

BOARD OF PUBLIC SAFETY

August 9, 2007
Atlanta, Georgia

BOARD MEMBERS PRESENT:

Vice-Chairman James E. Donald
Mr. Wayne Abernathy
Mr. Bud Black
Sheriff Steve Cronic
Chief Dwayne Orrick
Mr. Gene Stuckey
Mr. Ellis Wood

Mr. Rooney L. Bowen, III (via telephone)

BOARD MEMBERS ABSENT:

Chief Lou Dekmar
Mr. Dub Harper
Sheriff Bruce Harris
Mr. Pat Head
Chief J. D. Rice
Sheriff Cullen Talton

OTHERS PRESENT:

Mr. Joe Drolet, Board Attorney
Ms. Laura Jones, Board Liaison
Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol
Mr. Mark McDonough, Department of Public Safety/Georgia State Patrol
Mr. Joe Hood, Department of Public Safety/Georgia State Patrol
Mr. Lee O'Brien, Department of Public Safety/Georgia State Patrol
Major Christopher Long, Motor Carrier Compliance Division
Director Vernon Keenan, Georgia Bureau of Investigation
Mr. Mike Fordham, Georgia Bureau of Investigation
Mr. Dan Kirk, Georgia Bureau of Investigation
Mr. Paul Heppner, Georgia Bureau of Investigation
Mr. Neil Gerstenberger, Georgia Bureau of Investigation
Ms. Dawn Diedrich, Georgia Bureau of Investigation
Ms. Lisa Ulrich, Georgia Bureau of Investigation
Ms. Shirley Andrews, Georgia Bureau of Investigation
Director Dale Mann, Georgia Public Safety Training Center
Mr. Richard Guerreiro, Georgia Public Safety Training Center
Mr. Geronald Bell, Office of Planning and Budget
Ms. Wendy Angelety, Office of Planning and Budget
Officer Wiley Gammon, Georgia Tech Police Department
Ms. Misty Giles, Office of Governor

Vice-Chairman Donald called the August Board meeting to order. Vice-Chairman Donald began with asking there were any visitors to be recognized. Mr. Wayne Abernathy stated to recognize that Sheriff Steve Cronic was honored Sheriff Of The Year at the annual Sheriffs' Conference.

Vice-Chairman Donald welcomed Ms. Misty Giles, representative from Governor Perdue's office, to the Board meeting. Ms. Giles replaces Ms. Hannah Heck, who has moved up to be Governor Perdue's Policy Director.

Vice-Chairman Donald requested each person stand and introduce himself/herself.

There not being a quorum present, all voting was held to the end of the meeting; wherein Mr. Rooney L. Bowen, III was connected via telephone.

DIRECT REPORTS

Colonel Hitchens, Department of Public Safety/Georgia State Patrol, began with a sad note. State Patrol has lost two employees. Mr. Brad Torbert, a Chief Radio Operator of Troop B, was driving to Blue Ridge to fill in for another radio operator, and, while driving through a thunderstorm, lost control of his vehicle and went down the side of a mountain. Another employee, Mike Fortson, passed away as a result of a heart attack.

Colonel Hitchens reported on the *Sharp* case. This is the situation that occurred in 2003, wherein Ms. Sharp was speeding 80+ mph while traveling down I-95. Ms. Sharp began running in South Carolina, and, then traversed into Georgia. Just as Ms. Sharp approached a section of DOT construction, a trooper pitted her; and, Ms. Sharp lost control and died in the accident. Subsequently, Department of Public Safety/Georgia State Patrol was sued for violation of Fourth Amendment for improper procedure. The Court decided summary judgment in favor of State Patrol. However, a motion for reconsideration has been filed.

The 84th Trooper graduation will be held on Friday, August 24 at 10:00 a.m. All Board members are invited to attend. Thirty-eight cadets will graduate. Governor Perdue is the guest speaker.

The 287G Training for officers is in its second week of a five-week school. Training is being held at the headquarters complex. Currently, there are fourteen troopers in the school. The GBI has five people, in addition to three from Drivers Services and six Cobb County Officers.

