

## **BOARD OF PUBLIC SAFETY**

March 10, 2016

Georgia Department of Natural Resources Board Room – Atlanta, GA

### **BOARD MEMBERS PRESENT:**

Mr. Wayne Abernathy  
Chief Danny Bowman  
Commissioner Homer Bryson  
Mr. Kacy K. Cronan  
Mr. Steve D. Cronic  
Mr. Lester L. Rampy, Jr.  
Chief Mark Revenew  
Mr. Charles D. Sikes  
Mr. Peter J. Skandalakis  
Sheriff Joey Terrell  
Chief Craig Tully  
Mr. Ellison G. Wood

### **BOARD MEMBERS ABSENT:**

Mr. Danny Bryant  
Sheriff Dane Kirby

### **OTHERS:**

Mr. Joe Drolet, Senior Assistant Attorney General  
Ms. Cheryl L. Buie, Board Liaison  
Commissioner Mark W. McDonough, Department of Public Safety  
Lt. Colonel Russell D. Powell, Department of Public Safety  
Major Tommy Waldrop, Department of Public Safety/GSP  
Major Billy Boulware, Department of Public Safety/MCCD  
Captain Mark Lambert, Department of Public Safety/GSP  
Captain Jeremy Vickery, Department of Public Safety/MCCD  
Captain Daniel Carroll, Department of Public Safety/MCCD  
Captain Lewis Young, Department of Public Safety  
Sergeant Anthony Hughes, Department of Public Safety  
Ms. Joan Crumpler, Department of Public Safety  
Mrs. Amy Stancil, Department of Public Safety  
Mrs. Laura Thompson, Department of Public Safety  
Director Vernon M. Keenan, Georgia Bureau of Investigation  
Mr. Dan Kirk, Assistant Director, Georgia Bureau of Investigation  
Mr. Scott Dutton, Georgia Bureau of Investigation  
Director Chris Wigginton, Georgia Public Safety Training Center  
Mr. Tony Hightower, Deputy Director, Georgia Public Safety Training Center  
Ms. Cindy Franklin, Georgia Public Safety Training Center  
Mrs. Sharla Shockley, Georgia Public Safety Training Center  
Ms. Jessica Johnson, Office of Planning and Budget  
Mr. John Fleisch, Office of Planning and Budget  
Mr. William Ruffin, Office of Planning and Budget  
Judge Brian Rickman, GA Court of Appeals

Vice-Chairman Ellis Wood called the March 10, 2016, Board of Public Safety meeting to order.

DNR Commissioner Mark Williams welcomed the Board of Public Safety to the newly remodeled DNR Board Room.

Sergeant Anthony Hughes gave the invocation and led the group in the Pledge of Allegiance.

Chief Mark Revenew presented former BPS member and now Judge Brian M. Rickman, Court of Appeals, with a Resolution from the Board of Public Safety. Judge Rickman stated the Resolution is amazing and hopes someday, his children will be able to look at the Resolution and realized what their father has accomplished. Judge Rickman shared he was watching coverage of the presidential election last night and what really struck him was what he has seen from the Governor, and from the people whom the governor has put into leadership is what humble and honest leadership there is in GA from the Governor to the DOC Commissioner, Mr. Ellis, Colonel McDonough and Director Keenan. Judge Rickman added without getting too political, contrast that with what is being seen on the national level, it troubles him when there is no humility at all from some people. Judge Rickman stated he will take this humility to the court with him and is struck by how much all of the public safety professionals and corrections people are able to get done without having to be brash and without having to be boastful and this is amazing to him. Judge Rickman stated most humble is Vice-Chairman Wood who carries himself very humbly. Judge Rickman thanked everyone and stated he really appreciates the Resolution and the honor.

Vice-Chairman Wood asked everyone to stand and introduce their self.

Vice-Chairman Wood called for approval of the February 11<sup>th</sup>, 2016 minutes. Chief Mark Revenew made the motion to approve the minutes, which was seconded by retired Sheriff Steve Cronic and voted approved by the BPS members.

