

**BOARD OF PUBLIC SAFETY**  
October 22, 2009  
Chestatee High School, Gainesville, GA

**BOARD MEMBERS PRESENT:**

Mr. Wayne Abernathy  
Sheriff Steve Cronic  
Chief Louis M. Dekmar – via conference call  
Mr. Patrick H. Head  
Chief Jack K. McElfish  
Chief W. Dwayne Orrick – via conference call  
Commissioner Brian Owens  
Sheriff H. Cullen Talton – via conference call  
Mr. Gerald T. Willis  
Mr. Ellison G. Wood

**BOARD MEMBERS ABSENT:**

Mr. Charles D. Black, Jr.  
Mr. Rooney L. Bowen, III  
Mr. W. H. Harper, Jr.  
Retired Sheriff Bruce Harris

**OTHERS:**

Mr. Joe Drolet, Senior Assistant Attorney General  
Ms. Cheryl Buie, Department of Public Safety/Georgia State Patrol  
Colonel W. W. Hitchens, Jr., Commissioner, Department of Public Safety  
Lt. Colonel F. D. Snellings, Jr., Deputy Commissioner, Department of Public Safety  
Mr. Joe Hood, Comptroller, Department of Public Safety  
Major Mark McDonough, Department of Public Safety/Georgia State Patrol  
Chief Mark McLeod, Department of Public Safety/Motor Carrier Compliance Division  
Mr. Lee O'Brien, Deputy Director Legal Services, Department of Public Safety  
Captain Russell Powell, Department of Public Safety/Georgia State Patrol  
Mr. Dan Kirk, Assistant Director, Georgia Bureau of Investigation  
Ms. Kathryn Lee, Assistant Deputy Director, Georgia Bureau of Investigation Crime Lab  
Mr. Neil A. Gerstenberger-Chief of Staff/GCIC, Georgia Bureau of Investigation  
Mr. Jon Paget, Chief of Facilities, Georgia Bureau of Investigation  
Mr. Butch Beach, Deputy Director, Georgia Public Safety Training Center  
Mr. Mark Guzzi, Legal Counsel, Department of Corrections  
Mr. Adam Baswell, Department of Corrections  
Lieutenant Alan Marlow, Troop B Command, Georgia State Patrol  
Corporal Brian DeBord, Aviation Authority  
Mr. Ray Higgins, Department of Driver's Services  
Lieutenant Gene Joy, Hall County Sheriff's Office  
Colonel Jeff Strickland, Hall County Sheriff's Office  
Investigator Donald McDuffie, Hall County Sheriff's Office

Vice-Chairman Wood called the October meeting to order, welcoming everyone to the Board of Public Safety. Vice-Chairman Wood stated the Board of Public Safety is honored to be here at Chestatee

High School and especially grateful for their courtesy and reception to the Board. Vice-Chairman Wood went on to advise the student body that their Sheriff, Steve Cronic is a very valuable member to this Board. Vice-Chairman Wood thanked the student body for their hospitality and for allowing the Board to be in their school and county. Vice Chairman Wood then turned the floor over to Sheriff Steve Cronic.

Sheriff Cronic told the student body that the Board always starts the Board of Public Safety meeting off with an invocation and Pledge of Allegiance. Sheriff Cronic introduced Hall County SO Detective Donald McDuffie to give the invocation and lead everyone in the Pledge of Allegiance.

Vice-Chairman Wood called on Major Mark McDonough, Commanding Officer of the Georgia State Patrol to brief the students on the Board of Public Safety's duties and responsibilities. Major McDonough began by explaining the mission of the Board of Public Safety. Major McDonough explained the duties of the Board of Public Safety and what business transactions would be taking place today.

Vice-Chairman Wood did a verbal roll call, introducing those present to the student body. Vice-Chairman Wood then asked the agency heads to introduce their guests in attendance from their department.

Vice-Chairman Wood called for approval of the September 2009 Board minutes. Chief Jack McElfish made the motion, which was seconded by Mr. Patrick Head and voted approval by the Board members.

