

BOARD OF PUBLIC SAFETY

Minutes of Meeting Held April 14, 2005

MEMBERS PRESENT:

Mr. Wayne Abernathy
Mr. Hal Averitt
Mr. Rooney Bowen, III
Mr. Bud Black
Commissioner James Donald
Mr. Patrick Head
Sheriff Jamil Saba
Sheriff Cullen Talton

MEMBERS ABSENT:

Governor Sonny Perdue
Sheriff Bruce Harris
Mr. W. H. "Dub" Harper
Chief Lou Dekmar
Chief Dwayne Orrick
Chief J. D. Rice

OTHERS PRESENT:

Mr. Chris Brasher, Department of Law
Ms. Laura Jones, Board Liaison
Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol
Lieutenant Colonel Arthur White, Department of Public Safety
Mr. Terry Landers, Department of Public Safety
Ms. Melissa Rodgers, Department of Public Safety
Sgt. Mark McDonough, Department of Public Safety
Ms. Allison Hodge, Department of Public Safety
Major Corky Jewell, Department of Public Safety
Major Don Chastain, Department of Public Safety
Lieutenant Colonel (Retd.) Kenny Hancock
Major (Retd.) Mike Bohannan
Captain Hiram Bembry, State Patrol
Ms. Sherry Stubbs, Department of Public Safety
Director Vernon Keenan, Georgia Bureau of Investigation
Assistant Director Chris Ash, Georgia Bureau of Investigation
Mr. Ray Higgins, Georgia Bureau of Investigation
Director Dale Mann, Georgia Public Safety Training Center
Mr. Richard Guerreiro, Consultant with Georgia Public Safety Training Center
Captain Ruben McGee, with Houston County Sheriff's Office

Vice-Chairman James Donald called the meeting to order, welcoming Board members and visitors. Sheriff Cullen Talton introduced Captain Ruben McGee, who had traveled with him to the Board meeting.

Beginning with Special Resolutions, Colonel Bill Hitchens read a Resolution recognizing the years of service by retired Lieutenant Colonel Kenny Hancock and his dedication to serving the State Patrol. Lieutenant Colonel Hancock thanked the Board for being honored; he cherished the many friendships he had with the Board members.

Colonel Hitchens read a Resolution for retired Major Mike Bohannon, who was also a model trooper retiring after more than thirty years of service. Major Bohannon thanked the Board members for their support and friendship.

DIRECTORS' REPORTS

Department of Public Safety/Georgia State Patrol

Colonel Bill Hitchens began with reporting on the manpower count; out of the 953 authorized positions, there are 774 filled positions, which means a shortage of 179 positions. There are 187 radio operators out of the 253 authorized positions. The agency was successful in hiring a few radio operators last month.

As far as legislation is concerned, Colonel Hitchens reported that the agency was successful in window tint. The Georgia Supreme Court had ruled it unconstitutional because it applied only to Georgia residents. It is now changed in that it is applied universally to any state that is operating in Georgia. This year there is a feature of little tolerance set on the 32%, with a plus or minus 3; bringing the window tint into compliance allows the State Patrol to enforce the law.

The legislation regarding "slick top" cars did not pass. Colonel Hitchens reported that the intent is to work with the sponsor and have it brought back up next year. This bill originally started out of State Patrol, but now the Sheriffs and Chiefs associations have become involved.

Colonel Hitchens reported that the agency made out pretty well with the budget. The Governor's budget requested 50 additional troopers. The legislature gave the department two trooper schools of 50 troopers each, which is more than Governor Perdue had requested. A trooper school will start in August, graduation to follow in January, with another trooper school to follow. The legislature did have \$6 million for new cars in bonds. However, on one of the last days of the session, the bonds became an issue and most of the bonds were thrown out. Instead of \$6 million, the department will only get about \$2.5 million. The vehicles are now running about 130,000; before year end, will go 140,000 miles. There is a higher chance of liability on safety while driving a 130,000/140,000 mile vehicle during high speed pursuits.

In response to a question concerning Department of Motor Vehicle Safety, Colonel Hitchens responded that 270 employees will be transferred to Department of Public Safety on July 1st. This group will be called Motor Carrier Compliance Division, and, they are excited about working for a law enforcement agency.

It was mentioned that a sports competition was held between Georgia State Patrol and Florida Highway Patrol. It was a great event, everyone had a good time, and, plans are being made for next year.

