

BOARD OF PUBLIC SAFETY

November 08, 2012

Georgia Public Safety Training Center-Forsyth, Georgia

BOARD MEMBERS PRESENT:

Chief Danny D. Bowman
Mr. Daniel M. Bryant
Mr. Kacy K. Cronan
Sheriff Steve D. Cronic
Mr. C. Murray Kight
Chief Bill Myers, IV
Commissioner Brian Owens
Chief Irene Pennington
Mr. Lester L. Rampy, Jr.
Sheriff Gary C. Vowell
Mr. Ellison G. Wood

BOARD MEMBERS ABSENT

Mr. Wayne Abernathy
Sheriff Dane Kirby
Mr. Brian Rickman

OTHERS:

Mr. Joe Drolet, Senior Assistant Attorney General
Ms. Beth Burton, Deputy Attorney General
Ms. Cheryl L. Buie, Board Liaison
Commissioner M. W. McDonough, Department of Public Safety
Lt. Colonel R. D. Powell, Department of Public Safety
Major Hank Fielding, Department of Public Safety/GSP
Major Gene Davis, Department of Public Safety/MCCD
Captain Nikki Renfro, Department of Public Safety/GSP
Sergeant Daniel Fagan, Department of Public Safety/GSP
Sergeant Kevin Thompson, Department of Public Safety/Aviation
Mr. Peter Adams, Comptroller, Department of Public Safety
Director Vernon Keenan, Georgia Bureau of Investigation
Assistant Director Dan Kirk, Georgia Bureau of Investigation
SAC Craig Rotter, Georgia Bureau of Investigation
Ms. Kathryn P. Lee, Assistant Deputy Director, Georgia Bureau of Investigation
Mrs. Connie Buck, Fiscal Officer, Georgia Bureau of Investigation
Director Tim Bearden, Georgia Public Safety Training Center
Mr. Bill Bryant, Deputy Director, Georgia Public Safety Training Center
Mrs. Sharla Shockley, Georgia Public Safety Training Center
Ms. Kathy Kemp, Georgia Public Safety Training Center
Ms. Cindy Franklin, Georgia Public Safety Training Center
Mr. Greg Dozier, Department of Corrections
Ms. Tara Hill, Office of Planning and Budget
Mr. Kenneth Mantle, Department of Corrections
Mrs. Louise Rampy
Mrs. Beth Vowell

Mrs. Maureen Bryant
Mr. Frank Pennington

Vice-Chairman Wood called the November 08th, 2012, Board of Public Safety meeting to order.

Sergeant Daniel Fagan of Post 1 Griffin led the group in the Pledge of Allegiance and gave the invocation.

Vice-Chairman Wood asked those in attendance to stand and introduce their selves.

Vice-Chairman Wood introduced new Board member, Chief Danny D. Bowman. Chief Bowman gave a little background on himself and stated he has been in public service for 45 years and has never been more proud than he is today for the reception that he has received and added that public safety has his full support in any way that he can help, here or at the state capitol.

Commissioner Owens introduced Mr. Greg Dozier who had previously served as the Commissioner of DDS for seven years. Commissioner Owens shared that Mr. Dozier's background is in finance and law enforcement and Commissioner Owens stated he first got to know Mr. Dozier about 15 years ago while Mr. Dozier was an analyst at the Office of Planning and Budget, handling the DOC budget. At one time, Mr. Dozier was head of accounting for the Parole Board, with his bachelor's degree being in criminal justice and Mr. Dozier has a MBA in Finance from Georgia State University and has done an incredible job at DDS. Commissioner Owens stated he picked up Mr. Dozier and DOC will split their operations in half with Mr. Ward, the Assistant Commissioner, Chief of Operations handling questions in regards to operations on prisoners on probation. Mr. Dozier will be taking everything else to include fire services, internal investigations, administration, operating and planning training, and medical and mental health and Commissioner Owens added that he is really pleased to welcome Mr. Dozier to the DOC team.

Vice-Chairman Wood welcomed Ms. Tara Hill of the Office of Planning and Budget and thanked her for coming to the meeting today.

Vice-Chairman Wood called for approval of the October board minutes. Chief Bill Myers made the motion to approve the minutes, which was seconded by Mr. Kacy K. Cronan and voted approval by the Board members.

