

BOARD OF PUBLIC SAFETY

Minutes of February 9, 2005

MEMBERS PRESENT:

Mr. Hal Averitt
Mr. Rooney Bowen, III
Chief Lou Dekmar
Commissioner James Donald
Sheriff Bruce Harris
Mr. Patrick Head
Chief Dwayne Orrick
Chief J. D. Rice
Sheriff Jamil Saba
Sheriff Cullen Talton

MEMBERS ABSENT:

Governor Sonny Perdue
Mr. Wayne Abernathy
Mr. Charles D. "Bud" Black
Mr. W. H. "Dub" Harper

OTHERS PRESENT:

Mr. Chris Brasher, Department of Law
Ms. Laura Jones, Board Liaison
Colonel Bill Hitchens, Department of Public Safety
Lieutenant Colonel K.W. Hancock, Department of Public Safety
Lieutenant Colonel Arthur White, Department of Public Safety
Captain Richard Ashmore, Department of Public Safety
Mr. Terry Landers, Department of Public Safety
Ms. Allison Hodge, Department of Public Safety
Ms. Melissa Rodgers, Department of Public Safety
Ms. Terry Long, Department of Public Safety
Ms. Dee Brophy, Department of Public Safety
Ms. Maree Gay, Department of Public Safety
Ms. Deborah Brownlee, 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
Deputy Director Paul Heppner, Georgia Bureau of Investigation
Ms. Shirley Andrews, Georgia Bureau of Investigation
Mr. Neil Gerstenberger, Georgia Bureau of Investigation
Mr. Jon Paget, Georgia Bureau of Investigation
Director Dale Mann, Georgia Public Safety Training Center
Mr. Richard Guerreiro, Consultant with Georgia Public Safety Training Center
Mr. David Wall, Fire Academy, Georgia Public Safety Training Center
Ms. Mary Alexander, Office of Planning and Budget
Mr. Charlie English, Georgia Emergency Management Agency

Mr. Wayne Yancey, retired from Department of Public Safety
And Family, Jeanette, Tara, Clay, Crystal, and Ms. Beryl Mask

Vice-Chairman James Donald called the meeting to order, welcoming Board members and visitors. He noted that Mr. Wayne Yancey was present to receive a Resolution, and, several employees of State Patrol and family members were in attendance to honor Mr. Yancey.

First order of business, Vice-Chairman Donald welcomed new Board member Chief Dwayne Orrick, Chief of Cordele Police Department. Chief Orrick has been appointed to the Chiefs of Police position on the Board. Upon being called on, Mr. Rooney L. Bowen, III, also from Cordele, described that the police department was not professional before Chief Orrick became Chief of Police. Chief Orrick has done an outstanding job turning the police department around. Chief Lou Dekmar echoed the compliments, saying Chief Orrick has an insight in professional law enforcement. Vice-Chairman Donald stated he is pleased with Governor Perdue's appointment of Chief Orrick; someone of his caliber and experience to oversee the business of public safety. Chief Orrick thanked everyone for the kind comments; saying it is an honor and privilege to be on the Board of Public Safety.

Sheriff Cullen Talton introduced Captain Ruben McGee, from Houston County Sheriff's office. Other visitors were Ms. Shirley Andrews, Assistant Deputy Director for Compliance and Customs Support Staff at GBI; Mr. Neil Gerstenberger, Chief of Staff for Georgia Crime Information Center; and Mr. Charlie English with Georgia Emergency Management Agency, in addition to employees of State Patrol.

Vice-Chairman Donald requested approval of the Minutes of the January Board meeting. Mr. Rooney L. Bowen, III motioned approval, which was seconded by Mr. Hal Averitt, and unanimously approved by the Board members.

Vice-Chairman Donald called on Colonel Bill Hitchens to present a Resolution to Mr. Wayne Yancey, who is retiring as the chief Legal Officer from the Department of Public Safety. Colonel Hitchens pointed out that when Mr. Yancey came to work for the Department, the Legal Services Office was created. Mr. Yancey is very effective and very knowledgeable in the area of personnel issues. Director Vernon Keenan added comments that he worked personally for twenty years with Mr. Yancey, while he was working with Georgia Attorney General. Director Keenan said Mr. Yancey is respected as a man and as a lawyer, who has devoted his career to public service. Mr. Yancey thanked both the Department of Public Safety and the members of the Board of Public Safety, saying one of his pleasures was working with people on the Board.

