

BOARD OF PUBLIC SAFETY

November 18th, 2010

Department of Corrections Board Room, Atlanta, GA

BOARD MEMBERS PRESENT:

Mr. Wayne Abernathy
Mr. Rooney L. Bowen, III
Mr. Daniel M. Bryant
Chief Lou Dekmar-via Conf Call
Mr. Patrick H. Head
Mr. C. Murray Kight
Chief Jack McElfish
Commissioner Brian Owens
Mr. Lester L. Rampy, Jr.
Sheriff H. Cullen Talton
Mr. Ellison G. Wood

BOARD MEMBERS ABSENT:

Sheriff Steven D. Cronic
Retired Sheriff Bruce Harris
Mr. Gerald T. Willis, Sr.

OTHERS:

Mr. Joseph Drolet, Senior Assistant Attorney General
Ms. Cheryl Buie, Board Liaison
Colonel W. W. Hitchens, Jr., Commissioner, Department of Public Safety
Lt. Colonel F. D. Snellings, Jr., Deputy Commissioner, Department of Public Safety
Major Mark W. McDonough, Department of Public Safety/Georgia State Patrol
Chief Mark McLeod, Department of Public Safety/Motor Carrier Compliance Division
Sergeant Anthony Hughes, Department of Public Safety
SFC Pete McCaleb, Department of Public Safety/MCCD
Mr. Lee O'Brien, Department of Public Safety, Legal Services
Comptroller Joseph W. Hood, Department of Public Safety
PIO Gordy Wright, Department of Public Safety
Director Vernon M. Keenan, Georgia Bureau of Investigation
Assistant Director Dan Kirk, Georgia Bureau of Investigation
Deputy Director Terry Gibbons, Georgia Bureau of Investigation
Mr. Mark B. Jackson, Legal Services Director, Georgia Bureau of Investigation
SAC Terry Sosebee, Georgia Bureau of Investigation,
CFO Lisa Urich, Georgia Bureau of Investigation
Director J. Dale Mann, Georgia Public Safety Training Center
Division Director Forest B. (Butch) Beach, Georgia Public Safety Training Center
Deputy Director Patrice Kerner, Georgia Public Safety Training Center
Mrs. Jodie McLeod, Department of Driver Services
Colonel Ruben McGhee, Houston County SO
Ms. Hollie Manheimer, GA 1st Amendment Foundation
Mrs. Maureen Bryant

Mrs. Louise Rampy

Mr. Alan Davis

Mr. Kenneth Mantle, Department of Corrections

Vice-Chairman Ellis Wood called the November Board of Public Safety meeting to order and gave the devotional. Mr. Wood called on Major McDonough for the prayer and to lead everyone in the Pledge of Allegiance. Vice-Chairman Wood asked everyone to remember LTC Snellings and his family following the loss of his brother.

Mr. Wood asked each visitor to tell who they are and where they are from.

Mr. Rooney L. Bowen, III on behalf of the Board members presented a Resolution to retiring MCCD Chief Mark C. McLeod. Mr. Bowen stated on behalf of the Board members, it has been a pleasure to work with Chief McLeod after he finally found a home within the Department of Public Safety and through Chief McLeod's leadership and the leadership of Colonel Hitchens; DPS has one of the best Motor Carrier Compliance Divisions in the nation. Mr. Bowen told Chief McLeod that the Board sincerely appreciates everything that he has done.

Chief McLeod stated it has been an honor and privilege to serve under the BPS and stated throughout his career he has had the opportunity to serve under three different Boards, the DOT, the DMVS and now the BPS and from the bottom of his heart, the men and women that serve on this Board support the department more than any other Board he has ever worked for. Chief McLeod related that any meeting he attended, the first thing out of the Board members mouths was their concern for the men and women in the Department and Chief McLeod stated he appreciated this. Chief McLeod thanked Colonel Hitchens for giving him the opportunity to serve in the Chief's position and it is with mixed emotions that he retires as he has a lot of friends in this room; Director Keenan and I stood watch on a parking deck during Black College Spring Break. And Dale Mann, I have attended a lot of classes at the GPSTC and Lisa Urich when she was at DMVS I had to beg her for money. Chief McLeod stated he appreciates everything that people have done for him and the department. And it is like Judge Bowen said; MCCD found a home at DPS and DPS has been real good to us.

Vice-Chairman Wood called for approval of the October Board Minutes. Chief Jack McElfish made the motion, seconded by Mr. Wayne Abernathy and voted approval by the Board members.