### **DIRECTOR REPORTS**

Commissioner Mark W. McDonough, Department of Public Safety advised on Tuesday, March 15<sup>th</sup> at 1000 hours, GSP Post 29 Paulding will have a grand opening and Governor Deal will be in attendance to cut the ribbon and give remarks. Commissioner McDonough stated this post has been long coming, as Post 29 used to be in Cedartown in Polk County and the post was closed and turned over to the County Police Department. Commissioner McDonough stated four years ago Paulding County stepped forward and said they would build the Post, took four years and is a very nice facility. Commissioner McDonough added Paulding County is growing and having a post at this location is good for the future.

On Friday, March 18<sup>th</sup>, 2016, Commissioner McDonough advised the 97<sup>th</sup> trooper school graduation will occur, with breakfast at 0800, inspection at 0900 hours, and graduation at 1000 hours with Governor Deal, being the keynote speaker.

In regards to the legislature, Commissioner McDonough advised DPS has two bills, HB747, the annual motor carrier bill, it is through the House and in the Committee process on the Senate side, and is poised in rules to go to the floor. Commissioner McDonough advised HB1064, which is the DPS patrol vehicle use and approved off duty police employment has also been approved by the House, is through the committee process on the Senate and ready to go to the floor. Commissioner McDonough stated with the days remaining, DPS is waiting on the annual back and forth and should not have a problem with getting HB747 and HB1064 to the floor of the Senate to get completed.

Commissioner McDonough advised the Stop the Threat campaign continues and part of this is the recruitment effort. Concerning the recruitment effort, Commissioner McDonough stated the MCCD is at the half way mark at this point for the hiring of 60 officers to meet the corridor needs on I-16 and I-95, the GA Ports expansion and have hired 31 people, with 6 waiting on medical and psychological screening and have 14 that are in the background process. Commissioner McDonough declared eight months into the recruitment, MCCD is half way there and hopefully will continue to see some success with this. Concerning the Stop the Threat campaign in February, Commissioner McDonough stated there were 633 inspections, 543 citations across the board in enforcement, 72 vehicles were put out of service, as well as 37 drivers, and to date, over 1100 law enforcement officers in 35 venues have gone through Stop the Threat training.

Mr. Wayne Abernathy asked Commissioner McDonough how many applicants it took to get the 31 hires. Commissioner McDonough acknowledged the Department usually sees about 600 applicants to get the 31.

Chief Mark Revenew publicly thanked Commissioner McDonough and the MCCD as there was a tragic incident in Pooler on Monday, where GSP Corporal Pimentel and MCCD Captain Hanton assisted in resolving the incident, came without question and it is amazing the level of cooperation that he sees on a daily basis and is proud for the DPS.

Mr. Charles Sikes advised there was an article in the VFW magazine this month that highlighted peace officers in law enforcement and asked how the DPS deals with hiring veterans.

Commissioner McDonough responded the DPS does very well hiring veterans and at each graduation one can see a substantial percent of the cadets that come to the DPS are out of the service. Commissioner McDonough stated it also helps that the Veterans Administration has an on the job training program which helps attracts some of the officers; there is great participation from veterans. Commissioner McDonough commented the DPS learned from the generation coming out of Vietnam, going into law enforcement, that the Vietnam generation has lived that and thought in that same mindset. Commissioner McDonough noted at a recruiting event, nobody was stopping at the law enforcement booths and he happened to be with the recruiter that day and started pulling veterans in and asking why they were not interested in law enforcement. Commissioner McDonough stated with the type of action, the duration of action and the number of deployments, the veterans stated they did not want to be in a job with conflict anymore, so there is a difference in what the Vietnam veterans experienced and the amount of veterans that went into law enforcement with this generation.

Commissioner McDonough noted this was an interesting survey of what they received in person, and even with that said, Commissioner McDonough declared the veteran percentage for DPS is very good. Commissioner McDonough noted every year the DPS tries to stay active with VFW and the American Legion in support of their annual conventions through their donations and continues to be an excellent relationship.

