

Memo

FROM THE DESK OF

~~James R. Malley~~

Rice

Jim,

Is there any way that
we can rough out a bill
possibly using the Fla. impact and
then to turn it over to
legislative reference for them to
prepare a bill. ?

STATE OF FLORIDA

Department of Law Enforcement



POST OFFICE BOX 1489
TALLAHASSEE 32302
PHONE 904 - 488-7880

WILLIAM A. TROELSTRUP
Commissioner

REUBIN O'D. ASKEW, *Governor*
RICHARD (DICK) STONE, *Secretary of State*
ROBERT L. SHEVIN, *Attorney General*
FRED O. DICKINSON, JR., *Comptroller*
THOMAS D. O'MALLEY, *Treasurer*
DOYLE CONNER, *Commissioner of Agriculture*
FLOYD T. CHRISTIAN, *Commissioner of Education*

3 December 1973

In Reply Refer To:

Mr. Downey Rice, Counsel
House of Representatives
Committee to Investigate the
Administration of Justice
Post Office Box 3900
Harrisburg, Pennsylvania 17105

Dear Mr. Rice:

I have received your letter of 27 November last requesting information on the Florida Department of Law Enforcement.

The Bureau of Law Enforcement was created in October of 1967 as a result of the merger of the Florida Sheriff's Bureau, the Narcotics Bureau and the Anti-Bookie Squad of the Attorney General. The Bureau was given statutory authority to enforce all criminal laws of the state, to provide for the intrastate transmission of information pertaining to crimes and criminal activity, to investigate corruption of those persons subject to suspension by the Governor when directed in writing by the Governor, to provide a statewide crime laboratory, a records and identification system, training program, and a law enforcement planning service, and special emphasis was given to the enforcement of laws pertaining to organized crime, racketeering, riot, insurrection, narcotics and dangerous drugs.

Attached you will find a copy of Chapter 23.081 of the Florida Statutes defining the area of responsibilities, powers, and organization of the Department as it was written in October of 1967.

As a result of a reorganization of state government in 1969, the Bureau of Law Enforcement was upgraded to a Department and received relief from the pre-existing statutory divisional organization originally set

Page Two

Mr. Downey Rice, Counsel

3 December 1973

forth in 1967, which allowed a more functional organization. The reorganization also provided a career service status for all employees, the authority to operate a State Police Academy (which has never been implemented), and as a result of the agency's planning and subsequent Executive (Cabinet) designation commenced the Florida Crime Information Center.

Attached for your information is a copy of the present organizational chart and a copy of our proposed organization plan.

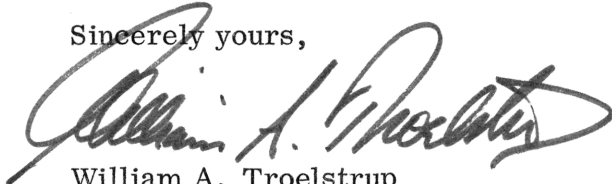
The Department of Law Enforcement has no patrol or uniformed function. Under the Department of Highway Safety and Motor Vehicles is the Division of Highway Patrol which has the authority and powers commensurate with its purpose. I have also included a copy of Chapter 321 of the Florida Statutes which specifically deals with the Highway Patrol.

An interesting note in our development occurred when the original Commissioner of the Department of Law Enforcement, William L. Reed, who was appointed by a Republican Governor, was retained by his successor Reubin Askew, a Democrat, who took office in January of 1971. Our professional posture of remaining out of the political atmosphere has been sustained for our 6+ years existence. The Department's direction has not changed as a result of our own change of administration and we continue to function as a professional enforcement agency with no outside political pressure being exerted.

I am also including a copy of Chapter 934 of the Florida Statutes which deals with security of communications. This statute is patterned after the federal law and I am including it only for your information.

If we may be of further assistance to you, please contact us.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William A. Troelstrup". The signature is fluid and cursive, with a large, sweeping flourish at the end.

William A. Troelstrup
Commissioner

WAT:jl

Attachments



HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

November 27, 1973

Mr. William A. Proelstrup
Commissioner
Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302

My dear Commissioner Proelstrup:

Following up with our telephone conversation, I would like to confirm a request to you for background material that may be conveniently available to you establishing the Florida Department of Law Enforcement.

As indicated, we have heard expressions of approval of the current Florida system as administered by you and would like to have the structure available for consideration of possible applicability in Pennsylvania. In particular, there have been some suggestions that the motor vehicle aspect of law enforcement within a state be separated from a first-class bureau of investigation. We remember the effectiveness of this arrangement in Kansas and Iowa, and are told that Florida and North Carolina are now recognized as having superior systems.

Accordingly, would you be good enough to forward any pertinent material?

With kind regards.

Sincerely,

DOWNEY RICE
Counsel

DR:rf

ceed fifty per cent of the cost of offering approved training courses.

History.—§12, ch. 67-230.

23.073 Financing of council.—The council may accept for any of its purposes and functions under this act any and all donations of property, real, personal or mixed, and grants of money from any governmental unit or public agency, or from any institution, person, firm, or corporation. Such moneys shall be deposited, disbursed and administered in a trust fund as provided by the laws of Florida.

History.—§13, ch. 67-230.

23.074 Salary scale study; report, recommendation.—The council shall make a comprehensive study of the compensation paid to police officers throughout the state. Among the items to be researched shall be variation in salary scale, education and training of officers, retirement and pension programs and any other factors on which compensation is based. The council shall report its findings to each regular session of the legislature and make recommendations for achieving uniformity in compensation for officers with equal or comparable responsibilities, experience, education and training.

History.—§14, ch. 67-230.

23.0741 Intent.—

(1) It is the intent of the legislature to strengthen and upgrade law enforcement in Florida by attracting competent, highly qualified young people for professional careers in this field and to retain well qualified and ex-

perienced officers for the purpose of providing maximum protection and safety to the citizens of, and visitors to, this state.

(2) It is the further intent of the legislature to establish a minimum foundation program for law enforcement officers which will provide a statewide minimum salary for all such officers, to provide a state monetary supplement to effectuate an upgrading of compensation for all law enforcement officers, and to upgrade the educational and training standards of such officers.

History.—§1, ch. 69-252.

23.075 Saving clause.—All police officers employed on the effective date of this act shall not be required to meet the provisions of §§23.068 and 23.067(1) as a condition of tenure or continued employment; nor shall their failure to fulfill such requirements make them ineligible for any promotional examination for which they are otherwise eligible.

History.—§15, ch. 67-230.

23.076 Qualifications and standards above minimum.—Nothing herein shall be construed to preclude an employing agency from establishing qualifications and standards for hiring, training or promoting police officers that exceed the minimum set by the council.

History.—§16, ch. 67-230.

23.077 Exception; elected officers.—The provisions of this act shall not apply to any elected officers.

History.—§17, ch. 67-230.

PART V

LAW ENFORCEMENT ACT

23.081 Short title.

23.082 Definitions.

23.083 Florida sheriffs' bureau renamed.

23.084 Narcotics bureau, state board of health; transfer of authority.

23.085 Attorney general; transfer of authority.

23.086 Florida bureau of law enforcement; creation; organization; powers.

23.081 Short title.—This act shall be known as the Florida law enforcement act of 1967.

History.—§1, ch. 67-2207.

***23.082 Definitions.**—For the purposes of this act: ["Department" shall mean department of law enforcement.]

History.—§2, ch. 67-2207; §§20, 35, ch. 69-106.

**Note.*—In order to conform to §20, ch. 69-106, the editors, in the interest of clarity, have rewritten §23.082 to define "department" instead of "bureau." This amendment will be included in a subsequent reviser's bill.

***23.083 Florida sheriffs' bureau renamed.**—The Florida sheriffs' bureau is hereby renamed the Florida bureau of law enforcement, and all powers, duties, responsibilities, appropriations and authority, personnel and equipment of the Florida sheriffs' bureau shall be and are hereby transferred to and vested in the Florida bureau

23.087 Division of administration.

23.088 Division of intelligence and investigation.

23.089 Uniform crime reports; report to governor and legislature.

23.090 Salaries and expenses of personnel.

of law enforcement, as hereinafter named and created.

History.—§3, ch. 67-2207.

**Note.*—§20, ch. 69-106 abolishes the bureau of law enforcement and transfers its statutory powers, duties, and functions to the department of law enforcement. Appropriate sections of this part will be amended or repealed by subsequent reviser's bill.

***23.084 Narcotics bureau, state board of health; transfer of authority.**—All powers, duties, appropriations, authority, personnel and equipment heretofore vested in the state board of health with respect to the administration of the narcotics bureau of the state board of health shall be and are hereby transferred to and vested in the department of law enforcement.

History.—§4, ch. 67-2207; §§20, 35, ch. 69-106.

