

BOARD OF PUBLIC SAFETY
July 10, 2008
GBI Crime Lab, Decatur, Georgia

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Mr. Wayne Abernathy
Mr. Bud Black
Sheriff Steve Cronic
Sheriff Cullen Talton

OTHERS PRESENT:

Mr. Joe Drolet, Board Attorney
Ms. Laura Jones, Board Liaison
Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol
Lieutenant Colonel Fred Snellings, Department of Public Safety/Georgia State Patrol
Major Stewart Hicks, Department of Public Safety/Georgia State Patrol
Major Mark McDonough, Georgia State Patrol
Captain Mike Fagler, Department of Public Safety/Georgia State Patrol
Mr. Joe Hood, Department of Public Safety/Georgia State Patrol
Chief Mark McLeod, Motor Carrier Compliance Division, DPS
Major Billy Boulware, Motor Carrier Compliance Division, DPS
Sergeant R. D. Hayes, Department of Public Safety/Georgia State Patrol
Mr. Dan Brown, Department of Public Safety/Georgia State Patrol
Ms. Melissa Rodgers, Department of Public Safety/Georgia State Patrol
Ms. Angie Holt, Department of Public Safety/Georgia State Patrol
Trooper Kyle Sapp, Department of Public Safety/Georgia State Patrol
Director Vernon Keenan, Georgia Bureau of Investigation
Mr. Dan Kirk, Georgia Bureau of Investigation
Deputy Director Paul Heppner, Georgia Bureau of Investigation
Ms. Georgia Butler, Georgia Bureau of Investigation
Ms. Lisa Urich, Georgia Bureau of Investigation
Ms. Julie Gardiner, Georgia Bureau of Investigation
Ms. Kathy Lee, Georgia Bureau of Investigation
Mr. Mark Buns, Georgia Bureau of Investigation
Mr. Mark Maycock, Georgia Bureau of Investigation
Ms. Mabelle Jones, Georgia Bureau of Investigation

Director Dale Mann, Georgia Public Safety Training Center
Ms. Patrice Kerner, Georgia Public Safety Training Center
Mr. Butch Beach, Georgia Public Safety Training Center
Mr. David Wall, Fire Academy, Georgia Public Safety Training Center
Ms. Callie Michaels, Senate Budget Office
Mr. Arnie DePetro, Department of Corrections
Mr. Geronald Bell, Office of Planning and Budget
Ms. Wendy Angelty, Office of Planning and Budget

Vice-Chairman James Donald welcomed everyone to the July Board meeting. Vice-Chairman Donald called on Mr. Ellis Wood to open the meeting with prayer. Everyone stood for prayer and Pledge of Allegiance. Vice-Chairman Donald asked if the Board members had any invited guests or visitors; then requesting each person to stand and introduce himself/herself.

Vice-Chairman Donald requested approval of the June Minutes; the motion made by Chief Jack McElfish, seconded by Chief Lou Dekmar, and voted approval by the Board members.

Vice-Chairman Donald stated he wanted to address an issue before beginning Direct Reports. He stated there is a little bit of anxiety among all agency heads that Board members need to know about. The anxiety is created by the fact that the state revenue was slow in May but do not know what the June numbers will look like. Governor Perdue has asked the state agencies to be pro-active and look at a 3.5% reduction to their budgets. As an example, for the Department of Corrections that number is \$40.5 million. This is on top of having to close 850 beds in diversion centers and probation detention centers to meet the General Assembly's mandate of returning \$10 million. All state agencies have similar stories to tell, and, there is high anxiety because the state has not been in this position since 2004, when Governor Perdue came into office and building a little reserve. So, there are some things out there to come to grips with, and, some of those issues are going to cross lines in terms of Department of Public Safety, State Patrol, Department of Corrections, Georgia Bureau of Investigation, and local municipalities in terms of the services rendered. Vice-Chairman Donald stated his proposal is, because Director Mann and Training Center will have to make significant cuts and will have a challenge, that this issue be appointed to a committee, to help reconcile everybody's feelings about what might be a necessary requirement to help Director Mann to stay within budget. Vice-Chairman Donald stated he wanted to let the Board members know because most Board members are beneficiaries of Director Mann's resources. Director Mann has been hit with a 3.5% reduction, just like other state agencies. Vice-Chairman Donald stated the agency heads will share the challenges in their budgets while looking at meeting the mandates. He stated that the Committee would need to meet quickly this would need to be done quickly because the cuts have to take place in the next 60 – 90 days. Vice-Chairman Donald stated the agency heads will present their budget issues

