

# **BOARD OF PUBLIC SAFETY**

Minutes of Meeting Held January 14, 2004  
Crime Lab Annex, Decatur, Georgia

## **MEMBERS PRESENT:**

Mr. Wayne Abernathy  
Mr. David "Hal" Averitt  
Mr. Charles D. "Bud" Black  
Mr. Rooney L. Bowen, III  
Chief Louis Dekmar  
Mr. Joe Ferrero  
Sheriff Bruce Harris  
Mr. Patrick Head  
Sheriff Jamil Saba  
Chief James "J.D." Rice  
Chief Hubert Smith  
Sheriff Cullen Talton  
Ms. Lisa Godbey Wood

## **MEMBERS ABSENT:**

Governor Sonny Perdue  
Mr. W. H. "Dub" Harper

## **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  
Mr. Scott Cown, Georgia State Patrol  
Mr. Terry Landers, Georgia State Patrol  
Mr. Wayne Yancey, Georgia State Patrol  
Captain Richard Ashmore, Georgia State Patrol  
Captain Johnny Davis, Georgia State Patrol  
Mr. Gordy Wright, 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. Jon Padgett, Georgia Bureau of Investigation  
Dr. Kris Sperry, Georgia Bureau of Investigation  
Mr. Paul Heppner, Georgia Bureau of Investigation  
Mr. Dan Kirk, Georgia Bureau of Investigation  
Inspector Bob Hardin, GISAC  
Director J. Dale Mann, Georgia Public Safety Training Center  
Mr. Richard Guerreiro, Consultant with Georgia Public Safety Training Center

Mr. Terry Norris, Georgia Sheriffs Association  
Mr. Bill Hutson, Peace Officers Standards and Training  
Ms. Mary Smith, wife of Chief Hubert Smith

Chief Hubert Smith called the January Board meeting to order, introducing his wife, Mary, as a guest at this meeting.

Chief Hubert Smith introduced new Board member Chief James Rice and asked him to share his background. Chief Rice, born and raised in south Georgia, prefers to be called J.D. Chief Rice has been in fire services for 26 years, and, indicated he is glad to be a representative of the Georgia Fire Services.

Chief Hubert Smith requested approval of the Minutes of the December meeting. The motion was made by Mr. Wayne Abernathy, seconded by Mr. Rooney L. Bowen, III, and unanimously voted approval by Board members.

## **DIRECTORS' REPORTS:**

### **Georgia Bureau of Investigation**

Director Vernon Keenan welcomed the Board members to the GBI headquarters complex. The Board meeting was held in the new Crime Lab Annex, which was dedicated October, 2002. The Board members were invited for a tour with Deputy Director Dan Kirk of the facility, which would be after the Board meeting. Director Keenan described this as the main state crime laboratory for the lab system, there being six branch laboratories around the state. In addition, the main Medical Examiner complex is located next to the lab.

Director Keenan introduced several members of the GBI command staff: Assistant Director Chris Ash, Special Agent in Charge Mike Fordham, Fiscal Officer Ray Higgins, Mr. Jon Padgett, who is Chief of Facilities Management, Mr. Paul Heppner, along with Mr. Dan Kirk.

Director Keenan gave a brief recap of the event that occurred last week resulting in the arrest of an individual, who had murdered four people and kidnapped three children. In explaining the incident, Director Keenan described it as a fine example of Georgia law enforcement at its best. The situation brought absolute cooperation of local law enforcement agencies, the state agencies, and the federal agencies. "Levi's Call" was used to broadcast the lookout for the children, which brought out manpower from the sheriff's office, a team from U.S. Marshal's office, investigators from surrounding law enforcement agencies, agents from GBI, and the FBI.

Director Keenan introduced Inspector Bob Hardin, who is assigned to GISAC. Inspector Hardin has the responsibility of putting together much of the operational plan for the G-8 Summit.

Inspector Hardin presented a preliminary overview of the G-8 Summit, which will be held June 8-10, 2004 at Sea Island, Georgia. The G-8 Summit was declared by President Bush to be a national security event, meaning that the Secret Service is in charge of the security for the event.

In preparation for the G-8 Summit, research was done on the protestor groups. A few of the organized groups are known as Anarchists, Black Blocs, Padded Blocs, and Embedded Attorneys. The Anarchists are the ones who plan the destruction of a building, gathering intelligence on what is in the area, discreetly marking the buildings so the next group of anarchists will know where to converge. The Black Bloc is the group, wearing black clothes, black hats, and masks, taking on the police lines, causing major disruptions to enable others to get around law enforcement. The Padded Bloc group will take out any security; wearing shields and helmets, so they can take a beating, meanwhile protestors going around the group to get to the Summit. Embedded Medics and Attorneys travel with the groups, carrying video equipment to record incidents so they can make statements and file complaints.

