

BOARD OF PUBLIC SAFETY

September 11, 2008

Atlanta, Georgia

BOARD MEMBERS PRESENT:

Vice-Chairman James E. Donald
Mr. Wayne Abernathy
Mr. Rooney L. Bowen, III
Sheriff Bruce Harris
Chief Dwayne Orrick
Mr. Pat Head
Chief Jack McElfish
Mr. Jerry Willis
Mr. Ellis Wood

BOARD MEMBERS ABSENT:

Mr. Dub Harper
Mr. Bud Black
Sheriff Steve Cronic
Chief Lou Dekmar
Sheriff Cullen Talton

OTHERS:

Ms. Laura Jones, Board Liaison
Mr. Joe Drolet, Senior Assistant Attorney General
Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol
Lieutenant Colonel Fred Snellings, Department of Public Safety/Georgia State Patrol
Mr. Joe Hood, Department of Public Safety/Georgia State Patrol
Major Stewart Hicks, Department of Public Safety/Georgia State Patrol
Mr. Dan Brown, Department of Public Safety/Georgia State Patrol
Mr. Lee O'Brien, Department of Public Safety/Georgia State Patrol
Major Mark McDonough, Department of Public Safety/Georgia State Patrol
Russell Powell, Department of Public Safety/Georgia State Patrol
Chief Mark McLeod, MCCD, Department of Public Safety/Georgia State Patrol
Major Billy Boulware, MCCD, Department of Public Safety/Georgia State Patrol
Captain Mike Fagler, Department of Public Safety/Georgia State Patrol
Director Vernon Keenan, Georgia Bureau of Investigation
Mr. Dan Kirk, Georgia Bureau of Investigation
Mr. Paul Heppner, Georgia Bureau of Investigation
Ms. Shirley Andrews, Georgia Bureau of Investigation
Mr. Butch Beach, Georgia Public Safety Training Center
Ms. Patrice Kerner, Georgia Public Safety Training Center
Lieutenant Colonel Gary Gulledge, Paulding County Sheriff's Office

Vice-Chairman James Donald welcomed everyone to the meeting of the Board of Public Safety. Vice-Chairman Donald stated the Board likes to begin with a prayer. He announced that Dr. Michael Guido, a voice of faith based community in Georgia, fell and injured himself. Mr. Bud Black's father passed away, and, Bud is with his family today. Vice-Chairman Donald requested

that Dr. Guido be added to prayers, along with Mr. Bud Black and his family. Mr. Wayne Abernathy asked for prayers for his county commissioner, whose grandson died. Vice-Chairman Donald called on Mr. Rooney Bowen, III, who gave prayer and asked everyone to also remember those who died on 9/11. Everyone remained standing for the Pledge of Allegiance.

Mr. Jerry Willis thanked the Board for recognizing his absence of last meeting; the reason being he was with his father. His father has been supercharged by having a new pacemaker put in and is now bugging Jerry about when they are going fishing.

Vice-Chairman Donald invited the Board members to acknowledge any guests. Sheriff Bruce Harris introduced Lieutenant Colonel Gary Gullledge, who will be the next Sheriff of Paulding County. Sheriff Harris stated Lieutenant Colonel won a six-man race without a run-off. Vice-Chairman Donald then requested each visitor to introduce himself/herself.

Vice-Chairman Donald called for approval of the August Board Minutes. Chief Jack McElfish made the motion, seconded by Chief Dwayne Orrick, and voted approval by the Board members.

DIRECT REPORTS

Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol, began with thanking Mr. Jerry Willis for coming to the Trooper School Graduation. There were 49 trooper graduates, and, they are out on all the roads now. The graduation was moved from the auditorium to the Bay, and, exceeded all the seating in the Bay; there was a standing room crowd only. Governor Perdue was the keynote speaker; many members of the leadership in both the House and Senate were there.

Colonel Hitchens stated the Department has also been working on some other initiatives. In noting the Board report, the numbers on troopers improved dramatically because of the additional 49.

Colonel Hitchens stated the Department has dealt with an issue, ever since Motor Carrier Compliance brought under the Department of Public Safety, regarding speed enforcement on commercial vehicles. It was brought to the forefront in the last year, when the Department was able to get two federal grants. One is up Cartersville area on I-75 and the other is in Chatham County on I-95, both which were selected by Federal Department of Transportation Motor Carrier Compliance personnel because of the number of wrecks and fatalities in those areas. The Department has not had the people to put specifically in truck enforcement. Colonel Hitchens stated truckers have an intelligence system that CIA would be proud of. If a trooper falls out on the interstate near Cartersville with radar and stops a truck, within fifteen minutes a trucker coming down I-75 out of Ohio will know it and know where the trooper is. The Department has worked with the federal people to get grants every year for certain aspects of what they do. The

federal agency has agreed to fund a 40-man unit that will be involved in Motor Carrier Compliance Division for strictly speed enforcement. Colonel Hitchens stated this is to the tune of well over a \$1 million, which will help with the Department's budget.