DIRECTOR REPORTS

Commissioner Mark W. McDonough, Department of Public Safety began by adding another tidbit of Mr. Greg Dozier's resume as when Mr. Dozier was the Commissioner of Department of Driver Services he went to mandate school and became a post certified officer, as Mr. Dozier had a group of investigators that were sworn officers that worked for him and as a point of leadership, Mr. Dozier put himself through the mandate school so that he would have that credential when he was supervising other sworn officers, which showed a lot of leadership.

Commissioner McDonough advised that the recruitment process for the 92nd Trooper School has been completed which had 1400 applicants with 70 applicants being offered a position. Commissioner McDonough added with the class that is currently ongoing with 17 cadets remaining, one can see that a lot of work has been done and a lot of effort has been put into the recruitment effort. Commissioner McDonough stated a perfect example of this was a recruitment fair that Capt. Renfroe just put on at Post 24 Newnan, the recruitment has been an all hands effort and has really been something everyone in the field has taken an interest in and we are starting to see in a time that we are recruiting where we go from only having a class of 17 left that we are actually going to start close to 70 in the upcoming trooper school; this is quite an accomplishment. Commissioner McDonough declared that the 92nd Trooper School will begin on Sunday, November 25th with opening ceremonies the following Monday at the GPSTC with breakfast being at 0800 hours, swearing in at 0900. Commissioner McDonough took a moment to thank Director Bearden as over the past year, Director Bearden has bent over backwards to schedule changes with the facilities, instructors, and with every change that DPS has needed. Commissioner McDonough personally thanked Director Bearden for everything he and his staff have done for the past year-year and a half.

Commissioner McDonough stated that the recruitment for the 93rd Trooper School is ongoing with the deadline for accepting applications being December 28th, 2012.

Commissioner McDonough declared that the 75th Anniversary Celebration for GSP would be Saturday, December 1, 2012 from 1-5 pm at the Atlanta Motor Speedway which is being sponsored by the Georgia State Patrol Historical Society. Commissioner McDonough added that the celebration will be a family affair of fun and activity.

Commissioner McDonough stated the Gainesville Hangar will have opening ceremonies soon and will be determined by Governor Deal's schedule, probably the week after Thanksgiving or the first of December.

Commissioner McDonough reminded the BPS members that he had spoken about red light applications at the last meeting, with a submission for a rule change. Commissioner McDonough advised that Lt. Colonel Powell, Major Gene Davis, Major Billy Boulware, Captain Allen Marlowe and Mr. Lee O'Brien have been working collectively to be able to support this rule. Commissioner McDonough noted that DPS is putting the training of due regard out into the field and the troop commanders will have instructors that will be able to do this on a monthly basis and those that take the training will receive a certificate for the due regard training. Commissioner McDonough added that a data base program has been started in order to keep track of who has the due regard training and also are working with the blackboard at GPSTC to make this training on-line as well, which will be an approved course. Commissioner McDonough declared by the time the rule goes through its open time frame and is approved by the BPS, DPS will have all of the mechanisms in place so that training is available in the easiest fashion that it can be to everyone.

Director Vernon M. Kennan, Georgia Bureau of Investigation began by advising the BPS members that a Special Agent class with 45 agents will graduate at the GPSTC on November 20, 2012. Director

Keenan added this was the first class in four years and Governor Deal will be present for the keynote address.