DIRECT REPORTS

Commissioner Bill Hitchens, Department of Public Safety began by stating that he never envisioned in his career that DPS would have the MCCD in the DPS organization. Commissioner Hitchens related when MCCD came to DPS in 2005, he was unsure about what MCCD did and how they would fit into our organization and if DPS really wanted MCCD. Once Chief McLeod came on board, he was a little difficult to know, he is very mild mannered, says very little; he did not come down to my office a lot and I wondered what kind of person he was. We then got to dealing with issues and going before the legislature and it turns out that Chief McLeod is a great person, very shy, mild mannered, very

personable, and he is a little difficult to get to know, but he is a technical expert. Most of M CCD business is done by virtue of federal laws and rules. The many meetings that I have been in at the legislature and the trucking industry, I have never heard a question that Chief McLeod did not have the answer on the tip of his tongue. Commissioner Hitchens stated that he did not know that much about M CCD and the federal laws and rules and would have had great difficulty in dealing with some of these issues without Chief McLeod's expertise and I really appreciate him. Commissioner Hitchens stated when the Department had special details, tornadoes and some other things that the department has been involved in, we have been able to subsidize the GSP with M CCD units, which greatly enhanced our ability to deal with these issues and carry on our regular duties without diminishing the service we provide for our citizens. M CCD has been a good fit for DPS and Chief McLeod has been great. Commissioner Hitchens stated Chief McLeod was retiring after 34 years and certainly appreciates his service and he has done a great job and I hope M CCD has found a home with DPS, as M CCD has been a boom to us in a lot of ways.

Commissioner Hitchens stated he had two items to address with the Board. The first being the Budget, and reminded everyone that last year DPS furloughed every trooper one day a month for 12 months, which came to a total of 77,000 patrol hours where we had people sitting at home. As a result of this at the end of the year, we had \$400,000.00 extra money in the gasoline fund; OPB and the legislature decided to take this money, so as we started this year, we put the money back for all of the people working, we had a \$400,000.00 deficit in gasoline. It came to our attention about six weeks ago that we are running at a deficit of about \$50,000.00 a month in regards to fuel. Commissioner Hitchens stated it has come out in some of the newspapers when we have meetings and talk about issues like this; it does not take too long for it to get into the newspaper. DPS cut back in a lot of ways last year and budgeted it out to how much it cost every trooper to do everything and we told the trooper they had \$411.00 a month for fuel that the trooper can burn and that was an average and would like for the troopers to work toward that, but we understood with emergency calls, the trooper would go over sometime. Commissioner Hitchens was shocked at the end of the year when the troopers were told they had \$411.00 a month and averaged out \$410.60 a month. The troopers did an excellent job. What DPS has had to do now is tell the troopers they have to reduce the fuel money another \$80.00 a month, because we either cut the gas or we will furlough again to make up the deficit. It is a bad situation and the media tried to make light of it. Commissioner Hitchens was proud to say after this was discussed at the last troop commanders' meeting last month, we had a \$50,000.00 reduction last month. Commissioner Hitchens advised the troopers are road checking, because that and stationary radar is the only way we can keep from burning gas, while trying to save for emergency situations. Commissioner Hitchens stated he had received calls from several people in governing authorities with concerns about putting out such information; that some troopers live in counties that were three or four counties away from where the patrol post was and they had to burn a lot of gas and the troopers said they were not coming up there as much as they were trying to conserve gas; Commissioner Hitchens stated every county in the state would be served and every call answered and would do whatever we can to make it work out. Commissioner Hitchens added that a couple of Sheriffs around the State had donated some gas for the troopers. Commissioner Hitchens stated this was the big item that DPS has been dealing with.

Commissioner Hitchens stated the 102 hour Thanksgiving Holiday Patrol begins Wednesday, November 24th and runs through midnight, Sunday, November 28th. Commissioner Hitchens stated last year there were 3,089 crashes, 730 injuries and 13 fatalities. Commissioner Hitchens said that DPS no longer makes predictions and Commissioner Hitchens related that the media likes to get predictions and write stories when fatalities are more than we predicted and nothing is ever said if we have less, always a negative story about how come that happened and what you did not do to prevent it. Commissioner Hitchens stated when MCCD transferred to DPS, Accident Reporting went to DOT where all statistical data is kept now and DPS had to do the predictions in conjunction with DOT and sometimes the statistical data would not be readily available, so DPS made the decision to not do the predictions.