### **DIRECT REPORTS**

Colonel Bill Hitchens, Department of Public Safety began by stating it was an honor to be at Chestatee High School. Colonel Hitchens stated he did not have a report to submit today, but that he had a couple of announcements. Colonel Hitchens told the Board and student body that at 11:00 a.m. on Monday morning, October 26<sup>th</sup>, 2009, a dedication in memory of TFC Tony Lumley would be held. He stated TFC Lumley was killed in 1984 in a car crash that involved a high speed pursuit where the person he was chasing bumped TFC Lumley and knocked him off the road, which led to his tragic death. Colonel Hitchens went on to say that the Department has done several things to try and remember those whose lives were lost and we have campaigned the last couple of years to the legislature. Colonel Hitchens told the student body that in order to name a road for someone, it has to go through the legislature, through the county commissioners and the city involved and we have done this for a few troopers who have died in the line of duty. Colonel Hitchens stated everyone was invited and would appreciate those that could attend as the Department dedicates the highway in memory of TFC Lumley. Colonel Hitchens advised the Board and student body that two new patrol posts had opened and stated Post 6 Gainesville should be opening by November 1, 2009. Colonel Hitchens stated that Post 46 Monroe was open and the official Post dedication would be at 11:00 a.m. on Tuesday, November 3, 2009 and that Post 25 Grovetown would have their Post dedication on Thursday, November 5, 2009 at 11:00 a.m.

Colonel Hitchens advised the Board that he had attended an Agency Heads Meeting with Governor Perdue this morning. Colonel Hitchens stated that Governor Perdue had asked all agencies to be sure their agency was active and doing things in the interest of the citizens of Georgia. Colonel Hitchens related that Governor Perdue had asked each agency to list three things that their agency would do in the upcoming year in order to make every day count. Colonel Hitchens stated that the Department of Public Safety would complete the implementation of technology initiatives regionalizing the Communication Centers; five of the nine communication centers have been completed. Colonel Hitchens further stated that Post 6 Gainesville will be one of the communication centers. Post 23 Brunswick and Post 25 Grovetown has been completed and are operational while GSP hopes to complete Post 3 Cartersville and Post 10 Americus within the next calendar year. This regionalization will allow GSP to dispatch from nine patrol posts across the state instead of forty-five patrol posts. Colonel Hitchens stated this technology will allow us to operate more efficient with less manpower and much more effective with the Computer Aided Dispatch and Records Management System. Colonel Hitchens stated number two on his list for the Governor was to reduce the number of Commercial Motor Vehicle (CMV) crashes that occur on Georgia's highways by continuing and expanding the Georgia Targeting Aggressive Cars (GTAC). Colonel Hitchens stated Georgia comes in 4<sup>th</sup> in the nation with the number of serious injury crashes involving CMVs and we have partnered with GA Motor Trucking Association and the National Motor Carrier Safety Administration, along with a million dollar grant. Colonel Hitchens went on to relate that the department has identified high accident corridors in the state, places where a great number of commercial vehicle crashes occur; have segregated those areas and through enforcement have seen the numbers drop significantly. Colonel Hitchens stated the Department would continue this enforcement throughout next year while the Feds increase our monetary numbers for next year. Colonel Hitchens went on to relay to the Board and student body that number three on the Department of Public Safety's list for the Governor was to reduce motorcycle fatalities in Georgia by 20% and then called on Major McDonough to address this project.

Major McDonough presented a power point presentation in regards to reducing motorcycle fatalities in Georgia by 20%. Major McDonough advised that there has been a 59% increase in fatal motorcycle accidents in Georgia and even more alarming is that accidents involving motorcyclists account for less than 1% of the total accidents that occur each year, but results in 12% of the fatalities. Major McDonough advised that in 2008, the United States Army reported that they lost more service men and women to motorcycle accidents than they did to combat operations in both Iraq and Afghanistan. Major McDonough stated that over the next 15 months, the Georgia State Patrol Safety Education unit will conduct classes in civic clubs, driver's education classes, and high schools and would specifically target in the last quarter of this year, every military installation in the state of Georgia to try and promote safety on motorcycles. Major McDonough stated the department went public with the motorcycle safety effort last Friday with the First Army out of Ft. Gillem with a motorcycle safety ride. Major McDonough went on to state that the Department will conduct concentrated patrols with Georgia troopers in three locations within the state, to include the mountainous area in North Georgia, Metro Atlanta area and down on the coast. Major McDonough stated that GSP will partner with the Governor's Office of Highway Safety for a media campaign to support safety on motorcycles

throughout the year. Major McDonough encouraged the student body to check blind spots before changing lanes, and look for motorcycles before they pull out into intersections.

Chief Jack McElfish made a motion for the Board of Public Safety to publicly endorse the Motorcycle Safety Program presented by Major McDonough, which was seconded by Sheriff Steve Cronic and voted approval by the Board members.