Director Keenan updated the BPS members on a situation that occurred in the medical examiner's office involving a case that the medical examiner's office was involved with. Director Keenan stated that Randy Travis with the I-team has filed an open records request for the investigation that the GBI did involving the misidentification of two bodies that came to the crime lab. Director Keenan advised there would be an I-team report, not sure what context the report will be in, but related the circumstances to the BPS members. Director Keenan stated there was a small airplane with a pilot and passenger that crashed in Polk County. Both men were killed in the airplane crash and the bodies were collected by local authorities, bagged and tagged and then sent to the medical examiner's office for autopsy, which is routine for this type of action. Director Keenan shared that the GBI performed the autopsies, accepting the identification done at the scene by the local authorities and released the bodies to the families. Director Keenan stated several months later one of the widows, an ex-wife of the victim called Dr. Sperry and said there is a problem with the identification because her ex-husband did not wear jewelry or boxer shorts. Director Keenan stated that Dr. Sperry pulled all of the reports, went over them and determined that there was a good probability that the bodies had been misidentified and released to the wrong family, while the only way to know for sure is through DNA. Director Keenan affirmed that the GBI went to both families, collected DNA from one family, completed that analysis and determined that in fact the bodies had been misidentified and had been released to the wrong families. Director Keenan stated when the ex-wife was told, she stated that she was glad to hear this, she had cremated the body that was given to her and the family was upset because they wanted a body to bury and now they would have one. Director Keenan shared the GBI went to the other family and talked with them, explained what the situation was and there position is that they are satisfied with the body they have and are not relinquishing anything. Director Keenan stressed the situation as it exists now is that the GBI has offered both families to pay the cost for disinterring the remains and having the exchange done and beyond that, it will be a civil case between the two families. Director Keenan added he does not know what will be the outcome in civil court, but the GBI has done what they can do at the GBI. Director Keenan confirmed the GBI has done an extensive investigation, pieced all of this together and has an inch folder of documents explaining everything. The mistake that Director Keenan acknowledged the GBI made in this was in a disaster of accepting the identification made by local authorities and when in fact from this point on the GBI will do their own identification with whoever comes into the crime lab. Director Keenan stated when this comes out in the media; we will see what the spin is or the outcome.

Mr. Joe Drolet, Board Attorney advised that his office has consulted with the GBI in regards to this situation when it first came up and thinks what the GBI did was exactly the right thing. Mr. Drolet added the GBI did everything it could with the advice of the Attorney General's office making sure that everyone was offered everything that the GBI could do.

Director Keenan thanked Mr. Drolet for his help on this situation and shared to the law enforcement executives that anytime they have a problem, then they should have a medical examiner's office to work with. Mr. Keenan stated he had also shared this information with the governor's office.

Director Keenan asked Assistant Director Dan Kirk to come forward and give an update on the intoximeter process for going to the new machine. Mr. Kirk reminded the BPS members that the Intoximeter 5000 is reaching the end of its life with some machines out in the field that are 13 years old which need to be replaced first and other machines will be phased in as we move along. Mr. Kirk advised that the GBI has gone through an extensive process of evaluating three separate instruments, one of which is by CMI, which also makes the Intox 5000. Director Kirk stated the CMI 9000 has been selected to replace the Intox 5000 and there is a contract in place for the instrument and will be opening up the contract to purchase the instruments. Mr. Kirk advised there is a phase in approach to this and there is plan involving training. Mr. Kirk reminded the BPS members of the September meeting where Dr. George Herrin presented the proposed changes to GBI Rule 92-3, Implied Consent where part of the process involves a 30 day notice for public comments, which has taken place. Mr. Kirk advised when Dr. Herrin left the BPS meeting he went to a meeting with the Prosecuting Attorney's Council and Solicitors, and when he started speaking about replacing the Intox 5000 he was bombarded by the Solicitors and DAs that were present. Mr. Kirk stressed there was a lot of concern that was exasperated by the PAC about the replacement of the instruments and the fact that there was not an independent study done on the instrument, that the GBI did the analysis of which instrument was the best. Mr. Kirk stated the GBI met with the PAC after this as there was some fear they would make negative comments during the public comment period which would have essentially hurt the GBI in terms of moving forward with this project. Mr. Kirk stated they met with the PAC and there concerns are with the source code which is the computer program that makes a piece of electronic equipment work. Mr. Kirk explained source code is in a phone, computers, it is the underlying programming that makes the piece of equipment do what it does. Mr. Kirk noted that currently there are about 30 cases across the state of Georgia that are being held up on the Intox 5000 because the DUI attorneys have come up with their latest defense, which is they do not think the source code is right and they want to look at the source code which is millions and millions of lines of programming information. Mr. Kirk added the source code is also proprietary; every instrument that is part of that company's equipment and it is proprietary. Mr. Kirk noted the complications; DUI attorneys who are saying they think the source code is messed up, judges who say they will look at it and then you have the instrument's manufacture saying that it is proprietary information and one can look at the source code if they want to drive to Kentucky and sit down and have their expert look through millions and millions of line of code if they want to. Mr. Kirk declared all of this has created a stir for the 30 cases that are being held up and this is not only in GA, but across the country where the DUI attorneys have found this defense and the need to look at the source code. Mr. Kirk stressed that the PAC is concerned this would be a major issue with the new instrument, so the PAC proposes that an independent study be done on the source code of the new instrument and shown that it works and the reasoning behind this is they can have Georgia Tech Research Institute do the study and if there is a paper that is written, when the defense attorneys come up and say they need to look at the source code, then the prosecutor can tell the judge one has already been completed by GTRI and they say it is OK. Mr. Kirk stated GBI believes their argument does not matter if the defense wants their own expert to look at it; it is not going to change the way the court goes, but the PAC believes that it will help. Mr. Kirk confirmed this will delay the actual implementation plan because this evaluation has to be done, PAC is working with CJCC to acquire grants funds to have GTRI go to Kentucky and meet with the company, stay in Kentucky and go through the source code and come back and relay that the source

