

**BOARD OF PUBLIC SAFETY**  
**September 20, 2006**  
**Atlanta, Georgia**

**BOARD MEMBERS PRESENT:**

Vice-Chairman James Donald  
Mr. Wayne Abernathy  
Mr. Rooney L. Bowen  
Mr. Bud Black  
Chief Lou Dekmar  
Sheriff Bruce Harris  
Chief J. D. Rice  
Sheriff Jamil Saba  
Mr. Gene Stuckey

**BOARD MEMBERS ABSENT:**

Mr. Dub Harper  
Mr. Patrick Head  
Chief Dwayne Orrick  
Sheriff Cullen Talton

**OTHERS PRESENT:**

Mr. Joseph Drolet, Board Attorney  
Ms. Laura Jones, Board Liaison  
Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol  
Lieutenant Colonel Arthur White, Department of Public Safety  
Major Corky Jewell, Georgia State Patrol  
Sergeant Mark McDonough, Georgia State Patrol  
Mr. Terry Landers, Department of Public Safety & Office of Planning and Budget  
Mr. Lee O'Brien, Department of Public Safety  
Mr. Russ Parry, Department of Public Safety  
Ms. Maree Kattaron, Department of Public Safety  
Mr. Dan Roach, Department of Public Safety  
Director Vernon Keenan, Georgia Bureau of Investigation  
Ms. Terry Gibbons, Georgia Bureau of Investigation  
Ms. Shirley Andrews, Georgia Bureau of Investigation  
Ms. Lisa Urich, Georgia Bureau of Investigation  
Ms. Dawn Deidrich, Georgia Bureau of Investigation  
Mr. Paul Heppner, Georgia Crime Information Center  
Mr. Neil Gerstenberger, Georgia Crime Information Center  
Director Dale Mann, Georgia Public Safety Training Center  
Mr. Richard Guerreiro, Georgia Public Safety Training Center  
Ms. Wendy Angelety, Office of Planning & Budget  
Mr. Frank Rotondo, Georgia Association of Chiefs of Police

Vice-Chairman James Donald called the September Board meeting to order. He stated that a new sound system had been installed in the Corrections Board Room, and, the gentleman, who installed the system, was attending this meeting to monitor the new installation. Vice-Chairman Donald requested each person to stand and introduce himself/herself.

Vice-Chairman Donald requested approval of the August Board Minutes. Chief Lou Dekmar made a motion to approve, which was seconded by Mr. Rooney L. Bowen, III, and voted approval by the Board members.

### **DIRECT REPORTS**

Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol, began with announcing that Mr. Terry Landers has left the Department to be the Chief Administrative Officer at Office of Planning and Budget. Colonel Hitchens is very proud for Mr. Landers; this is a very significant promotion.

Colonel Hitchens announced that last month Corporal Mike Young died as a result of a high-speed pursuit. This is the 26<sup>th</sup> person lost in the line of duty since Department of Public Safety was organized in 1937; this gentleman being the first African-American trooper to die in the line of duty. Governor Perdue spoke at the funeral. Colonel Hitchens stated that in the eulogy he gave that many times in this day and time, there is the tendency to give more credit than they are due; however, this was not the case with Cpl. Young. Corporal Young lived what he espoused; this was a loss for State Patrol.

Colonel Hitchens requested a Resolution for a trooper. Mr. Andy Gideon was called to active duty with 48<sup>th</sup> Brigade in December, 2004; after six months training, was then deployed to Iraq in support of Iraqi Freedom. His humvee was hit by an IED and was severely injured. After numerous surgeries and spending a year in rehabilitation, he returned to work in June of 2006. He has a metal plate filling a hole in his arm; shrapnel in his neck that cannot be removed because it is so close to his jugular vein; bones fused together where a knuckle should be; and a hole in his leg. Currently, the trooper is a high activity man at the Lafayette post; showing a lot of character and resilience. Colonel Hitchens stated this trooper set the standard for other personnel in the department and for the military service in the United States. Mr. Rooney L. Bowen, III made a motion that a Resolution be presented to TFC Andy Gideon; said motion seconded by Mr. Wayne Abernathy, and voted approval by the Board members.

Colonel Hitchens presented General Order Number 2006-2, an organizational chart. Colonel proposes a reorganization with reassigning the Training Unit from the personnel division to the Deputy Commissioner. Chief Lou Dekmar motioned approval of the organizational chart, which was seconded by Chief J. D. Rice, and voted approval by the Board members.