Director Vernon Kennan, Georgia Bureau of Investigation began his report by addressing the Georgia Crime Information Center as there is a major news story on the front page of the AJC regarding arrest records, and sealing of those arrest records. Director Keenan stated GCIC has 13.7 million arrest records in its database and of those records, 28% or 3.8 million do not have dispositions on them, and they are called open arrests. Director Keenan explained this is when a person has been arrested, carried into the booking facility, fingerprints have been captured and the arrest record is started with their name and fingerprint based records which starts the cycle of the record for the arrestee. Director Keenan noted there may be an addition in the record where the person was indicted for a different charge than what they were arrested for, and may be indicted for exactly what they were arrested for. Director Keenan stated the problem for the 3.8 million arrest records without dispositions is that the record ends right there, does not tell what happened with that record; did the DA nolle prossed the case, were they tried and found not guilty, were they found guilty or whatever, there is a vacuum there. Director Keenan gave an example as to what this means to an average citizen, stating he was sitting at his desk when he received a phone call from a father who has a 19 year old son who when he was 17 years old was arrested for putting firecrackers in a mail box and was charged with possession of an explosive device; the charge was later dismissed by the prosecutor, but the young man has an arrest record showing he was charged with possession of an explosive device and in today's world one will not get a job with that record. Director Keenan advised he gave the father instructions on how to go to the prosecutor, get the records and bring them to the GBI, so the arrest record could be completed to show the charges were dismissed. Director Keenan stated there is a special unit set up in the GBI lobby that handles persons coming in who are in the same situation that have a record where there is no disposition on the record, cannot get a job, and are able to rectify this in the lobby. Director Keenan declared one can see a lot of success stories, as people are coming in depressed and then will see them going out with their final paperwork showing they can now go forward with getting a job. Director Keenan stated the GBI started a program last fall based in Fulton County involving a contract with a private company, being paid with GCIC User fee monies going down to the Fulton Co. courthouse archives, pulling records, going to the DA's office, pulling those records, finding what the dispositions are and completing the arrest record. Director Keenan stated thus far, 43,000 open ended arrest cases have been cleared out and will continue on with this project to get the arrest records completed, as it is extremely important to everyone. Director Keenan stated this is occurring because the law is not clear in who is required to put the dispositions on the arrest cases, as in some jurisdictions, the clerk of court does this, while in other jurisdictions, DA's do this, a lot of confusion over this and the legislature is looking into who has ultimate responsibility to tell what happened with a particular case. Director Keenan advised the other part that came out in the AJC article is that the Governor's Criminal Justice Reform now has legislation which would say that if a person is convicted of certain crimes and given first offender status, then those records would be sealed after the person has completed first offender status. Director Keenan added this is important as this is about jobs again, as Governor Deal has said

repeatedly someone who has gone through the criminal justice system and has a record out there, they cannot get a job; this is all about jobs and being treated fairly. Director Keenan stated the GBI fully supports the restriction of records for first offender offenses that have been successfully completed. Concerning the open ended arrest dispositions, Director Keenan stated Georgia is in much better shape than other states as many of them have much higher levels of open ended arrests, but there is national program the GBI is working with to try and update the records.

Concerning the Sex Offender Registry, Director Keenan advised if one is convicted in Georgia of a sex crime, when that individual gets out of prison, they are required to register with the sheriff in that county of residency and then be entered into a public database that is accessible to everyone. As part of the registration there is also a process where the sex offender is classified by the Sex Offender Review Board and the review board looks at the totality of the case, the background of the sex offender and all the surrounding issues and then the review board has a process they go through to classify the offender for entry onto the registry. Director Keenan advised three years ago, the process was transferred to the GBI, and are now responsible for doing the investigations to collect all the information the Sex Offender Review Board needs to do their work. Director Keenan stated with the current staffing level, the GBI can only handle the cases that are coming into the system at this time, not those that are backlogged. Director Keenan stated they have a program they will be kicking off next month replicating what the GBI did with the criminal history record open ended arrests program, to have contract persons go out and collect the information the Sex Offender Review Board needs to do their work, which means going to the courthouses, pulling records, getting DA records, anything related to the sex offender that the review board needs to do their work.