with the Board today; and, then turn the Training Center's budget issue over to the GPSTC Committee.

DIRECT REPORTS

Colonel Bill Hitchens, Department of Public Safety/Georgia State Patrol, began with speaking to financial issues. The 3.5% reduction means \$4.3 million, which is pretty significant in the budget, based on the fact that Public Safety has incurred reduction after reduction for years. Colonel Hitchens reminded the Board members that he spoke last month about the agency being over \$6 million in fuel cost this year from what the agency is allocated. Colonel stated that cost will probably increase; for every 25¢ the gas price goes up, it cost an extra million per year. That is significant. The Governor's Initiative is to add 205 troopers to the force, prior to Governor Perdue leaving office. That will be a significant amount of money.

What has occurred with the Training Academy is that Director Mann has given Department of Public Safety/State Patrol a contract. This year Director Mann has asked if State Patrol has a trooper school that exceeds a certain number, over 85 for lodging and 50 for meals, that Public Safety/State Patrol incur the costs for the remainder. If Public Safety/State Patrol run a second school, then the agency pay for the food and board for the whole amount. If Public Safety/State Patrol runs a second school this year with 75 people, that will cost an additional \$250,000. Colonel Hitchens stated the law explains that the Board can approve it, based on appropriated money, but State Patrol is not appropriated any money for this purpose. Department of Public Safety/Georgia State Patrol asked for it this year and was told the agency could not get it, and, were told that the Public Safety Training Center would fund it. Colonel Hitchens stated it is money appropriated in an amount that is required that the fee would be prorated. Certainly, if there is none appropriated, it cannot be prorated. Colonel Hitchens stated the agency has never had to pay before. Public Safety/Georgia State Patrol had the Georgia Police Academy, and when left to create the Georgia Public Safety Training Center, one of the functions was that Public Safety/State Patrol would never have to pay. Colonel Hitchens stated he is very well aware of what Dale Mann's problems because everybody in state government faces the same issues; it is all about money. And as costs increase, budgets are decreasing, and, it is a matter of the economy and everybody wishes they could fix it. Colonel stated he is very understanding of the situation that Director Mann is facing, and, Colonel Hitchens guessed that Public Safety/State Patrol could probably start charging fees for aviation services. Department of Public Safety/Georgia State Patrol does all the administrative work, their financial work, and human resources work at Public Safety Training Center, P.O.S.T. Council, Fire Academy. Public Safety has never charged for those services, because all, except for Fire Academy, used to be part of Department of Public Safety/Georgia State Patrol. When these agencies became independent agencies, Public Safety/State Patrol continued to do that in an effort to save money.

Colonel Hitchens reported on the July 4th Holiday Weekend, wherein State Patrol had predicted 23 fatalities, but only had 20. State Patrol thought going into Sunday that it would have been a

very positive weekend; unfortunately, the rain started and an unfortunate event occurred. Five of the 20 fatalities occurred in two wrecks. One occurred in Douglas County with a wrong-way driver. All in all it was a good weekend for State Patrol. Colonel Hitchens stated that one thing that concerned him was that the great majority of them were seat-belt related; people driving late at night did not have seat belts on. There was only one DUI involved in all the 20 fatalities. Colonel Hitchens stated there were four motorcycle fatalities, which is something that will be seen more and more; as the gas prices increase, more people will revert to driving motorcycles.