**Note.*—See note following §23.083.

CHAPTER 321
HIGHWAY PATROL

- 321.001 Governor to cooperate with federal and state agencies to effectuate purposes of National Safety Act of 1966.
- 321.01 Department of public safety; divisions, etc.
- 321.02 Powers and duties of department, highway patrol.
- 321.03 Imitations prohibited; penalty.
- 321.04 Personnel of the Highway Patrol; rank classifications; probationary status of new patrol officers; subsistence; special assignments.
- 321.05 Duties, functions and powers of patrol officers.
- 321.06 Civil service.
- 321.07 Compensation of employees and officers.
- 321.071 Special service officers.
- 321.08 Bonds required of certain employees and officers.
- 321.09 Salaries and expenses to be paid from general revenue fund.
- 321.10 Report by director to board.
- 321.11 Political activities prohibited.
- 321.12 Penalties.
- 321.13 Certain laws exempted.
- 321.14 Construction.
- 321.15 Highway patrol; pensions and pension trust fund.
- 321.17 Contributions; leaving patrol; leave of absence; transferees.
- 321.18 Age for retirement.
- 321.19 Computing length of service; definitions; examining committee.
- 321.191 Nonservice-connected disability retirement.
- 321.20 Retirement pay; basis.
- 321.201 Early retirement benefit.
- 321.202 Termination by death subsequent to normal retirement date but prior to actual retirement.
- 321.21 Funeral expenses.
- 321.22 Pensions exempt from process.
- 321.2205 Widows' benefit options.
- 321.221 Pensions, wives of deceased patrolmen.
- 321.222 Provisions for modification.
- 321.23 Photographing records; destruction of obsolete reports, etc.; effect as evidence.
- 321.24 Auxiliaries to Florida highway patrol.
- 321.25 Training of local officers in patrol schools.
- 321.26 Purpose of §§321.26-321.31.
- 321.27 Definitions.
- 321.28 Adoption of Division C.
- 321.29 Recognition of prior benefit credits and adjustment of member contributions.
- 321.30 Consolidation of retirement systems.
- 321.31 Amendments.

321.001 Governor to cooperate with federal and state agencies to effectuate purposes of National Safety Act of 1966.—The governor is hereby empowered to contract and to do all things necessary in behalf of the state to obtain the full benefits of the Federal Highway Safety Act of 1966, and in so doing, to cooperate with federal and state agencies, public and private agencies, interested organizations and individuals to effectuate the purposes of that act, and any and all subsequent amendments thereto. The governor shall have the ultimate state responsibility for dealing with the federal government in respect to programs and activities initiated pursuant to the National Highway Safety Act of 1966 and any amendments thereto. To that end, he shall coordinate the activities of any and all departments, agencies and subdivisions of the state relating thereto.

History.—§1, ch. 67-121.

***321.01 Department of public safety; divisions, etc.**—

(1) There is hereby created a department of the state government which shall be known and designated as the department of public safety, under the control and administration of an executive board composed of the governor, the secretary of state, the attorney general, the comptroller, the treasurer, the superintendent of public instruction, and the commissioner of agricul-

ture. The headquarters of said department shall be in Tallahassee and the secretary of state is hereby directed to assign the department suitable office room in the state capitol or other state building in Tallahassee.

(2) The Department of Public Safety shall consist of two divisions as follows:

(a) Division of the Florida highway patrol and

(b) Division of state motor vehicle driver's licenses.

(3) The division of Florida highway patrol is divided into sections as follows: Headquarters section, personnel and training section, weight section, and such other sections or branches as have been or may be established by law, or by the executive board in its discretion.

History.—§§1, 2, ch. 19551, 1939; CGL 1940 Supp. 4151(615), (616); §§1, 2, ch. 20451, 1941; (3) n. §1, ch. 26800, 1951.

**Note.*—This section was superseded by §24, ch. 69-106 (§20.24) which abolished the department of public safety and transferred its powers, duties, and functions to the department of highway safety and motor vehicles. It will be repealed by a subsequent reviser's bill.

321.02 Powers and duties of department, highway patrol.—The director of the division of highway patrol of the department of highway safety and motor vehicles shall also be the commander of the Florida highway patrol. The said department shall set up and promulgate rules and regulations by which the personnel of the Florida highway patrol officers shall be

CHAPTER 934

SECURITY OF COMMUNICATIONS

- | | | | |
|--------|---|--------|--|
| 934.01 | Legislative findings. | 934.06 | Prohibition of use as evidence of intercepted wire or oral communications. |
| 934.02 | Definitions. | 934.07 | Authorization for interception of wire or oral communications. |
| 934.03 | Interception and disclosure of wire or oral communications prohibited. | 934.08 | Authorization for disclosure and use of intercepted wire or oral communications. |
| 934.04 | Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited. | 934.09 | Procedure for interception of wire or oral communications. |
| 934.05 | Confiscation of wire or oral communication intercepting devices. | 934.10 | Recovery of civil damages authorized. |

934.01 Legislative findings.—On the basis of its own investigations and of published studies, the legislature makes the following findings:

(1) Wire communications are normally conducted through the use of facilities which form part of an intrastate network. The same facilities are used for interstate and intrastate communications.

(2) In order to protect effectively the privacy of wire and oral communications, to protect the integrity of court and administrative proceedings, and to prevent the obstruction of intrastate commerce, it is necessary for the legislature to define the circumstances and conditions under which the interception of wire and oral communications may be authorized and to prohibit any unauthorized interception of such communications and the use of the contents thereof in evidence in courts and administrative proceedings.

(3) Organized criminals make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent their commission is an indispensable aid to law enforcement and the administration of justice.

(4) To safeguard the privacy of innocent persons, the interception of wire or oral communications when none of the parties to the communication has consented to the interception should be allowed only when authorized by a court of competent jurisdiction and should remain under the control and supervision of the authorizing court. Interception of wire and oral communications should further be limited to certain major types of offenses and specific categories of crime with assurance that the interception is justified and that the information obtained thereby will not be misused.

History.—§1, ch. 69-17.

934.02 Definitions.—As used in this chapter:

(1) "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications;

(2) "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

(3) "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

(4) "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

(a) Any telephone or telegraph instrument, equipment or facility or any component thereof furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business, or being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(5) "Person" means any employee or agent of the state or political subdivision thereof and any individual, partnership, association, joint stock company, trust, or corporation;

(6) "Investigative or law enforcement officer" means any officer of the state or political subdivision thereof who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

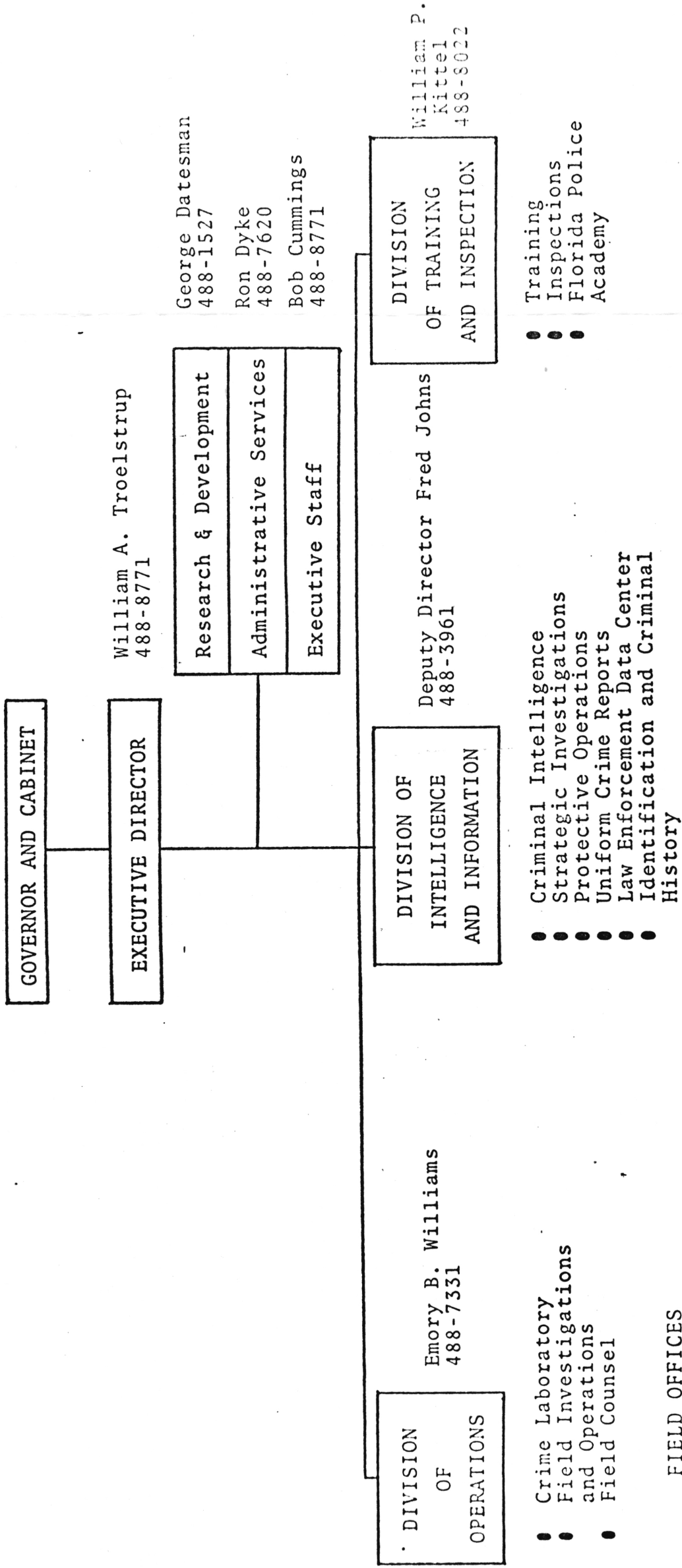
(7) "Contents," when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