DIRECTORS' REPORTS

Georgia State Patrol

Colonel Hitchens again complimented Mr. Yancey for the great job he did for the Department of Public Safety, saying he appreciated everything Mr. Yancey did.

In making personnel changes, Colonel Hitchens is putting in a new person in the executive assistant position. Colonel appreciates all that Captain Richard Ashmore has done to help with the transition, but, has another position in mind where Captain Ashmore can utilize his talents. The new assistant will start February 16th.

In reporting on the budget, Colonel Hitchens stated that both the House and the Senate have agreed to Governor Perdue's recommendations. In looking at the FY 06 budget, the House Appropriations committee is assisting with what Governor Perdue has recommended.

A new piece of legislation will be introduced concerning the Department of Motor Vehicle Safety. Rather than go into details, Colonel Hitchens indicated this will significantly impact the Department of Public Safety.

Georgia Bureau of Investigation

Director Vernon Keenan began with reporting on the Department's budget. Governor Perdue has recommended \$3 million in the supplemental budget to outsource cases that are in the backlog of the State Crime Laboratory. Director Keenan has met with Governor Perdue to design a plan on how to eliminate the backlog. The first step is to outsource, which is not unique to other states, but is to the State of Georgia; hence the process will be to designate certain categories of cases that will be to outsource to private laboratories. The contracts with these laboratories will insure they have the quality of work in meeting the GBI's standards. The type of cases that the agency will initially outsource will be the cases that are less likely to require court testimony. Concerns from the prosecutors of having expert witnesses testify in certain cases are being addressed; out of the funding for outsourcing, an amount is being appropriated to cover the costs of the expert witnesses who are required to testify. Director Keenan continued in reporting that Governor Perdue has recommended \$1.4 million in the FY 06 budget, to hire twenty additional scientists.

Another part of the budget concerns the Firearms Program. Director Keenan stated that legislation will be introduced to eliminate the GBI Firearms Program. By way of explanation, federal law mandates background checks on all firearms purchases. Background checks can be performed by FBI, or, the individual state can handle the checks, as long as they meet federal standards. The FBI is funded with \$70 million a year for this program. When the program was set up in 1996, the State of Georgia elected to go with GBI handling background checks. As

O.C.G.A. §§ 16-11-170 through 16-11-174 designates, the GBI charges a \$5 fee to the purchaser of the firearm, but with the actual cost of \$8 to the GBI, causing a shortfall. The GBI is proposing to Governor Perdue to turn this responsibility over to the FBI, which already receives the funding. Director Keenan noted that the legislation will include requiring the GBI to continue collecting information on the purchaser. Specifically, as to whether that person has been involuntarily hospitalized in the mental health system, which, in turn, the GBI will provide to the FBI. With the GBI eliminating the Firearms Program, there will be a savings in taxpayers' dollars.

Director Keenan then called on Assistant Director Chris Ash to brief the Board members on the audit report that was recently issued by Department of Audits. With a copy of the "Management Report" given to each Board member, Ms. Ash directed their attention to the last page describing two points on Capital Assets. Based on the first item, Ms. Ash explained that state agencies were not directed to report land and buildings in capital assets in their financial statements until 2001. At that time, when the GBI started adding the land and buildings, the information was entered in the wrong way in the computer system. The auditors require the actual historical cost, what the agency paid for the building. Because of this requirement, the staff at GBI is researching records for the past 20 to 25 years to get the actual historical cost. Director Keenan has written a response letter explaining that this will be accomplished by April 15, 2005. Based on the second item, Ms. Ash pointed out when the GBI pays a bill on a piece of equipment, it is entered in PeopleSoft. When it reaches the threshold amount that requires it to be on capital asset, it informs the inventory control office, the area that issues stickers and decals to inventory the equipment. The audit report indicates the finance office and the inventory control office were not reconciled. As Ms. Ash pointed out, what actually happened, the GBI was not producing documented reports of the inventory for the auditors. Ms. Ash completed her report with saying one of the things the GBI will do is request the auditors tell the agency exactly what is required of the GBI.