Mr. Abernathy commented during all the situations DPS has been in, with cutbacks, furloughs, whatever, morale continues to be good for the troopers out in the field. Commissioner Hitchens stated he does not know how to explain that, he gets the feeling that the morale is good because when he first came on board he had some meetings that he called Access to Answers and allowed personnel to ask me any question they wanted without retribution. Commissioner Hitchens stated he scheduled two hours for the meetings which lasted for 5-6 hours with troopers, post commanders, MCCD and higher level people. Commissioner Hitchens related he has people working for him that are doing a great job; Commissioner Hitchens stated he has surrounded himself with great people. Commissioner Hitchens stated he thinks the personnel have confidence in LTC Snellings, Major McDonough, Chief McLeod, and all of the command staff and this is reflected in the moral, along with the basic understanding that these are severe economic times for everyone, one does not have to look very far to see real problems and what I hear all the time is, we still have a job.

Commissioner Hitchens stated Mr. Abernathy went out with Chief McLeod and did some work with the MCCD and Mr. Abernathy was telling me last night how much he enjoyed this and was surprised at the expertise MCCD had in a lot areas and the safety precautions that they do to try and prevent crashes and make sure the equipment on the trucks is working properly. Commissioner Hitchens stated many of the drivers are appreciative of this too because MCCD uncovers some issues the truckers are not familiar with such as the braking systems. MCCD has new devices that can check brakes on site and check for issues which may not be obvious to the driver until something bad happens and MCCD can forewarn them and get the problem repaired.

GBI Director Vernon M. Keenan began by stating that he and Chief McLeod had been professional associates for many years, but more importantly he and Chief McLeod have been personal friends and told Chief McLeod how much he valued his friendship. Director Keenan acknowledge that Chief McLeod was a great person and is proud to have served with Chief McLeod and wishes him the very best in his retirement.

Director Keenan advised the Board that GBI recently received notice that the GBI had been reaccredited by CALEA, the Commission on Accreditation for Law Enforcement, a national accreditation process, which is extremely intensive to go through, but very important to the agency. Director Keenan went on to advise that GBI was not only accredited by CALEA, but GBI has been

named as a flagship agency which means GBI has reached the highest standards in the accreditation process. Director Keenan stated the accreditation will be awarded at the annual conference in California, which GBI will not be in attendance due to not having money to travel out of state. Director Keenan stated this is a tribute to the men and women of the GBI that we have achieved national reaccreditation which is for the entire agency. Director Keenan went on to add that the GBI also has two other national accreditations; one is named the National Association of Medical Examiners and the GBI's medical examiner's office is one in eight states that has national accreditation and the State Crime Laboratory has ASCLD/LAB accreditation which is another very important aspect of the GBI because the ASCLD accreditation requires that the agency go through a series of quality control measures which is one of the mechanisms we use to continue to keep the high quality of forensic science work done in the crime lab. All of this is positive and Director Kennan is very proud of the individuals that did the hard work to make this possible. Director Keenan stated the IACP held their annual conference in Orlando, FL back in October and the GBI received the International Award for Excellence in Criminal Investigations for the work which was done in the child sexual exploitation unit, the Internet Crimes against Children unit. This unit is part of Governor Perdue's child safety initiative, one of the first pieces of legislation that he introduced when he became Governor. This legislation gave GBI regional jurisdiction to work child pornography cases, and not only that, it provided GBI with administrative subpoena power and in the Governor's budget he provided additional funding to hire agents to do this type of work. Director Keenan stated this program became part of the GBI and has been operational for two years. The GBI ICAC unit works in conjunction with local law enforcement, and is made up of GBI agents and 160 local law enforcement agencies that are trained to do child pornography work. For two years this task force has been number one in the nation in the number of arrests that are made of persons who are involved in the distribution and manufacture of child pornography. The IACP award was directed at the GBI unit that has a three prong program. (1) We were working with local law enforcement to train parents and students in the dangers of using the computer as it relates to persons and high school children for sexual purposes, (2) We train local law enforcement in how to work child pornography cases which leads to arrests and (3) Series of cases that GBI worked in the spring of 2010, where we were working with local law enforcement agencies and executed nearly 70 search warrants simultaneously in working child pornography cases. This is the largest operation of this type that has ever been conducted in the US. Those three areas of the program led to the IACP AWARD for Excellence in Criminal Investigations. Director Keenan stated for two years in a row this unit has been number one in the nation for arrests and he explained to the Governor that the fact GA is number one in the number of arrests in child pornography does not mean that GA has a larger problem than any other state; what it means is that GA does not tolerate child pornography. By the GBI being recognized with the Excellence Award, this is a major accomplishment with the local law enforcement working with the GBI.