Director Keenan added while all of this is going on, there is a law suit concerning a case that occurred in Fulton County which is a challenge to the sex offender registration process in Georgia. Board Attorney Joe Drolet advised there have been 30-40 different cases in the last 10 years attacking the Sex Offender Review Board and the registry system, and at this time there is a case called Berzette vs The Sex Offender Registration Review Board. Mr. Drolet stated Fulton County Superior Court Judge T. Jackson Bedford did not like the whole idea of declaring people predators and so forth and has done an order basically saying that the statue is unconstitutional, expose facto and double jeopardy and the procedures do not provide due process, has thrown in just about every reason he could in order to say it is unconstitutional. Mr. Drolet stated the state is appealing this and the status at this time is that we are awaiting the transcripts from various hearings that were held and when those are completed, the case will be docketed in the Georgia Supreme Court; over the next 6 months or so the case will move along and the Supreme Court will say one way or the other whether the statue is constitutional or not. Mr. Drolet noted this is a continuing process of trying to defend the procedures and the statues in regard to the treatment of sex offenders. Director Keenan asked Mr. Drolet what would happen if the Supreme Court rules that the current process is unconstitutional, and Mr. Drolet replied the state will have a statue that can no longer be enforced and will have to go back to the General Assembly and see what they want to do with it.

Director Keenan reminded the group the Sex Offender Registry is a public record, there is only one other government database website that gets more queries from the public than the Sex Offender Registry and that is the winning numbers of the GA Lottery.

Concerning the disposition problem with the open ended arrest cases, Chief Revenew asked Director Keenan is there not a way to parse out the data by the ORI, send to the agencies and advise them the cases are open ended. Director Keenan stated the GBI is talking with the clerks of the courts and the district attorneys about doing that, asking them to go back and update their records so the records will be complete. Retired Sheriff Cronin asked if this issue has to do with the OBTS forms, Director Keenan replied it is and Sheriff Cronin stated many years ago it was his understanding this was officially assigned to the clerk's office, were not happy about it, but that was the understanding. Director Keenan stated the clerks disagree they are mandated by law to do this.

Sheriff Terrell commented he had an issue in his county as when the case is completed the clerk no longer does anything with it and had a call concerning a felon in the county that was not supposed to be in the county and if it had not been for the dispatcher telling the deputies the subject was banned from the county, information was not on GCIC to tell the officers when they had him in custody.

Mr. Skandalakis asked Director Keenan how far back the GBI will go in looking at the missing dispositions. Director Keenan stated the group has started with the most current going backwards in Fulton County. Mr. Skandalakis asked Director Keenan while catching up on the back dispositions, how many new arrests are being made without the disposition on them? Director Keenan advised he did not know, but will find out and have the information at the next BPS meeting.

Mr. Charles Sikes stated he and Director Keenan were brought up in the OBTS and fingerprinting system and cannot emphasize enough how important the OBTS, fingerprinting and dispositions are and what it means to the community of law enforcement, what it means to the individual. Mr. Sikes advised he had served as Clerk of Court in his county for a year and was faced with this as well in regards to constantly getting inquiries from the firearms people more than anyone else, the FBI in regards to dispositions of cases, could get five a day and go to the ORIs, they go to the clerk's office and ask what is the disposition on this case as this person is applying for a firearms license or whatever. Mr. Sikes declared this impacts the individual tremendously when it is sitting there as an open disposition and obviously you go and try to find the disposition and sometimes it cannot be found. Mr. Sikes stated the disposition of the case should be in the clerk's office, and has always been a law enforcement issue and have seen in recent years where they are trying to get a handle on it and it comes back to training as well from the GPSTC who does a tremendous job in regards to this; in regards to the basic classes. Mr. Sikes acknowledged there are a lot of exciting things in police officer training, but the OBTS, fingerprinting and dispositions is probably one of the least exciting, but one of the most crucial to the entire system, an accurate system that law enforcement depends upon as to what has happened in regards to this particular case on this particular individual who is sitting on the side of the road with the law enforcement officer. Mr. Sikes reiterated it is crucial that when a case is filed and is fingerprinted, that at some point someone should complete the disposition.

Judge Rickman commented that when one hears a complaint concerning someone's record is inaccurate, two out of the three times, it is not the law enforcement or the GBI, a person goes in and applies for a job and told their background was flagged, they come to the GBI, the Sheriff, or the DA and tell them everything is accurate. Judge Rickman acknowledge what Director Keenan stated is accurate, but will find that private companies come into clerk's office and they data mine and get the information and are under no obligation to maintain an accurate private database. For a huge corporation, they may say one did not pass a background, just because of their arrest or for anything they want to, so often when someone says when the Sheriff or the DA, the clerk, the defense attorney screwed up his record it is actually not any fault of GCIC, sometimes the information can be right there and the private companies go in and simply make copies and the vast majorities of corporations in this country do not use the GCIC database, they use private databases that are under no legal obligations and the only place that is required to get the information accurate is there, outside of that at least under the first amendment they are not technically required to get it accurate.