Director Vernon Keenan, Georgia Bureau of Investigation, began with reporting several positive things that have occurred at the GBI. Last week, Governor Perdue requested Director Keenan to attend a press conference concerning Department of Drivers Services. At the conference, Governor Perdue announced a major policy initiative. This initiative calls for ten DDS investigators and three GBI agents to be assigned to combat the problem of fraudulent documentation being used to secure drivers licenses and state identification cards. There are counterfeit and fraudulent documents submitted in securing ID and driver cards. This initiative will be brought to the upcoming legislation.

Director Keenan reported that two days ago Governor Perdue came to GBI headquarters to hold a press conference to announce the Child Safety Initiative. The proposal is to double the size of the GBI unit investigating internet crimes against children. Governor Perdue is proposing that the GBI receive funding to hire eight new GBI agents and five forensic computer specialists. This will have a major impact on the GBI's ability to address backlog of cases involving internet predators. Currently, GBI is five months behind in the ability to handle the analysis of computers; those that have been seized in child predator investigations. This was a major press conference with a lot of media, who got a demonstration on how internet predators operate.

Director Vernon Keenan submitted to the Board members two documents, one of which is draft legislation prepared based on Chief Dwayne Orrick's questions about the problem associated with the confidentiality of GCIC Georgia arrest records. This legislation addresses that issue. Director Keenan pointed out the draft legislation also addresses the concerns of Chief J. D. Rice about the current requirement of fingerprints for a criminal history background check to be law, where the law specifies that fingerprints be submitted. Director Keenan stated that they are now moving into the electronic arena. The agency has drafted overall umbrella legislation, which would allow agencies to, instead of sending fingerprint cards, submit prints electronically. That legislation will be proposed to Governor Perdue. Concerning the confidentiality of criminal history records, the agency has not decided where it will go forward with that or whether it will be taken up by another organization.

Director Keenan called on Assistant Deputy Director Terry Gibbons to brief the Board members on the new requirements of the sex offender legislation, which took effect 1 July. Ms. Gibbons stood before the Board members and presented a powerpoint presentation of the highlights of the 2006 amendments. The legislation enacting the Registry was passed in 1996 and the database became operational in July of 1996. Public access became available in 1998, when the GBI web site became operational. As of October, Georgia does participate in the National Public Sex Offender Registry. As a general overview, there are a little over 12,000 offenders who are on the Registry. With the 1 July change, they are all now required to register for life. Prior to the 1 July change, only those individuals who were predators or who were convicted of multiple or aggravated offenses were required to register for life, and, at that time there were under 750 offenders who met that criteria. Ms. Gibbons pointed out highlights of the legislation, such as, increased punishment for many sexual offenses; new offenses for harboring offender or providing false information; persons convicted of sexual offense can no longer be sentenced as a

first offender. It removes the ability for a judge to probate a sentence for most sex crimes; offenders whose conduct is punished as a misdemeanor or is prosecuted in juvenile are now no longer required to register in Georgia; it did provide new or clarified definitions regarding residency or proximity requirements, which is one of the biggest issues. The new requirements include that the offender cannot reside within 1,000 feet of a child care facility or school or area where minors congregate; cannot be employed by businesses within those same proximity requirements; sexual offender cannot be employed by any business within 1,000 feet of areas where minors congregate. In describing further highlights, Ms. Gibbons stated that the law requires all sex offenders currently incarcerated and all those offenders sentenced by July 1, 2006, will be reviewed by Sexual Offender Review Board and designated as a Level 1 or Level 2 or Predator. An offender deemed a sexually dangerous predator must have GPS monitoring for life. It does increase registration requirements to include vehicle information and additional descriptive information, addresses of temporary residences, and such; it does shorten the time the offender has to report to the local Sheriff from ten days to 72 hours. Ms. Gibbons continued with more points, such as offenders are required to register for life; those sentenced after 1 July must pay a registration fee of \$250 which will be collected by the appropriate authority; and certain offenders after ten years may petition the courts to be removed from the Registry.