The third area that Director Keenan closed out with is that the Governor has directed the GBI by executive order to cooperate in the investigation of the Atlanta School System as it relates to cheating on the standardized testing. Pursuant to that order, Director Keenan related that a month ago, GBI agents began interviewing several hundred Atlanta public school teachers; the first day involved 50 agents and the second set of interviews involved 35 agents. This has been a major commitment on the part of the State of Georgia to determine what is happening within the school system. The Governor

was adamant that he wanted to know the facts of what was occurring and that is exactly what the GBI will be delivering to him. This case will continue on and is extremely high profile in the Atlanta area and it speaks to the professionalism of the GBI agents doing this type of work.

Mr. Bowen asked Director Keenan how much longer the Atlanta School System case will be going on. Director Keenan stated he really did not know, but the GBI would have a briefing with the Governor in the next few days. Director Keenan advised the purpose of bringing in a large number of agents initially is to try and keep this from becoming a career case and move it along. Director Keenan stated the Governor made it very plain that he wanted some progress made in getting answers but as far as GBI keeping this amount of resources applied to the case, GBI will not do that. GBI has other responsibilities to the state.

Director Keenan stated at the GBI, they are busier more than they have ever been and this is occurring because not only is the state going through budget cuts but local governments are going through budget cuts and we are getting requests from local law enforcement for assistance more than we have ever received in his career. GBI is averaging a death case a day somewhere in the state and sometimes over a weekend we will have 3-4 death investigation cases. Last Monday there were 22 bodies in the medical examiner's office at HQ to be worked. It is not only the state losing resources due to the budget environment; the local law enforcement is being impacted and they are calling on the GBI for assistance.

Mr. Bowen asked for a GCIC update and Director Keenan replied that during last month, the GCIC network was down for two days at one time and several hours a couple of times after that; the issues are beyond GBI's control as this relates to the GTA and the private vendors that contract with the state. Director Keenan stated he had a personal conversation with Patrick Moore, Commissioner of GTA and he has been making some management alterations to mitigate future problems with the system going down. Mr. Moore is personally well aware that when the GCIC system does not operate that law enforcement officers are in danger and their safety comes into question, as this is the network that all law enforcement uses.

Vice-Chairman Wood asked Director Keenan to update the Board on the Moultrie Lab. Director Keenan advised that the Moultrie Lab was closed down when the GBI ran out of funding; at the last minute the legislature provided funding to not only operate the Moultrie Lab, but gave a half million dollars in repair money to keep the lab functioning. The repair of the Moultrie Lab is going to require a minimum of 12-18 months; in the meantime while we are in the process of doing the repairs in the lab so that it can operate as a laboratory, GBI has opened an evidence receiving station at Moultrie which is operational. This means that local law enforcement that is serviced by this lab can bring their evidence to the local lab to be received as it would any other lab and then the receiving station will send the evidence to a lab to be analyzed. The process works the same except the evidence is not being analyzed at Moultrie; it is being moved to other parts of the state. Director Keenan stated a Lab Manager for Moultrie has been selected and as the repairs are made, the lab will be hiring scientists who will work at the Moultrie Lab. There is a plan and time line for the Moultrie Lab to be operational and we were very fortunate to receive the money to do the necessary repairs. Director Keenan advised

that the Columbus Lab was also funded and the scientific staffing in Columbus will actually increase by about 50%. With the additional money going into the Columbus Lab and GBI putting additional scientists at the Columbus Lab, this makes the business case for keeping the Columbus Lab open. This brings down the cost for service, cost of service per case down to make the business case to keep it open. Director Keenan stated the Governor had discussed with him the future of the lab system and if the GBI had to continue to take budget cuts. I committed to the Governor that if we went forward with keeping the labs open as legislature funded that whatever future budget cuts came to the agency, I would not go to the lab system for the budget cuts which is based on the fact that the legislature has funded those two labs at the level that GBI said was necessary to make a business case to keep them operational. Director Keenan stated he does not know what the future holds for budget cuts within the agency, as OPB has not shared with GBI what the future holds.

Mr. Danny Bryant asked Director Keenan where Northeast Regional Lab was located as it looked like the lab was covered up. Director Keenan stated all offenders DNA has been moved to Cleveland and they handle thousands of cases a month. The future of the lab system as we see developing, will have labs that specialize in specific services like Cleveland doing DNA which will allow us to have scientists trained in that discipline in that lab that can handle a high volume of work as opposed to trying to provide five services with the matrix of sciences at the lab.

