

BOARD OF PUBLIC SAFETY
July 19, 2006
Atlanta, Georgia

BOARD MEMBERS PRESENT:

Vice-Chairman James Donald
Mr. Rooney L. Bowen
Mr. Bud Black
Sheriff Bruce Harris
Mr. Patrick Head
Chief Dwayne Orrick
Sheriff Jamil Saba
Mr. Gene Stuckey

BOARD MEMBERS ABSENT:

Mr. Wayne Abernathy
Chief Lou Dekmar
Mr. Dub Harper
Chief J. D. Rice
Sheriff Cullen Talton

OTHERS PRESENT:

Mr. Joseph Drolet, Board Attorney
Ms. Laura Jones, Board Liaison
Lieutenant Colonel Arthur White, Department of Public Safety
Major Don Chastain, Georgia State Patrol
Mr. Terry Landers, Department of Public Safety
Ms. Melissa Rodgers, Department of Public Safety
Major Billy Boulware, Motor Carrier Compliance Division
Chief Mark McLeod, Motor Carrier Compliance Division
Captain Eddie Grier, Department of Public Safety
Mr. Dan Roach, Department of Public Safety
Ms. Allison Hodge, Department of Public Safety
SFC Ronald Warren, State Patrol
Captain J. C. Harris, State Patrol
SFC Rusty Harrelson, State Patrol
SFC Carl Taylor, State Patrol
CEO Blake Taylor, State Patrol
Director Vernon Keenan, Georgia Bureau of Investigation
Deputy Director Chris Ash, Georgia Bureau of Investigation
Ms. Monica Mahone, Georgia Bureau of Investigation
Ms. Terry Gibbons, Georgia Bureau of Investigation
Director Dale Mann, Georgia Public Safety Training Center
Ms. Vonnie Stewart, Georgia Public Safety Training Center
Mr. Richard Guerreiro, Georgia Public Safety Training Center
Ms. Callie Michaels, Senate Budget Office
Mr. Blake Andrews, OPB
Mr. Kem Kimbrough, Association of County Commissioners

Mr. Cal Pipkin
Mrs. Jessica Pipkin
Mrs. Charlotte Pipkin
Mr. Donald Pipkin
Ms. Eve Williams
Mr. Mike Williams
Ms. Janet Williams

Vice-Chairman James Donald called the Board meeting to order. He welcomed everyone to the meeting.

Vice-Chairman Donald announced that a new Board member has been appointed to the Board. As Mr. Gene Stuckey stood before the Board, Vice-Chairman Donald described Mr. Stuckey's background. Mr. Gene Stuckey is a former resident of Statesboro; retired member of the U.S. Postal Service; has headed the federal program for portable housing; has served 16 years as part-time Deputy Sheriff of Bulloch County; has worked as lobbyist for State Board of Pardons and Paroles; and is married to Jill. Vice-Chairman Donald stated the Board members look forward to working with Mr. Stuckey.

Vice-Chairman Donald stated that he is improving following the knee surgery last month, and, thanked the Board members for carrying on in his absence. He stated Mr. Wayne Abernathy did a great job of leading the June Board meeting.

Vice-Chairman Donald requested Mr. Cal Pipkin to stand before the Board members, stating that the Board and Georgia State Patrol are presenting a Resolution to Mr. Pipkin. Vice-Chairman Donald stated that in noting the audience, this is the largest crowd this year; the attendance speaks volumes about who Mr. Pipkin is and what he has accomplished. Lieutenant Colonel Arthur White read the Board Resolution, which described Mr. Pipkin was employed by Georgia State Patrol in 2002. However, in 2004 he was injured while assisting local law officers in a riot situation. The injury precluded Mr. Pipkin from returning to active duty and is now on medical disability. With a second presentation, Commissioner Donald awarded Mr. Pipkin a Commissioner's Coin from the Department of Corrections; this coin given in recognition of outstanding performance. Board Member Rooney Bowen, III stated that this is the first time that the Board has honored someone whose career had ended while doing his duty, and, that it is commendable for the Board to tell how much they appreciate a person's career. Mr. Bowen also commended Mr. Dan Roach, who persisted in getting retirement benefits for Mr. Pipkin; because Mr. Pipkin, with only two years with State Patrol, was not eligible. The Board appreciates what Mr. Pipkin has done for this state and that there is a special place in the hearts of the Board members. Board Member Dwayne Orrick added that Mr. Pipkin had been assigned in Chief Orrick's community; Mr. Pipkin always interacted with people in a professional way and did an exemplary job in the community. Mr. Pipkin was a model trooper, assertive, and fair with