(8) "Judge of competent jurisdiction" means justice of the supreme court, judge of a district court of appeal, circuit judge, or judge of any court of record having felony jurisdiction of the state;

(9) "Aggrieved person" means a person who was a party to any intercepted wire or oral

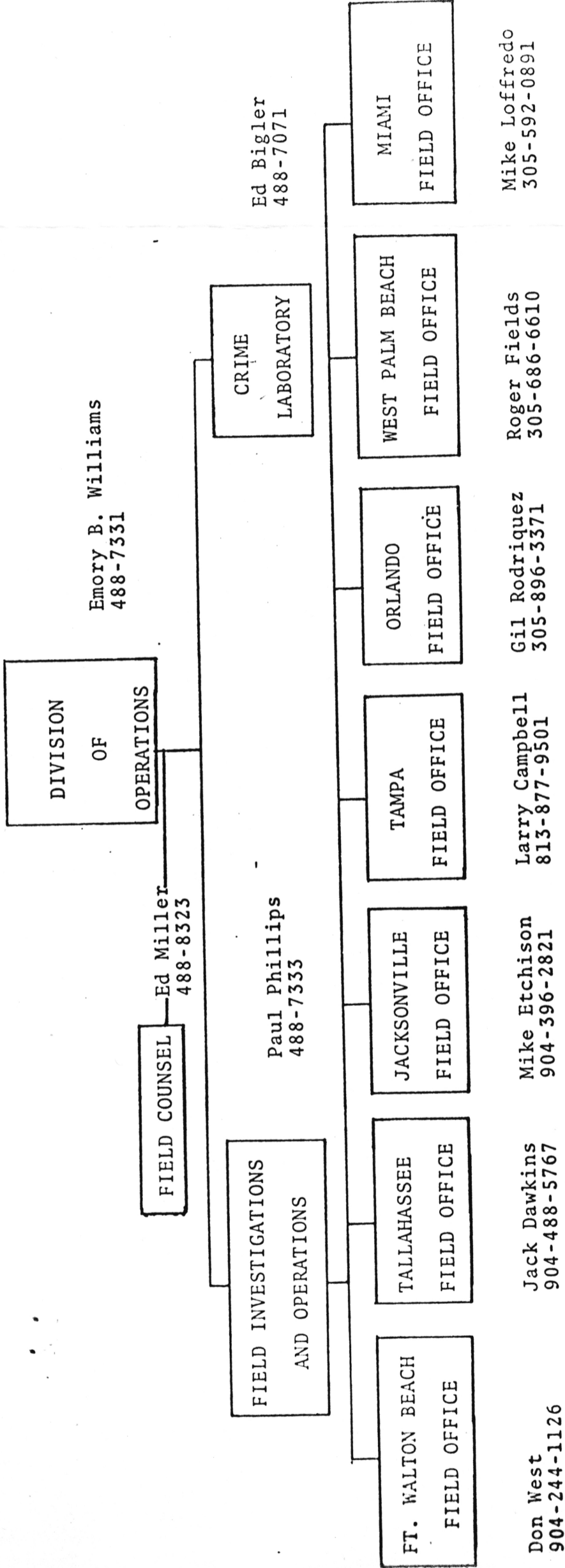
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

"CURRENT ORGANIZATION STRUCTURE"



FIELD OFFICES

Tallahassee Ft. Walton
 Jacksonville Tampa
 Orlando West Palm Beach
 Miami



DIVISION OF
INTELLIGENCE
AND INFORMATION

Fred Johns
488-3961

CRIMINAL
INTELLIGENCE

Richard Scully
488-8852

STRATEGIC
INVESTIGATIONS

Lewis Wilson
488-7460

PROTECTIVE
OPERATIONS

Delbert McGarvey
488-5591

UNIFORM
CRIME
REPORTS

Howard Schleich
488-5223

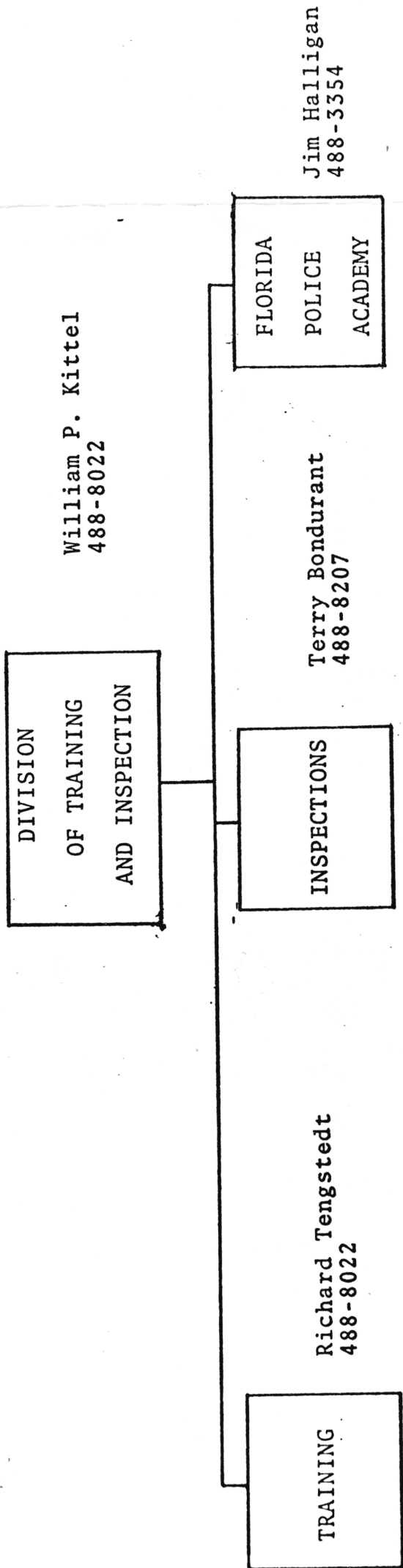
LAW ENFORCEMENT
DATA CENTER

Bob Edwards
488-6041

IDENTIFICATION AND
CRIMINAL HISTORY

Chuck Davis
488-7653

1 July 1973



MCGOVERN & HENDERSON, INC.

SECURITY CONSULTANTS

443 E. PACES FERRY RD., N.E.
ATLANTA, GEORGIA 30305

JAMES L. MCGOVERN
JAMES B. HENDERSON

September 26, 1974

TELEPHONE:
404/233-3271

Mr. Dale S. Thompson
3606 Arlington Boulevard
Arlington, Virginia 22204

Dear Dale:

Enclosed are the following items:

1. Executive Order dated August 24, 1972;
2. Statement of Work and Conditions relative to APDC Planning Grants from the Georgia State Crime Commission;
3. By-Laws, State Crime Commission, State of Georgia;
4. Senate Bill 496 of Georgia Bureau of Investigation study.

I trust that the above will be of some assistance to you and Jim Malley in further explaining the operations of the State Crime Commission of Georgia and the planning process which we follow in Georgia to develop the required Annual Comprehensive Plan for the administration of LEAA Grants.

The Senate Bill 496 is the act whereby the GBI was created as a separate department. Prior to its passage, the GBI was one of the divisions of the Department of Public Safety. Historically the Department of Public Safety was principally identified through its State Patrol operations. The GBI was rather the step-child and suffered for lack of manpower, equipment and necessary funding.

I believe that the study which I also attach, in whose drafting I participated, will further explain the groundwork which led to the creation of the GBI as a separate department.

Mr. Dale S. Thompson
September 26, 1974
Page - 2 -

Bea and I thoroughly enjoyed our visit with all of you good people of the Washington area. Our sole regret is that we were unable to accompany all of you on the post convention trips.

