

# **BOARD OF PUBLIC SAFETY**

Minutes of Meeting Held February 11, 2004  
State Patrol Headquarters, Atlanta, Georgia

## **MEMBERS PRESENT:**

Mr. Wayne Abernathy  
Mr. Hal Averitt  
Mr. Rooney L. Bowen, III  
Chief Louis Dekmar  
Commissioner James E. Donald  
Sheriff Bruce Harris  
Mr. Patrick Head  
Chief J.D. Rice  
Chief Hubert Smith  
Sheriff Cullen Talton

## **MEMBERS ABSENT:**

Governor Sonny Perdue  
Mr. Dub Harper  
Mr. Bud Black  
Sheriff Jamil Saba  
Ms. Lisa Godbey Wood

## **OTHERS PRESENT:**

Mr. Chris Brasher, Georgia Department of Law  
Ms. Laura Jones, Board Liaison  
Lieutenant Colonel Kenny Hancock, Georgia State Patrol  
Lieutenant Colonel Arthur White, Georgia State Patrol  
Major Corky Jewell, Georgia State Patrol  
Major Don Chastain, Georgia State Patrol  
Sergeant Soffie Thigpen, Georgia State Patrol  
Mr. Scott Cown, Georgia State Patrol  
Mr. Terry Landers, Georgia State Patrol  
Mr. Wayne Yancey, Georgia State Patrol  
Ms. Terry Long, Georgia State Patrol  
Captain Richard Ashmore, Georgia State Patrol  
Captain Johnny Davis, Georgia State Patrol  
Mr. Gordy Wright, Georgia State Patrol  
Ms. Becky East, Georgia state Patrol  
Ms. Bridget Moyers, Georgia State Patrol  
Director Vernon Keenan, Georgia Bureau of Investigation  
Ms. Chris Ash, Georgia Bureau of Investigation  
Mr. Ray Higgins, Georgia Bureau of Investigation  
Mr. Mike Fordham, Georgia Bureau of Investigation  
Mr. Paul Heppner, Georgia Bureau of Investigation  
Director J. Dale Mann, Georgia Public Safety Training Center  
Mr. Richard Guerreiro, Consultant with Georgia Public Safety Training Center  
Mr. Frank Rotondo, Georgia Association of Chiefs of Police

Chief Hubert Smith called the February Board meeting to order, welcoming everyone and asking if there were any guests.

Chief Smith requested Commissioner James Donald introduce himself. Commissioner Donald retired as Major General, after 33 years in the military. He is looking forward to the challenge of being the Commissioner of Georgia Department of Corrections.

After each Board member introduced himself, Chief Smith announced that ID's will be made after the meeting. Also, because agency heads were required to attend a Senate subcommittee meeting immediately after the Board meeting, the agenda would move quickly.

Chief Hubert Smith requested approval of the Minutes of the January meeting. The motion was made by Chief Lou Dekmar, seconded by Sheriff Cullen Talton, and unanimously voted approval by Board members.

At this time, election of the officers was held. Mr. Wayne Abernathy nominated Commissioner James E. Donald as Vice-Chairman of the Board of Public Safety. Sheriff Cullen Talton seconded said motion and the Board members unanimously voted approval.

Sheriff Bruce Harris nominated Mr. Rooney L. Bowen, III as Secretary of the Board of Public Safety. Mr. Wayne Abernathy seconded said motion and the Board members unanimously voted approval.

Commissioner Donald thanked Chief Smith and the Board members for their support, saying he appreciates the confidence of Governor Perdue and of the Board members. He remarked about how everywhere he goes, he sees one common denominator: great men and women in all the departments serving in an unselfish way. Particularly those in State Patrol and in GBI, along with the people in Corrections.

## **DIRECTORS' REPORTS:**

### **Georgia Public Safety Training Center**

Director Dale Mann's report included two administrative issues. Senate Bill 426, which is the bill that will correct the pre-service background investigations, came out of Senate Public Safety Committee, passed in the Senate, and is now at the House. Director Mann indicated this is good legislation; this is just the right thing to do. The second item is the civil litigation case, which involves one of the employees in an automobile accident. The Attorney General's office is representing the Training Center and is in the process of responding to discovery requests.

Director Mann reiterated that there is a budget hearing at the State Capitol today. He indicated that if the FY 05 budget passes the way it is scheduled, there will not be any funds to do Basic Subsistence, to reimburse agencies sending someone to attend the basic class. There will be zero money for FY 05. Director Mann acknowledged this Board took the action to extend the radius from 45 miles to 60 miles. The time cap on this issue ends June 30<sup>th</sup> of this year. However, if the budget passes the way it is, there will be no money in Basic Subsistence. Mr. Rooney L. Bowen, III pointed out that the Board would revisit the issue after June 30<sup>th</sup>; this issue of radius miles does not automatically revert back to 45-radius miles. Director Mann pointed out an advantage for the agencies would be if an applicant, before being hired, applied for a Hope Grant.