Ms. Gibbons stated that a number of agencies impacted by the law have responsibilities. The GBI is responsible for maintaining the Central Repository for Sex Offenders; these entries are transmitted to FBI's Sexual Offender file and to the National Public Sex Offender Registry; the actual non-forwarding annual verification forms are mailed to the offenders within ten days of birth date; provide information to the Sheriff's quarterly reports as to offenders who are residing, attending school, or employed in their county. The responsibilities of the Department of Corrections are that they make their entries of the sexual offender under Facilities and Probation, and provide copies of those to the GBI; are responsible for informing the Sexual Offender Review Board within eight months prior to release of offender; and with those currently on probation or parole, insure that they are in compliance with proximity laws. The Sheriffs' responsibilities are that they are required to register the sex offenders within 72 hours of release from prison or placed on probation; for those no longer on probation or parole, the Sheriff is responsible for making sure they comply with those proximity requirements, and, for publishing a list of who is in the county, the information about the offender, and provide information to schools and higher institutions of education.

Ms. Gibbons listed some of the challenges brought by Sheriffs Association. The Sheriffs are concerned that many departments do not have the staff to help monitor those sex offenders; because of the proximity requirements, offenders may move to more rural counties where there is a smaller staff to accommodate and monitor those offenders and concern that those offenders may abscond; concern that collecting the \$250 annual fee may lead to felony offenses. As a result of the challenges, there has been established a Sex Offender Registration Task Force under the Sheriffs' Association. The Task Force is comprised of personnel from nine regional offices and their desire is to provide technical assistance to Sheriffs; help provide consistency in the

enforcement interpretation of the guidelines and laws; identify any issues or problems so they can be addressed and uniformly applied.

Ms. Gibbons reported on the challenges identified by the Department of Corrections; those being that the offenders are now required to register while they are incarcerated; prior to that they were not. There is an issue of how to identify those offenders who may be incarcerated for a non-sexual offense but they are required to register for a previous sexual offense conviction. Other challenges are how to register that offender if they are required to report to the Sheriffs' office; offenders classified as Predators wearing electronic monitoring device.

Ms. Gibbons reported on the challenges identified by the Georgia Bureau of Investigation; those being that because of the collection of vehicle information, temporary addresses, and such, it means that the GBI will have to rewrite and reprogram the database and create new screens and entry fields for Sheriffs; however, as with other departments, there are no funds for additional operating costs. The GBI has revised the Sexual Offender Notification Form and distributed that to the agencies so they can go ahead and collect that information; but has not revised the database or Registry so the data cannot be entered or share with other agencies. All other changes required of GBI to bring the Registry in compliance cannot be accomplished without additional funding. GBI is seeking to modernize and replace the Registry using web technologies.

Ms. Gibbons reported that in looking at the historical growth of the Registry of numbers since July, 1996; that based on the number of offenders added, it is anticipated that the Registry will double by 2010. Ms. Gibbons responded to several questions and comments.

Director Keenan added that the GBI prepared a white paper on the cost needed to meet the requirements of the new sex offender legislation and GBI Registry. This white paper has been submitted to Governor Perdue and his staff and to Office of Planning and Budget. The GBI prepared a cost analysis at the time the legislation was proposed; the white paper lays out what is needed to meet the requirements of the law.

Director Keenan took a moment to introduce Mr. Neil Gerstenberger, who is one of the key members of the GCIC command staff.

Mr. Joe Drolet, Board Attorney, added an update on the litigation involved in the new sex offender legislation. He stated there is a federal class action lawsuit pending in Northern District of Georgia, wherein all sex offenders are members of the Class Plaintiffs; with Governor Perdue, Attorney General Thurbert Baker, as well as all Sheriffs, as Class Defendants. The Attorney General's office has filed a motion to dismiss the case, which raises the issue of which portions of the law are valid. Mr. Drolet stated that they are hoping that the court will pare down the litigation to find the particular problemaries. Meanwhile, people are bringing suits in superior courts around the state. There are 38 or 39 as of today that have been brought in particular counties, either against probation officers or sheriffs or against the State of Georgia or the

Department of Corrections, even one naming Vernon Keenan as a defendant. A lot of those lawsuits have been dismissed on procedural grounds; on others, there are hearings coming up on issues of whether people should be on the Registry at all; on the school bus stop provision; on the swimming pool provision; and on the church provision. There are cases pending all over the state right now on this legislation. Mr. Drolet stated he has taken a great deal of time to stay on top on these issues and to meet all the deadlines of these various lawsuits, which can be very intensive on filing briefs and answers. Many motions to dismiss are being filed to bring the issues to a head in the various courts.