Colonel Hitchens stated the other thing he wanted to talk about is Capitol Police. The Department of Public Safety took that over about five or six years ago. The funding comes from the Georgia Building Authority. There is a private security contract; the security guards are seen in this building and in all the state buildings, except the State Capitol. In order to reduce the budget significantly, the Department is going to displace some of those people that the Department pays for in private security and put career employees in those positions.

Colonel Hitchens stated he has not spoken to all the people involved in budget cuts, and, he would rather not speak to it until notifying people who will be affected. He does not want it read in the Board Minutes that things are going to occur. Colonel Hitchens stated they are trying to meet with them individually and has met with a lot of them now, but that is an ongoing process.

Colonel Hitchens stated that next month the Board will meet at his facility. This will be a roll out of the new communications system. He said he is proud to say that most of the physical structure is already in place and almost complete; thanks largely to the Department of Corrections. About five months ago, State Patrol approached some people about doing work there and did not get favorable results. Commissioner Donald intervened and now the physical structure is in place. Not all the communications systems is in place, and, as those who deal in state government routinely know, the purchase process through DOAS can be very competitive and complex at times. Colonel Hitchens has asked Mr. Dan Brown will speak to this. Colonel Hitchens stated they will welcome the Board members next month; everything will not be in place but the physical structure is there. Motor Carrier people are already dispatching out of there. The Department will be moving some of the hardware from current communications facility in the basement of DPS over to where the new facility is going to be. It is truly amazing and looks very modern; it will be very efficient and very effective.

Mr. Dan Brown began with explaining the Department had entered into negotiations and the Department of Administrative Services (DOAS) recommended a single vendor. In reviewing all of the proposals, each vendor had some deficiency with regard to their proposal. So, DOAS felt it would be more appropriate and provide equity and parity if the Department went back in and entered into negotiations with all five vendors. The Department has done that and submitted the deficiencies to each vendor respectively. The vendors are remediating their responses. As of this morning, the number of vendors is down to four. The Department will probably be looking at a single vendor in about three weeks with the expectation of a contract to be signed and moving forward. Mr. Brown stated everything is still on track; it is just a little slower than anticipated.

Director Vernon Keenan, Georgia Bureau of Investigation, started with stating that at the last meeting he had done a detail discussion over the GBI budget situation about how the GBI is taking its cuts. He wanted to remind the Board the importance of this body and what goes on here. Director Keenan stated we should never think that people do not read the Minutes of the Board of Public Safety because they do. There was a news reporter who had studied and called to go over some details of what Director Keenan had related to the Board at the last meeting.

Since the presentation to the Board, Director Keenan has met with the Executive Board of Georgia Sheriffs Association. He is scheduled in the next few days to meet with Executive Board of Police Chiefs Association. After that, he will be meeting with District Attorneys Association in October.

Director Keenan stated he has shared within the GBI and everyone outside the GBI the same information that came before this Board; shared the same documents. These are the same summary sheets on the GBI budget cuts which have been provided to the Governor staff. Director Keenan has tried to speak plainly to the issue in each and every time and use the same document.

Director Keenan reported a positive issue. What he has talked to GBI staff about is that this is not the first time the state has been through economic situations. Director Keenan stated this is not the first time of budget situations in this administration. According to what has been told by Governor's staff, this is the first administration that ever has had to deal with three of them in one term. All of that has certainly created difficulties within agencies. What Director Keenan has talked about to the men and women in GBI, there are still positive things going on within the agency. Director Keenan handed out a flyer, which outlined the 1,000th DNA hit for the State of Georgia. In summary, in 1987 an 84-year-old woman was assaulted in her home and raped. The assailant was unknown and the case went unsolved. In 1987 there was not a CODIS database in the State of Georgia. The Atlanta Police Department has a Cold Case Unit, and, they resurrected that case and contacted GBI and asked if they had original evidence that had been submitted in the 1987 rape case. The GBI had this in the long-term storage vault. That evidence was retrieved and the DNA sample was obtained from the evidence. Then, that sample was entered into the GBI DNA database, and, a match occurred. It is verified now that in 1992 a rape occurred also in Atlanta of a 69-year-old woman. A suspect was identified in that case, and, Mr. Eugene Ferguson was convicted for that crime and was sentenced to life in prison. Director Keenan stated that essentially what has happened here is that the 1987 rape case was solved, and, it was committed by someone who is already serving time in the Georgia prison system. All this information has been turned over to the Atlanta Police Department, who is responsible for the investigation.