Colonel Hitchens reported on a situation that occurred three years ago. Colonel Hitchens reminded the Board members that when he first came back, there had been an accident of a high speed pursuit case on I-95 and the subsequent death of two people. Katie Sharp and another occupant coming out of South Carolina were chased about 30 to 40 miles into Savannah. State Patrol and other agencies got involved. Just as they were about to enter a DOT worksite, a trooper made the decision to PIT Ms. Sharp, and, neither she nor the other occupant had their seat belts on and both lost their lives. Colonel Hitchens stated that State Patrol has been involved in litigation ever since in Federal Court. There was a constitutional issue, but the trooper involved got sovereign immunity based on the fact that he did not have the knowledge. This case went to Eleventh Circuit Court of Appeals. The decision was published and the Eleventh Circuit ruled in favor of Georgia Department of Public Safety on every issue that there were no constitutional violations and the trooper and supervisor were right on all issues. Colonel Hitchens thanked Chief Lou Dekmar, in particular, in that while he was President of Chiefs Association that the Chiefs did a White Paper and study on PIT maneuver. This involved a couple of bright guys from Georgia Tech; a physics professor and an engineer professor, who outfitted cars with devices. After some testing, they said the PIT maneuver has a predictable outcome, if it is done properly. Colonel Hitchens stated they are very pleased with this success. Chief Lou Dekmar stated this could not have been done without support from Colonel Hitchens and State Patrol.

Director Vernon Keenan, Georgia Bureau of Investigations, began with stating he would comment on the budget first. Director Keenan stated when attending the Agency Head meeting, Mr. Jim Lientz, Chief Operating Officer for Governor Perdue, outlined what is coming up when going through this budget process. This is due by the agencies by September 1 to Governor Perdue. With the budget cuts that have to be put in their budget, the expectation is that these cuts will go to the base of the agency budget. There will not be any cross program area budget cuts. Simply, it means making decisions, such as closing an office or shutting down a task force program; and Governor Perdue expects the agency heads to make those types of tough calls in their recommendations to him. In the budget process, Governor Perdue will make a decision on what cuts will go in his budget. Vice-Chairman Donald added that agency heads are asked to look at programs and make sure they are still relevant; and if not, maybe cutting entire programs. Director Keenan stated that the GBI has not finalized the budget cuts. This current fiscal year, the GBI is required to withhold a certain amount of current budget, which is \$2.6 million. The fiscal year began July 1 and now GBI has to hold out \$2.6 million and be prepared to suffer that

budget cut. Director Keenan has no issue with the Training Center because the GBI is not hiring any one. Director Keenan required a hiring freeze across the GBI beginning July 1; the GBI is not hiring any agents. The \$2.6 million budget cut will occur through a combination of: no hiring, there will be an expectation there will be a certain number of employees that will leave during this current fiscal year and those positions will not be filled; no automobiles will be purchased; no new equipment will be purchased; travel will be minimized, put many field agents on a four-day work week to minimize travel time. Director Keenan explained that agents are still doing calls for service, of course; but where an agent had to drive to their office to do paperwork that now the agent will do paperwork at home. All that combination comes together to make up the \$2.6 million. Director Keenan stated that the State Budget is heading for some dire problems in the future. He stated that he has talked to his counterparts in surrounding states, and, they are terminating sworn employees because of their budget constraints. Director Keenan stated he will keep the Board members posted where the agency is at with the budget cuts. Director Keenan responded to a question of staffing for the Crime Lab in that the way the State Budget is organized is through program areas. For instance, Regional Investigative Offices is one program area; Multi-Jurisdictional Drug Task Force is another program area; Crime Lab and Headquarters are program areas; Regional Labs are program areas. To take a budget cut, the requirement is that a program is eliminated. So, the Headquarters Laboratory here is very high on the priority. Director Keenan addressed several questions concerning the budget cuts. Director Keenan added that on a positive note it is not as bad as it was in 2004 with RIF plans to bump employees.