Dale, if there is anything that I can do to further explain the State Crime Commission's operations in Georgia, please let me know.

Frankly, I think we have a better operation here in Georgia than that which exists in most states. I could find fault with some of the day-to-day operations of the State Commission, but I believe that our Board structure and our planning process will stand up well in comparison with the other states.

Best regards.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jim", enclosed within a large, loopy circular flourish.

James L. McGovern

JLMcG/jk
Attachments

cc: Mr. James R. Malley

THE STATE OF GEORGIA



Executive Order

By the Governor:

WHEREAS: The State Crime Commission was created by Executive Order dated May 19, 1971, and was assigned to the Department of Industry and Trade for administrative purposes only by Executive Order dated June 29, 1972; and

WHEREAS: It is desirable to redefine the duties and responsibilities of the State Crime Commission and its composition.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

- ORDERED:**
- (1) The State Crime Commission shall be responsible to and shall report directly to the Governor.
 - (2) The State Crime Commission shall have an Administrator and staff who shall devote full time to the duties and responsibilities of the Commission.
 - (3) The State Crime Commission shall be the policy-making body for said agency.
 - (4) The State Crime Commission shall be composed of the following members:

The Governor of the State of Georgia;
The Attorney General of the State of Georgia;
The Commissioner, Department of Offender Rehabilitation;
The Commissioner, Department of Human Resources;
The Commissioner, Department of Public Safety;
The Director, Division of Investigation;

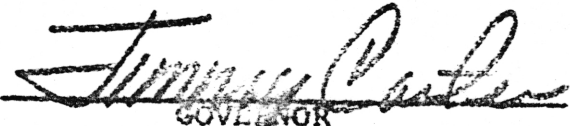
A representative, State Bar of Georgia;
A representative, Georgia Association of
Chiefs of Police;
A representative, Association of County
Commissioner of Georgia;
A representative, National Council on Crime
and Delinquency, Georgia Committee;
A representative, Georgia Municipal Association;
A representative, Georgia Juvenile Court Judges
Association;
A representative, Juvenile Court Workers;
A representative, Peace Officers Association
of Georgia;
A representative, State Advisory Board on Area
Planning and Development;
A representative, Pardons and Paroles Board;
A representative, Georgia Sheriff's Association;
A sociologist from the academic world;
Any additional citizen members appointed by the
Governor from the State-at-Large from
among outstanding leaders in the field
of local and state government, business,
education, the professions and religion.

- (5) The Chairman and Vice Chairman of the State Crime Commission shall be elected from among the membership of said commission. A majority of the members present at any regular or called meeting shall constitute a quorum. The members of the Commission shall not be entitled to compensation for their services, but all members of the Commission shall be entitled to receive reimbursement for actual expenses incurred in the performance of their duties, such reimbursement to be expended from funds allocated for staff and Crime Commission travel. The Commission may delegate to any one or more of its members, agents or employees such powers and duties as it may deem proper.
- (6) The Administrator shall be selected by the Governor based upon the recommendation of the State Crime Commission. Other staff of the Office of the State Crime Commission will be selected by the Administrator.
- (7) The Administrator shall be responsible for the execution of all policies, directives and decisions promulgated by the State Crime Commission and the day-to-day operations of the Office of the State Crime Commission.
- (8) The State Crime Commission shall:

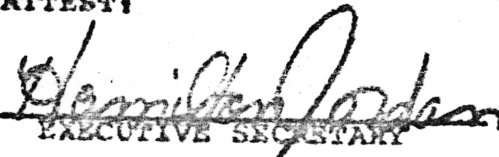
- a) Prepare, develop and revise comprehensive plans based on an evaluation of criminal justice problems within the State and submit applications for funds to the Law Enforcement Assistance Administration on behalf of the State of Georgia;
- b) Define, develop and correlate action projects and programs under such plan;
- c) Establish priorities for criminal justice improvement in the State;
- d) Provide information to prospective aid recipients on the benefits of the program and procedures for grant application;
- e) Encourage appropriate grant proposals from State agencies and local units of government for criminal justice planning and improvement efforts;
- f) Evaluate applications for aid and awarding of funds to State agencies and local units of government;
- g) Execute grant awards with State agencies and local governments and dispense and regulate grant funds;
- h) Monitor progress and audit expenditures under grants to State agencies and local units of government;
- i) Encourage regional and metropolitan area planning efforts, action projects and co-operative arrangements;
- j) Coordinate the State's criminal justice plan with other federally-supported programs relating to or having an impact on criminal justice;
- k) Oversee and evaluate the total State effort in plan implementation and criminal justice improvement;
- l) Collect statistics and other data relevant to criminal justice in the State as required by the Law Enforcement Assistance Administration;

- m) Render to the Governor such reports as may be appropriate or as the Governor may request;
- n) Promulgate rules, regulations, policies and procedures;
- o) Enter into contractual agreements that further the aforementioned duties and responsibilities; and
- p) Take such other action as may be necessary and appropriate to carry out its duties and responsibilities.
- (9) The State Crime Commission is hereby granted such authority as may be necessary to implement all provisions of this Executive Order in accordance with P.L. 90-351 as amended by P.L. 91-644 and other prevailing Federal and State laws and regulations.
- (10) Such portions of previous Executive Orders inconsistent herewith are repealed.

This 24th day of AUGUST, 1972.


GOVERNOR

ATTEST:


EXECUTIVE SECRETARY

ATTACHMENT D

SERVICES TO BE PERFORMED:

Statement of Work and Conditions Relative to APDC Planning Grants from the Georgia State Crime Commission

1. The APDC criminal justice planning and assistance program will be conducted under the general supervision and oversight of a representative board, the compositions of which must meet requirements established by law and regulation as promulgated by the Congress, the Law Enforcement Assistance Administration (LEAA) and the Georgia State Crime Commission (SCC).
2. The APDC regional criminal justice planning board shall be convened on a regular basis and its activities shall include but not be limited to:
 - (a) reviewing the analysis and conclusions developed by regional staff on the needs, problems, and priorities of crime and criminal justice to certify that such is an accurate and complete depiction of the area's criminal justice community
 - (b) review and endorse all studies and reports generated by its staff pursuant to the APDC's criminal justice program
 - (c) review and endorse the APDC's budget as allocated to its criminal justice program
 - (d) remain informed through its staff of developments associated with the criminal justice improvement program including the availability of subgrant and technical assistance, new project concepts, progress of implemented projects in their areas as well as those on a Statewide basis with impact on their area currently or in the future.
 - (e) voice their views on program developments to the State Crime Commission through consensus resolution, thus assisted the Commission to evaluate its efforts.
 - (f) make the importance and opportunities of the program known throughout the general community.
3. Changes in board composition and copies of minutes of board meetings will be forwarded to the State Crime Commission within two weeks of their occurrence.

4. The APDC shall maintain a minimum of one full-time professional planner who devotes his time exclusively to functions relative to the execution of tasks herein described.
5. Changes in any staff or personnel supported by this grant shall be forwarded to the State Crime Commission within one week of making such a determination. This notification shall be accompanied by a synopsis of the education and relevant experience in the case of professional planning staff.
6. Professional planning personnel supported by this grant shall attend scheduled bi-monthly meetings held by the State Crime Commission for their benefit.
7. The APDC agrees to submit any reports or accounts of the disposition of funds hereunder awarded and those required as local matching contribution (if any) in a manner, form and frequency as the State Crime Commission may request.
8. The APDC agrees to make the potential and realistic benefits of the assistance program known to all eligible aid recipients within its jurisdiction, including appropriate elected and appointed heads of units of general local government, sheriffs, police chiefs, judges, district attorneys and local correctional and juvenile justice personnel. All eligible aid recipients shall be defined by the State Crime Commission as part of action program eligibility criteria.
9. The APDC agrees to provide technical assistance in application preparations as may reasonably be requested by local units of government within its area in a manner consistent with those channels and procedures as may be identified by the State Crime Commission. (All subgrant applications transmitted through the APDC shall be reviewed for completeness and computational accuracy. Detection of errors resulting from such reviews shall be expeditiously resolved through technical assistance.)
10. The APDC will submit any application for assistance initiated by a local unit of government within its area, provided the unit of government meets eligibility criteria established in action programs adopted by the State Crime Commission. The APDC will further make reference to each local application for assistance in a transmittal which shall acknowledge APDC review for form and completeness and may contain APDC review and comment on the application's substance and value.