Mr. Butch Beach, Georgia Public Safety Training Center began by stating the GPSTC report will stand for itself. Mr. Beach stated GPSTC have a couple of ground breaking ceremonies coming toward the end of the year with the Regional Police Academy in Garden City and a new Class A Burn Building at the main campus in Forsyth. Mr. Beach then presented a power point presentation to the student body showing the Georgia Public Safety Training Center.

Mr. Dan Kirk, Georgia Bureau of Investigation began his briefing by stating that in September 2009, GBI received four grant awards totaling 7.2 million dollars. Mr. Kirk asked the Board to remember that once the grants are in place and personnel have been hired, approximately 40% of GBI's scientific staff will be paid by grants. Mr. Kirk stated with these dollars we will be able to hire some people, buy some equipment, supplies and so forth, but he asked the Board to remember that the bill will come due and when and if the grant money runs out, the state will have to take over paying for these positions. Mr. Kirk advised the Board that the GBI Crime Lab underwent its accreditation this past summer, with the audit being successful; had very minor or corrective actions to take. The corrective actions have been taken and the GBI Crime Lab will be looked at again to be sure the lab has done what it said it would do and after that occurs, the Crime Lab will receive its accreditation from the American Society of Crime Laboratory Directors/Laboratory Accreditation Board. Mr. Kirk then went on to share with the Board that the Crime Lab had received the IACP Vollmer Excellence in Forensic Science Award, an international award that makes us proud of our people. Several years ago we started training police officers in the identification of marijuana. Back in 2000, GBI was analyzing about 20,000 marijuana cases a year and being the analysis of marijuana is fairly simple, involving some simple chemical tests and visual tests, we began to look at how we could push this task out to the law enforcement agencies in the state and let them analyze their marijuana. Mr. Kirk stated since GBI started the program we have reduced the number of marijuana cases from 21,000 down to about 428 cases. Mr. Kirk advised the Board that the GBI has trained over 1600 officers in the identification of marijuana. With this award also came a scholarship to the National Forensic Academy at the University of Tennessee which will be presented to our investigative people who send our crime techs to this academy. Mr. Kirk stated this was a great award and the GBI Crime Lab was very appreciative for the recognition.

Assistant Director Kirk spoke to the students about sexting with their cell phones. Mr. Kirk stressed to the students that anyone under 18 years of age who sends or receives nude photographs is in possession of child pornography and can be charged with a felony. Mr. Kirk told the student body that law enforcement is very concerned about sexting and is doing something about it and there are ways that the GBI can sniff out information that is being transferred across the internet. Director Kirk told the students that cyber bullying is more and more rampant throughout schools and when one sends

something over the internet there is always a record of it; it does not go away. Director Kirk spoke to the students concerning drug use and skittle parties and warned of the dangers of prescription drugs.

Mr. Pat Head 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**

Mr. Neil Gerstenberger, Chief of Staff for the Georgia Crime Information Center presented the FY2009 CJIS Security Violations Report that involves unauthorized access and dissemination of criminal justice information. Mr. Gerstenberger reported there were six violations reported during FY2009 and presented the actions and recommendations to the Board members asking for their approval. Chief Jack McElfish made the motion to accept Mr. Gerstenberger's recommendation; which was seconded by Sheriff Steve Cronic and voted approval by the Board members.

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

Ms. Kathy Lee, Assistant Director of the GBI Crime Lab presented proposed rule changes pertaining to Chapter 92-3 Implied Consent. The changes address the chemical testing of a person's blood, urine or breath of a person for the presence of alcohol and/or drugs in cases of traffic crashes and suspected DUI cases. Ms. Lee stated there are two main reasons for the proposed changes; currently the GBI cannot outsource testing because the rules require all testing be conducted by residents of the State of Georgia. The GBI is proposing that we remove this requirement so that we can outsource in the event it needs to be submitted for outsourcing and can accomplish this without any danger of violating the rules. The second situation that prompted the revisions are the inquiries that we received from local law enforcement agencies who basically want to know from us what it would take for them to come up with their own blood alcohol testing laboratories. The GBI has decided to update the implied consent rules in order to clarify the education and training requirements for any individual who will be conducting blood alcohol or drug testing in DUI and implied consent cases. Ms. Lee went on to state that the GBI has also added specifications for test methods because the GBI feels that these changes are needed in order to ensure that any laboratory that conducts blood alcohol or drug testing that falls under these implied consent rules will meet consistent standards and to ensure that the quality of data that we are presenting in court is not jeopardize. Board member Jerry Willis asked about the end process of the proposed changes. Attorney Joe Drolet advised the Board members that rules like this are brought before a Board that oversees the agency requesting the changes. The Board approves the changes, and then the proposed rule changes are posted for a period of time for the public to view where they can comment on the changes. The agency requesting the proposed changes then brings the request back before the Board with the public results, the Board then adopts the rules, and the bill goes to the General Assembly who takes a look at it, then to the Secretary of State where it will be published for that agency. Sheriff Cronic requested that all Board members be emailed a copy of this to share with some of their traffic enforcement experts, to look at it more closely and also a copy be