Chief Lou Dekmar commended the GBI on their onsite CALEA Reaccreditation and flagship status and shared with the BPS that Director Keenan and Assistant Director Kirk has been actively involved in identifying standards to add to the CALEA process and he appreciated their leadership. Chief Dekmar also congratulated Sheriff Talton as Houston County 911 Center was CALEA accredited. Chief Dekmar thanked Director Keenan for his leadership as it relates to the child predator task force that GBI spearheaded as LaGrange PD is a member of the task force with two detectives working with other individuals around the state to make good cases that are infrequently challenged because of the technology that is provided through the grant and training that GBI provides. Chief Dekmar stated he wanted to recognize the GBI and thanked Vice-Chairman Wood for letting him call in.

Director J. Dale Mann of the Georgia Public Safety Training Center began by stating that Chief Mark McLeod is as good as they come. Director Mann relayed that last December, GPSTC began a 2-3 phase renovation and moved MCCD out of the main building down to another building during the renovation, and it is so easy to work with good people. Director Mann wished Chief McLeod the best in his retirement.

Director Mann stated last Friday the Governor's Public Safety Awards was held at the GPSTC honoring officers who are true heroes. Director Mann stated he appreciated Mr. Ellis and Mr. Bryant being in attendance. Director Mann stated one gets to hear descriptions of officers that put their life on the line, it is literally amazing what the officers do and rescue people from certain death, whether it is fire or drowning; we have police officers running into buildings that are on fire with absolutely no equipment and no protective equipment to save people's lives. The other part of the awards ceremony is that we get to recognize people who for a lifetime have contributed to the professionalism of public

safety. Director Mann stated that Commissioner Hitchens and Director Keenan were honored at the ceremony and Director Mann thanked both of them publicly for what they do.

Director J. Dale Mann stated the GPSTC Board report would speak for itself. Director Mann told the Board members that the GA Trauma Care Network Commission has asked to rent space at the GPSTC. The GA Trauma Care Network Commission is renting space as opposed to GPSTC charging them for space, because their primary mission is operational, it is not a training mission. Director Mann stated they took Fire Station 2 which is a standalone building down at Driver Training, did some renovations, went in and put in some new carpet. GPSTC is actually going to charge the GA Trauma Care Network Commission \$13,056.00 per year. They will pay for their own phone, and their computer lines; this is a \$10.24 square foot charge.

Mr. Rooney Bowen L. Bowen, III made a motion for GPSTC to lease the Fire Station 2 building to the GA Trauma Care Network Commission, which was seconded by Mr. Danny Bryant and voted approved by all Board members.

Director Mann stated that there were five names up to this point submitted for the Georgia Public Safety Memorial Service which will be held in May.

Mr. Rooney Bowen asked Director Mann about the on-line training through GPSTC. Director Mann replied that the training was going up and one thing that we are also seeing, cities and counties who are strapped to get folks to GPSTC are using the on-line training. Director Mann stated in the GPSTC report, there were 36 on-line courses and so far this year over 5,000 people signed up for on-line courses. We are seeing that officers find on-line course training very popular and can get their 20 hours of training on line. Director Mann advised that GPSTC has an agreement with POST, once you pass the test from the on-line course, you can print the diploma for the course and send to POST. The most you get is one hour credit for one course.

Vice-Chairman Wood asked about the status of the Post Standardized Test and Director Mann stated he had spoken with POST Director Ken Vance about this a couple of weeks ago and said that POST had pretty much put this on hold at this time. Director Mann stated that Director's Vance's comment to him was POST already does a midterm and final test with the basic training. Director Mann stated the thing that concerns him is how do you judge the technical schools if you do not do a post standardized final exam and I do not think the issue is dead yet as Director Vance has suffered by not having enough money and could not collect fees as they were living off the Governor's contingency fund until they got their Senate bill introduced and the legislation passed and signed by the Governor. Director Mann stated he would have more discussions with Director Vance and that the test is not ready to go yet and seems to think if we do not do the testing there may be some issues of making sure that POST is policing the technical schools. Mr. Rooney Bowen stated that this was one of the big discussions for this Board to allow this to go forward was the Standardized Testing that would be done at the end, not only for those mandating through the technical schools but also outside law enforcement from outside the State of Georgia to be able to do this testing. Director Mann stated less than ten

people have been given the challenge test with no one passing the test. They have had one to come close as one has to make 80 and one made 78. Director Mann stated sooner or later someone will pass this test, but honestly this does not immediately give them Georgia certification, they still have to have 40 hours driver training, firearms and so forth and GPSTC has agreed to do this 40 hours for POST, but clearly we cannot do it for one person, so we will have to wait until we get a class together. Director Mann stated GPSTC is telling folks for now from out of state to go through the basic training program and get it over with, as this other process may keep one waiting in the wings for awhile. Vice-Chairman Wood asked Director Mann to present an update on the training program for the first of the year.