people; this is a loss to Georgia State Patrol, a loss to the state as a whole, and a loss to the community. Mr. Pipkin took the opportunity to thank everyone for the Resolution and for the Commissioner's Coin; stating that he missed getting in the trooper car and putting on the blue shirt and that big hat. Major Don Chastain stood before the Board and stated that Mr. Cal Pipkin is a real hero; arriving at a scene and seeing the problem, going in and taking control. Even though Mr. Pipkin got hurt, he still did his job. In quoting Commissioner Donald about being a brotherhood, Major Chastain said Mr. Pipkin is the reason why they are. State Patrol is proud that Mr. Pipkin was one of them.

The time came for introduction of attendees. Director Dale Mann introduced Ms. Vonnie Stewart, who is his new Executive Assistant at the Training Center. Everyone in the room stated his/her name.

Vice-Chairman Donald called for a motion to approve the June Minutes. Chief Dwayne Orrick made a motion to approve the Minutes, which was seconded by Mr. Rooney L. Bowen, III, and unanimously approved.

DIRECT REPORTS

Lieutenant Colonel Arthur White, Department of Public Safety/State Patrol, brought a short report to the Board. First of all, the manpower situation, as of June 27, 2006, is 772 trooper positions filled out of the 953 authorized positions. State Patrol is running at 173 CEO's out of 253; 21 Capitol Police positions filled out of the allotted 36; 62 Safety Officers; and out of Motor Carrier Compliance Division there are 299 filled out of the 378 authorized positions.

Colonel White reiterated what was earlier stated that individuals play the game but teams win the championship. As of July 1st, State Patrol has had Motor Carrier Compliance people a part of State Patrol for one year, and, this has been a success. Since taking MCCD under the umbrella of Department of Public Safety, they are beginning to see a lot of things materialize. State Patrol has integrated its functions with MCCD and everybody is working together very well.

An article appeared in the *Atlanta Journal Constitution* yesterday concerning Colonel Hitchens' expressing the immigration cross-training. The program is in its initial stages; therefore, Colonel Hitchens will report on that issue at the next month's Board meeting. The article stated the troopers will be taking part in training. The concept is to take the interdiction guys and give them this additional cross-training, which will enhance their operation on the road.

On a sad note, one of State Patrol's troopers lost her son in a motorcycle accident over the holiday period. Colonel White stated she wanted to express her gratitude to the Department of Public Safety for the support that was given to her during that time.

In response to a question of trooper school, Colonel White stated trooper school starts January 7, 2007. The current school will hold graduation on August 18, and, all Board members will be invited to this graduation. Mr. Dan Roach stood to state that due to the allotted budget, there will not be another trooper school this year; the next trooper school will start in January.

In response to a question of a new promotion system for MCCD, Colonel White stated that they will be placed under the central promotion system that Georgia State Patrol is under. Motor Carrier Compliance Division will have an assessment center, will be given a written test, and an assessor will come in and at that time will form their promotional band to make it identical; bringing in more and more parities similar to State Patrol.

Director Vernon Keenan, Georgia Bureau of Investigation, began with drawing the attention of the Board members to page 13 of the GBI Report. On page 13, "DNA Database CODIS Hits," the report outlines that in May of 2006, there were Twenty State Offender Hits in the DNA Database. There is a law mandating that with every person, who is incarcerated in the Department of Corrections, that a DNA sample be extracted and sent to the database. This is a great month to have twenty cases, in which there was no suspect, solved through the DNA database. This brings up a total of 471 cases, which have been solved through the DNA database since it was established, requiring incarcerated felons to give a DNA sample.