sent to the Georgia Sheriff's Association and the Georgia Chief's Association in order for the appropriate people in those groups to look at it and give us input.

Mr. Pat Head reiterated that today we are authorizing GBI to go ahead and publish the changes for the general public so that the GBI can have a hearing and then it will come back before the Board and for the Board to make amendments at that time if we deem appropriate.

Mr. Wayne Abernathy made a motion to accept the notice of intent to amend the rules and regulations of the Georgia Bureau of Investigation Chapter 92-3 – Implied Consent, which was seconded by Mr. Jerry Willis, and voted approval by the Board members.

Mr. Jon Paget, Chief of Facilities for GBI stated at the last legislature session, the legislature approved \$1.3 million dollars worth of bonds to be sold for GBI. One million of those bonds will go for scientific equipment and \$300,000.00 for upgrades of some critical systems at GBI headquarters. Mr. Paget stated that the Georgia State Financing and Investment Commission will sell the bonds but they require a resolution from the Board of Public Safety. Mr. Paget told the Board members the language of the resolution proposed is included in their BPS notebook.

Chief Jack McElfish made a motion to accept the bond resolution, which was seconded by Commissioner Brian Owens, and voted approval by the Board members.

Vice-Chairman Wood explained to the student body that GBI, GPSTC and DPS have donations given to them and before they are allowed to use those donations, the BPS has to receive and approve the donations and this allows the Board to make sure the donations are given and received in a proper method.

Chief Jack McElfish asked the agency heads to address the number of vacancies in their department when giving their donation reports.

Mr. Dan Kirk, Georgia Bureau of Investigation explained to the students that state revenue collections have been down over the last several years and the bottom line is that when there is no money coming in, state agencies have to make cuts just like families would in their own household. Mr. Kirk relayed to the students that state agencies have been going through a series of severe cuts and at one time the GBI had over 370 GBI agents (sworn law enforcement personnel) working in our investigative division, but today there are only 240 agents; this is a huge loss of agents. Mr. Kirk stated the Crime Lab had an authorized count of 280 people and with the 5% cut that the GBI has endured, we now have 229 people. Mr. Kirk told the students that not only with the huge loss of personnel, we cannot replace cars. Mr. Kirk stated the GBI cannot buy equipment and explained how the GBI is borrowing money through bonds to buy equipment.

Vice-Chairman Wood amended the agenda due to the students' class time and asked Mr. Kirk to hold the GBI donations for later.

Board member and Department of Corrections Commissioner Brian Owens introduced Mr. Mark Guzzi, lead attorney for the Department of Corrections. Mr. Guzzi addressed the students and presented a power point presentation on sexting and explained what the legal and social consequences are for those convicted of sexting.

Vice-Chairman Wood then called on Mr. Ray Higgins of the Department of Driver's Services. Mr. Higgins stated later on this year DDS will begin to issue a totally new driver's license and will change the process as to how the driver's license will be issued. Mr. Higgins stated DDS is really excited about this change, as the license will be the most secure license that Georgia has ever issued; it will replace the current system that dates back to 1996 which will allow DDS to improve our efforts in public safety, homeland security and customer service. Mr. Higgins went on to relate the changes to the actual look of the license. Mr. Higgins told Board members and the student body that law enforcement will now have real time access to license photographs and there will be a machine readable bar code. Mr. Higgins told the student body there would be no changes to the teenage driving laws and the under 21 license will be horizontal.

Vice-Chairman Wood thanked the students for their courtesy and time as they returned to their class. After a five minute break the Board of Public Safety reconvened.