Director Keenan stated the positive side is that work is still going on; there are still many positives that are happening in Georgia law enforcement. In speaking specifically to the DNA database, as the database is populated and as more samples from offenders and felony probationers are entered in the system, the volume of hits increases. Because there are so many

hits coming in and because of quality assurance process, it took from April to September to finalize the DNA match. At the bottom of the page is a chart and it outlines some of the national offender hits for Georgia. The Case type, as Director Keenan noted, reflect cases of Homicide, Rape and one Burglary. The State is where the offense occurred, and then the Offender Crime shows that the offender is in the Georgia prison system or on felony probation in Georgia. These are crimes committed in other states. Most of the unsolved cases are related to Georgia offenders committing Georgia crime. Director Keenan stated he feels confident that Georgia will be receiving a \$1.8 million grant from the U.S. Department of Justice to continue on with DNA program. Even in the face of budget cuts, much of the good work will go on based on continuing to receive very important grants.

Mr. Pat Head stated when he came into office ten years ago, there was a backlog of some 1,500 cases waiting on Crime Lab employees. Fortunately, GBI was able to get funds to add scientists, and, Mr. Head stated his office was able to get reports back within thirty days. Based on budget cuts, Mr. Head asked how long it will be before his office will be back at 1,500 cases in a backlog. Director Keenan responded that it is going to decline steadily because the ability of the Crime Lab to complete work is based on staffing level. As staffing decreases and the volume of work increases, then the backlog occurs. Director Keenan stated that through support of Governor and support of Legislature and customers of Sheriffs and Chiefs and DA's making their needs known, the GBI received resources and virtually eliminated the backlog. The backlog by necessity will climb because of the shortage of staff.

Mr. Rooney Bowen, III stated the GBI has available on its web site the ability to look at the report status, whether it be an autopsy or toxicology. The GBI came out with a new feature to allow for the request to be discontinued. There are times when sending to Crime Lab, then finding out that test is not needed to be done any more. Mr. Bowen questioned if anybody is utilizing that request that now a request be cancelled; does that help any or not. Director Keenan responded it is not being used to the extent that it needs to be. Some prosecutors do a very good job of going in when they dismiss a case or a termination of a case, that they go into the web site and cancel the service. Mr. Bowen stated that a lot of tests are done for statistical data; should the GBI start looking at the future at whether a service needs to be performed for the law enforcement or just providing stats. Director Keenan responded that when it occurs, it wastes resources that are essential. Director Keenan stated the GBI may very well be in a situation where they will be handling priority cases. For instance, drug cases coming in will not be worked automatically the way they are now. It will require some type of triggering effect by the investigating agency or the prosecutor indicating this case is important and will need the results. The GBI constantly prioritize cases, and, do everything they can to meet the immediate needs of the prosecutors and investigators.

Director Keenan stated his ultimate objective in everything with the Crime Lab is to take what the budget is and turn out the maximum number of cases they can within that budget. That strategy has lead to the closing down of ME operations in Summerville and in Moultrie. It is proposed to close down the Columbus Crime Lab and the Crime Lab in Moultrie because it takes

more money to work cases in those regional laboratories than it does in the central laboratory. It costs to have customer service. The objective is to keep essential services flowing and that requires understanding and partnership of local agencies.

Chief Dwayne Orrick requested Director Keenan give a report on what the standards are for doing an autopsy under state law, and, perhaps give an idea of how many GBI may be doing that are outside and what kind of results.

Mr. Butch Beach, Georgia Public Safety Training Center, stated Director Dale Mann sends his regards from Israel. Mr. Beach stated that after hearing Colonel Hitchens and Director Keenan, Mr. Beach is following suit. The Board report shows the monthly numbers as they go. Today, the Board Members will not see any reduction from the plan outlined last month; the Training Center is following as everybody else and those numbers will decrease over time as they go through there. Mr. Beach stated the report will stand for itself.

Mr. Rooney Bowen, III made a motion to go into Georgia Crime Information Center Council, which was seconded by Mr. Wayne Abernathy and approved by the Board members.

Georgia Crime Information Center

Deputy Director Paul Heppner, Georgia Crime Information Center, stated that each year he comes before the Board to present the actions taken that occurred during the previous fiscal year when there are incidents of unauthorized access and dissemination of criminal justice information. Each Board member was given that report. Director Heppner stated he had with him today Deputy Director Shirley Andrews, who is part of the team that works with local law enforcement criminal justice agencies, when these instances come to light. Deputy Director Heppner stated he and Ms. Andrews present these actions and recommend the Board Members to approve them, as appropriate. Mr. Rooney L. Bowen, III made a motion to accept Deputy Director Heppner's recommendation; which was seconded by Sheriff Bruce Harris and voted approval by the Board members.