In the near future, GBI will continue to see more and more DNA matches and more cases solved through the database, because the DNA database itself is being more and more populated with the samples taken of the incarcerated offenders. The purpose of bringing this to the Board members' attention is to brag on Georgia law enforcement and prosecutors for solving cases through DNA database. Director Keenan advised the Board that he has prepared a letter to Governor Perdue. In this year's budget instructions from the Office of Planning and Budget, this year's budget is to be prepared as a flat budget with no figures for enhancement. But the Governor has given opportunity for agencies to give ideas regarding innovative programs, to enhance the efficiency of the state, and to present a white paper outlining those ideas.

Therefore, Director Keenan has prepared and submitted to Governor Perdue a white paper, which addresses an expansion of the DNA database. Current law is that only incarcerated felons are required to give up a DNA sample. What Director Keenan is proposing is that all felony probationers be required to give a DNA sample. The justification for this is that on an average there are 42,000 felons on probation each year. If the Georgia law were amended to require that these 42,000 probation felons were required to give up a DNA sample to go into the database, that there would be a tremendous expansion of the number of cold cases being solved. Director Keenan has presented this to Governor Perdue for him to consider for possible expansion. In looking to the future, this program needs to go forward with felony probationers. Director Keenan stated they are attempting to do an analysis of what the impact of the cost would be to

the state if this program were to be enacted. Director Keenan stated he would provide a copy of the white paper for the Board members. Director Keenan stated that the ten-year history of DNA database has shown when those cases of rape, sexual assault, child molestation are solved through DNA matches, the offender is in prison mostly for a crime of burglary or a drug offense. As outlined on the DNA chart on page 13, one column shows the crime which was solved and a column showing the crime in which the offender was incarcerated for. He noted that the column showing the crime the offender is incarcerated for is not a sex crime; the crimes are other types, such as aggravated assault or obstruction of law enforcement officer or burglary or criminal damage to property. As Director Keenan stated, most felony probationers are given probation for property crime, not for crime of violence. Most of these offenders are repeat property crime offenders.

In response to a question of how many states are doing this with felony probationers, Director Keenan that he did not have that information; however, the federal government just passed a law requiring everyone, who is arrested by the federal government, to submit a DNA sample. The State of Massachusetts is doing all arrestees. Georgia arrests nearly 400,000 people a year. The GBI is not ready to take on that additional workload of 42,000 felony probationers a year. Another point, there is federal grant funding available if the state has a DNA backlog. Director Keenan stated that during the past four years, the DNA backlog has diminished to the point of not requesting federal funding.

In response to a question if taking on 42,000 more cases would the white paper include requesting raises for scientists, Director Keenan stated he would submit a second white paper. In a very innovative concept, the budget instructions for this year asks for the white paper but with no cost associated with it. They want to review the innovative idea and then look at the cost separately.

Director Keenan continued with his report by asking Ms. Terry Gibbons, Assistant Director of Georgia Crime Information Center, to give an update on GCIC projects that the Board members have expressed interest in specific areas of GCIC operations.

Ms. Gibbons began with updating on a couple of issues, the first being a request on backlog of expungement. GCIC has a backlog of what is called special change requests, which consist primarily of three types of requests, in addition to normal arrest, fingerprint process, and normal file process. If the person does not have a disposition on their record, for example, or if that person is having a hard time getting a job or getting an adoption or so forth, the person cannot ask the agency to make the correction, but to ask GCIC to make the correction.

To speak to the request about expungements, Ms. Gibbons stated many know that the law changed allowing an individual to petition that a charge on his record be expunged. If it was dismissed, either prior to an indictment or an accusation or prior to a prosecution, the process is that the individual would apply to the local arresting agency to have the arrest expunged. If the

arresting agency does not have an issue with it, they forward it to the prosecutor's office. If the prosecutor's office determines it meets the criteria under the statute, they will approve the expungement and send it to GCIC. GCIC gets about 2500 requests each month, and they were processed first-in and first-out; GCIC did have a backlog in that area. In November of 2005, GCIC decided to give priority to the expungements and they are being processed as a priority. As of today, there are only about 175 expungements that are pending; most of those having come in during July. If there is an issue of expungement and it needs immediate processing, then GCIC would be glad to provide a rush to get that completed, at the agency's process.