### **DONATIONS**

Mr. Dan Kirk, Georgia Bureau of Investigation requested approval of the following donations:

GBI Major Theft Unit	\$ 5,000.00	GA Motor Trucking Association
Five (5) HP Pavilion Laptops	\$ 4,500.00	Mr. Jim Hathaway
Safety and Preventive Maintenance for up to ten (10) vehicles	\$5,000.00	Rockdale Co. Board of Commissioners

The motion for these donations was made by Mr. Wayne Abernathy, seconded by Sheriff Steve Cronic and voted approved by the Board members.

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

Applied Concepts Stalker Radar	\$2,000.00	Tift County Sheriff's Office
One (1) Narcotics K-9 dog	\$8,500.00	Decatur County Sheriff's Office
Food and Veterinary Expenses	\$ 600.00	Early County DPS

Ten (10) 2009-2010 Chevrolet Tahoe Police Packages	\$260,000.00	Troup County Sheriff's Office
One (1) Stalker DSR-2X Radar	\$3,095.00	Early County DPS

## **RESOLUTIONS**

Mr. Lee O'Brien, Department of Public Safety came before the Board requesting approval of two resolutions involving the return of property to the county that previously provided GSP with a State Patrol post. Mr. O'Brien stated that a new post for Post 23 Brunswick has been built on other property in Glynn County and DPS is asking for Board approval in effecting the reversion of property located at 6102 New Jesup Highway, Brunswick to Glynn County, GA.

Chief Jack McElfish made a motion to approve the reversion of Georgia State Patrol Post 23 Headquarters and Barracks to Glynn County, which was seconded by Mr. Wayne Abernathy and voted approval by the Board members.

Mr. O'Brien stated the second resolution involved property in Thomson, Georgia which was vacated when GSP Post 25-Thomson occupied its new facility in Grovetown on October 1, 2009. Mr. O'Brien advised the property was provided to GSP by the City of Thomson and McDuffie County and that DPS is asking for Board approval in effecting the reversion of said property located at 2528 Washington Road, Thomson, GA to the City of Thomson and McDuffie County.

Chief Jack McElfish made a motion to approve the reversion of Georgia State Patrol Post 25 to the City of Thomson and McDuffie County, which was seconded by Mr. Wayne Abernathy and voted approval by the Board members.

## **OLD/NEW BUSINESS**

Vice-Chairman Wood reminded the Board members that at the last meeting the Board voted to change Article 1 – Office of the By-Laws of the Board of Public Safety to reflect the new office address of the Board of Public Safety which shall be at the Georgia Department of Public Safety, 959 E. Confederate Avenue, Atlanta, GA 30316. The mailing address of the Board shall be P. O. 1456, Atlanta, Georgia 30371-1456. Chief Jack McElfish made the motion to adopt the amendment to Article I-Office, which was seconded by Sheriff Steve Cronic and voted approval by the Board members.

Chief Jack McElfish stated he wanted to recognize the efforts of police, fireman, state patrol and all those that responded to the flooding on September 21<sup>st</sup> and 22<sup>nd</sup> in the areas of Metro Atlanta, Cobb County, Austell, GA, and areas west of Atlanta. He stated public safety performed at such a high level and cooperation was exhibited by all agencies. Chief McElfish noted that thirteen people lost their

lives during the flood and forty-one horses were rescued. Chief McElfish stated seeing the entire cooperation amongst all agencies made him proud to live in Georgia.

Board member Patrick Head made a motion that the Board present a resolution to Ms. Yolanda Harrison for the fine work she did as the interim liaison for the Board of Public Safety, which was seconded by Mr. Wayne Abernathy and voted approval by the Board members.

Sheriff Cronic asked the Board members to please keep Hall County Retired Major Jim Ash (husband of retired GBI Assistant Director Chris Ash) in their thoughts and prayers as he was recently diagnosed with brain cancer.

Mr. Wayne Abernathy spoke of a family from Burke County that had stopped and rendered aid to a vehicle crash and fire victim in Burke County. Mr. Abernathy suggested that Vice-Chairman Wood prepare a letter of appreciation/commendation from the Board of Public Safety recognizing their heroism.

Vice-Chairman Wood stated the November meeting has been cancelled and the December meeting will either be in Forsyth or Atlanta.

Vice-Chairman Wood thanked the agency heads for their department's response to the floods, knowing that it was a very challenging situation with reduced personnel and budgets. Vice-Chairman Wood thanked the agency heads for keeping the morale up in their departments, while responding to the citizens' needs.

Vice-Chairman Wood thanked Sheriff Cronic for hosting the October Board of Public Safety Meeting.

There being no further business, the meeting was adjourned.

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Rooney L. Bowen, III  
Secretary