FISCAL REPORTS ENDING SEPTEMBER 30, 2010

Mr. Joe Hood, Department of Public Safety stated ending September 30, 2010, typically DPS would have about 75% left in the budget, but in most instances we are below that and have 71.20% remaining. There are a couple of reasons for this, when we do this first report there are encumbrances where we do a yearlong expense for example, copier leases in the first quarter and that is all expended in the first quarter which throws it off a little bit. A large part of this is due to the 4% withhold as DPS made a plan to come up with 3.4 million dollars, for example part of this plan was to transfer 10 state patrol officers to Capitol Police effective September 1, 2010, to save \$600,000.00 as part of that and Commissioner Hitchens talked about the gas savings in his report. Many of those are forthcoming for the remainder part of the year. Mr. Hood advised that DPS had some increases in the expenses that we expect will be dealt with in the legislature that shows an impact where it is higher now, and in the later part of the year for example health insurance will have some relief or we will have some fix from that, one million dollars higher now than what is anticipated for the last part of the year. Mr. Hood stated overall given these factors DPS is on track to meet its budget. There is nothing that DPS is far off on and we are making adjustments and corrections to move forward and be on target.

Mr. Abernathy asked Mr. Hood if the million dollars on health insurance was due to increase in premiums. Mr. Hood replied that the State is operating on a cash basis for state health benefit premiums and in order to have sufficient cash flow they have increased the premium a little better than 3% and they being the organization that oversees health benefits for all state employees; stated by March they will decrease that to accommodate the budget that was passed for those premiums but at this point and time we have had 6 months of premiums that were 3% higher than what we anticipated and that is 3% of one's gross pay, so that is a significant amount. If this continues all year it will be over one million dollars in health benefit premiums that we were not funded for. This eschews our numbers quite a bit and they will have to address that with additional funding in legislature or reduce those premiums or cut options which they may do. They have options that we are renewing right now. It will be addressed in the next 3 months with the legislature.

Ms. Lisa Urich, GBI stated the GBI was holding at 80.59% of their state funds instead of 75%, the 4% would be in this which would make GBI more at 76.60% which is pretty much on target where GBI needs to be to meet the governor's requirement at this time. Looking forward GBI does not know how our cuts will go, but will be prepared to meet them and think the GBI will be able to meet them.

Ms. Patrice Kerner, GPSTC advised the quarterly report for GPSTC shows GPSTC has spent 24% of their expended budget as of September 30, 2010 and GPSTC has not included the 4% reduction yet, GPSTC is exactly on target of where the Department needs to be.

DONATIONS

Mr. Joe Hood, Department of Public Safety requested approval of the following donations:

Two Taser X26s	\$ 1,691.80	Camilla Police Department
Building Materials-Roof Replacement	\$10,000.00	Screven Co. Bd of Commissioners
Two Stalker DSR2X Radar Units	\$ 5,990.00	GOHS
Monetary Donation	\$ 800.00	Kiwanis Club of Statesboro

The motion for these donations was made by Mr. Wayne Abernathy, seconded by Mr. C. Murray Kight and voted approved by the Board members.

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

Equipment for Region 13	\$24,000.00	South Central Drug Task Force
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Sheriff Cullen Talton made this donation approval motion; it was seconded by Mr. Lester L. Rampy, Jr. and voted approved by the Board members.

Mr. Mark B. Jackson, Legal Services with the GBI began sharing with the Board members some background on HB1322 and the new proposed rule in regards to limited disclosure of crime scene photographs and video recordings pursuant to O.C.G.A. 45-16-27(e), Death Investigations. Mr. Jackson stated in 2008, Meredith Emerson was hiking in the North GA mountains and was subsequently abducted, brutally assaulted and then decapitated. Her body was found by law enforcement, specifically by the GBI. Mr. Jackson added that this case had a very strong impact on the agents and the officers that worked the investigation; it truly was a tragedy. The GBI has had a lot of contact with the parents of Meredith who are wonderful people that live in Colorado. Mr. Jackson stated about a year ago, he received an open records request on his blackberry from Hustler Magazine for the photographs and the case file of Meredith Emerson. It would have been incumbent upon the GBI to produce the photos of her naked and decapitated body. Mr. Jackson immediately met with Director Keenan about the situation and Director Keenan asked him to begin drafting legislation which was right at the beginning of the legislature and Director Keenan with his contacts was able to meet with officials of the General Assembly and began working on drafting and improving the bill that Mr. Jackson had drafted. This still left the GBI with the concern about what do we do about filling the open records request; fortunately the family filed a stay against the production of these photos with a