In response to a question of when an expungement is actually done, if it is expunged from all access, Ms. Gibbons stated that someone can go back to the prosecutor and get a copy of the record.

Ms. Gibbons addressed another request from last month's Board meeting, that of retention and release of criminal history record information contained in an investigative file. Ms. Gibbons explained that she talked with GCIC support staff and they do train that the information contained in an investigative file is not considered criminal history record. This was confirmed with GBI's Open Records Coordinator. Even though that may be reflected as criminal history record information, that type of information is not the definition of criminal history record information. If the entire record is still contained in the case file after it is closed, it is exempt from Open Records law, except for those portions which are felony convictions. As a follow-up to last month's question, the narrative information contained references to past criminal activity. That is not considered criminal history record information in the sense of the word and it can be released.

Ms. Gibbons addressed the last request, that being an update on the GCIC law enforcement message switch. This is one of the projects under Homeland Security and it was one of the projects needed to create infrastructure for criminal history replacement. A switchover took place on May 21st for the infrastructure. That was intended to be transparent to the users; there had been issues with file access and response times but those were all corrected and resolved within a couple of weeks. The next step is to actually migrate those portal screens to the local agencies. Depending on what screens the agencies are using now will depend on the impact of the agency. If the agency had a vendor or local staff who has programmed their own screens, there will be no impact other than maybe change the IP address. The biggest impact will be for those agencies who still use the GCIC screen. Ms. Gibbons reported that they met with GTA to come up with a migration plan; hopefully, the first set of agencies will be identified and notified by September or October. Window screens are changed and implemented, they will have a Windows-type look and a web functionality to them so there is a little bit more in terms of loading those screens and doing the training. GCIC is also working with Georgia Public Broadcasting system to come up with a training video; hopefully, this video will be released and put it on the GCIC web site.

A question was posed (1) if someone wants criminal history, can it be released; and, (2) since it is public information at courthouse, but if it is released off computer then is it a felony. Director Keenan responded that it would require a law change relating to confidentiality of criminal history record. A record is public at the courthouse, at the police department, at the jail; but when the misdemeanor record or felony record is sent to the GBI and compiled into GCIC database, then it becomes confidential. Until it is centralized while in the computer system, it is a public record; but when it is centralized, it becomes a felony if anyone releases that information. GCIC has prosecuted officers in the past for release of criminal history record information because it was violation of the law. That law was enacted in 1972 when there was a major concern about Big Brother having a computer database of conviction and arrest information. The second part of the question addresses the uniform crime reports, the amount of the offenses that occur on local level. State law states that information is sent to the GBI; it is compiled and submitted to FBI. But the GBI cannot release information by law that has been received from a local agency. The crime data can only be released by the submitting agency. As an example, Cordele Police Department can release it, but the GBI cannot release it. That would require a law change. Director Keenan's position is that he supports the opening of as many records as possible.

With roundtable discussion, the Board members stated that it did not make sense that a person can go to the courthouse and obtain arrest information, but a state source cannot release the information. If it is released without a waiver, it is a felony. By invitation, Mr. Kem Kimbrough, Association of County Commissioners of Georgia, stood to state that the county commissioners support the feelings of the Board of Public Safety. It is a public safety issue; if the GBI had infrastructure to release the information in a format that the public can more easily access, ACCG would support that format.

Vice-Chairman Donald requested Director Keenan bring a report to the next Board meeting of a proposed course of action on this issue.

Director Dale Mann, Georgia Public Safety Training Center, started with reporting on the opening of the facility in Dalton. The first class started on July 10th. The Executive Order was signed by Governor Perdue and the property was transferred to the Training Center. This is a \$1.5 million building on ten acres of land. Vice-Chairman Donald added that one of the fiscal management issues for the state is that frequently there is property that is not being used; with fiscal management, agencies are looking more aggressively at clients for facilities. One of the missions is to offer opportunities to look at other state properties that may not be utilized and there may be other uses for those properties instead of just sitting there. Director Mann agreed that this was an excellent deal for the Training Center; they moved from a renter situation to an ownership situation.