Director Dale Mann, Georgia Public Safety Training Center, began with reporting that the Training Center continues to meet about 96% of the requests for people to get in training classes. Those who cannot be accommodated will be rolled into a future offer of the class. There are many other people who apply but do not meet the prerequisites for particular courses. Director Mann stated that almost 45% of the people now registering for training classes are doing so through the internet. They get an immediate notification back by e-mail that they are either accepted or rejected or rolled to another class. Last year, it was about 30%; this year it is approaching 50% of the people signing up for classes on the internet. The Training Center is seeing a different population out there that is more internet savvy that continues to grow.

The Training Center is still working on trying to get the property in Savannah, to the point of putting in some kind of sewage treatment or either hook up to sewage that does not exist out there now. And that would be a multi-million dollar operation for either Garden City or City of Savannah to get sewage and water. As soon as that is finished, the Training Center will start renovating the buildings.

#### **REPORT ON GACP "WHITE PAPER" - VEHICLE PURSUITS: RESEARCH AND RECOMMENDATIONS**

Chief Lou Dekmar presented the white paper that was generated as a result of the committee that was appointed by the Chiefs Association to address the issue of pursuits. Chief Dekmar pointed out the list of those who were on the committee; those attending today were Ms. Dawn Deidrich and Director Dale Mann. Chief Dekmar explained his powerpoint presentation that the genesis of the committee was a consequence of a case that came out last spring, Harris v. Coweta. In that case there was a ram that resulted where an individual became a quadriplegic. The Eleventh Circuit stated that the intentional ramming of a vehicle is deadly force. There was talk in the decision about the PIT maneuver, although the Court did not address the PIT maneuver. So research addressed the issue of deadly force as it relates to the ram and also captured in several other areas. The areas studied were Statistical Data, Legal Basis, Georgia Law, Policy Considerations, Precision Immobilization Technique, and Technology. Chief Dekmar briefed today the issues of Statistical Data and Precision Immobilization Technique (PIT). The issues of

Legal Basis, Georgia Law, Policy Considerations make up several chapters; and those were addressed individually by sub-groups.

Chief Dekmar posed the question of how many pursuits are there; which is difficult to answer because depending upon who is scoring them, there are different numbers. Nationally, in our state, no one tracks pursuits; however, individual agencies track pursuits, sometimes. Those places contacted for data included organizations that track pursuits as a special interest. *Pursuit Watch*, for example, claimed that there are 14,000 injuries and 700 pursuit deaths each year. That number is recited repeatedly by the media, but upon scratching the surface the data is questionable at best. Whenever there is a bad outcome of the pursuit, knowing that with pursuits there is potential for serious injury or death, there is always a potential for litigation. The National Database from National Highway Traffic Safety claim that generally their best information is annually; at least in 1998, the cite there were 314 deaths. The deaths break out as about 60% being the suspects; 140 occupants or third party; and then 1% being police officers. Chief Dekmar stated he questions that number because annually there are somewhere around 150 – 160 police officer deaths; broken down to about half being felonious assaults, the other half being traffic related. Chief Dekmar stated he believed a disproportionate number of those traffic-related would be involved in a pursuit. There was a ten-year table that the committee was able to obtain; again, the numbers are consistent in terms of who is injured in these pursuits. In looking between 1994 and 2004, what are found are the totals for Suspects – 2510; Occupants of Other Vehicles – 1182; Non-Occupants – 129; Police Officers – 56; for a total of just under 4,000.

In an effort to get data germane to Georgia, an e-mail was sent to 550 law enforcement agencies to ask them to produce data of pursuits for 2005. Fifteen responses were received. Of those fifteen responses, there was a number of 419 pursuits. Of the 419 pursuits, what was found was that in Georgia, of those tracking information, 26% resulted in an accident. Based on the information, one of out four pursuits is going to result in an accident.

Each pursuit was also categorized as to what was the violation for the initiating that pursuit. Chief Dekmar pointed out the numbers of several Nature Of Offense; pointing out that for Felony Offenses – 55. Of the total of 419 offenses, 55 would be the Felony Offenses and the others would be traffic-related or other incidents that would include misdemeanor violations. The Apprehension data is about 56% of the pursuits that are initiated. There were a number of intervention methods that were utilized, and, in some of those arrests there were also 80 pursuits which were terminated by the officer or supervisor.