Another item, Director Mann reported a lot of G-8 training is going on. The Training Center is able to handle the training, without canceling other training classes. As the time gets closer to June, the requests for training will increase. The Training Center will be flexible in handling the requests.

#### Georgia Bureau of Investigation

Director Vernon Keenan reported that the GBI is in the process of finalizing the project of a video on instructing first responders, whether a law enforcement officer, EMS, or DFACs worker, to recognize and to understand the dangers of methamphetamine labs. This project is in partnership with Association of Chiefs of Police, District Attorneys Association, Sheriffs Association, Department of Family and Children Services, and other professional groups. Director Keenan proposes showing this video to the Board members at the next meeting.

In updating the Board members on legislation, the GBI will be testifying today at a hearing on Senate Bill 482, relating to DNA database. The GBI operates a DNA database, consisting of two different sections, one being the offender database and the profiles that are collected through a partnership with the Department of Corrections. Prisoners give a DNA sample, which goes to the GBI, and then goes into the DNA database. Senate Bill 482 addresses a loophole in the law. When the law was written, it did not apply to those inmates who are sentenced to life without parole, or, inmates who are sentenced to death. Senate Bill 482 will allow the Department of Corrections to collect DNA samples from those inmates.

In another item of legislation, the GBI had been asked to provide the Governor's office information for the child endangerment bill. Director Keenan indicated the GBI was instrumental in developing the aspects, one of which is enhanced penalties for those manufacturing methamphetamine in the presence of a child. Another aspect relates to giving liability immunity to broadcasters, who participate in Levi's Call, which is Georgia's Amber Alert program.

The GBI is sponsoring a bill, making it a criminal penalty to use the symbols and the names of the state Crime Laboratory, Division of Forensic Sciences, the Georgia Crime Information Center. For a number of years, there has been a law making it illegal to use the words "GBI" or "GBI agent", anything to do with the overall agency. What Director Keenan and the GBI found out is that people are using the logos of divisions under GBI, in either publications or websites, without permission. When that occurs, Director Keenan wants to be in a position to send out an agent to put that person in jail.

Department of Public Safety/State Patrol

Lieutenant Colonel Kenny Hancock, standing in for Colonel Ellis, welcomed everyone to State Patrol headquarters. He thanked Captain Davis, Ms. Moyers, and Mr. Cown for getting the room set up for the Board meeting.

Lieutenant Colonel Hancock introduced Sergeant Soffie Thigpen, with the Implied Consent Unit. With a handout, Sgt. Thigpen explained the mission of the unit is to effectively administer the state's breath alcohol testing program, maintain the instruments, and train operators to operate the instruments. Every county in the State of Georgia has the instruments; presently, there are 584 instruments, and there are 9,523 officers holding a permit to operate these instruments. The Unit furnishes the maintenance and repairs. Once a quarter, a trooper from the Unit goes to an agency to make sure the instrument is running properly and accurately.

There is a two-day training class offered for officers, who wish to be an intoxilyzer operator; last year 1,136 law enforcement officers were trained. For this year, there are 40 intoxilyzer training classes scheduled and 40 refresher classes. In 2003, officers spent 475 hours in court, testifying as expert witnesses about these instruments.

Under the Unit, there are twelve assigned areas, meaning there are twelve different troopers working across the state. Not only as the service provided under this Unit, the troopers also patrol the highways, working accidents and assisting with motorists in need. The Unit also works on special details, such as Hands Across the Border, local craft fairs, and assigned to the races. Not only does the Unit speak to the public, they also hold seminars for judges and prosecutors, explaining the operation of the instrument. Sgt. Thigpen answered questions and turned it back over to Lieutenant Colonel Hancock.

State Patrol is moving forward with the plan of reduction-in-force of Chief Communications Equipment Officers. The Department has gotten approval from Merit System and OPB for reducing those positions and moving these people back into communications officers, in the patrol posts.

A metro-wide concentrated patrol was held yesterday in Atlanta area on the interstate system, organized by Major Chastain and his staff. Total number of citations issued was 651; 272 arrests

of speeding of 21-miles-per hour and over. Moving had its violations, truckers, 15; wanted persons, 4; stolen vehicles, 3. Along with 68 motorists assists. Lieutenant Colonel Hancock felt it was successful, with the plan to do this patrol each month.

Over the weekend, there was a fire in the garage, in one end of the building. It was a storage area with a lot of equipment, with quite extensive damage. The garage was moved to another building on the grounds for temporary utilization. An investigation is ongoing by Risk Management and Fire Marshal's office.

Lieutenant Colonel Hancock asked Mr. Terry Landers to address the Board about FY 04 budget. Mr. Landers reminded the Board members that at the January meeting, the agencies were asked to present the Governor's reduction plans. With a handout, he explained the Governor's recommendation for FY04. The budget cut of \$2.1 million will be met through the process of attrition, with 47 current vacancies that have occurred since July 1 of this fiscal year. For the budget as a whole, Mr. Landers feels the agency is right on track. As for the agency's involvement in the G-8 Summit, potentially, there may be a dilemma as for the monies already paid out. Mr. Landers indicated he will keep the Board members updated as the agency goes through the G-8 process. As for FY 05, it will be examined as the agency gets into the fiscal year.