11. The APDC agrees to provide or secure technical assistance required by local agencies in the proposal, development or implementation of criminal justice improvement efforts in a manner consistent with those channels and procedures as may be identified by the State Crime Commission. Upon receipt of such a request the APDC shall evaluate its capability to render necessary assistance. The APDC shall respond to the requesting agency within five working days of receipt of request to schedule the assistance or to acknowledge receipt and forwarding to the State Crime Commission. The APDC shall provide whatever information is needed by the Commission to fulfill the request.
12. The APDC agrees to monitor all subgrants specified by the State Crime Commission in a format and time frame specified by the State Crime Commission.
13. The APDC agrees to collect and provide statistical and analytical data on crime and the criminal justice system within its area to the degree, in the format and within a time frame specified by the State Crime Commission.
14. The APDC agrees to assist subgrantees on request, in preparation of requests for grant fund reimbursement and progress report forms.
15. The APDC agrees to perform those services described in sections eight through fourteen above for all units of local government who desire such services and are geographically situated within the APDC boundaries established and provided for under Georgia Act 1971-1066. Failure or refusal to render such services in such a manner will constitute grounds to terminate and re-negotiate the planning grant award.

B Y - L A W S

STATE CRIME COMMISSION

State of Georgia

ARTICLE I

Name

The name of this organization shall be the State Crime Commission.

ARTICLE II

Purposes

The purposes of the State Crime Commission shall be:

1. To encourage and assist in the comprehensive improvement of criminal justice in the State of Georgia and the reduction of serious crime and juvenile delinquency;
2. To provide advice and counsel to the Governor of Georgia on ways and means to facilitate greater criminal justice system effectiveness and crime control; and
3. To provide general oversight and supervision over the development and implementation of the Comprehensive Law Enforcement Plan for the State of Georgia.

ARTICLE III

Functions and Duties

1. To prepare, develop and revise comprehensive plans based on an evaluation of criminal justice problems within the State and submit applications for funds to the Law Enforcement Assistance Administration on behalf of the State of Georgia;
2. To define, develop and correlate action projects and programs under such plans;

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GEORGIA BUREAU OF INVESTIGATION STUDY

SYNOPSIS OF FINDINGS AND RECOMMENDATIONS:

FINDINGS:

Since the G.B.I. was created in 1937, it has had no meaningful administration, investigation or organizational policies. It has had no statutory authority to investigate criminal activities. The geographical structure of personnel assignments has not corresponded to any specific data relative to case volume or manpower needs. There are no supervisory or management controls in effect. Due to lacking leadership, direction, controls and efficiency of operation, the G.B.I. is presently overstaffed. Records maintained are of little or no value for continued retention. The personnel have had no formulized training. The Crime Laboratory is understaffed and lacking of sufficient facilities and space to operate and handle the present volume of cases received.

RECOMMENDATIONS:

Separate G.B.I. from Department of Public Safety and create new Department of Justice headed by Board consisting of Governor, Comptroller General, Attorney General and one (1) representative each from the Georgia Sheriff Association, Georgia Chief of Police Association and District Attorney's Association. Provide statutory law for complete authority to investigate all criminal laws of State. Appoint Executive Director to run the Department. Create new Division Headquarters throughout the State. Add to the new Department the Enforcement Units of the Comptroller General's Department - Arson, Revenue Department - Alcohol and Tobacco Tax Unit, Pharmacy Board - Drug Investigations and consolidate Georgia Police Academy Board and Peace Officers Standards and Training Council into Department Board. Develop new administrative and investigative practices and procedures. Institute new supervisory controls through data processing of investigation assignments. Establish new qualifications and training program. Provide Crime Laboratory with additional space and personnel.

II. BACKGROUND:

The Honorable Governor Jimmy Carter, by Executive Order dated the 8th of July, 1971, created and established the Governor's Advisory Committee on the Georgia Bureau of Investigation, which Committee shall make a study of the Georgia Bureau of Investigation, and report its findings and recommendations to the Governor on or before October 1, 1971.

The Executive Order appointed as members of the Governor's Advisory Committee, the following named persons:

<u>NAME</u>	<u>COUNTY OF RESIDENCE</u>
Ted King (Chairman)	Fulton
Senator Cy Chapman	Cobb
Judge J. Bowie Gray	Tift
D. Landrum Harrison	Richmond
Edward T. Kassinger	Clarke
Representative Billy Lee	Dougherty
James L. McGovern	DeKalb
Reid Merritt	Gwinnett
Sheriff Kermit Sanders	Cobb
Howard W. Smith	Clayton
Randolph W. Thrower	Fulton
Senator Horace T. Ward	Fulton

Commencing in June, 1971, prior to the issuance of the Executive Order and formation of the Governor's Advisory Committee, Chairman Ted King initiated a comprehensive study at the request of Governor Carter of the overall operation of the Georgia Bureau of Investigation, commonly referred to as G.B.I. The study, although

data pertaining to the G.B.I. operation from January 1, 1970 to June 1, 1971. The study was accomplished with the full knowledge, consent, and cooperation of the Director of the Department of Public Safety and the Director, G.B.I. These men made available full access to all files and data pertaining to the G.B.I. for Chairman King to perform this study.

In a Committee meeting on July 20, 1971, subsequent to the issuance of the Executive Order, Chairman King designated five (5) areas of study to evaluate and review the G.B.I. Organization as follows:

1. Organizational structure
2. Administration
3. Jurisdiction
4. Qualifications
5. Training

III. DEPARTMENTAL REVIEW:

The Georgia Department of Public Safety was created in 1937 by the General Assembly of Georgia. It is governed by a seven-man Department of Public Safety Board, composed of the Governor as its Chairman, the Attorney General, the Comptroller, the Adjutant General, the Chairman or Executive Officer of the State Highway Department, and two members appointed by the Governor from among the Sheriff's and Peace Officers of the State.

The Public Safety Board is the policy making section of the Department of Public Safety and passes its policies on to its appointee, the Director of Public Safety for Execution.

The Department was created with three main divisions, one being identified in the act as "A Division of Criminal Identification, Detection, Prevention and Investigation." This Division is now known as the Georgia Bureau of Investigation (G B I.). It has the same

Authority as troopers of the Ga. State Patrol.
That is:

(1) Enforcement of the traffic laws, laws regulating the use, ownership and control of motor vehicles, and offenses committed upon the highways of the State;

(2) Render assistance to local law enforcement in any criminal case upon appropriate request;

(3) Investigate criminal violations upon specific direction of the Governor.

The qualifications for appointment to the G.B.I. are set out in Section 92A-305 of the Georgia Code as follows:

(1) Twelve (12) months experience in the Uniform Division of the Department of Public Safety or

(2) Three (3) years experience as a law enforcement officer.

In addition to the statutory requirements, an Agent must be 21 - 35 years of age; high school graduate or equivalent; legal resident of the State of Georgia for at least one year prior to the filing of the application and be able to pass a written examination with the State Merit Board. (The Georgia Statute quoted above is attached as Exhibit 1, to this report.)

The G.B.I. has no authority to self-initiate any type of investigation of criminal violations, except those that occur upon public highways. Although possessing no statutory jurisdictional authority to perform in criminal investigations, the G.B.I. since 1964 has been operating based on an Executive Order signed by former Governor Carl Sanders. The 1964 Order directed the Director of the Department of Public Safety to deploy members of the G.B.I. to detect and apprehend individuals violating the criminal laws in any county or municipality in this State and authorized them

To enforce all criminal laws of the state.

a request by letter from

Governor Lester Maddox dated January 30, 1967, the Attorney General stated that in his opinion the Order was continuing Order. This Order remains in effect today as the basis for providing investigative jurisdictional authority to investigate criminal violations for the G.B.I. A copy of the Attorney General's letter is attached as Exhibit 2 of this report.

The G.B.I. Division of the Department of Public Safety is headed by a Director who reports directly to the Director of the Department of Public Safety. He is assisted by an Assistant Director.

The Department is divided into four (4) Divisions with responsibilities set forth as follows:

- (1) Headquarters Investigation
 - a. Narcotics
 - b. Auto Theft
 - c. Intelligence
 - d. District Investigations
- (2) Field Enforcement
 - a. Criminal Investigations
 - b. Enforcement of Criminal Laws
- (3) Headquarters Administrative
 - a. Maintain Central Files for Field Agents
 - b. Correspondence to Field
- (4) Identification and Records
 - a. Fingerprint Records
 - b. Criminal History Records
 - c. Photographs

The functions of the four main Divisions outlined above are as follows:

(1) Headquarters Administrative Division provides administrative records for investigative case reports, personnel, and coordination of the overall operation of the Bureau. This Division also provides

financial coordination.

(2) Field Enforcement Division provides criminal investigation and identification services for the enforcement of state laws to all 159 counties of Georgia. This Division also provides communication facilities and assists in the coordination of cases both within a county and those which cross geographical and political subdivisions.

(3) Identification and Records Division provides a centralized records and criminal identification service, available to all law enforcement agencies throughout the state. At the present this Division holds criminal history and fingerprint information on over 380,000 individuals.