Director Keenan stated the criminal history records system was developed for law enforcement, prosecutors and judges and no matter what type of restrictions are put in place by the legislature, law enforcement, prosecutors and judges will always have access to the entire database, the offender and everything, this part does not change. Director Keenan stated in the last decade is where it has come into focus as there has been more emphasis placed on private businesses and licensing boards doing criminal history record investigations for applicants and have had what was a criminal justice database is now being used by businesses and licensing boards and this is not what the system was designed for and this complicates all of this. Director Keenan declared they are working towards accuracy and appreciates the partnership the GBI has with the district attorneys and the clerks of the courts.

Director Chris Wigginton, Georgia Public Safety Training Center commented to the Board members, that the partnership and collaboration that himself, Director Keenan and Commissioner McDonough has established in a short time, he does not think the BPS has seen that relationship between the agencies in the past. Director Wigginton added DOC Commissioner Bryson in the group as well and declared the collaboration that they have been able to work together and achieve as far as in the law enforcement and public safety community is far above what has been accomplished in several years in the state of Georgia and publicly thanked Commissioner Bryson, Commissioner McDonough and Director Keenan for the partnership and in how they work together.

Director Wigginton advised he and Assistant Director Hightower visited the Federal Law Enforcement Training Center in Brunswick a couple of days last week, talked with their senior staff and director about some of their curriculum and classes they offer since the GPSTC is trying to revise their training and make sure the GPSTC offers equal to what is being offered across the nation, to make sure Georgia is the leading state in the nation in what training is offered. Director Wigginton advised the visit was very informative, was comical to know FLETC is facing some of the same dilemmas and controversies and problems that GPSTC faces. Director Wigginton stated some of the conversations mirrored exactly what the GPSTC is dealing with on the state level and what was not consistent was the budget. As far as the curriculum the GPSTC offers, the GPSTC is right there with the majority of what FLETC teaches. Director Wigginton added FLETC is willing to give the GPSTC lesson plans,

help develop courses where there is a deficiency and build a partnership that will be important to the GPSTC.

Director Wigginton advised the GPSTC has been working with the Department of Community Health and with the times we live in today the chances of an epidemic breaking out in the state could happen anytime, hope it never happens, but do need to be prepared. Director Wigginton advised the Dept. of Community Health is looking to partnership with the training center serving as a distribution center dissemination center for all the public safety community for medications. Director Wigginton added with this, the public safety community would come to the GPSTC to be treated and family members would also be included and would be a huge dissemination center for any medical outbreak throughout the state and are working very diligently with DCH to get this up and running.

Director Wigginton stated the MPs in the military receive a great deal of training in law enforcement, they are their police. Director Wigginton stated the MPs have never received any credit for the training they have received throughout their military career. Director Wigginton stated GPSTC has partnered with the National Guard to look at the curriculum that is offered on the federal level through basic training and the MP school and thinks the two will be able to come to an agreement and offer them hours toward their certification in Georgia and will offer 3-4 weeks of GA Law, firearms, driving and will be able to turnout a certified officer in a shorter period to help some of the deficiencies throughout the state. Director Wigginton stated the National Guard is willing to send their personnel on their dime to the 3-4 week program and the day the person gets out of the military, they will be a sworn police officer and can go to work for any police agency that day. Director Wigginton stated the National Guard has around 120 people, which are GA residents they would put in the program tomorrow. Director Wigginton advised the GPSTC will reach out to every military branch and hopefully get that influx, the military people to stay here in GA, work in GA and wind up living here in Georgia. Director Wigginton stated he has spoken to the Fire Academy as Warner Robins is the biggest Air Force base that has firefighters on site, but the majority of those are private contractors, there are a few that are active duty and will try to work this into a lesson plan for them.

Mr. Wayne Abernathy asked if a MP would be eligible to be a trooper with this training, and the response was the individual would still have to go to trooper school, but would be eligible to work for a city or county, would have the basic mandate certification.