court in DeKalb County. Mr. Joe Drolet handled this for us and did a wonderful job working with the family in regards to this matter. Mr. Jackson stated GBI has not had to produce these photographs to Hustler Magazine. Mr. Jackson thanked Director Keenan for taking this stand and moving so quickly and knew the family appreciated the work Director Keenan did, along with the General Assembly. The bill that came out was actually named after Meredith Emerson. Mr. Jackson stated in any legislation we always have to compromise, and this rule is part of a compromise which allows the press access to view the photographs, but the photos cannot be removed from the GBI, and cannot take any photographs of the photographs, but under certain circumstances they can come and view, but the public in general would not have access to any of these records or photographs.

SAC Terry Sosebee presented the Proposed Rule to HB 1322 as the first presentation to the Board members concerning the Meredith Emerson Memorial Privacy Act which states in order for a bona fide credentialed member of the press to view photographs or video of deceased persons who are dismembered, decapitated or mutilated or which include exposed genitalia of the deceased, the following procedure should be followed: 1) The member of the press requesting viewing must fill out an appropriate form to identify the case, victim, or suspect involved in the investigation so that the requested records can be accurately collected. 2) The member of the press requesting viewing must agree to refrain from copying, duplicating, or distributing the photographic or video materials covered by these rules and the statute. 3) Once such a request to view such materials has been received, the custodian of the materials shall provide the requested materials for viewing to the requestor immediately if the materials are readily available to the custodian or, if not, within a reasonable amount of time, not to exceed three business days. If the requested materials exist but are not available for viewing within three business days of the request, the custodian will provide the requestor within that period with a timetable for their viewing. 4) Once a request to review such materials is received, the custodian of the materials may attempt to contact the deceased person's known next of kin regarding the request to view the materials.

The Georgia Bureau of Investigation shall be authorized to promulgate an appropriate form to carry out the intent of these rules.

Mr. Rooney Bowen stated he had a concern with number 4 of the proposed rule where it stated the GBI **may** attempt to contact the deceased person's known next of kin regarding the request to view the material. Mr. Sosebee stated it was worded this way for a couple of reasons but the main reason was some cases like the Meredith Emerson case is a fairly new case as this could also apply to a case where it may be a 20-30 year old homicide investigation where records are available and follow the law on this but the clear indication of who the next of kin 30 years later may not be known. Mr. Bowen asked could the word **shall** be used instead of **May**. Mr. Jackson stated the last part regarding the media exception is an exception to the other portions of the statute. The statute has specific time lines in requirements of law enforcement or anyone to produce these records with notification of the next of kin. After much discussion, Mr. Jackson stated he did not have a problem with changing the word **may** to **shall** and agreed to make the change today and before the general public comments hearing.

Mr. Rooney Bowen made a motion to accept the notice of intent to promulgate a rule of the GBI Limited Disclosure of Crime Scene Photographs and Video Recordings, O.C.G.A 45-16-27(e) Death

Investigations to include changing the word **may** to **shall** in number 4 of the proposed rule. This was seconded by Mr. Danny Bryant and voted approved by all Board members.

Vice-Chairman Wood thanked Director Keenan and all those involved for their intervention last year with this crisis. It was very discerning and concerning to all of us when it emerged. Mr. Abernathy stated this rule change could be pertaining to someone else in the future and Mr. Jackson remarked that is exactly why this bill was pushed in the way it was and the parents of Meredith said they appreciated this not only for Meredith but other victims and families.

Chief Jack McElfish stated they had a case in Spalding County where a young firefighter took video of a deceased female and then released it on the internet. Chief McElfish stated he could not imagine the hurt that family felt, so hopefully with this legislation this will stop some of this and he totally supports this proposed rule.

Mr. Lee O'Brien, Legal Services with the Department of Public Safety presented two Resolutions for the Board of Public Safety's approval.

The first Resolution for approval was to authorize the Commissioner of Public Safety to enter into negotiations with Monroe County for the construction of a new headquarters and barracks for State Patrol Post 44 Forsyth including demolition of the current Post 44 headquarters and barracks and to enter into all agreements with Monroe County necessary to effect such demolition and construction on the property of the State of Georgia currently occupied by Post 44 Forsyth.