Georgia Bureau of Investigation

Director Vernon Keenan reported on the legislation that was passed affecting GBI. One piece of legislation that was passed, changes the wording in the statute of "Director of Investigations" to "Director of Georgia Bureau of Investigation." The law has been changed to reflect the correct term as it is today.

The second piece of legislation, which was passed, abolished the instant gun check program mandating the GBI to conduct background investigations of all purchasers of firearms in this state. When Governor Perdue signs the law into affect, Georgia will become the 34th state in the nation to use the FBI system to do the background check on those purchasing firearms.

Director Keenan presented an issue of how Congress passed legislation allowing retired police officers to carry a weapon anywhere in the United States. Director Keenan called on Mr. Chris Brasher, Board Attorney, to address how the federal legislation would relate to the Georgia's state and local officers.

Mr. Brasher stated that Congress passed two companion pieces of legislation, that being the Peace Officers Safety Act of 2004. The definition for a qualified retired peace officer is that the officer is to have actually retired in good standing, to not have been fired, and to not have been judged mentally incompetent. First, the agency has to demonstrate that the peace officer retired in good stead. Second, the peace officer has to demonstrate that he/she has complied, within the last twelve months, with a state requirement to re-qualify with firearms for the state in which the officer resides.

The question that arises is that Georgia presently does not have a standard for annual re-qualification for peace officers. The Georgia statute is worded so that there is a difference between active officers and retired officers. Mr. Brasher indicated that the Georgia Attorney General is researching the statute for a proposed solution. The staff of the Attorney General's office is proposing a rule, which Peace Officers Standards and Training agrees with, to establish for the first time an annual re-qualification requirement for Georgia peace officers. Each person employed or appointed as a peace officer in Georgia is to have two hours of training, which will include constitutional and legal limitations on the use of deadly force, agency policy use on deadly force, and a fire that is equivalent to basic peace officer training, wherein the officer will be required to shoot at least an 80. The officer is going to have to do this each calendar year, as part of their annual 20-hour requirement. This proposal is not to change the requirements of those agencies that already require re-qualification. After roundtable discussion, Vice Chairman

Donald requested that Mr. Brasher and a person from P.O.S.T. report back to the Board on the issue.

Director Keenan provided a copy of a letter that is being sent to every Sheriff and every Chief of Police in the state notifying the "customers" that evidence from the State Crime Laboratory is being outsourced to private labs. Director Keenan addressed concerns of the Board members as to whether the coroners would receive the letter; also, that there may be certain cases where those in the private labs may have to testify in court.

Georgia Public Safety Training Center

Director Dale Mann began with requesting the Board to approve a Resolution allowing the Training Center to move the training academy in northeast Georgia. The Training Center will utilize a regional youth development center that was closed a year ago. Upon discovering that the building was available, Director Mann worked with Mr. Lonice Barrett of the New Georgia Commission and Commissioner Al Murray of the Department of Juvenile Justice to transfer ownership to Georgia Public Safety Training Center. Mr. Chris Brasher presented the Resolution, explaining that the request is for the Board to authorize Georgia Public Safety Training Center, by and through Department of Public Safety, to take possession of this property for their intended purpose as a regional training center. In turn, the Department of Juvenile Justice will do a resolution that authorizes the transfer to Public Safety. Director Mann responded to several questions of the property, then requesting approval of the following:

That the Board of Public Safety approve the transfer of custody of certain real property located in Athens, Clarke County from the Department of Juvenile Justice to Department of Public Safety for use as a Regional Public Safety Training Center.

Mr. Rooney L. Bowen, III made the motion to accept the Resolution, which was seconded by Mr. Hal Averitt, and unanimously approved by the Board members.

Director Mann reported on the Memorial Wall, there are several names to be placed for this year. Several years ago, a Memorial Committee was created to review names that are nominated to be placed on the wall. Director Mann brought eleven names that the Memorial Committee has accepted to the Board for approval:

James Curtis Gilbert, Jr. Henry County Police Department
Wesley Mack, Columbia County Sheriff's Office
Steven Charles Brack, Allentown Fire Department
James Larry Rogers, Claxton Fire Department
Christopher Lee Ruse, Pendergrass Police Department
Charles Richard Haist, Henry County Police Department
Lattie Floyd Collins, III, Donalsonville Fire Department

Randall Keith Hill, Screven County Fire Department
James R. Brock, United States Penitentiary
Pierce W. Farr, Waycross Police Department
Ishmael Worth Bohannon, Pitts Police Department

Mr. Wayne Abernathy made a motion to approve the list of names for the Memorial Wall, which was seconded by Mr. Rooney L. Bowen, III, and unanimously approved by the Board members.