Inspector Hardin showed several slides of previous events and the protestors. As an example, the WTO was held in Seattle in December, 1999. There were 30,000 to 50,000 protestors; a state of emergency was declared; the downtown area was blocked and closed; revenue lost because people could not shop; and delegates to the meetings were accosted by the protestors. The total security cost was \$19 million, with estimated damage to the city of \$7 million. Inspector Hardin described other events that were held, in France in 2003, Canada in 2002, and Italy in 2001, and the costs that occurred as a result of damages.

Director Keenan continued his report showing the tracking document of the Governor's recommendation to the GBI for the FY 04 Amended Budget. As the document shows, item number (1) of the current appropriation is the reduction in the overall budget; this being the 2.5% austerity budget cut that every agency in state government is required to take. The agency has taken the austerity by cutting line items as they are laid out on the tracking document. Director Keenan pointed out the first line under number (1) is the reduction in personal services, regular operating expenses, travel, equipment, and other items. Item number (2) is a transfer of the leadership role from the fugitive squads to the U.S. Marshal Office, which has the funding to support the statewide unit. With doing this, the GBI will take the personnel and move them into other assignments. Item number (3) is the transfer of the leadership and training role of D.A.R.E. program to those entities participating in the program. Another item under Reductions is the 2.5% budget cut of the Criminal Justice Coordinating Council, an attached agency.

Under Additions, number (1), the figure of \$249,000 is a transfer of existing funds within the agency to address the operating expenses associated with passage of new methamphetamine laws from last year. Number (2) is utilizing the \$164,000 in other funds to provide for a contract programmer to modify the CCH database. Most important is number (3), providing funding for eleven scientific positions for the remaining months of this fiscal year. Director Keenan provided a "snapshot" overview, reflecting the status of the crime lab. Next in the tracking

document, number (4) is an Adjustment, which moves the funding and responsibility for having a Juvenile Crimes Unit from GBI back over to Department of Juvenile Justice.

Chief Smith took a moment to recognize and welcome Mr. Bill Hutson, recently retired Sheriff of Cobb County. Governor Perdue appointed Mr. Hutson to the directorship of Georgia Peace Officers and Standards Council. Chief Smith also welcomed Mr. Terry Norris, Georgia Sheriffs Association.

#### Department of Public Safety/State Patrol

Chief Smith announced that Colonel Ellis' father passed away recently. Mr. Ellis was a former law enforcement officer and a founding father of Georgia Association of Chiefs of Police.

Lieutenant Colonel Kenny Hancock, standing in for Colonel Ellis, reported that the sworn count is down from 953 to 842. Operator positions, CEO positions are down to 219, and not filling any of those positions at this time. In response to a question if patrol posts are being closed, Lieutenant Colonel Hancock responded that State Patrol is doing that, as operators leave, as needed.

In follow-up to a question asked at a previous Board meeting, Lieutenant Colonel Hancock gave each Board member a memorandum, showing statistics on the SCRT team.

The G-8 Summit planning continues with training beginning this month on mobile field forces supervisor. The first session of the training is occurring this week at Public Safety Training Center. That will continue to include all the members of the field forces between now and June.

The FTAA, which will be held at the World Congress Center, has been changed to May, giving State Patrol more time to prepare for the event.

Lieutenant Colonel Hancock added his comments, commending all the law enforcement agencies for their cooperative efforts, involving the situation out of north Georgia. He especially commended the troopers for the job they needed to do to rescue the children.

#### Georgia Public Safety Training Center

Director Dale Mann began his report with commenting on the G-8 Summit training. The Training Center has been lucky to get the Office of Defense Preparedness to fund the bringing in of a private consultant group, who is doing the training. The people, who have a world of experience, doing the hands-on training, came from Seattle, from Canada, from places where the other events have been held. This current class, of mobile field force training, started with about 120 students, but is now down to just shy over 100.

Director Mann is working on a tentative schedule for training. The plans are for ten different course offerings, i.e., mobile field force, legal training, also training to how to handle "sleeping dragon"; 42 separate courses between now and the end of May. It is projected there will be 11,870 students trained. Of that number, some students will be repeats, attending two or three of the different course offerings. Bob Buffington and Don Sperry, along with a clerical person, are assigned full time to just G-8 training.

