, so that is about on par with last year. Major Drew stated yes sir.

Major Stacie Rhoads stated for the month of June CID opened 153 investigations, one of those was an officer involved shooting, sixteen were death investigations, four of which were homicides. We also worked two in custody deaths for our local jails. I am happy to report, I have got written down here a zillion background investigations, which is really good, but we did have a huge increase in our background investigations for this school which is good. Out of the 153 investigations, you are probably wondering where the majority of those cases are. One of the things that we do in CID is work narcotics cases. We have thirteen investigators across the state just dedicated to drug enforcement and a majority of these cases are those. I wanted to highlight one particular investigation that we worked in Crawford County. You are all familiar with Fentanyl and the epidemic that seems to be going across our nation with not just the spreading of that but the overdoses that are a result of that. This one particular investigation, Special Agent Josh Arnold conducted a four-week investigation where he purchased close to 60 grams of Fentanyl there just in Crawford County, he also purchased a significant amount of methamphetamine and weapons. That case went to trial this past month in June and the suspect, a thirty-seven-year-old female, received a collective 91 years in the penitentiary. I know, not to take anything away from our drug interdiction guys because they do a phenomenal job, but we have got narcs out there that are actually getting drugs out of our communities and making a huge difference, so I just wanted to highlight some of those unknown investigators out there that don't draw a lot of attention that are making a huge difference where they reside. I just wanted to highlight that so thank you.

Major Ron Casey stated in the Highway Patrol Division for the month of June, Troopers arrested 1,377 actual people on criminal arrests, made 264 DWI arrests and they issued 15,276 citations from hazardous to non-hazardous arrests. We had five aircraft missions, 59 pursuits, we gave 22,316 DL and CDL tests, investigated 1,371 crashes and 31 of those being fatalities. On our second phase of Operation Safe Streets, the numbers were not quite as high as the month of May, but Troopers did an excellent job. Out of the above 264 DWIs, 23 of those were from the 2-day operation in Little Rock. On the 17th Troopers issued 382 citations and had 561 total OVCs. On the 18th they issued 355 tickets with 571 total OVCs. So, we had about 21 troopers brought into the city limits of Little Rock, and we didn't have a whole lot of help from Little Rock Police Department or Pulaski County Sheriff Office. These guys basically did it on their own, so, outstanding work.

Commission Chairman Edwards asked do these troopers have to all show up for court. Major Casey stated yes sir, if there is contested cases, then yes sir they have to come back to court.

Major Casey stated to add to this, they did recover 11 stolen vehicles in the month of June.

Commissioner Teague asked do most of your pursuits originate in Pulaski County? Major Casey stated yes sir, well, Major Casey stated Troop D has quite a few and Troop K had a few. He stated I can get the break down for next month if you want to know that. But the majority is out of Troop A and Troop D, maybe a lot out of West Memphis.

Major Mike Moyer, Regulatory and Building Operations Division, stated during the month of June the ID Bureau and AFIS processed 24,898 civil background checks and 9,487 criminal background checks. Currently the AFIS cloud upgrade that I mentioned a few months ago, is being implemented, IDEMIA is going to be here over the weekend and actually programming all of the software to get this up and running. The Used Motor Vehicle Division processed 343 dealer applications and they have investigated 10 complaints this month. The PI Security section processed 668 applications during the month of June. Since the last commission meeting, the ASP Bomb Squad handled two separate explosive calls and the fire investigators conducted 5 origin and cause investigations.

Commission Chairman Edwards stated I have a couple of questions; I have heard a lot of comments and so I think things changed July 1 as far as concealed carry/open carry. So, if you would tell me, I know you still have to have an enhanced to carry into certain facilities. I mean except for going through a reciprocal state is there any reason to have a concealed carry permit? Major Moyer stated I don't recall if there was an emergency clause on that or not, I don't think there was, so it takes effect on July 31 on the carrying without a concealed carry license. The concealed carry license is going to allow you if you have the enhanced to carry in certain prohibited places, for instance State Capitol, State offices, still will not allow you to carry in courts or police stations or K-12 schools. The concealed carry license currently can still be used to bypass a background check when you purchase firearms and it also the reciprocity among other states. Commission Chairman Edwards stated so I keep hearing about open carry, can we open carry now? Major Moyer stated as far as I know you can, but also it is going to be depending on the jurisdiction where you are at as far as if the Prosecutor will prosecute on that. Commission Chairman Edwards stated well I guess in my business in retail I'm assuming I can put a sign at the front saying to prohibit it in my business. Major Moyer stated yes you can.

NEW BUSINESS:

Commission Chairman Edwards asked do we have any personnel matters that need to be discussed?

Colonel Hagar stated yes sir, Mr. Chairman, I would ask that we go to executive session.

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 9:27 a.m.

Commission Chairman Edwards called the meeting back to order at 10:40 a.m.

Commission Chairman Edwards asked Colonel, you have some information for us?

Colonel Hagar stated yes sir, first would be a recommendation for reinstatement for James Reed who would be assigned to Troop F. Commissioner Reeves made a motion to approve the reinstatement of James Reed. Commissioners Basore/Teague seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The first promotion would be Troop L Sergeants, we have two positions, and the recommendations would be Corporal Aaron Keith and Corporal Shane Alkire. Commissioner Basore made a motion that Corporal Aaron Keith and Corporal Shane Alkire be promoted to Sergeants in the Highway Patrol Division, Troop L. Commissioner Teague seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The next promotion would be Troop E Lieutenant, the recommendation would be Sergeant Brad Spurlin. Commissioner Hinkle made a motion that Sergeant Brad Spurlin be promoted to Lieutenant in the Highway Patrol Division, Troop E. Commissioner Basore seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The next promotion would be Troop C Sergeant, and the recommendation would be Corporal Scott McLaughlin. Commissioner Akin made a motion that Corporal Scott McLaughlin be promoted to Sergeant in the Highway Patrol Division, Troop C. Commissioner Reeves seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The next promotion would be Sergeant Company B and the recommendation would be Corporal Sammy Norris. Commissioner Akin made a motion that Corporal Sammy Norris be promoted to Sergeant in the Criminal Investigation Division, Company B. Commissioner Teague seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The next promotion would be Lieutenant, Company E and the recommendation would be Sergeant Ted Jones. Commissioner Reeves made a motion that Sergeant Ted Jones be promoted to Lieutenant in the Criminal Investigation Division, Company E. Commissioner Allison seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

The next promotion would be Troop F Sergeants, we have two positions, and the recommendations would be Corporal Dakotah Bailey and Corporal Lagarian Cross. Commissioner Teague made a motion that Corporal Dakotah Bailey and Corporal Lagarian Cross be promoted to Sergeants in the Highway Patrol Division, Troop F. Commissioner Akin seconded the motion. Commission Chairman Edwards stated we have a motion and second, all in favor, any opposed and the motion passed.

NEXT MEETING:

Commission Chairman Edwards stated the next regularly scheduled meeting will be held on Thursday, August 10, 2023, scheduled at 10:00 a.m.

Commission Chairman Edwards stated if there no other business, I will entertain a motion to adjourn. Commissioner Hinkle 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 10:45 a.m.

Commission Chairman

Commission Secretary