(4) The Headquarters Investigative Division encompasses the State Narcotics Squad, Metropolitan Narcotics Squad, State Intelligence Squad and State Auto Theft Squad. The State Narcotics Squad provides criminal investigation and identification services for the specialized enforcement of state and local laws controlling the use, dispensing, and sale of dangerous drugs and narcotics. This program is statewide in scope. The Metropolitan Narcotics Squad provides the same services but is limited in scope to the five-county Metropolitan Atlanta area.

The State Intelligence Squad is primarily charged with establishing a statewide law enforcement intelligence unit to collect, index and document information relating to organized crime.

The State Auto Theft Squad provides specialized investigation and identification services dealing with automobile larceny cases. The scope of the program is statewide and the Squad coordinates cases both within counties and those which cross geographical and political subdivisions.

Organizational charts reflecting the above Divisions and complement of personnel in each Division is attached as Exhibit 3.

A salary chart reflecting all steps in the salary program from basic pay to the highest bracket is attached as Exhibit 5. The salary program for a G.B.I. Agent is the same as that for a Trooper. Also attached with this salary chart is a list of personnel in the G.B.I. Organization as of June, 1971.

There are presently 122 G.B.I. Agents in the Department. Attached as Exhibit 6 is a list of these Agents by name, rank, years of service, college training, age and year of retirement. A review of personnel information relative to this exhibit shows that eight (8) Agents have four (4) year college degrees, however; five (5) of these Agents have less than three (3) months service. Thirty-eight (38) of the Agents have some college training ranging from five (5) quarter hours to two (2) years. The years of service range from one (1) month to thirty-two (32) years. The average years service is 12.4 years. During the next three (3) years, fourteen (14) Agents will be eligible for retirement and twenty-four (24) Agents will be eligible for retirement during the next five (5) years.

IV. OPERATIONS REVIEW:

The G.B.I. records of Criminal Investigative Activity indicates reports received from Operating Divisions include fifty-eight (58) case codes or fifty-eight (58) various types of investigations reported as follows:

1. Murder
2. Rape
3. Armed Robbery
4. Bank Robbery
5. Assault
6. Burglary
7. Possessing Burglary Tools
8. Larceny (Under \$50)
9. Larceny (Over \$50)

19. Other Sex Offenses
20. Violation of Narcotic Drug Law
21. Carrying Concealed Weapons
22. Gambling, Policy, & Lottery
23. Hit and Run
24. Poisoning of Livestock
25. Personnel Investigations
26. Death Investigations
27. Miscellaneous Investigations
28. Criminals Apprehended
29. Kidnapping
30. Extortion
31. Graverobbing
32. Flimflam
33. Larceny After Trust
34. Peeping Tom
35. Wanted Persons
36. Missing Persons
37. National Defense Investigations
38. Theft of Interstate Shipment
39. Dynamiting
40. Manslaughter
41. Malicious Mischief
42. Suicide
43. Insanity
44. Explosions
45. Threatening Letters & Phone Calls
46. Larceny of Auto Tires
47. Accidental Deaths
48. Embezzlement
49. Suspicious Persons
50. Forest Fires
51. Possessing & Selling Fireworks
52. Impersonating an Officer
53. Security Investigations
54. State Auto Larceny Squad Cases
55. Safe Burglary
56. Possessing Motor Vehicle W/Identification No. Removed
57. Intelligence
58. Polygraph

The case volume of investigative load in each type of case code from January 1, 1970, to June 1, 1971 was reviewed and analyzed by Agent, by County, by Circuit, and by the general Division and Districts presently in effect in the G.B.I. geographical structure. The statistical data reflecting this study is attached in Exhibit 7 through 10. The geographical structure map by Area and Division breakdown is attached in Exhibit 11.

The present computer program and print out of statistical data of the investigative operation presently utilized by the G.B.I. is of little value as a tool for supervisory functions or as a tool to provide data concerning the efforts and results of the investigative operation.

There have been no controls in effect and no method of measuring or reporting the results of criminal investigations.

There has been no organized coordination or dissemination of investigative results of investigations with the District Attorney's of the State. There has been no formulized training program in past years.

There have been no administrative practices and procedures to follow and few departmental directives or policies in existence.

Based on studies of the statistical data gathered, all areas of investigative activities reported were found to be exaggerated. Instances were noted in which two (2) or more cases in different code areas were opened with the same subject matter. Many case files were reported as cases investigated in which G.B.I. Agents had no part in the investigation work. Cases were reported investigated in which there was no State Law Enforcement jurisdictional authority; the criminal violation being a federal statute violation. The volume of case investigations, arrests, property settlement per case, property received per case, and other areas of statistical data reported were found in many areas to be mere duplications of reports of cases investigated by Local Law Enforcement Agencies. In many instances, investigative reports were submitted by G.B.I. personnel when actually the investigations were conducted by a Local Law Enforcement Agency. Also due to lack of jurisdictional authority to perform investigations

VI. RECOMMENDATIONS:

The objective of this study has been for the purpose of seeking recommendations to establish a high quality Law Enforcement Agency at the State level to provide leadership, direction and assistance for all Georgia Law Enforcement Agencies.

VII. NEW DEPARTMENT - CREATION:

In order to attain this objective the G.B.I. must be removed from political influence and interference. It must be provided with legislative authority to operate freely, within statutory guidelines and departmental policies, to promote efficiency, economy of operation and professional development and growth. It must be supported by statute with full investigative authority of all criminal laws of this State. There can only be one method of establishing an organization as far as possible removed from political influences under the framework of our present Georgia State government and that is to create a new department.

Therefore, considering all factors, considerations and alternatives, it is recommended that the G.B.I. be removed from the Department of Public Safety and a new department of State government be created to be known as the Georgia Department of Justice.

VIII. ORGANIZATIONAL STRUCTURE:

The governing body of this department shall consist of the Governor, Attorney General, the Comptroller General, one (1) District Attorney of this State who is a member of the District Attorney's Association, one (1) Sheriff of a County of this State who is a member of the Georgia Sheriff's Association and one (1)

appointed member from the Sheriff's Association, the Chief's of Police Association or the District Attorney's Association shall reside in the same Congressional District. The Governor shall be Chairman of the Department.

The Georgia Sheriff's Association and the Georgia Chief's of Police each may nominate five (5) candidates and the District Attorney's Association three (3) candidates from which the Governor may make his appointment as provided in this section. Each Georgia Sheriff or Police Chief so nominated or appointed must have a minimum of five (5) years service in law enforcement in the State. Each candidate from the District Attorney's Association must have served as a District Attorney for three (3) years.

The Sheriff appointed in the Department shall serve in the initial term of three (3) years; the Chief of Police appointed to the Department shall serve for an initial term of two (2) years. The District Attorney appointed shall serve one (1) year. The foregoing terms shall commence January 1, 1973.

After the completion of the terms of the initial members of the Department, the terms of members thereafter appointed shall be for a period of three (3) years. All subsequent appointments shall be made in the manner prescribed for the initial appointments. Appointments to fill vacancies shall be for the unexpired term.

IX. CONSOLIDATION OF RESPONSIBILITIES:

In order to eliminate duplication of present law enforcement services among the various departments of State government, the law enforcement units of the following State departments shall be transferred to the Georgia Department of Justice.

prominent members of the Georgia Sheriff's Association; the Georgia Chief's of Police Association; the District Attorney's Association; State Attorneys; members of the Judiciary; members of the Metropolitan Commission on Crime and Juvenile Delinquency; members of other Law Enforcement Agencies both State and Federal, and members of the Governor's reorganization team concerned with other areas of State government. Meetings were held specifically with those reorganization team members concerned with the study of the Department of Public Safety (apart from the G.B.I. reorganization); The Pharmacy Board; The Georgia Police Academy Board; the Revenue Department; the Comptroller's Department relating to arson investigations, and the Peace Officers Standards and Training Council.

All Statutory Law and Practices and Procedures presently in effect in many states were obtained and reviewed to determine the approach used by other states relative to their Investigation Agencies. Discussions were also held with the Heads of many of the State Enforcement Agencies.

G.B.I. personnel have operated throughout the many years without an organizational investigative operational structure based on any significant case investigation time factor or on any geographical case assignment consideration. G.B.I. personnel geographical assignment are given for the personnels convenience or at the direction or insistance of some political influence or at the direction or request of a Local Law Enforcement Agency within the area. Personnel operate from their residences, State Police Barracks or the County Sheriff's Office.

Although staffed with some dedicated men, the efficiency

- (3) Arson Investigative Unit - Comptroller General's Department
- (4) The Police Academy Board, the Peace Officers Standards and Training Council, and the Law Enforcement Council shall be consolidated into the Department of Justice Board.

These areas in other departments are considered law enforcement units as distinguished from regulatory units. The transfers shall include all authority, powers, duties, appropriations, personnel and equipment.