Colonel Hitchens reported that three days ago an individual was arrested for impersonating a trooper in Gordon County. The reason he brings it up is that this is the third one in three years; one in Chattanooga and second one in Fulton County. With the incident in Fulton County, an individual in a Dodge Charger stopped a lady for traffic violation. The individual had at one time worked with State Patrol; that individual is now awaiting trial. The individual out of Gordon County was trying to get forensic help on his computer. While being investigated, he identified himself two different times as a former trooper and stated he is actively working in an executive department of state government. The individual is charged with impersonating a public official.

Director Vernon Keenan, Georgia Bureau of Investigation, began with reporting on ICE Training. As Colonel Hitchens has stated, the GBI has five agents undergoing training through ICE program. ICE provides training to local and state law enforcement to be able to enforce immigration laws underneath guidelines established by ICE; not that local and state agencies can go out and unilaterally enforce immigration laws. It is done under guidelines of ICE group, generally in a task force situation. The Governor, along with Colonel Hitchens, Commissioner Greg Dozier, and Director Keenan, signed a MOU with ICE to set up the program. What the GBI intends to do with its five agents, is to assign two to Governor's Secure ID Initiative. This is set up with Department of Driver Services to investigate fraudulent driver licenses. The third agent will go to a separate task force set up by ICE, which is designed to address the illegal aliens obtaining fraudulent benefits at the state and local level. The other two agents will be assigned to GISAC here in Atlanta. This is important to GBI to work cases involving fraudulent documentation when working counter terrorism cases when the subject is an illegal alien. This training gives an additional capability of not only to investigate and prosecute at state level, but when finished the person will be deported. Director Keenan answered several questions and continued with explaining that local agencies and state agencies will have additional capabilities; not taking over ICE's job to enforce immigration law. The GBI has a vested interest in this type of law enforcement operation.

Director Keenan stated the GBI would like to do a presentation of the final project which has been completed with computerized Criminal History Records modernization project. Director reminded that the GBI started out four years ago to completely revamp the computerized criminal history record system, a 2.8 million fingerprint based conviction records. This project has been ongoing for four years. The last two weeks the GBI has been downloading all data from the old version into the new version and is scheduled to be completed in a week. Director Keenan stated he would like to bring a presentation to show the ease of use and ability to read criminal history records. The greatest impact that will be seen is when running a criminal history record, a photograph will be viewed; there had not been the capability of matching a conviction record with the arrest photograph. This started out as a \$9 million project, but finished under budget.

Director Keenan then called on Mr. Dan Kirk, Assistant Director, to come up and speak about the status of the State Crime Laboratory. There have been ongoing processes for last few years of addressing the backlog of cases in the Crime Lab. Governor Perdue recommended, and the General Assembly provided, funding to increase the staffing levels in the lab.

To further explain, Assistant Director Dan Kirk stated that last year there were almost 92,000 service requests. A couple of years ago the Crime Lab was at 32,000/33,000 cases backlog. Through a combination of new employees and of outsourcing, the Crime Lab was able to bring that amount down to 4,500/5,000 cases. Mr. Kirk stated that 4,000 to 5,000 cases is normal working backlog; that is because of the science, because of the workload, there will always be some cases that are over thirty days old. The bad news is the largest majority of that backlog is this in the firearms section and latent print section. There are about 1,400 DNA cases that are backlogged. Those cases range from crimes against persons to burglary to convicted felons. Mr. Kirk stated the Crime Lab is trying to re-direct

resources; and, fortunately, has been able to obtain extra grant funds. This month eight people will be working under grants. Mr. Kirk stated these eight people will be with Crime Lab at least through March of 2009. Mr. Kirk stated that the Crime Lab will start prioritizing the cases. If there is a crime against a person, that case will take priority over burglary or armed robbery. In the firearms section, the Crime Lab went from 400 backlog cases to 1,400 backlog cases. The Crime Lab recently hired two people for firearms section; and, it will take a year to two years to get them up to speed. Firearms section takes a lot of time, especially multiple projectiles and multiple weapons cases. Latent Prints is one of those things that has ballooned, and, a person has been hired, which will take a while to get that person trained and up to speed. This will present problems for the prosecutors. However, for those waiting on drug results and DUI's, those cases will do very well; those will be turned around in thirty days. There have been huge improvements in that area. Mr. Kirk stated it will be difficult for the Crime Lab to get caught up as the demand continues to grow.