Director Mann brought one name to be remanded by the Board of Public Safety:

James Earl Austin, Eastman Police Department

Mr. Wayne Abernathy made a motion to remand the name from the nomination list. Said motion was seconded by Mr. Hal Averitt and unanimously approved by the Board members.

Director Mann brought to the Board the concern of “in-house credits.” In-house credits are items, such as, agencies are given so many copies at the print shop; agencies are given so many rounds of ammunition; agencies are given so many gallons of fuels. These credits add up to substantial money. Director Mann indicated that he will re-visit the in-house credits in that the Training Center has gotten to the point of not being able to afford the credits.

Director Mann reported that an elevator is broken at the dorm. There are two elevators that are hydraulically operated, and, with one of the elevators, hydraulic fluid was seeped out into the soil. This elevator has been shut down, and, if the other elevator breaks down, then the dorm would not be ADA compliant, meaning the dorm would have to be shut down.

Vice-Chairman James Donald requested approval of the Minutes of the March Board meeting. With the note of correcting the attendance list by adding Mr. Bud Black’s name, Mr. Wayne Abernathy motioned for approval, which was seconded by Mr. Hal Averitt, and unanimously approved by the Board members.

DONATIONS AND RESOLUTIONS:

Mr. Ray Higgins, Georgia Bureau of Investigation, requested approval of the following donation:

1999 Ford Surveillance Van	\$108,000	Social Security Administration
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Mr. Rooney L. Bowen, III motioned approval, seconded by Mr. Wayne Abernathy, and unanimously approved by the Board members.

Mr. Terry Landers, Department of Public Safety, presented the following donations:

Stalker Dual Radar Unit	\$1,912.00	Climax City Council
Cash	\$1,150.00	Kiwanis Club of Statesboro
Two Genesis II Radar Units	\$3,100.00	Treutlen County Sheriff
Genesis II Select Radar	\$1,640.00	Hart County Sheriff
Nine Stalker Dual Radar	\$9,090.00	Reidsville Chief Police Tattnall County Chairman Appling County Chairman Toombs County Sheriff

Mr. Rooney L. Bowen, III motioned approval of the donations, which was seconded by Mr. Wayne Abernathy, and unanimously approved by Board members.

One question given: due to the increase in gas prices, is the department able to re-shift monies for gasoline? Mr. Landers responded that the prices having been going up since the holidays and it is getting worse. It will be an issue going into next year; until then, the remainder of these few months will be fine. Mr. Landers thinks if gas prices go higher, it may be something that the department will have to go back at some point and ask for additional funds.

ADMINISTRATIVE AND EMERGENCY ISSUES:

The question came up as to whether the By-Laws should be changed in relation to the change in the statute of Director of Investigations to Director of "Georgia Bureau of Investigations." Mr. Chris Brasher, Board Attorney, agreed to review the By-Laws and bring it back to the Board.

OLD AND NEW BUSINESS:

Mr. Rooney L. Bowen, III commented on the Department of Public Safety and how it is conducting administrative license suspension seminars; he had heard good things from the troopers. Mr. Bowen expressed his appreciation, in that the seminars are needed for the troopers to learn how to testify at these hearings.

Vice-Chairman Donald reported that from the Department of Corrections, the Prison Industry Enhancement bill passed. The P.I.E. bill will allow the Department of Corrections to seek,

through the Department of Labor, industry being put inside the prisons; to begin working the 40,000 inmates. The Department of Labor will insure that this will not displace any real world workers. Another note is that the inmates will have to pay out of the salary check, the restitution set by judges/district attorneys; pay out child support; and pay out a residential fee. The inmate will get a few cents on the dollar, meaning that when the inmate comes back home, the inmate will have a small savings in his pocket. This will have a significant impact on keeping inmates from returning to prison.

After discussion, it was agreed that the next meeting will be on May 11th at Georgia Public Safety Training Center.

Rooney L. Bowen, III
Secretary