Director Mann reported that the State Patrol training is going on at the Training Center, and, as he reminded the Board members, at previous Board meetings, Director Mann requested permission to not require fuel cells to be used. This is in the second week of State Patrol training, and, there has not been anything close to anything that he would think to be very dangerous. Director Mann order rims to put on the vehicles. He described the process of the tires and rims, wherein the trooper arrives in his GSP issued vehicle, removes the tires and rims, goes out and runs, comes back to replace the training tires and rims with the original tires. Director Mann indicated that this is a smooth process.

In follow-up to a question brought up at a previous meeting about litigation, Director Mann reported there is one that a support person, who was going to training class in Atlanta, rear ended a car on I-75. It was not a very bad accident, just a fender bender, and the Attorney General's office is representing the Center.

As an update, Jerry Finley, who was in charge of Coroner's Training retired in December. After job posting and interviews, Director Mann hired Mr. Bruce Willis. Mr. Willis will be coming on board on February 1<sup>st</sup> to take over that program. He has years of experience, is a hard worker and straight shooter. Director Mann believes this will improve the relationship with the coroners by having Mr. Willis as the training person, whose primary duty is taking care of the coroners.

Director Mann reported on the bill that Senator Ross Tolleson will introduce in Senate tomorrow. NCIC has already said if the law is changed in Title 35 to read the way the bill is introduced, then NCIC will let us run background on pre-service candidates.

The Monroe County/Forsyth Chamber of Commerce had their annual dinner last night at the Training Center, with Vince Dooly as their guest speaker. Several people brought up the subject of Tift College to Director Mann. Also, at the joint House and Senate Appropriations committee meeting on budget, Representative Mike Snow asked if the Training Center could use Tift College. Director Mann told Representative Snow that the Training Center is so much out of space, that the chapel is being renovated. The pews are being taken out and the chapel is being turned into a classroom.

Director Mann reported that the Training Center is right on track on the budget. As far as FY 04, he has made some wise decisions. Director Mann had a short program at the Chiefs Conference, informing them of the 60-mile rule. The decision was made to preserve the training of the

leadership with the conferences of the Chiefs Associations and the Sheriffs Association. Director Mann responded to the question that this issue will be addressed again in July, 2004.

**GEORGIA CORONERS TRAINING COUNCIL:**

Chief Smith reported that this Board is responsible for appointment and reappointment of members of the Georgia Coroners Training Council. The Georgia Coroners Association has recommended two members be reappointed to the Coroners Training Council. Sheriff Bruce Harris made a motion that Mr. Gary P. McElhenney and Mr. David Wall be reappointed, which was seconded by Sheriff Jamil Saba. The Board members unanimously voted approval.

**FISCAL REPORTS:**

Mr. Terry Landers, Department of Public Safety, gave the Board members a handout of where the Department stands on the budget and the expenses through December 31<sup>st</sup>. In going through the items, he pointed out that this budget and corresponding expenses do not include the supplemental reductions that will be coming. Mr. Landers feels that with the additional funds to be removed from budget, the Department will try to meet this through employee attrition. At this point in time, there have been 46 positions turnover, 17 of which were sworn positions, 16 in communications positions, and 13 in non-sworn positions. If there is a reasonable amount of turnover for the remainder of this year, the Department will be able to make it. The bulk of the budget is in Personal Services. The Department is trying to continue to maintain Operating Charges, even though they are over right now. Travel is an area that will always show under, as far as on each quarter basis, but what it amounts to is with permission from Office of Planning and Budget, the Department uses asset forfeiture funds to help cover any enforcement travel. Most of the areas are generally in line. Under Federal Fund sources, basically, the funds are loaded in as needed. Mr. Landers pointed out the Equipment Fund, where a large bulk of the state funds are loaded. Mr. Landers is concerned about potential problems, such as more budget reductions and G-8 out-of-pocket expenses without possible reimbursement. However, the Department will work through that, working with OPB and with Homeland Security.

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

Two Stalker Dual SL Radar Serial Nos. 83415 and 82612	\$3,794.00	Mr. Rick Jordan Screven County Administrator
Two Decatur II Radar Serial Nos. G2S-12251 and G2S-1157	\$4,430.00	Candler County Sheriff Homer Bell Evans County Sheriff M.E. Bradley

Mr. Wayne Abernathy motioned for approval of the donations, Ms. Lisa Godbey Wood seconded said motion, and the Board members unanimously voted approval.