Chief Dekmar stated that in addition to providing policy guidance to law enforcement heads, one of the goals of the white paper also is to produce for the Chiefs Association and the law enforcement community in this state a document that would allow a public policy decision that is an issue in litigation that could be weighed in with an amicus curiae brief and demonstrate to the court that the policy surrounding pursuit are very comprehensive, complicated, involve a lot of variables, and policymakers are engaged in this issue and the court need not be engaged in the

issue. An example of that is where there are policies requiring active supervision and demonstrate termination resulted from active supervision. Additionally, there is about, depending what agency is looked at, somewhere between 15% and 20% of the proceeds that are terminated by the initiating officer; again demonstrating the discipline that is inconsistent with the kind of reporting when there is a bad outcome on pursuits.

The Data Reporting Dilemma is there is no standardized method of reporting police pursuits. There will be help in the future on this; State Patrol has started a real strict reporting requirement and that will give a lot of hard data for the future. In looking through the State Certification Program of getting information as a reporting requirement of that program that will be warehoused in the Chiefs Association. When issues come up before the legislature or before the court, the data will be available as opposed to anecdotal incidents. The results of the survey reveal the need for standardized reporting and the report form that is recommended.

Chief Dekmar continued with one of the things that was clear was the comment by the court in the Harris case, where the court alluded to the PIT maneuver indicating that the deputy was not trained in the PIT and had used the ram. In acknowledging that a ram was used, the court characterized that ram as a use of deadly force. What the committee did not want to occur, is that in looking at future episodes, a PIT be utilized and the PIT be characterized as a ram because there is a bad outcome. It is the proposition of the law enforcement community, that uses the PIT, that the PIT is a predictable maneuver and it can be done safely. In order to quantify the nature of the PIT as opposed to the ram, the committee contacted the Mechanical Engineering Department of Georgia Tech asking them to review and analyze the PIT maneuver; giving their opinion as it relates to the data as to whether or not there is predictability with a PIT as opposed to a ram. The committee asked them to also look at the ram and make any comments. The committee got with Georgia Tech and asked them to come down to the Training Center. The Mechanical Engineering Department has one particular area tasked with this study. Georgia Tech came down and looked at how PIT is executed; they were in vehicles that were doing the PIT; they were in vehicles receiving the PIT; the purpose so they could make a determination as to where on that vehicle they could locate instrumentation that would measure the pound pressure per square inch that was applied in order to execute the maneuver. Once completed, Georgia Tech went back to model the information they had seen to determine whether or not the maneuver could be modeled. Georgia Tech came up with instrumentation plates, which were placed on the points of the vehicle where contact would be made. Chief Dekmar showed several videos of points of contact.

The data was gathered and once sufficient numbers of PITs were recorded, Georgia Tech put the data on instrumentation they have to measure the time, distance, and pressure needed to execute the maneuver. Georgia Tech came up with couple of findings; one being the higher the speed, the less pressure needed to execute. Of course, as increase the speed on those vehicles that also increases the stability of that vehicle. At 45 mph, the force is at 800; at 55, it is 600; at 60, it says 620; the reason is the cleaner the PIT, the less force that is applied. In the 60 mph that



contact was not clean so it required more pressure. If the contact had been clean, less pressure could have been applied.

Chief Dekmar continued with comparing that with a ram; a ram applies something like 1800, in order to execute a ram. A ram is not predictable; through training it has been shown that it can be predicted where the vehicle generally is going to end. What influences the outcome is the topography where PIT is executed.

Georgia Tech's findings were that the PIT maneuver could be simulated using a computer model of what can be shown in a practical application what occurs on the computer, what can be shown on the computer is what occurs in practical application. It is also a maneuver that is predictable trend and the experiments with the actual vehicle were consistent with the findings of the model. Properly performed by a trained driver under certain conditions is a controlled, predictable method to stop a pursuit. Chief Dekmar stated that was a remarkable finding for Georgia Tech and one that will assist if and when this becomes an issue before the court. With that, Chief Dekmar concluded his report.