Mr. Pat Head made a motion to go back into Board of Public Safety, which was seconded by Mr. Wayne Abernathy, and voted approval by the Board members.

DONATIONS

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

Three Stalker Radar Units	\$ 9,585.00	Dade County Sheriff
Four Decatur Genesis II Radar Units	\$ 5,980.00	Meriwether County Board of Commissioners

Mr. Wayne Abernathy made the motion to approve these donations, which was seconded by Mr. Pat Head and voted approval by the Board members.

Ms. Patrice Kerner, Georgia Public Safety Training Center, requested approval of the following donation:

Casio Ex 277 Mega Pixel Camera and Accessories	\$ 200.00	Okidata
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Chief Dwayne Orrick made the motion to approve this donation, which was seconded by Mr. Rooney Bowen, III, and voted approval by the Board members.

RESOLUTION

Mr. Lee O'Brien, Department of Public Safety/Georgia State Patrol, requested approval of a resolution. Mr. O'Brien stated this Resolution is to accept a project voted upon by Walton County Commissioners to build a new post for Post 46 now located in Rockdale County. The Resolution not only allows State Patrol to negotiate with Walton County to build a new post, but it also authorizes State Patrol to move the post from Rockdale County to Walton County upon completion of that project. This also accepts the Walton County deed to the State of Georgia for the new post facility, once that is completed and State Patrol moves in. Mr. O'Brien stated this Resolution covers all of those actions. Mr. O'Brien stated that while he had been sitting in the meeting, he discovered a couple of errors in the wording on the first page and on the date. The Walton County Board of Commissioners first passed a resolution on May 3, 2008. What happened was they sent the Resolution to State Patrol and it did not reach State Patrol's office. So, Walton County did another one at their next meeting and sent it with a new date on it. Mr. O'Brien stated if the Board will allow him to correct those two changes and replace the first page, he would make sure it would be corrected. Mr. Rooney Bowen, III made the motion to

approve the Resolution as amended, which was seconded by Chief Jack McElfish, and voted approval by the Board members.

OLD BUSINESS

Vice-Chairman Donald stated that Board Attorney Joe Drolet has a short briefing on the Duties and Responsibilities of the Board.

Mr. Drolet began with stating it was brought up a couple meetings ago that folks had questions on what the duties are and what the statutes actually say. One question came up was if needed to meet every month, and, whether it was in By-laws or whether in statute. As a result of the questions, what he has done is give each Board member a packet. The packet started with a page out of Georgia Code, Title 35, which provides the creation of this Board and lists who the members are and who appoints them. The next page is a list showing who is actually filling the different slots. This list shows what everyone's term is. Mr. Drolet pointed out that Sheriff Bruce Harris was re-appointed as Speaker Glenn Richardson's representative, and, his term has now been extended to January 22, 2011. Mr. Drolet stated that following that list is five pages of Duties and Responsibilities of Board of Public Safety. He stated that if the Board members look through some of these they will see some things that are done on a regular basis, i.e., approving donations of Department of Public Safety, GBI, and Public Safety Training Center. Mr. Drolet pointed at No. 8 under Department of Public Safety, which is "approve donations of any property, equipment or services to Department." Another example, under Georgia Bureau of Investigation there is the role as Georgia Crime Information Council to approve rules and regulations. Mr. Drolet stated that a lot of the things that take place at this meeting that the Board does is under this statutory basis for all these items. This document had previously been done a few years ago, and, Mr. Drolet went back through this version that had been done years ago and updated it. Mr. Drolet actually ran a search through Lexis, a legal research tool, to see how many came up. Mr. Drolet stated there is one rule about bicycle safety on roadways; one about use of official equipment other than official duties; one to approve a Security Guard Division. Mr. Drolet stated the last page shows Other Matters, which are miscellaneous duties in various Code sections that are provided to Board of Public Safety. Mr. Drolet stated that the package shows the various duties; some may not be active such as the last one under Other Matters, "establish system of accountability for use and issuance of traffic citations." There are a few that the Board may want to look into that will need cleaning up, if the statute is something that actually is being done by another agency. Mr. Wayne Abernathy stated in the early years the Board had to review all the tickets that were written during the month, and, the Board has not in years reviewed relief from firearms disabilities. Mr. Drolet stated the Board actually had one of those requests recently, which he and GBI talked about two months ago. This would have been presented to the Board if the person had satisfied the prerequisites that he had been pardoned by either federal authority or state authority, but the applicant admits that he does not have anything. He stated he actually went through each Code section to see if they were still active with the various duties. Most are in Title 35 of Georgia Code. Mr. Abernathy questioned

number 7 under Other Matters, and, Mr. Drolet responded that would still come before the Board; that is, if a municipality or county has had their certificate to run speed detection device denied, then that agency could appeal to this Board to have it reinstated.