When the Department of Justice Board meets to establish and determine policies regarding training of Law Enforcement Officers on a state and local basis, the Superintendent of the Georgia Police Academy shall also sit as a member of the Board for this purpose.

X. EXECUTIVE DIRECTOR - APPOINTMENT:

The Department shall employ an Executive Director, who shall be selected on the basis of training, education and experience. He shall possess a four (4) year college degree, have served at least five (5) years as a Police Executive or have had five (5) years of experience as an officer in the management of Military Police bodies; and shall have had training in Police or Public Administration. The Executive Director shall be between the ages of 31 and 51 years. He shall be appointed and approved by the Governing Board of this Department. His appointment shall be confirmed by the Senate. It shall be the duties of the Executive Director to supervise, direct, coordinate and administer all activities of the Department of Justice. He shall establish enforcement policies to self-initiate criminal investigations in areas of criminal activity which are: Intra State; Inter Country; Multi-Jurisdictional; Professional Crime Ring Operations;

The policy shall be flexible to provide for varying degrees of investigation involvement of Departmental Investigators. Controls must be established for all criminal investigation activity of the Department so as not to supplant Local Law Enforcement nor duplicate local established law enforcement services.

The role of the Department shall be one of providing highly professional and trained criminal investigations in areas of Local Law Enforcement jurisdiction in which there are limited resources, capabilities, and local jurisdictional authority. The Department should self-initiate, direct and work all felony crimes which fall into such areas of local need.

The Executive Director may appoint as his assistant an Area Coordinator whose appointment must be approved by a majority of the members of the Board.

XI. JURISDICTION:

The Investigative Personnel of the Department may investigate violations of all statutory criminal laws of the State and shall have the authorization to bear arms, make arrests and apply for, serve and execute Search Warrants, Arrest Warrants, Capias and other process of the Court; and otherwise have full statewide law enforcement authority.

The Investigative Personnel of the Department may also investigate when specially directed by the Governor in writing, of misconduct in connection with official duties of public officials and employees, official employees of corporations and employees subject to suspension or removal by the Governor.

The Department shall initially be organized into five (5) areas as follows:

1. AREA OF ADMINISTRATION AND ORGANIZATION
 - a. Administration Services and Files
 - b. Research and Development
 - c. Communications
 - d. Internal Security Affairs
 - e. Public Affairs
2. AREA OF OPERATIONS
 - a. Criminal Investigations
 - b. Crime Laboratory
3. AREA OF TRAINING AND INSPECTION
 - a. Training
 - b. Inspection
 - c. Police Academy
4. AREA OF CRIMINAL IDENTIFICATION AND INFORMATION SERVICES
 - a. Criminal Historical Records
 - b. State Crime Reports
 - c. Intelligence Information Service
 - d. Fingerprint and Photographic Records
5. AREA OF SPECIAL INVESTIGATIONS
 - a. Intelligence Operations
 - b. Drugs and Narcotics
 - c. Professional Crimes
 - d. Revenue Enforcement

Organization charts of the area breakdowns are attached as Exhibit 13.

The area of administration and organization should be supervised by the Executive Director. This area contains the internal network and foundation of policy for operating all areas of the Department.

The Executive Director through this area shall formulate all Department ~~policies~~, directives, administrative practices and

This area shall also compile all data for computer print outs for the Area of Operations to be used for management analysis controls, for statewide supervisory functions and for gathering data on investigative results.

To assist in accomplishing this function, the following fifty-one (51) codes have been established. These code areas correspond with all Georgia felony statutes.

CODES:

1. Murder (including voluntary, involuntary and justifiable and mercy)
2. Rape
3. Robbery
4. Armed Robbery
5. Conspiracy (Felony)
6. Aggravated Assault
7. Aggravated Battery
8. Kidnapping (local)
9. Impersonation
10. Escape
11. Hindering Arrest or Punishment
12. False Imprisonment
13. Communicating Gambling Information
14. Theft by Taking (over \$100)
15. Theft by Deception (over \$100)
16. Theft by Extortion (state)
17. Burglary
18. Burglary Tools
19. Forgery
20. Credit Cards
21. Damaging, Destroying or Secreting to Defraud
22. Arson
23. Possession of Explosives
24. Possession of Incendiaries
25. Criminal Damages to Property
26. Machine Guns
27. Possession of Firearms in Commission of a Crime
28. Sawed off Shotguns and Rifles
29. Aggravated Sodomy
30. Bestiality
31. Incest
32. Pandering (Felony only)
33. Statutory Rape
34. Seduction
35. Child Molestation
36. Enticing a Child for Indecent Purposes

43. Use of Auto Tag to Conceal
44. Changing, Altering or Removing Vehicle Identification Numbers
45. Narcotics, Marijuana and Dangerous Drugs
46. Personnel Investigations
47. Pre-employment Investigations
48. Associated State Investigations
49. Miscellaneous Investigations
50. Administrative Files
51. Federal Agency Assistance

In order to administer the data processing and computer functions, attached as Exhibit 12 is preliminary material to aid in programming for management purposes.

The Area of Operations shall be divided into two (2) Bureaus, The Criminal Investigation Bureau and The Crime Laboratory Bureau. The Criminal Investigation Bureau shall be divided into seven (7) Divisions as set forth in Exhibit 14.

These Divisions were established based on all statistical data received and reviewed considering case volume, Circuit and County areas and geographical boundaries so as to be able to provide prompt and efficient service in a statewide operation.

The Atlanta Division shall be established apart from the Headquarters operation and shall operate as any other Division.

All Investigators will report to and work from Division Headquarters location.

The Area of Operation shall place into effect a data processing computer program as set out in Exhibit 12. This program previously mentioned is self-explanatory.

In the area of special investigations, there shall be established a complete Intelligence Operations Bureau, a Bureau of Drugs and Narcotics, a Professional Crimes Bureau and a Revenue Enforcement Bureau. It is believed after the Department becomes

One of the basic functions of the Organized Crime Section in the Intelligence Operations Bureau shall be to develop and coordinate strategies and plans to attack and control organized crime. The information to attain this objective must be gathered from intelligence sources statewide. The Georgia Organized Crime Prevention Council created by Executive Order in September, 1969, has recently established a statewide intelligence network known as the Georgia State Intelligence Unit composed of eleven (11) Local Law Enforcement Agency members. The Department of Justice shall retain this Unit and continue the coordination of its efforts.

XIII. QUALIFICATIONS:

The Department will be guided by the qualifications and requirements set out as follows in recruiting Investigators:

In recognition of the need for further developing of professionalism in law enforcement and recognizing that leadership in law enforcement must be provided through a thoroughly professional law enforcement organization at a State level, the following are offered as minimum requirements.

1. Male citizens of the United States and resident of the State of Georgia.
2. Age - must have reached 21st birthday and not yet reached 36th birthday.
3. Physical qualifications - height, not less than 5'7"; corrected vision in both eyes, 20/20 (Snellen) and not less than 20/40 (Snellen) uncorrected. Applicant must not be color blind. Applicant must satisfactorily pass a rigid physical examination

and certification to

4. Education -

- A. Graduate from a State accredited law school having completed at least two (2) years undergraduate, resident college work.
- B. Graduate of resident four-year college with a degree in one of the following: accounting, pharmacy, behavioral or physical science, or police science.
- C. Completion of two (2) years undergraduate college work, coupled with a minimum of two (2) years law enforcement experience with a recognized police agency.

These qualifications will not apply to those men currently employed as Special Agents of the Georgia Bureau of Investigation but will be the minimum requirements for all future applicants.

In addition to the above qualifications, an applicant for the position of Special Agent of the Georgia Bureau of Investigation must satisfactorily pass a written examination as well as a thorough background investigation to verify applicant's qualifications and fitness for service. This information is contained in Exhibit 15.

The starting salary for a Special Agent or an Investigator shall range from \$9,600 upward depending on the amount of education and experience.

XIV. TRAINING:

The training program recommended as set forth in Exhibit 16 is as follows:

Proficiency in criminal investigations requires more than experience. It requires a constant attention to innovation in techniques, and social and legal changes. Therefore, any training program must emphasize the broadest basic training and incorporate continuing, in-service and specialized programs.

The sub-committee recommends that the basic training program be fixed at a minimum fifteen (15) weeks of comprehensive training directed at:

- (1) Providing administrative personnel an ample period of time to evaluate present capability and potential of candidates for commission as Special Agents for the Georgia Bureau of Investigation;
- (2) Developing Special Agents who are well-versed in all phases of law enforcement (including its relationships with, and the problems of, other facets of the criminal justice process);
- (3) Development of technical and administrative capabilities such as will, upon completion of the 15-week curriculum, provide the Special Agents the capability of entering field investigative assignments anywhere in the State of Georgia with minimum supervision.