Director Keenan requested approval of a Resolution, wherein the Bibb County Sheriff is requesting use of the morgue facility in the Macon Regional Drug Enforcement Office. When Mr. Rooney Bowen, III questioned as to whether other counties could use the morgue, discussion ensued. Vice-Chairman Donald requested that approval for this issue be held off until a later date.

Chief Lou Dekmar stated he had received several inquiries in the last three months concerning in-custody deaths. He questioned if there is a way to generate records on those inquiries. Director Keenan responded that he had, in fact, tasked the medical examiners offices with researching ten years of in-custody death cases. Director Keenan will bring this report to the Board at later meeting.

Georgia Public Safety Training Center

Director Dale Mann began with welcoming the new Board member, saying he will be an asset to the Board.

Director Mann requested approval of the Fire Academy Advisory Council. With a handout listing the members of the Advisory Council, Director Mann indicated that each member had been contacted to request if they would be interested in serving on the Council. Chief J. D. Rice made the motion to approve the names for the Fire Academy Advisory Council, which was seconded by Mr. Rooney Bowen, III, and unanimously approved by the Board. Director Mann went on to add that David Wall looked forward to getting the Council started again. Director Mann explained how Mr. Wall is working on several things, one being reorganizing roles and responsibilities in the Fire Academy. Mr. Wall is looking at ways to give instructors something to aspire to; ways to allow employees to grow in their positions. One thing they are looking at is combining fire services and police training on a regional basis.

Director Mann reported that at a recent appropriations subcommittee under House Public Safety Committee, it was indicated that a study will be done on the Peace Officers Standards and Training fund. Director Mann has looked at the web site courtrax.org; over \$14 million has been collected since July 1st on the fund. He understands that Appropriations may take some of that money and put it with the training areas.

One piece of legislation that may impact state agencies is Senate Bill 108. The legislation may require an accounting of private donations to governmental agencies.

Georgia Crime Information Center

Director Vernon Keenan introduced Paul Heppner, Deputy Director of GCIC. Mr. Heppner is giving an overview of what GCIC does, how it is organized, and the Board's responsibility as Georgia Crime Information Center Council.

Mr. Heppner began with reminding of how every year he presents to the Board members a Request for Approval of Actions Taken To Resolve Problems. At his last presentation, which was given in December, 2004, the Board members requested Mr. Heppner give a briefing on the role of the GCIC Council.

Mr. Heppner first introduced staff members, Deputy Director Dawn Deidrich, who is in Legal Services but assigned to GCIC; Ms. Shirley Andrews, who is Assistant Deputy Director for Training and Audit; and Mr. Neil Gerstenberger, who is Chief of Staff.

O.C.G.A. § 35-3-32 is the law imposing certain duties on the GCIC Council. It insures that information that is gathered and distributed is authorized by law; insures adequate security is in

place so that individuals accessing the network have that authority; insures there is appropriate disciplinary measures in place when wrongdoing has occurred; insures GCIC is run efficiently and effectively for customers around the state; and identifies the Board of Public Safety as the GCIC Council. As Mr. Heppner explained, he brings to the Board a report of inappropriate access to criminal history information, which is protected by state and federal law.

There are authorized purposes to get that information and that is what criminal justice members around the state operate under. The purpose codes used are "C," "J", and "E". Purpose Code C is the most global inquiry, used to acquire information, including first offender records. Purpose Code J is used to check those who are going to be hired in a criminal justice employment capacity. Purpose Code E involves any other type of inquiry for records, which requires the consent of the individual.