Director Dale Mann, Georgia Public Safety Training Center, stated that Mr. Jim Higdon, Georgia Municipal Association, has recommended Palmetto Fire Chief Henry Argo be appointed to the Fire Academy Advisory Council. Chief Argo fills the space vacated by the Fulton County Fire Chief.

Director Mann stated he met with Mr. Ellis Wood last week concerning the Ad Hoc Committee, which will study how to deliver Basic Training. Director Mann stated he sees Mr. Wood is approaching this the right way and is starting to gather the information.

FISCAL REPORTS

Mr. Joe Hood, Department of Public Safety/Georgia State Patrol, reported on the agency's financial report. As Board members are aware, the quarterly reports were done by Object Class, such as Personal Services, Regular Operating Expenses, Equipment and so forth. Now, the agency is asked to budget on a program basis. The legislature has appropriated dollars based on a number of programs in the department; each program has its own appropriated dollars. Mr. Hood stated that for the agency to best share what the agency will be held accountable to on the legislative side and on the audit side is to go to the new program format; and, to show where the agency is over or under on the programs. Although still budgeting on Object Class within the department and with Office of Planning and Budget, that is not what the agency is being held accountable on for all of it. Mr. Hood suggests going to this format; this is how the agency is evaluated not only for performance criteria within Governor's Budget but also on an audit basis for the end of the year. The first program, Field Offices and Services, has an Adjusted Budget of over \$70 million and spent almost all of that with only \$10,890 remaining. The next program is Aviation, which is helicopters and mechanics and pilots, and which is separately funded and evaluated. It is budgeted \$2.6 million with only \$317.00 remaining. The next program is called Troop J Specialty Units, which has a special mission of Safety, Education, and Implied Consent in the high schools; this being evaluated separately. This was budgeted \$2.2 million with only \$224.00 remaining. The next item that is Administration, which is Mr. Hood's office and Personnel and so forth; \$8.7 million was budgeted with only \$12,832.00 remaining in the year. The

next item, Executive Security, is state patrol officers assigned to Governor, Lieutenant Governor, Speaker of the House, and Justices of Supreme Court; this is \$1.4 million with only \$259.00 remaining. Specialized Collision Reconstruction Team, which is the officers investigate an accident with a felony death; this was budgeted at \$2.9 million with \$65.00 remaining. The Motor Carrier Compliance Division, who does truck enforcement, is a separate sworn division; and, they have a budget of \$19.4 m with \$37,998 remaining. M CCD has three different funding sources; one-third from state appropriated dollars, one-third from federal; and one-third comes from other. The last item, Capitol Police, was budgeted \$7.5 million with \$250,000 remaining. Capitol Police provides security for Capitol grounds for these buildings; the funding still comes from the Georgia Building Authority. The agency has the Memorandum of Agreement with GBA; they reimburse the DPS/State Patrol for all expenses related to Capitol Police as a program. That money comes from rental fees of the state-owned buildings that the Georgia Building Authority maintains; the GBA collects rental fees and passes the portion relating to security to DPS through the MOA. The cap is \$7.5 million; so, when looking at the fiscal report there is \$250,000 that means the Georgia Building Authority retains the additional amount not expended that year. Those funds are deemed debtor funds; not appropriated dollars. Mr. Hood pointed out the bottom area of the fiscal report, wherein it reflects State, Federal, and Other. The State appropriated dollars is \$88 million, with a surplus of \$62,499. Federal has \$78.00 remaining. Other Funds has \$250,000 remaining, primarily from GBA.

Ms. Lisa Urich, Georgia Bureau of Investigation, reported that the GBI is broken into nine programs. With the financial report in each notebook, Ms. Urich explained each program. The Centralized Scientific Services is the headquarters lab for all forensics operations. The Regional Forensic Services is all the regional labs to do forensic services. Ms. Urich continued with explaining that Criminal Justice Information Services is GCIC. Regional Investigative Services, Special Operations, GISAC, State Health Care Fraud, Multi Judicial Task Force, and Administration are the other programs. She pointed out the percentages of amounts remaining for the budget; the remaining State funds is .15% or \$97,469; the Federal Funds will roll; and the Other Funds will go back.