### **FISCAL REPORTS:**

Mr. Ray Higgins, Georgia Bureau of Investigation, provided a 2<sup>nd</sup> Quarter Expenditure Report, making a few key points. The agency spent approximately 51% on the state budget, indicating the agency is right on track this time of year. Mr. Higgins pointed out that, as Director Keenan said earlier, the GBI and most of state government have been asked to absorb another 2.5% in austerity reductions. That equates \$1.5 million, spread throughout the budget. Although the numbers are not reflected in the report, the GBI will make sure they are able to meet the reductions. The agency is waiting to hear the Governor's recommendation for FY 05 budget. Mr. Higgins is confident the agency will be able to make the adjustments as necessary to manage with agency resources.

Mr. Richard Guerreiro, Georgia Public Safety Training Center, provided copies of the fiscal reports for Public Safety Training Center, Police Academy, and the Fire Academy, reflecting they are under 50%. The Training Center, as far as state funding is concerned, is about 47.55%; Police Academy is 48.52%; and the Fire Academy is about 49.46%. Mr. Guerreiro indicated the upcoming budget is not out yet, but when it is, he believes they will be in good shape. On the Personal Services line item, with the exception of the Training Center, it is a little higher. There are some areas where there is an over expenditure, but with the revenue coming in, the agencies should be able to be in good shape before the fiscal year is out. In mentioning G-8, the Training Center will be expending funds, however, with the \$25 million, they may be able to recoup.

Mr. Rooney L. Bowen, III made a motion requesting the agencies to supply the Board members with copies of the Amended Budget, after the 2.5% is factored in, so the Board can see where the agencies are then. Chief Lou Dekmar seconded said motion and the Board members unanimously carried the motion.

### **RESOLUTION:**

Mr. Scott Cown, Department of Public Safety, presented two Resolutions to the Board for approval. Mr. Cown noted that these Resolutions are done in conjunction with real estate transactions, where a new state patrol post facility is being constructed in the county where there is an existing post. The first Resolution explains:

That the Board of Public Safety authorize the Commissioner of Department of Public Safety to proceed through the State Properties Commission to take necessary actions to deed certain tracts of real property for the State of Georgia, for custody of Department of Public Safety, as construction sites for new Georgia State Patrol Posts. Those certain tracts of real property being:

- Coweta County, through its Board of Commissioners, has purchased four acres of property on Turkey Creek Road.

- Crisp County, through its Development Authority, is providing 3.5 acres of property adjacent to S.R. 300.
- Laurens County, through its Development Authority and Recreational Authority, is providing 3.5 acres of property on Southern Pines Road.
- Polk County, through its Board of Commissioners and Airport Authority, is providing acreage within that county.
- Tift County, through its Board of Commissioners and Airport Authority, is providing 3.6 acres of property at the Tifton Airport.

Chief Lou Dekmar made the motion to approve the Resolution, seconded by Mr. Wayne Abernathy, and voted approval by the Board.

Mr. Scott Cown presented the second Resolution, dealing with relocation of Post 28 from Cherokee County to Pickens County, explaining:

That the Board of Public Safety authorize the Commissioner of Department of Public Safety to proceed through the State Properties Commission to take necessary actions to proceed with the Pickens County Commissioner to deed approximately three acres of unimproved real estate on Camp Road in Jasper, for the State of Georgia, for custody of Department of Public Safety, as construction site for a new Georgia State Patrol Post.

Sheriff Cullen Talton made the motion to approve the Resolution, seconded by Mr. Rooney L. Bowen, III, and voted approval by the Board.

Mr. Cown also mentioned that the post in Toccoa is relocating to Habersham County, but it will not be a real estate transaction. It will be a 40-long term lease where the county takes the building and charge the state \$1.00 a year. State Patrol has agreed to this lease.

Mr. Cown also requested the Board members if they need to update their business cards, which the Department of Public Safety provides, that he would make sure the cards would be printed.

Chief Smith asked Mr. Cown if he is retiring, and, Mr. Cown replied he is staying with Department of Public Safety to complete several projects, until the end of May, 2004. Chief Smith stated, on behalf of the Board, that Mr. Cown is appreciated for his service to the State of Georgia.

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

Chief Smith requested if there were any old business. Chief Lou Dekmar stated that at the December Board meeting he had made an inquiry regarding policy issues relating to state vehicles as resources. Chief Dekmar made a motion that the issue be reassigned to committee, the Georgia State Patrol Committee. The motion was seconded by Ms. Lisa Godbey Wood and unanimously carried by the Board.