code does what it is supposed to do and that the instrument works. Mr. Kirk added the GBI is not participating in the process, the GBI has told PAC and CJCC that the GBI did their own evaluation and that the instrument performs as it should perform and we have done the scientific testing. The GBI's intention is to move forward with the implementation plan and will give them some time to complete the study, but if it begins to impact the fact a Sheriff's Office instrument goes down and they cannot find the parts to repair it, they are going to buy an Intox 9000 and go from there. Mr. Kirk emphasized that hopefully all of this will be worked out, but at this time there is some question about the money with \$65,000.00 to do the study with another 15,000.00 in per diem and hotel costs for the GTRI scientists to go to Kentucky and think there is a little back and forth as to who will pay for this, but the GBI will not pay for any of this. Mr. Kirk reiterated the GBI will let GTRI, CJCC and CMI work this out, and with all said, this may delay the implementation a little bit but will not delay it to the point that it will impact the Intox program in Georgia because if the instrument goes down, the breath test has got to be done. Mr. Kirk stated there are somewhere between 80,000-100,000 breath tests done in Georgia, where there are only about 8,000 blood tests in the state. The GBI is working with them, but will move forward as we need to.

Chief Irene Pennington made a motion to adopt the final proposed changes to GBI Rule 92-3, Implied Consent. This was seconded by Sheriff Gary Vowell and voted approved by the Board members.

Director Tim Bearden, Georgia Public Safety Training Center introduced new employee, Ms. Kathy Kemp who will be handling all of the research and communications and is assisting with the projects previously handled by Mr. Chase Jones before his injury.

Director Bearden spoke about the Governor's Public Safety Awards that was held last Monday at the GPSTC where 26 recipients were honored and the event was very well attended.

Director Bearden stated work on the swimming pool is now complete and the staff will begin training on Monday in the operation of the new pumps and the new salt system that has been put in. Director Bearden advised the GPSTC is looking forward to advertising dive training again and get that going.

Director Bearden advised that half of the gym is being converted into a cross fit work out area, one of the newest things where the GPSTC is doing everything it can to get more physical fitness into the facility. Director Bearden advised there would be climbing ropes hanging down from the ceiling and a large cargo nut for the exercise programs. Director Bearden gave thanks to Terry Duffy and his guys as they are getting a lot of things completed at the facility; the pit training road and the motorcycle training road over by the driver training center is being graded and hopefully will be complete in the next week or two. Director Bearden welcomed DOT's assistance as they have once again stepped up to the plate when the GPSTC needed a new pole replaced and DOT also replaced the old lighting with new LED lighting; DOT has been a great partnership for the GPSTC over the last year and appreciates all of their work.

Director Bearden reminded the BPS members of lunch at the pavilion.

Sheriff Cronic commented that the Public Safety Awards Ceremony was a wonderful event, very well coordinated and the facility looks great.

Director Bearden recognized Ms. Sharla Shockley and Ms. Kathy Kemp for all of their work in regards to the Public Safety Awards Ceremony and stated that is why the ceremony was flawless.

Mr. Danny Bryant complimented the front entrance of the GPSTC and the GPSTC Seal.