Director Keenan reported that the GBI has been working on a case since 2000. Last Monday, the GBI served a search warrant on the case. This is a 1946 murder case in Walton County; this being the largest mass lynching case in the history of the United States. As background, Director Keenan explained that in 1946 there was an incident in Walton County where a black farmer got into a fight with a white farmer and stabbed him. The black farmer was subsequently arrested and incarcerated in jail. The Ku Klux Klan was extremely active in the State of Georgia; they were the driving political forces in this state. The investigation conclusively showed the Ku Klux Klan orchestrated an ambush of this black man to settle the score for the stabbing of the white farmer. A farmer in Walton County went and bonded out the black farmer, who was in jail. There was another young black man and two women who went with the farmer to bond the black farmer out of jail. They were all in the car together; they were going back to their homes when they came to the Moore's Ford Bridge. The bridge was blocked with a crowd of Klansmen. The Klan took two men and two women out of the vehicle, tied them together, and then shot them several times. The description given was there were several volleys of fire. There were approximately thirty Klansmen involved in the murders. President Harry Truman was outraged and ordered the FBI in to investigate the murders, even though it was not a federal crime. The FBI came in with a team of agents and spent six months in Walton County. GBI was also ordered to investigate and they were involved on the peripheral of that investigation. Evidence showed plainly from the case that the Sheriff and his top deputy were also members of the Klan. After six months, a case was presented to the federal grand jury in Atlanta. The grand jury heard testimony from 35 witnesses. No indictments came out. The case has languished and fallen back

into the history books. The case was resurrected in 2000 based on events which have occurred in the deep South where some of the cold civil rights cases have been resurrected, reinvestigated, and then prosecuted. There was a strong movement to have this case resurrected and see a criminal prosecution go forward. Governor Barnes signed an Executive Order to order GBI to investigate Moore's Ford. The GBI assigned a team of agents; the agents went to Washington D.C. and read the original FBI report, which is several hundred volumes long; did a number of interviews; but were not able to build a case. There is no physical evidence in the Moore's Ford case. The record of the grand jury testimony cannot be found. There are very limited witnesses that know anything about the case. There was no autopsy. In recently working with the FBI, the GBI received information that allowed GBI to have probable cause to take a search warrant to go to a farm house in Walton County; the purpose was to search for a weapon which may have been used in the murders. Director Keenan stated that he cannot publicly discuss what came out of the search. Director Keenan's stated his purpose of laying out all this is that the Moore's Ford case is different from other civil rights cases that have been successfully prosecuted; in that those cases there was a state trial and acquittal but there was a court record to fall back on. In this case there has never been any prosecution and there is no physical evidence. In the media, there is a picture being painted that if enough pressure is put on state and local officials, then the prosecution could go forward. It is not a lack of will, but a matter of lack of evidence. Director Keenan stated that he does not envision this case going away for the public anytime soon but there are GBI agents working this constantly.

Director Keenan reported that because as he had promised at a previous meeting, today he gave the Board members the Executive Summary outlining the investigation and conclusion relating to the Fingerprint Identification Error. The Latent Print section made a misidentification of the evidence in a murder case. The key part of the Summary is the Conclusion, which is on the last page, outlining why the error occurred. This was a combination of two things, and, the Summary states there are quality control measures in place now to prevent a reoccurrence of an error of this specific nature. Everyone, who is in the Chain of Command and involved in the process where the error occurred, signed the document attesting to the truth as best they know of the circumstances.