Mr. Richard Guerreiro, Georgia Public Safety Training Center, reported that the agency is on one program now; and, it includes Georgia Police Academy and Georgia Fire Academy. For purposes of this report, it is broken down into the usual Object Classes. The bottom line reflects returning .2%, or \$19,589, in State Funds. Also, the agency is rolling forward a majority of Federal Funds, or \$969,952 which is MIMS money or incident management training money and terrorist training money that will roll forward in the next fiscal year. Also, there is \$49,778 in Other Funds, which is revenue collected out of tuition, food service sales, and monies anticipated collecting from Department of Corrections for utilities and food service for the prison. The bottom line is the agency is returning \$19,589.00 of State Funds.

DONATIONS

Mr. Joe Hood, Department of Public Safety/Georgia State Patrol, requested approval of the following donations:

Six Stalker DSR 2X Radars	\$16,170.00	Haralson County Commissioners
Four Genesis II Radars	\$ 5,940.00	Sheriff of Meriwether County
One Taser X-26	\$ 800.00	Sheriff of Troup County
Hewlett Packard All-In-One Color Printer	\$ 450.00	Marietta/Cobb/Smyrna Narcotics Unit
Six Tint Meters	\$ 546.00	
Dazzle Video Converter	\$ 63.59	
46" Sony LCD Television	\$ 1,588.00	
Wall Mount for Sony Television	\$ 300.00	
Hewlett Packard Deskjet Printer	\$ 335.00	
Four Wireless Keyboard/Mouse Combination Sets	\$ 254.46	
Nine Pairs Hatch Street Guard Gloves	\$ 309.78	

Ms. Lisa Urich, Georgia Bureau of Investigation, requested approval of the following donations:

Eight Magnum Tactical Taser Holsters	\$ 671.00	Sheriff of Tift County
Four Electronics Covert Video Recording Systems	\$ 4,880.00	Sheriff of Tift County

Vice-Chairman Donald called for open discussion on the Consideration of Repealing Resolution of February, 2007. Vice-Chairman Donald began with calling on Mr. Ellis Wood for his report of the Ad Hoc Committee. Mr. Wood reported that the invitation letter was sent to the respective groups and appropriate designated people have been named; all responses have been received. The first Ad Hoc Committee will be Thursday, August 23rd at Noon at the Georgia Public Safety Training Center. Mr. Wood stated he and Director Dale Mann attended the recent annual Sheriffs' Conference, wherein, Director Mann made a presentation on the Basic Mandate Training concerns at the Conference. Mr. Wood stated he and Sheriff Cronic met with a small group of representatives from the Sheriffs' Association and listened to the representatives' concerns. Mr. Wood stated that in addition to the

groups named in the Resolution, that the Department of Technical and Adult Education (DTAE) will be added to the Committee. The Committee could be expanded later on, as determined that other interested parties should be added. In response to a question, Mr. Wood stated there is a uniformity of concern that training is not standardized; the standardization is not equal. Mr. Wood stated there is a misconception with groups that the original Resolution, that was passed in February, advocates closing the regional academies. There are other concerns of financial encumbrances and geography. Another concern is that DTAE is not being properly utilized in this educational process. Mr. Wood states this is a promising tool and economically it could help a lot of law enforcement agencies; that the Committee could re-visit ways for DTAE, through local technical colleges, to be more utilized to provide some of the basic classroom training. Mr. Wood stated there are a lot of misunderstandings; it will take a lot of time to get a cohesive thought process. Vice-Chairman Donald added this re-affirms that the right choice was made as to who should chair the Committee.

Vice-Chairman Donald continued with opening discussion of Consideration of Repealing the February, 2007. At the last Board meeting, the Board members entertained the idea of repealing that entire Resolution; even though Board Attorney Joe Drolet has assured the Board can move forward without necessarily repealing it.

After connecting Mr. Rooney L. Bowen, III by telephone, several items were voted upon.

Vice-Chairman Donald requested motion to approve the July Minutes. Sheriff Steve Cronic motioned approval, which was seconded by Mr. Wayne Abernathy, and voted approval by the Board members.

Vice-Chairman Donald requested a motion to approve the donations presented by Department of Public Safety and by Georgia Bureau of Investigation. Mr. Wayne Abernathy motioned approval, which was seconded by Mr. Bud Black, and voted approval by the Board members.