Vice-Chairman Wood complimented Director Bearden, Ms. Shockley and Ms. Kemp for the Public Safety Awards ceremony and was impressed by the broad range of the recipients and their acts of heroism. Director Bearden added there were 18 acts of heroism awarded and 8 for contribution to their profession.

Chief Pennington stated she wanted to bring to the forefront a department that is not recognized as much as police and sheriffs as she was impressed with the Department of Natural Resources and the amount of things they do and get involved in.

Vice-Chairman Wood thanked Director Bearden and his staff for hosting the BPS meeting today as it is always comfortable at the GPSTC.

DONATIONS

Mr. Peter Adams, Comptroller, Department of Public Safety requested approval of the following donations:

(1) Kustom Signals Raptor Radar	\$ 2,009.00	City of Blue Ridge
(28) Glock .45 GAP Magazines	\$ 624.75	Braselton Police Dept.
(2) Stalker Dual Radar Units	\$ 3,887.00	Braselton Police Dept.
(1) Kustom Raptor Radar	\$ 2,141.00	Braselton Police Dept.
(10) Streamlight SL20X Flashlights	\$ 959.50	Braselton Police Dept.
(2) Stalker Dual Radar Units	\$ 4,885.00	Governor's Office of Highway Safety
(10) Under Armor Tactical Boots	\$ 900.00	Braselton Police Dept.
(10) LWRCI R.E.P.R. 7.62 Rifles	\$ 47,365.40	Troup County Sheriff's Dept.
(16) 5.11 Tactical Knives	\$ 900.00	Troup County Sheriff's Dept.

(1) Havis K-9 Kennel Insert \$ 3,936.69 Morgan County Sheriff's Dept.

The motion to accept these donations was made by Mr. Lester L. Rampy, Jr., seconded by Sheriff Gary Vowell and voted approved by the Board members.

FISCAL REPORTS

Mr. Peter Adams, Comptroller, Department of Public Safety presented the DPS fiscal report ending September 30, 2012, which showed 73.29% remaining in the overall budget.

Ms. Connie Buck, Fiscal Officer, Georgia Bureau of Investigation presented the GBI fiscal report ending September 30, 2012, and stated the GBI is on target and shared that the GBI has 71.91% remaining in the overall budget.

Ms. Cindy Franklin, Administrative Services Director, Georgia Public Safety Training Center presented the GPSTC fiscal report ending September 30, 2012, and stated that the GPSTC is currently on target for the first quarter with 77% of budget remaining.

OLD/NEW BUSINESS

Sheriff Steve Cronic made a motion to prepare and present Mr. Jon Canada with a Resolution for his service on the BPS. The motion was seconded by Sheriff Gary Vowell, and voted approved by the members.

Vice-Chairman Wood reminded the BPS members that the December meeting would be held on December 13th, 2012, with the time of the meeting pending, at the DPS Hangar at the Charlie Brown Fulton County Airport.

Board Attorney Joe Drolet advised the BPS has received a request from the Georgia Coroner's Association to appoint members and advised the BPS members that one of their duties is to appoint members to the Georgia Coroner's Association Training Council. Mr. Drolet went on to explain O.C.G.A 45-16-62 to the Board members. Mr. Drolet stated the Georgia Coroner's Association submitted a letter with the recommendation for the reappointment of three members to the Georgia Coroner's Association Training Council when in fact the Council should have submitted a memo with five names and then the BPS would have appointed three members from the list. Mr. Drolet stated he is not sure of the last time this was done by the BPS. Mr. Drolet advised that the letter they sent is not in keeping with what the statute says and Mr. Drolet stated he has spoken with someone on the Georgia Coroner's Training Council yesterday as they had a meeting yesterday. The BPS will contact the Georgia Coroner's Association Training Council and ask them to submit a letter selecting at least five people from whom the BPS will pick three to serve on the Georgia Coroner's Association Training Council.

Mr. Drolet introduced Ms. Beth Burton, Deputy Attorney General and Director of the Criminal Justice Division, who replaced Ms. Mary Beth Westmoreland which recently retired after 34 years of service. Previously Ms. Burton handled the capital litigations section which handles the death penalty cases.

There being no further business, the meeting was adjourned.

Brian M. Rickman
Secretary