Lieutenant Colonel Hancock gave each Board member a Legislative Update, along with a list of facilities shared with DMVS. Also, he announced that Board ID's will be made after the meeting and a group photo will be made.

**DONATION:**

Mr. Terry Landers presented the following donations for the Board's approval:

Two Stalker Dual SL Radar Serial Nos. 090367 and 090393	\$3,794.00	Sheriff Bobby Womack Sheriff of Jenkins County
Stalker Dual SL Radar Serial No. 090613	\$1,897.00	Chief Dennis Simmons Millen Police Department
Stalker Radar Serial No. 001031	\$3,410.00	Bennett Adams Mitchell County Administrator

Sheriff Bruce Harris motioned for approval of the donations, Chief Hubert Smith seconded said motion, and the Board members unanimously voted approval.

### **ADMINISTRATIVE AND EMERGENCY ISSUES:**

Mr. Rooney L. Bowen, III reported on a Georgia State Patrol Committee meeting, which was held on February 10<sup>th</sup>. The Committee met with the GSP command staff to discuss several issues, one to bring before the full Board. Mr. Bowen recommended that the position of Chief Communications Equipment Officer be removed from the rank structure; the positions be placed back into the patrol posts. The motion was made by Mr. Bowen, seconded by Chief Lou Dekmar, and unanimously voted approval by the Board.

Mr. Bowen indicated the Committee discussed extensively the issue involving the SCRT team. It was recommended that the SCRT team, assigned to that area, will meet with the district attorney, of that area, to determine how the district attorney would like to have the accident investigated and how the report should be done. By working together, there may be a shorter turnaround for the SCRT team to get the report to the district attorney. Mr. Bowen discussed this issue with Director Vernon Keenan for crime lab reports to be expedited relating to particular accidents. With all parties involved and everyone working in the right direction, hopefully, this will speed up a quicker turnaround of reports from the SCRT team.

There are several rules and regulations that involve Department of Motor Vehicle Safety. Initially, DMVS was going to separate rules involving both agencies. With the assistance of the Board attorney, Mr. Chris Brasher and Ms. Terry Long will make the revisions and bring them back to the Board at a later date.

### **OLD OR NEW BUSINESS:**

Commissioner Donald requested Chief Smith to cover a particular issue. Chief Smith went over a letter he sent to each Board member, regarding issues brought up at a Committee of the Whole. The letter explains the process that will be used for monthly Board meetings, more specifically, the following bullet points:

- If a Board member has an issue to bring before the Board, he/she must call Laura Jones to have the issue placed on the Agenda for next month, by the 20<sup>th</sup> of each month.
- Laura Jones will forward a copy of the proposed Agenda to the Vice Chairman for review.
- The Vice Chairman will review the proposed Agenda and determine what items are to remain on the Agenda and what items are to be forwarded to the committees for review.
- If a situation arises where a Board member will request information, which may require substantial research and/or data from that particular agency, the matter shall be brought before the full Board for review.

- Once the Agenda is set, all Board members will adhere to the items shown on the Agenda.
- Should an emergency arise, the issue may be discussed prior to the meeting being adjourned, with the majority vote of the Board.
- Requested the agency heads to conform with these procedures in allowing the Board to prepare for each meeting.

Commissioner Donald commented that he reviewed the letter, indicating that it clarifies the process for the Board on how meetings are conducted. The critical piece is one bullet, "if there is an emergency issue," wherein Commissioner Donald stated this is not designed to stop anybody putting issues on the table, but it requests that issues be brought to his attention. The outlined letter encourages everyone to work in a decentralized way at the committee level and then bring them to the full Board.

The March Board meeting will be held at the Corrections Board room, Twin Towers.

An additional note, Director Dale Mann stood and stated there are two bills that need to be watched. House Bill 869 does away with the Peace Officer and Prosecutor Training Fund and awards the money to the Administrative Office of Courts to pay for indigent defense. House Bill 188, which would take fines for anything over 19-miles-per hour and put the fines in Administrative Office of Courts to go towards the indigent defense fund.

Mr. Frank Rotondo, Executive Director of Georgia Association of Chiefs of Police, requested to speak. He pointed out that on House Bill 869, one of the larger organizations of the State is making an attempt to say that 10% of the fines should go exclusively to cities, to conduct their own training. Mr. Rotondo explained that this is a substantial amount of money; this will have a devastating impact on training.

There being no further business, Mr. Wayne Abernathy made a motion to adjourn, seconded by Mr. Rooney L. Bowen, III, and the meeting was adjourned.

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Rooney L. Bowen, III  
Secretary