Chief Smith called on Mr. Hal Averitt who reported on the committee meeting. The committee as a whole met on January 13, 2004, to consider four items. The first item was the proposed amendment to the By-Laws, which came from the last Board meeting. Three other items were submitted to the committee, one was to rotate members on committees, incorporate this into the By-Laws. After discussion by the committee, it was decided that the Chairperson has the authority to appoint committees. The Vice Chairman indicated he would appoint new committees in January and rotate members. It was decided no action would be taken on that issue.

Two items were submitted, one being that a Board member needs to notify the Secretary of the Board of an item that he or she plans to discuss at the next Board meeting; and the second issue, when a Board member asks for information from an agency, then the item needs to be placed on the agenda, and, only by a vote by the entire Board will the agency be required to comply with the Board member's request. Mr. Averitt reported that the committee decided that no action was taken on those two items. The Chairperson has the authority to determine what is put on the agenda and what is referred to committee. As far as information from the agency, that Vice Chairman has the authority to place that for a vote from the Board. In conjunction with these items, the committee asked Chief Smith to provide operating procedures on Board meetings.

Mr. Averitt asked Ms. Lisa Godbey Wood to explain to the Board the proposed amendment to the By-Laws. Ms. Wood reminded the Board members that at the last Board meeting, Chief Lou Dekmar brought before the Board a proposed amendment. Some Board members had reservations about it. Ms. Wood explained the language that was reviewed by the committee. Under Article II, a Section 5: Duties and Responsibilities will be added. As Ms. Wood pointed out, subsection (c) clarifies that when acting in official capacity, the member acts through either the full board, or, through a duly authorized committee of the full board. If ever an employee of the GBI or Public Safety or Training Center got a request from an individual board member, the employee felt uncomfortable about, the employee could point to this subsection (c) under Section 5, and point out that the request should be brought before the full Board. The full Board will decide whether it is an appropriate activity or whether it is not. The proposed amendment had wording that the Board is forbidden from participating in events. Participation is appropriate; sometimes it is really needed. Ms. Wood stated the Board members have the flexibility to participate, but that it should be brought before the full Board before doing so. At the committee meeting, a vote was taken to change the language. This was all brought today to recommend to the full Board for approval and to be placed on the Agenda for next month's Board meeting for full vote.

Chief Lou Dekmar stated that the committee meeting held yesterday was productive and requested the Board consider holding on a quarterly basis a work session, to precede the regular meeting, to exchange information, allowing the Board members to craft work. Each member brings a particular expertise or view that collectively, it ends up a very good product. Ms. Lisa Godbey Wood added to the recommendation that the workshop be done early on the morning of the Board meeting.

Chief Smith requested a motion on the work session. Chief Lou Dekmar made the motion that a work session be held quarterly, Ms. Lisa Godbey Wood made the second, and the Board members unanimously voted approval. In conjunction with the work session, Chief Smith appointed Mr. Hal Averitt to the position of Chairman of the committee as a whole.

Sheriff Cullen Talton noted that at the committee, the members discussed whether to elect a Vice chairman. The committee decided that a letter would be written to Governor Sonny Perdue requesting his recommendation and guidance, that the Board will govern accordingly. Mr. Rooney L. Bowen, III made the motion that the Board of Public Safety elect officers at the February 11, 2004 Board meeting. Said motion was seconded by Chief Lou Dekmar and unanimously carried by the Board.

Sheriff Cullen Talton noted that at the committee meeting, it was discussed how to elect a Vice Chairman. Chief Smith indicated that the committee decided to write a letter to Governor Perdue expressing that the Board would elect as Vice Chairman and request the Governor for his guidance. According to the By-Laws, the Board has the authority to elect the Vice Chairman. Mr. Rooney L. Bowen, III stated that what he got out of the meeting was the Board basically would write the Governor a letter that we are planning on electing officers of the Board. In doing that, we would ask for his recommendation and guidance in doing that. Chief Dekmar said that we need to indicate a date certain. Chief Smith stated that he has served as Acting Vice Chairman for the past twelve months. In coming up with a new process for the Agenda and new operational process for the Board members and Department heads, I think it is important for the stability of the Board that we elect a Vice Chairman as soon as possible, where we can have a chairman in place and move along with our business. Mr. Bowen made the motion that the Board elect officers of Vice Chairman and Secretary at the February Board meeting. Chief Lou Dekmar seconded said motion and it was unanimously carried by the Board members.

The February meeting will be held on the 11<sup>th</sup> at Georgia State Patrol headquarters.

There being no further business, Mr. Wayne Abernathy made a motion to adjourn, seconded by Chief Lou Dekmar, and the meeting was adjourned.

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Secretary