Director Mann reported that with the property located at Dean Forrest Road site, where the old state patrol post used to be, a sewage disposal site license was obtained in the 1960's. The site license for sewage was basically a holding receptacle, the water was pumped off the top, chlorine was added, and it was pumped through an open ditch into a canal. Now, Environmental Protection Division has stated that will not be used for the Training Center. A soil engineer tested the soil and found that there is four inches of sand, then layer of "gumbo," which does not let the water get out of there. To go in and dig out "gumbo" it would cost approximately \$100,000 and replace it with something that would percolate. Director Mann stated the Training Center cannot proceed with that process. Ms. Jill Stuckey is helping by working with Savannah to try to come up with a cheaper solution and still have waste disposal. There is sewage available down the road and it would cost over \$1 million to have it connected. The Training Center may use that land for a pistol range or for other things; and not move in as tenants until the sewage problem is solved.

Director Mann reported on the strains on the Training Center. The Training Center was built for daily use by 500 people. Now, on any given day, 1,100 to 1,300 people are handled through the Center. As shown in the Training Center's report to the Board, over 85,000 meals were prepared during June; half of those going to the prison; 13% to the county jail; and 38% to the students and staff. The Training Center is way over its capacity; hence the sewage issue at the Training Center. Vice-Chairman Donald added that the Department of Corrections is digging a new pipeline from the prison and pump it straight to the city sewage system, to relieve some of the pressure off the Training Center. The dilemma that the Department finds is that when the agency relies on local services, that agency becomes the tax base; when utility costs go up, that agency bears a heavy load of paying the utility cost. Vice-Chairman Donald and Director Mann will be looking at the future in working the local governments in Forsyth; from a strategic vision, is it good to be on city sewage systems or upgrade the Training Center's sewage system. Director Mann added that business-wise it makes more sense to put in a sewage treatment system on land that the state owns.

Director Mann commended Mr. Kem Kimbrough, with ACCG, for speaking up for the funding for lodging and meals for Communications Officers; this being passed by General Assembly but not funded. He thanked Mr. Kimbrough for speaking up, because Governor Perdue did put the funding in the budget.

Mr. Rooney Bowen, III requested that all three state agencies present their white papers to the Board members. Director Keenan added that as for legislation, Governor Perdue's staff reviews all proposed legislation from agencies. Then Governor Perdue decides whether he is going to adopt it or whether or not to allow the agencies to go forward. As for budget, the budget instructions call for innovative ideas that promote efficiency and service delivery; this to be submitted by September 1st. Vice-Chairman Donald requested that as the agencies come up with ideas to please inform the Board members, and, at a later time present the white papers to this group.

DONATIONS

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

Two Stalker II DSR2X	\$5,423.00	Augusta-Richmond County Board of Commissioners
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The following donations are presented from the Governor's Office of Highway Safety.

Kustom Pro-Laser III	\$3,595.00
One Alco Sensor FST	\$ 450.00
One Alco Sensor FST	\$ 450.00
One Alco Sensor FST	\$ 400.00
One Alco Sensor FST	\$ 400.00
Kustom Pro Laser III	\$3,200.00
One Alco Sensor FST	\$ 400.00
Kustom Pro Laser III	\$3,200.00
Kustom Pro Laser III	\$3,200.00
One Alco Sensor FST	\$ 400.00
Kustom Pro Laser III	\$3,200.00
One Alco Sensor	\$ 400.00
Kustom Pro Laser III	\$3,200.00

Mr. Rooney L. Bowen, III made the motion to approve the donations, seconded by Mr. Pat Head, and unanimously approved by the Board.