Mr. Ellis Wood stated he was one who had asked a lot of these questions and he wanted to publicly thank Mr. Drolet for working on this. Mr. Drolet stated in reading these Code sections he learned a lot of details he was not aware of. Mr. Bowen stated it would be prudent to make this available to agency heads so that it would make it simple on them with looking at this packet and see what needs to come before this Board.

Vice-Chairman Donald stated that the Board has done some pretty heavy stuff in the last several years that has had an impact on public safety. There has been the great work done on the PIT maneuvers and things like that; set a new standard there. Most recently, the Board has worked with the training standards for the Academy and it having an impact. The Department of Corrections will replicate what came out of the Training Center.

Vice-Chairman Donald stated the ability to come before the Board like this and put the budget issues on the table, particularly in a situation when being under a budget crunch empowers the Board members to go out and help tell the story. Vice-Chairman Donald stated this is something to help agency heads in getting the message out there. It is a tough time for the State of Georgia. Vice-Chairman Donald was recently quoted in Tattnall County on making a decision who gets what. The ability of the Board to frame that discussion is an act on behalf of citizens of Georgia just to ask legitimate questions like asked this morning about crime labs. Vice-Chairman Donald stated that is where the Board really plays very important role in committees. Vice-Chairman Donald commended the Board for the great work they are doing.

NEW BUSINESS

Vice-Chairman Donald requested information on Dr. Guido. Mr. Ellis Wood stated that Dr. Guido fell yesterday morning and hit his head during the fall. He stayed immobile about three hours; he would not go to local hospital until his doctor got there so lost some time. Dr. Guido was moved to Memorial Hospital where they determined he has a hematoma on the right side. His speech is good and his mind is clear. The best case scenario is that with medication and God's providence it could remove itself. Mr. Wood stated that this morning Dr. Guido is still alert and doing good. Vice-Chairman Donald stated he is in everyone's prayers.

Vice-Chairman Donald stated the Department of Corrections has two executions set for this month. One execution is on September 16 and one on September 23. Mr. Drolet commented that he will be filing a brief in the Eleventh Circuit Court of Appeals to respond to a Motion For Emergency Stay and a response to the Petition for Certiorari in the United States Supreme Court. There is a flurry of litigation during executions and the Georgia Attorney General's office is very busy with these motions.

Mr. Jerry Willis stated there is a lot of interest about electric vehicles, low speed vehicles because of the cost of gas and shortage of oil. The local newspaper has done quite a bit of digging in the Georgia Code and apparently found some discrepancies in interpretation. Mr. Willis asked if there is an agency to go to and get the scoop on what the possible future might be on low speed vehicles. Vice-Chairman Donald stated that is a fortuitous issue because Department of Corrections is using two perimeter vehicles on the state prisons, and, these vehicles are topped off three times. Corrections is researching alternatives, maybe electric vehicles. Mr. Willis stated that sooner or later someone will have that question brought to them and he would like to be prepared. He recently watched a program on the vehicles and there is an outfit in another state that is converting standard cars to electric cars, and, that will be an alternative that will be seen being offered to the public. Mr. Willis stated that law enforcement should get ahead of the curve and start looking at this and have some background research on what is acceptable and what is not. He understands cities have golf carts and everybody uses them. Mr. Willis stated the Perry newspaper had articles about when golf carts could be used and when could not use them. Mr. Bowen stated that there is an official publication the Department of Public Safety puts out for their troopers and it contains statues of slow moving vehicles. Every statute that pertains to them is listed on that chart. Colonel Hitchens stated he would get a copy to Mr. Willis. Vice-Chairman Donald requested that someone from the Department of Public Safety speak to this issue at the next Board meeting.

Mr. Ellis Wood made a motion that this Board draft a Resolution to Governor Sonny Perdue showing appreciation of his support to public safety and this state. That Resolution will be presented at a later date. It is expected that Governor Perdue will appear at the October Board meeting at State Patrol headquarters and will be presented at that meeting. Mr. Rooney Bowen, III seconded said motion and the Board voted approval.

There being no further business, the meeting was adjourned.

Rooney L. Bowen, III
Secretary