Director Dale Mann, Georgia Public Safety Training Center, began with good news. Mr. Ellis Wood, Director Ken Vance, Commissioner Ron Jackson, and Dr. Teresa Resch met last week at the Training Center. The official announcement from Technical College System of Georgia (TCSG), (formerly known as Department of Technical and Adult Education), is that they have chosen their six pilot sites for Basic Training. Director Mann stated he made sure that Board of Public Safety got the credit for starting this initiative; a press release brags on the Board for working on this for over a year. The sites are Savannah Tech (Savannah), DeKalb Tech (DeKalb County), Ogeechee Tech (Statesboro), Augusta Tech (Augusta), Coosa Valley Tech (Calhoun, which is a branch out of Rome), and South Georgia Tech (Americus). Director Mann stated that basically there are six pilot sites which have been identified; based on a very long selection process where Sheriff Terry Norris was involved in evaluating, along with Mr. Ray Saxon from

Training Center, Mr. Ryan Powell from P.O.S.T., in addition to TCSG staff. Initially, eleven tech schools expressed an interest in this but only nine submitted proposals. Of those nine proposals, six were selected. Those six sites selected will have to come up with what is needed to satisfy the P.O.S.T. so they can be certified as an academy. Realistically, it will not be until first of next year to begin Basic Training. The first step will be full day-time programs, and, will be 16 to 18 weeks. Students will have to go through same entrance procedures normally done for any other academy; there will be no difference between those students and the Training Center students. The one difference will be that those students will have to take what is called ASSET test, which is an entrance exam test for the Technical College System. Director Mann stated there is an entrance exam and it is graded at Fifth Grade Reading Level. The tech schools give an ASSET test that is going to be graded closer to the Twelfth Grade or GED equivalent reading level. The technical schools will have 20 students per class. Director Mann stated that the Training Center is on track working with TCSG; the technical schools have been sending people, who do not have P.O.S.T. credentials, to instructor training. Director Mann stated that one piece of puzzle, and P.O.S.T. is working on this, is that state certification exam. That exam has to be done before the graduation of the first class. Vice-Chairman Donald added that the Department of Corrections is working with Commissioner Ron Jackson about Corrections Regional Academies aligning the actual academy with a four-year college or technical college; so that the hours acquired can be used in degree completion. Director Mann stated that this has been done in the past and State Patrol has coordinated this with Gordon College. In response to a question, Director Mann stated that TCSG will derive the income on these classes from HOPE grants, primarily. In short term budget wise, five years from now hopefully a system will be built of cooperation of P.O.S.T. and TCSG and transform regional academies into doing advanced specialized training, and start shutting down Basic training as currently known.

Director Mann reported on the budget issues. Director Mann explained what the latest 3.5% budget reduction is doing. When the Training Center opened 21 years ago, the agency had enough money to pay for free tuition. Folks are not paying tuition when coming to the Training Center. Nobody, as approved by this Board, who is outside 60 miles pays anything for lodging or meals. What is going to happen is that when starting to look at cutting budgets, the last thing to do is to cut training. Tuition should still be free; people should be able to enjoy coming to the Training Center because there is \$27.4 million that was sent by Fine and Forfeiture to the State Budget. Director Mann stated that the easiest thing for him to do is to maintain everything else that is going on, i.e., the basic regional training academies. What the Training Center does, what the Training Center does for local and state agencies, is to look at services that are provided that are not directly connected with the Training. Director Mann stated the Training Center spent \$1.6 million a year on free meals. Director Mann suggested stop giving away free meals; keep lodging free but folks pay for their meals. If Director Mann cuts out free meals, this directly impacts Department of Corrections' budget, Department of Public Safety/Georgia State Patrol budget, and GBI budget; especially, when these agencies did not plan for that. By eliminating free meals completely, there would not be a budget problem. Director Mann stated when the GPSTC Committee comes together, that is one of the things that needs to be discussed. Director Mann questioned is it time to send a student to pay \$15.50 for three meals a day. Instead of

crippling the training delivery, is it time to look at something that has been given away as a free service for 21 years that the Training Center can no longer afford. Director Mann stated there are some revenue things to look at to help off-set the budget cuts. Vice-Chairman Donald stated this issue is assigned to the Georgia Public Safety Training Center Committee and will be brought back to the Board. Vice-Chairman Donald requested the Committee meet before the August Board meeting.