ADMINISTRATIVE/EMERGENCY ISSUES

Chief Orrick mentioned that there is a conflict for the October Board meeting. On that particular day, ICP meeting will be held; State Patrol and GBI will also be sending people to that conference. The Board might want to look at the October schedule. Mr. Rooney Bowen stated that because the Board passed a motion for a Resolution to be presented to the Averitt family; the Board is trying to work out a date to go to Statesboro to present the Resolution. Another October meeting date will be brought to the Board at the next Board meeting.

It was announced that the August Board meeting will be moved to August 9 and 10. The meeting will be held in conjunction with the Georgia State Firefighters Association. The firefighters memorial service will be held on August 10th. Mr. Bud Black stated that the Fire Chiefs will be attending the Public Safety Board meeting. A dinner will be held on August 9th at Lake Lanier.

Because the August Board meeting will be held in Hall County, Mr. Bud Black made a motion for a Board Resolution be given to honor Board member Mr. Wayne Abernathy. The motion was seconded by Mr. Rooney Bowen, III and unanimously approved by the Board.

OLD/NEW BUSINESS

Vice-Chairman Donald stated that because of concerns in Sheriff Jamil Saba's community, the Department of Corrections pulled out several sexual offenders out of the transitional center located in Albany; moving them back within the limits of the new sexual offender law. The sex offender legislation is something that will affect all sheriffs and other law enforcement folks. Everybody from Governor's office on down acknowledges there is going to be some growing pains until it is figured out what it law enforcement will be doing.

Director Keenan stated that the GBI would like to make a presentation when this issue comes up before the Board. The law mandates responsibilities for sheriffs to collect certain additional information on sex offenders and submit that to the GBI. However, there is no funding provided to the GBI to take that information and incorporate it into Sex Offender Registry. Director Keenan stated he in the process of sending a letter to Governor's office outlining that the GBI cannot meet the mandate of the law because it was not funded to change the Sex Offender Registry.

In response to a question of injunctive relief filed against the new law, Board Attorney Joe Drolet responded that there is litigation going on; one major issue being the school bus stops. The Attorney General's office has taken the position to try and make this statute constitutional, and that position is that the statute itself defines what a school bus stop. And it requires that it be

designated as such by a local Board of Education. That issue is now before Judge Cooper in federal court; briefs have been submitted on the issue of what is a school bus stop.

Director Keenan stated the GBI will be prepared to do a presentation over the current sex Offender Registry, how it operates, what the new law is, and whether it impacts on sheriffs and on GBI.

Vice-Chairman Donald stated one final thing; paying tribute and commending Chief Orrick for his outstanding support. On June 6, 2006 a former inmate, Eddie Boyd, tragically killed someone in the Cordele community while on his way home. He thanked Chief Orrick for the great police work done down there and great community support. It just points out how important teamwork is between different state agencies and county and municipal law enforcement. Chief Orrick stated that he in turn wanted to thank the Chairman of Parole Board and Vernon Keenan's people for being on site. The Probation people, Parole people, Department of Corrections did a great job, and, the GBI worked the case with us. It was a great team effort.

Mr. Gene Stuckey stood and said he is very happy to be a member of this Board; he considers it an honor and a privilege; he pledges to work with these agencies in any way he can to promote public safety in State of Georgia. Mr. Stuckey publicly thanked Governor Perdue for having confidence to appoint him back to this Board, which Mr. Stuckey had served previously. He just wanted to tell everybody how happy he was to be back.

Mr. Kem Kimbrough stood before the Board members to state that one of the things that ACCG does is when they get ready to go forward with their policy initiatives, they get together with other Department of Public Safety heads; whether it be Corrections, State Patrol or GBI. Sometimes ACCG finds out that their ideas are perhaps better than what ACCG may have going. If an agency cannot go ask for something, ACCG will go ask for it for them. He thanked Director Mann for bringing it up because ACCG was just doing what was right on that particular point. He couldn't necessarily carry all the water on that and it was our job for public safety. ACCG wanted to let Board members know that not only are the departments sharing their information internally, but they are sharing with external partners and supporting the overall mission of keeping Georgia safe. Mr. Kimbrough wanted to say that but also wanted to make sure that the Board members also got that message.

There being no further business, the meeting was adjourned.

Rooney L. Bowen, III
Secretary