A copy of the Rules of Georgia Crime Information Center Council was given to each Board member. Rule 140-2-.19 refers to sanctions that are implemented involving misuse of information. Mr. Heppner stated that the report that is delivered to the Board is one listing those who have misused the system. It is noted that every criminal justice agency head takes the security integrity training, and, that every agency has a Terminal Agency Coordinator, who makes sure that what goes on in each agency is done by the rules. This is a real team effort, and, Mr. Heppner is very proud of the way things are handled. The last audit done by the FBI found GCIC to be in compliance in 42 out of 42 categories; a success story.

DONATIONS AND RESOLUTIONS

Mr. Terry Landers, Department of Public Safety/State Patrol, presented several donations for Board approval:

Genesis II Directional Radar	\$1,900.00	Commander Todd Lowery Oconee Drug Task Force
Five Decatur Genesis II Radar	\$9,500.00	Sheriff Bill Smith Camden County Sheriff
Check For Furniture and Equipment	\$9,191.00	Mr. John Lacineski Planters Foundation
ProLaser III	\$3,595.00	Commissioner Tyson Haynes Murray County Commissioner
RCA 52" Television	\$ 968.00	Sgt. Daniel Morrison Gordon County Task Force

Motion Sofa Group	\$1,750.00	Ms. Marcia Dixon Flexsteel Industries
51" HDTV Widescreen	\$1,499.00	Mr. Chris Sumner Farmers Furniture

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

In further discussion of Senate Bill 108, Vice-Chairman Donald called on Mr. Chris Brasher, Board Attorney, to explain the impact on state agencies. Mr. Brasher noted that it will amend Title 50, in that no agency can accept grants or funds "from private foundations, private funds, or other similar sources outside state government" for any purpose, unless it is accounted for in the budget, as passed by the General Assembly. Mr. Brasher addressed several questions and concerns about the legislation.

EMERGENCY/ADMINISTRATIVE ISSUES:

Vice-Chairman Donald stated that the Resolution to be presented by Mr. Jon Pagett and Director Keenan is being deferred until the next Board meeting.

NEW/OLD BUSINESS:

Vice-Chairman Donald called on Mr. Rooney L. Bowen, III to report on his attending the two-day in-service training. Mr. Bowen reported that the first day was classroom and P.I.T. maneuver; the second day was classroom and high-speed pursuit. He noted that as Colonel Hitchens explained the policy at the last Board meeting, that this is exactly what is being taught to the troopers. The instructors were very informative, giving the troopers knowledge and skill how to properly determine certain techniques ought to be used in certain circumstances, when they should not be used, and stressing that the P.I.T. maneuver is not the first option but the last option to attempt. The stop sticks, the box-in, the P.I.T., each one of these is used to terminate a chase. The instructors stress the part about discretion; instructing the trooper on knowing what he or she is dealing with, whether to continue the chase, and how the chase could end. The instructors give the knowledge and skill and provide them the proper education to maneuver the options.

On the track itself, it was the best hands-on training. They do the touch-and-go and actually do the P.I.T. technique, which was done at 35 mph. Mr. Bowen was able to do be the "pittor" and the "pittee." Mr. Bowen noted that the troopers picked up at how violent it is at 35 mph.; the

lesson being that at the higher the speed, the more violent it is going to be. The second day was the high speed pursuit. Out of the 21 troopers in the class, Mr. Bowen tied at second place on the high speed pursuit. Mr. Bowen highly recommends that Board members take some time and attend the in-service driving. It puts everything in perspective what Colonel Hitchens has told the Board members.

Vice-Chairman Donald stated he had made committee assignments; previously a letter had gone to each Board member of the assignments. The chairs for the committees are Mr. Hal Averitt on Georgia State Patrol Committee; Sheriff Cullen Talton on Georgia Bureau Investigation Committee; and Chief J. D. Rice on the Georgia Public Safety Training Center Committee. Vice-Chairman stated the committees are very important to the operation of the Board.

Mr. Rooney Bowen, III made a motion that the Committee of the Whole meet at 8:30 on March 9th, prior to the actual Board meeting. Chief Lou Dekmar seconded the motion and the Board members unanimously approved.

There being no further business, the Board meeting was adjourned.

Rooney L. Bowen, III
Secretary