Chief Lou Dekmar took a moment to make a special presentation. While President of the Georgia Chiefs Association, the issue of taser was discussed by the legislature relating to control or prohibition of tasers. Upon a hue and cry that the taser kills, the Chiefs Association did a study and a white paper and copies given to the legislature to address their concerns. The white paper on tasers is the same for the white paper on pursuits; the goal is to address concerns and issues by the court as they come up and provide some policy guidance to department heads who wrestle with high liability issues. During the research involved with both white papers, there was one person that was common in the success of both papers. The way the white papers broke out, there were four or five people assigned to subgroups, who were responsible for doing research, and, then getting that research to one person who then had to style it in a way as though written by one author. The amount of time and effort and dedication and commitment that went into both those papers is remarkable. Chief Dekmar expressed his appreciation for that person, who is Ms. Dawn Deidrich. On behalf of the Chiefs Association, Chief recognized Ms. Deidrich with an award, which read "Presented To Dawn Deidrich In Recognition of Outstanding Performance and Dedication."

## **FISCAL REPORTS**

Mr. Terry Landers, Department of Public Safety/State Patrol, presented the financial statements for the year ending 2006. The one thing that he pointed out is that the Department had an unusual year ending making it very difficult for all agencies to close their books out for this year. State agencies switched over to 8.8 People Soft, and, there were a lot of problems in trying to get financials prepared and balanced appropriately. When things finally did work out, the Department of Public Safety was able to complete obligations on the \$86 million state-funded

budget; with just over \$30,000 remaining. The only reason it was \$30,000 is because this year the Department had to start making sure to leave some funds in every program; agencies are not allowed to overspend at that level. There are seven programs, plus Administration, and the Department left somewhere between \$1,500 to \$5,000 in each program; except for Troop and Post Operations, with \$14,000 left in that program. It was more awkward trying to make sure not to overspend in the programs, but the Department was able to accomplish that for this year. Federal funds carry forward and that is not a problem. Mr. Rooney Bowen, III questioned the costs involving Hurricane Katrina, whether the Department had been reimbursed; Mr. Landers responded they have been reimbursed.

Ms. Lisa Urich, Georgia Bureau of Investigation, briefly explained that she began with GBI after closing out the year. She pointed out two retirees filled in until she was hired at GBI. The retirees, Mary Ann Schaapman and Cynthia Livingston, were awesome in getting the books closed, because they had to work through everything manually. Ms. Schaapman and Ms. Livingston got the books down to less than \$1,700 in State Funds. The report to the Board members reflects \$3,700, but part is Capital Outlay which carries over. The rest is Federal Funds that carry over to next year.

Mr. Richard Guerreiro, Georgia Public Safety Training Center, pointed out the report for FY 2006. Under State Funds, the Training Center was still three programs during FY 06, but will be one program FY 07. Under State Funds, 99.8% was expended under Training Center; 99.6% under Police Academy; and 99.7% under Fire Academy. The total of \$10,000 was returned to the State.

### **GEORGIA CRIME INFORMATION CENTER**

Mr. Rooney L. Bowen, III made a motion to move under the GCIC Council, which was seconded by Mr. Wayne Abernathy, and voted approval by the Board members.

Mr. Paul Heppner, Deputy Director of Georgia Crime Information Center, began with commenting there are several things that work together that go into making this report every year. First of all, there is the team at GBI under Assistant Deputy Director Shirley Andrews, who is in charge of audits and training, and she affects the health of the network with her staff; Chief of Staff Neil Gerstenberger is the coordinator and liaison between GBI and local law enforcement and criminal justice agencies while working through these issues; and Deputy Director Dawn Deidrich provides legal oversight while working through these issues. Mr. Heppner pointed out that in the GBI monthly report that GCIC is working on computer-based training and will soon be rolling out a security and integrity model. That will help deliver training to customers around the state and allow the terminal agency coordinators, who are also a key piece in this puzzle, in keeping the network healthy. With the report in each notebook, Mr.

Heppner recommended that the actions taken be approved. Chief Lou Dekmar motioned approval of the actions taken, which was seconded by Mr. Rooney L. Bowen, III, and voted approval by the Board members.

Mr. Rooney L. Bowen, III made a motion to move back into Board of Public Safety, which was seconded by Chief Lou Dekmar, and voted approval by the Board members.