Mr. Abernathy asked Mr. O'Brien while understanding reasonable costs was the \$750,000.00 to demolish the building and build another Post 44 Forsyth. Mr. O'Brien stated that \$750,000.00 was what Monroe County had obligated to spend. DPS is agreeable if Monroe County will build an appropriate post, as this post will not be as large as some of the other patrol posts in the state, but will be appropriate for the area. Mr. Rooney Bowen asked if there were any specs for the building. Commissioner Hitchens added that part of the reason for this now, being the consolidated communications center are in operation there will not need to be a communication center in this building as we have had in the past. Commissioner Hitchens add this post will be a scaled down model and use labor that is not cost prohibited. Mr. Rooney Bowen asked Commissioner Hitchens where the patrol post will be temporarily located. Commissioner Hitchens replied that a state building located adjacent to the post and also a trailer will be pulled in for operations.

Mr. Wayne Abernathy made a motion to adopt the Resolution authorizing the Commissioner of the Department of Public Safety to enter into negotiations with Monroe County and enter into the appropriate agreements and execute all contracts and supporting documents as necessary to enable Monroe County to demolish existing structures and construct a new building to house the headquarters and barracks of Georgia State Patrol Post 44 Forsyth upon the property located a 887 Patrol Road, Forsyth, Monroe County, Georgia, to include the financing of such demolition and construction; and further to take those steps necessary, including any steps necessary on behalf of the Board of Public Safety, to obtain the approval of the State Properties Commission and the Georgia General Assembly

for the conveyance of said property to Monroe County for the purpose stated in this Resolution and, upon completion of said construction, to accept such deed of gift from Monroe County with reversionary provision conditioned upon the cessation of use by the State of said property for any public purpose, which was seconded Mr. Danny Bryant and voted approval by the Board members.

The second Resolution for approval was to authorize the Commissioner of Public Safety to enter into negotiations with Troup County for the construction of a new headquarters and barracks for State Patrol Post 2 LaGrange and to enter into all agreements with Troup County necessary to complete such construction on property owned by the State of Georgia and to transfer ownership to the State of Georgia; and further to authorize the Commissioner to take steps necessary to transfer by deed to Troup County the property currently occupied by State Patrol Post 2.

Mr. Rooney Bowen made a motion to adopt this Resolution authorizing the Commissioner of the Department of Public Safety to enter into negotiations with Troup County and enter into the appropriate agreements and execute all contracts and supporting documents as necessary to enable Troup County to construct such building(s) upon property of the State of Georgia for the purposes stated in this Resolution, and further, to take those steps necessary, including any steps necessary on behalf of the Board of Public Safety, to obtain the approval of the State Properties Commission and the Georgia General Assembly for the conveyance of property located at 2573 Hamilton Road in the City of LaGrange, Troup County, Georgia, being approximately 6.46 acres to Troup County by fee simple deed, which was seconded by Mr. Murray Kight and voted approval by the Board members.

OLD/NEW BUSINESS

Mr. Wayne Abernathy stated he went with Chief McLeod to the Franklin County Weigh Station about three weeks ago and Chief McLeod had a war zone of people doing the performance based brake testing with a mobile unit basically funded by a federal government 80/20 grant; this unit actually tests each axle for pressure on the brakes of commercial vehicles. Mr. Abernathy suggested that a Board meeting be aligned at a location with one of these testing machines so Board members could get a little taste of what makes a truck safe and how the improvements can be made to make the vehicle safer if it is not in good running condition. Mr. Abernathy thanked Chief McLeod for the invitation to learn more about the safety of commercial vehicles.

Mr. Rooney Bowen made a motion that the Board of Public Safety present a Resolution to Miss Laura Jones, former BPS Board Liaison for her December 31, 2010 retirement from state government, which was seconded by Chief Lou Dekmar and voted approval by the Board members.

Vice-Chairman Wood thanked Commissioner Owens for the use of DOC Board room and advised the Board members that the December, January, February and March meetings will be held in the DOC Board room during the General Assembly.

Vice-Chairman Wood reminded members the next meeting would be December 9th in the DOC Board Room.

Vice-Chairman Wood stated in January, the Chairman of the Board will change and two other positions will have to be voted on, Vice-Chairman and Secretary.

Chief Jack McElfish stated the Time Task Force Management Group held an annual conference and thanked DPS for having people at the meeting as they did a great job. One of the major things this group has done in 5 years, a major incident around Atlanta, it used to take 180 minutes to clear the incident and now clearance time is less than 90 minutes.

Vice-Chairman Wood stated the Board makeup would change in January 2011 as a representative from the membership of the Georgia State Firemen's Association would be joining the Board.

There being no further business, the meeting was adjourned.

Rooney L. Bowen, III
Secretary