Director Wigginton stated there has been a 20% increase in the student population from last year and the numbers continue to grow.

Vice-Chairman Wood commended Director Wigginton for the GPSTC facility improvements.

Commissioner Bryson asked Director Wigginton how many students are paying their way through basic mandate training and Director Wigginton responded it is about 5%-7% for pre-service.

Being a former MP, Chief Revenew stated he thinks the MP-law enforcement officer program is great and is an untapped resource and comparing the GPSTC to FLETC is not fair, FLETC has courses that

costs \$4,000-\$10,000, very expensive to go to FLETC. Chief Revenew declared the GPSTC does a lot more with a lot less.

**DONATIONS**

Major Jason Johnson, Chief Financial Officer, Department of Public Safety requested approval of the following donations:

One Belgian Malinois K-9	\$	600.00	Mr. Richard C. Fleming
One X2 ECD Taser Four Cartridge Refills	\$	1,599.99	Boston Police Department
One X26P Taser	\$	1,024.78	Lookout Mountain Judicial Circuit Drug Task Force

The motion to accept these donations was made by Chief Mark Revenew, which was seconded by Mr. Lester Rampy, and voted approved by the Board members.

Ms. Cindy Franklin, Georgia Public Safety Training Center requested approval of the following donations:

4,Dry,Ex, Vlv,Ge/Ge,W/Trim, W/Btf, W/Acc	\$	4,006.80	Reliable Automatic Sprinkler
4,DDX,Valve,W/ELE 175 Trim & BTRFLY VLV	\$	4,473.60	Reliable Automatic Sprinkler
A2 Air Maintenance Device, 35PSI Galv.	\$	470.80	Reliable Automatic Sprinkler
One Res Riser Assy. W/1x1/2" Test and Drain	\$	582.80	Reliable Automatic Sprinkler
Pressure Relief Trim,1,1-1/2 & 2 Risers	\$	87.60	Reliable Automatic Sprinkler

The motion to accept these donations was made by Chief Craig Tully, which was seconded by Sheriff Joey Terrell, and voted approved by the Board members.

Director Wigginton asked for approval of the BPS for an amendment to the Public Safety Memorial Committee Bylaws.

Sheriff Joey Terrell made the motion to approve the amendment to the Public Safety Memorial Committee Bylaws. This was seconded by retired Sheriff Steve Cronin and voted approved by the BPS members.

Director Wigginton presented ten nominees for calendar year 2015 to be honored and placed on the Georgia Public Safety Memorial Wall.

Mr. Peter J. Sakandalakis made the motion to approve the ten nominees for the Georgia Public Safety Memorial Wall. This was seconded by Chief Craig Tully and voted approved by the BPS members.

With the passing of First Lady Nancy Reagan, Vice-Chairman Wood read a quote of President Ronald Reagan.

Vice-Chairman Wood reminded the BPS members the group would be in Glennville in April and the May meeting will be in Waynesboro at Plant Vogtle, with a small school presentation in Statesboro on Wednesday afternoon. For the September meeting Mr. Charles Sikes is working with a group to have the BPS meeting in Milledgeville at the Old GA State Capitol. For October, Chief Tully is working on the main school event in Colquitt.

Director Wigginton advised the Georgia Public Safety Memorial will be held May 24<sup>th</sup>, 2016 at 1000 hours.

Mr. Peter J. Skandalakis recognized and commended DOC Commissioner Homer Bryson for his job at the Department of Corrections. Mr. Skandalakis shared the DAs have long been concerned about some of the victimization that goes on by the inmates inside the prison system using their cell phones to call and victimize people outside or even planning crimes at time. Mr. Skandalakis stated he understands it has been tough and knows the DOC has had to let a lot of employees go, but Commissioner Bryson has put a lot of integrity back in the prison system and the DAs appreciate it. Speaking on behalf of the DAs, Mr. Skandalakis stated the DAs are very thankful for the job Commissioner Bryson is doing and wanted to recognize him for his hard work and thank him.

Vice-Chairman Wood stated for those interested in the prison system, there will be opportunities to participate in tours at the April meeting.

There being no further business, the meeting was adjourned.

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Secretary-Chief Mark Revenew