REQUEST BY GARDEN CITY

Director Dale Mann, Georgia Public Safety Training Center, stated there is a request from Garden City. Director Mann reminded the Board members that the Training Center has been involved for a couple of years in taking the old State Patrol Post in Garden City. In getting the Patrol Post demolished, there is an Executive Order of Governor signed about sixty days ago that the State Properties Commission has been asked by Garden City for an ingress and egress into that site to do some clearing and start construction. Director Mann requested the Board approve a revocable license from State of Georgia for purposes of constructing a temporary access road. Chief Lou Dekmar motioned approval of this request, which was seconded by Mr. Dub Harper, and voted approval by the Board members.

DONATIONS

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

WatchGuard 2-Piece DVD In-Car Recording System	\$ 5,037.00	Lowndes County Sheriff
---	-------------	------------------------

Mr. Rooney L. Bowen, III made the motion to accept this donations, which was seconded by Chief Lou Dekmar, and voted approval by the board members.

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

Two Six-Person Cool Shirt Systems	\$ 4,990.00	Shafer Enterprises
--------------------------------------	-------------	--------------------

Chief Jack McElfish motioned approval of this donation, which was seconded by Chief Dwayne Orrick, and voted approval by the Board members.

COMMITTEE ASSIGNMENTS

Vice-Chairman Donald gave the Board members the Committee Assignments, requesting the Board members glance at this now and give feedback. It was noted that everyone was comfortable with these assignments. Vice-Chairman Donald requested that the members of the Georgia Public Safety Training Center talk about when the first Committee meeting will be held.

Department of Public Safety/Georgia State Patrol

Bud Black, Chair

Chief Lou Dekmar

Mr. Pat Head

Sheriff Steve Cronic

Georgia Bureau of Investigation

Bruce Harris, Chair

Sheriff Cullen Talton

Chief Jack McElfish

Mr. Ellis Wood

Georgia Public Safety Training Center

Chief Dwayne Orrick, Chair

Mr. Jerry Willis

Mr. Dub Harper

Mr. Wayne Abernathy

OLD/NEW BUSINESS

Mr. Rooney Bowen, III stated he had several things to discuss. Because there are many new members on the Board, he requested that Board Attorney Joe Drolet plan to describe to the Board what the Duties and Responsibilities are according to statute and what the Board members are responsible for. Mr. Bowen stated this would be helpful to new members and remind others exactly what is expected.

Mr. Bowen stated that it is used to be that at least once a year the Board would have a two-day meeting, with one day handling administrative matters and feedback from agency heads about where their agencies are headed. The second day would be the Board meeting. Mr. Bowen

stated this could be brought up for discussion later on to see if there is any interest; this would bring everything back into a more cohesive type nature.

Mr. Bowen reported that Major Stewart Hicks had invited him to visit the installation facility at the Florida Highway Patrol. This facility does all the outfitting of their patrol cars. He and Major Hicks went through the installation facility and were pleasantly surprised and amazed at how Florida Highway Patrol does their operations. Mr. Bowen and Major Hicks brought back a lot of good ideas and thoughts so that all Georgia agencies might be able to bring back up their standards that agencies are not up to right now. Mr. Bowen stated with all working together, the agencies will be able to make some good things happen for the state in a cost-saving manner. Mr. Bowen requested Major Hicks and Mr. Dan Brown bring a presentation to the Board about where the process is and where trying to head with this. Vice-Chairman Donald stated this is talking about Best Practices, where there are opportunities to copy and see other best practices.

Roundtable discussion was held about the monthly Board meetings and how to save resources. The August meeting is set for the 14th and the Board members discussed where to hold that meeting.

The Board members agreed to hold the August 14 meeting at Georgia Public Safety Training Center.

Vice-Chairman Donald announced that Mrs. Ann Watson, wife of Mr. Jerry Watson, passed away. Mr. Watson is the Director of Georgia Correctional Industries.

The Board members were asked to meet in the lobby directly after the meeting for a Board photo.

There being no further business, the meeting was adjourned.

James E. Donald
Vice-Chairman