Vice-Chairman Donald requested a motion to repeal the February, 2007 Board Resolution. Sheriff Steve Cronic motioned approval, which was seconded by Mr. Gene Stuckey, and voted approval by the Board members.

Vice-Chairman Donald requested a motion to appoint Palmetto Fire Chief Henry Argo to the Georgia Fire Academy Advisory Council. Chief Dwayne Orrick motioned approval, seconded by Mr. Wayne Abernathy, and voted approval by the Board members.

GEORGIA CRIME INFORMATION COUNCIL

Mr. Bud Black made a motion for the Board to move to Georgia Crime Information Council, which was seconded by Chief Dwayne Orrick, and voted approval by the Board.

Deputy Director Paul Heppner began with explaining that in his role as GCIC Director and FBI CJIS Systems Officer, he is bound to insure that appropriate actions are taken when instances of unauthorized access and use of CJIS network in Georgia occur. In order to accomplish that, there is a

team at GBI of Ms. Dawn Deidrich, Deputy Director for Legal Services; Chief of Staff Neil Gerstenberger; and Assistant Deputy Director Shirley Andrews; all who worked together, along with local law enforcement agency heads and Terminal Agency Coordinators, to make sure that these actions are appropriate. Rather than go through each Action Taken, Mr. Heppner pointed out this report is in each notebook. The report details fourteen instances of inappropriate uses that involve accesses to primarily criminal history data bases, drivers' licenses information, vehicle registration information. In each instance, the GBI successfully worked through the process with the agency head. The agency heads, in fact, are the ones that invoke the actions that are taken. Mr. Wayne Abernathy made a motion to approve Actions Taken To Resolve Problems, which was seconded by Mr. Gene Stuckey, and voted approval by the Board members.

Chief Dwayne Orrick made a comment. Last year, legislation was drafted concerning releasing misdemeanor criminal records. Currently, felony criminal records can be released, off GCIC computer, without the person's consent. However, if a law enforcement officer releases misdemeanor conviction off the computer, it is a felony offense for the officer. Misdemeanor records are public records and are available at the courthouse at no cost. However, if an officer releases information, it becomes a felony offense. Chief Orrick would like Chiefs Association and Sheriffs Association to work together and eliminate this burden. GCIC has to investigate these cases of an officer violating the law of releasing a public record. All these records can be obtained at any courthouse. The issue is of big brother legislation from the 1970's that has not caught up with technology; it would be good for the groups to work together to eliminate this law. These are open records and can be obtained through public access; this causes unnecessary state time and investigations by local law officers on something that is unnecessary. Chief Orrick requested that the groups need to work together on this issue and address this inconsistency. Mr. Heppner stated, on behalf of Director Keenan, that it has always been an issue that all felony conviction information, as well as misdemeanor convictions, should be made public. Chief Orrick will forward the draft legislation to Mr. Heppner and work together in this effort.

Chief Dwayne Orrick made a motion to move back into Board of Public Safety, which was seconded by Mr. Bud Black, and voted approval by the Board members.

There being no Emergency/Administrative Issues, Vice-Chairman Donald called for Old or New Business.

OLD/NEW BUSINESS

Mr. Wayne Abernathy brought up the issue of the Weigh Stations. He noticed how there are trucks pass the weigh stations; why some are privileged to pass through while others do not. Major Christopher Long responded. Major Long explained in the past, there were trucks backed up which caused congestion and accidents. To eliminate that, the Georgia Department of Transportation, with the assistance of other corporate entities, provided a method by which those who were registered with a particular company could use a Prepass. Basically, the corporations state they are legal statewide; they are registered by paying a fee to bypass the stations; which reduces that traffic congestion.

Colonel Hitchens added this is a significant process; which involves allowing trucking companies to be open to inspection. Every year there is inspection to look at them and see if they have a good record and insure there is some compliance. There is an electronic signal; the driver looks up when approaching the weigh station, there is a receiver and it sends an electronic signal to let them know they are part of that program. It is a national program. The trucking companies who have been abiding by the law and open up their records and their trucks for inspection annually, get a Prepass.

There being no further business, the meeting was adjourned.

Rooney L. Bowen, III
Secretary