### **DONATIONS/RESOLUTIONS/RULES**

Mr. Lee O'Brien, Department of Public Safety/Georgia State Patrol, brought a proposal of changes in Rule 570-22-.05 and 570-22-.06, regarding window tinting. This is in the Georgia Department of Public Safety Rules and Regulations Chapter 570; subsection 22 has to do with safety glazing material and window tinting, and, manufacturer and installer requirements. Two rules under subsection 22 are being addressed because earlier this year it came to the attention that exemption requirements allowed in Georgia Code 40-8-73.1 does not set out conditions and parameters for the exemptions from the window tint law. The window tint law basically indicates that someone can tint windows down to a certain amount. In looking at the exemption and talking to Mr. Russ Parry, whose section in the Department issues the exemption permits, it appeared that under the existing rule there were no limitations on the exemption. The Code section allows the Commissioner to apply certain conditions and limitations to the exemption, but no rule had addressed that issue. Upon advice from the Legal Section, a moratorium was placed on the issue of exemptions until an appropriate rule was not in place. Mr. O'Brien read Ga. Code § 40-8-73.1(b)(2), which states a person can reduce the light transmission down to 32%, plus or minus 3. The subject of Rule 570-22-.06 is Limited Exemptions, which was done to convey the idea that nobody gets a total exemption from the window tinting statute. Any person, whether a driver or an occupant, who is required for medical reasons to be shielded from direct rays of the sun, can request an application for a limited exemption notice. All applications have to be supported by doctor or optician's attestation as to why it is required to protect that person. If granted, the exemption has to be carried in the vehicle at all times and presented to any law enforcement officer who stops that vehicle for any purpose. Mr. O'Brien requested the Board give initial approve of this rule; the public hearing will be set for November 8, 2006. Chief Lou Dekmar motioned adoption of the Rules pending public approval. After discussion and concerns of the Rules and the Georgia Code section, Vice-Chairman Donald suggested proceeding with the motion and subsequently have a committee meeting on the issues. Mr. O'Brien stated he and Mr. Russ Parry would be willing to meet with any Board members to answer any questions or concerns. Vice-Chairman Donald requested Chief Dekmar to re-state his motion. Chief Dekmar motioned that the Board initially adopt the rule change pending public hearing and report back to the Board for final approval; said motion seconded by Chief J. D. Rice and voted approval by Board members.

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

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|--|-------------|--|
| Two Stalker DSR 2X Radars                                | \$ 5,420.00 | Crisp County Commissioners                                 |
| Two Stalker DSR 2X Radars                                | \$ 5,420.00 | Dooly County Commissioners                                 |
| Cash Donation  | \$ 1,500.00 | Atlanta Motor Speedway                                     |
| Sixteen Streamlight Strion Flashlights                   | \$ 1,327.20 | Judge Kenneth Fowler<br>Judge, Twiggs County Probate Court |
| Genesis Hand-held Radar                                  | \$ 425.00   | Office of Highway Safety                                   |
| Six Vehicle Interface Portal for Genesis II Select Radar | \$ 900.00   | Chief Steve Gresham<br>Wrightsville Police Department      |
| One VSS Cable for Stalker Radar                          | \$ 79.00    | Chief Steve Gresham<br>Wrightsville Police Department      |

Mr. Bud Black made a motion to approve said donations. Chief Lou Dekmar expressed concerns of judges donating to enforcement agencies; concern from policy standpoint his concern of appearance of donations from the community service account. After roundtable discussion, Vice-Chairman Donald requested Colonel Hitchens screen donations prior to bringing before the Board. Mr. Bud Black retracted his original motion, and, presented the following motion. Mr. Black motioned approval of all donations, with the exception of the donation of Sixteen Streamlight Strion Flashlights, which was seconded by Mr. Wayne Abernathy. This motion was voted approval by Board members, except for Mr. Rooney L. Bowen, III, who opposed this motion.

Mr. Richard Guerreiro, Georgia Public Safety Training Center, requested approval of the following donations:

|                                 |             |               |
|---------------------------------|-------------|---------------|
| 1997 Chevrolet C7500 Crew Truck | \$20,000.00 | AGL Resources |
| 1998 Chevrolet S10 Pickup       | \$ 3,500.00 | AGL Resources |

Chief Lou Dekmar motioned approval of the donations, seconded by Mr. Rooney L. Bowen, III, and voted approval by the Board members.

**NEW/OLD BUSINESS**

The Board will be holding its October meeting in Statesboro to honor Averitt family. Mr. Ellis Wood, who was a dear friend of Mr. Hal Averitt, has made arrangements for the Board meeting to be held on the Georgia Southern University. Mr. Jim Lientz will be presenting the Resolution to the Averitt Family.

There being no further business, the meeting was adjourned.

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Rooney L. Bowen, III  
Secretary