The curriculum of the basic 15-week minimum training program should encompass at least the following topical areas:

Criminal Justice Orientation

- A. History and philosophy of law enforcement
- B. A study of crime in America
 1. Juvenile delinquency and youth crime
 2. Organized crime
 3. National uniform crime report statistical studies

- E. Study of local, state, and federal court organizations
- F. Study of corrections, parole and probation systems
- G. Study of social agency services in relation to law enforcement problems
- H. Law enforcement ethics and professionalization
 - 1. Canons of police ethics
 - 2. Moral aspects of law enforcement

Basic Law

- A. Constitutional law
- B. Georgia Criminal Law
- C. Criminal procedure
 - 1. Rules of evidence, arrests, searches and seizures
 - 2. Probable cause
 - 3. Departmental policies and procedures
- D. Police authority and Police liability
- E. Motor vehicle laws and regulations
- F. Juvenile law

Investigative Procedures

- A. Proper handling of complaints
- B. Note taking and proper reporting procedures
- C. Preliminary investigation
- D. Development of information
- E. Interviews and interrogation
- F. Detailed studies of major criminal cases and requirements for successful prosecutive action (such as in cases involving assaults; violent deaths; automobile thefts; thefts; arson; burglary; robbery; sex crimes; narcotics and dangerous drugs; organized crime and vice; et al.)
- G. Physical evidence
 - 1. Procurement protection, processing and presentation in court
 - 2. Georgia Crime Laboratory facility

Investigation of Juveniles

- A. Legal and policy requirements in handling juveniles
- B. Causes of juvenile delinquency and prevention
- C. Delinquency control programs

Special Proficiency Areas

- A. Firearms training
- B. Defensive tactics
- C. First Aid
- D. Traffic direction and control in emergencies
- E. Crime scene searches
- F. Physical fitness
- G. Defensive driving
- H. Court room demeanor and testimony
- I. Chemical weapons
- J. Crowd and riot control
- K. Surveillance techniques

- P. Mental Illness and suicide prevention studies
- Q. Missing persons problems
- R. Liquor Law violations
- S. Disaster operations
- T. Communications study
- U. Case supervision training

Community Relations

- A. Human relations
 - 1. Attitudes, a factor in police performance
 - 2. Emotional stability
 - 3. Threats and challenges
- B. Police and Minority Groups
- C. Police and the Public

The in-service training program for Special Agents should include consideration of more than a basic classroom training program. In order to develop a well-rounded criminal investigator it should be administrative policy that following a maximum of eighteen (18) months in one assignment (following the completion of the basic training program) the Special Agent will be assigned to another geographical area or other specialized assignment for a maximum of two (2) years. Thereafter he should be assigned in accordance with capabilities and demands on Georgia Bureau of Investigation.

In addition, on an annual basis, the Special Agent should be required to spend a minimum of two (2) weeks in in-service training program following a fixed curriculum which will insure that the agent is brought up-to-date relative to new innovations, new techniques and social and legal changes effecting criminal investigation matters. He should be provided with highly specialized training in particular phases of criminal investigative concern such as drug abuse, homicide investigation, organized crime, etc., and should demonstrate his continued proficiency in first aid, firearms and other basic skills.

Training schedules for experienced agents should include additional special training afforded by outside agencies such as

The training program must be administered by a full time, well qualified police training officer, holding a minimum of Master's Degree.

XV. MISCELLANEOUS:

All investigative records of Georgia Department of Justice shall be treated as confidential and shall not be open to inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order from the Court. However, such investigations records shall be open to inspection for elective members by the General Assembly if such inspection is treated by a duly adoptive resolution of the House of Representatives or of a standing or joint committee of the House of Representatives. Records shall not be available to any member of the executive branch except to those directly involved in the investigation in the Georgia Department of Justice and the Governor himself. Any official who shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

The Attorney General shall be the Legal Advisor to and shall represent the Department in all matters.

This study reveals the present G.B.I. Organization is overstuffed and it will be heavily overstuffed following the acquisition of the enforcement section of other departments as set out above; therefore, it is recommended that with the creation of the new Department of Justice, all Investigative personnel in the G.B.I. and the other departments affected be allowed to transfer to other areas of State Government. G.B.I. Agents specifically shall be allowed to return to Trooper status.

nor recommendations. It was conducted objectively, impartially, without remuneration and is respectfully submitted with all good intent of assisting and aiding all Law Enforcement Agencies throughout the State of Georgia.

EXHIBITS:

1. Georgia Statute
2. Attorney General Arthur Bolton Letter
3. G.B.I. Organization Charts
4. Decision Package
5. Salary Program
6. Roster of Agent Personnel
7. Case Load by County - January 1, 1971 - May 31, 1971
8. Statistical Data - June 1, 1971 - May 31, 1971
9. Statistical Data - January 1, 1971 - May 31, 1971
10. Case Load Data - January 1, 1970 - May 31, 1971
11. Geographical Map of Division
12. Criminal Investigation Assignment & Association Instructions
13. Organization Charts
14. Geographical Map of Divisions
15. Qualifications
16. Training Program

SENATE BILL 496

By: Senator Coggin of the 35th

**AS PASSED
SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act known as the "Executive 26
2 Reorganization Act of 1972", approved April 6, 1972 (Ga. 27
3 Laws 1972, p. 1015), as amended, so as to create the Georgia 28
4 Bureau of Investigation as a separate department and agency 29
5 of State Government; to provide for the transfer of the 31
6 State Crime Laboratory and its functions to the Georgia 32
7 Bureau of Investigation; to provide for the transfer of the 33
8 functions of the Division of Investigation to the Georgia 34
9 Bureau of Investigation; to provide for merit system 35
10 coverage; to provide for retirement benefits and the 36
11 continuation of retirement benefits; to provide for all 38
12 matters relative to the foregoing; to repeal conflicting 39
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 42

15 Section 1. An Act known as the "Executive 45
16 Reorganization Act of 1972", approved April 6, 1972 (Ga. 46
17 Laws 1972, p. 1015), as amended, is hereby amended by 47
18 striking Sections 1608, 1608.1 and 1608.2 of Chapter 16 in 48
19 their entirety. 49

20 Section 2. Said Act is further amended by 52
21 renumbering Chapter 25 and Sections 2501 and 2502 as Chapter 53
22 26 and Sections 2601 and 2602, respectively, and by 54
23 inserting a new Chapter 25, to read as follows: 55

24 "Chapter 25. Georgia Bureau of Investigation. 57

1 Section 2501. Georgia Bureau of Investigation - 59
2 created. There is hereby created a Georgia Bureau of 60
3 Investigation, which shall be a separate department and 61
4 agency of State Government. 61

5 Section 2502. Director of Investigation - created. 64
6 There is hereby created the position of Director of 65
7 Investigation. The Director shall be the chief 66
8 administrative officer and shall be both appointed and 68
9 removed by the Board with the approval of the Governor. 68
10 Except as otherwise provided by this Act, and subject to 69
11 the general policy established by the Board, the 70
12 Director shall supervise, direct, account for, organize, 71
13 plan, administer and execute the functions vested in the 72
14 Bureau by this Act. 73

15 Section 2503. Compensation of the Director. The 77
16 Director of Investigation shall be in the unclassified 78
17 service, and his compensation shall be fixed by the 79
18 Board of Public Safety. 79

19 Section 2504. Authorization to enter into 82
20 agreements with the Department of Public Safety. The 83
21 Director of Investigation and the Commissioner of Public 85
22 Safety are hereby authorized to enter into agreements, 86
23 subject to approval of the Board of Public Safety, for 87
24 the provision of such services, material, or combination 88
25 thereof as may be useful in the performance of the
26 official duties of the Bureau or the Department. 89

27 Section 2505. Bureau of Investigation - functions 92
28 transferred. All of the functions of the Bureau of 93
29 Investigation, provided for in an Act creating the 94
30 Department of Public Safety, approved March 19, 1937 95

1	(Ga. Laws 1937, pp. 322, 340), except the policy-making	96
2	functions transferred to the Board of Public Safety by	97
3	Section 1609 of the Executive Reorganization Act of	98
4	1972, are hereby transferred to the Georgia Bureau of	99
5	Investigation created by this Act. All of the functions	100
6	of the Division of Investigation provided for in the	101
7	Executive Reorganization Act of 1972 in which the	102
8	Division of Investigation was created, except the	103
9	policy-making functions transferred to the Board of	104
10	Public Safety by Section 1609 of the Executive	105
11	Reorganization Act of 1972, are transferred to the	106
12	Georgia Bureau of Investigation created in this Act.	107
13	Unless inconsistent with this Act, any reference in	108
14	Georgia laws to the Bureau of Investigation or the	
15	Division of Investigation means the Georgia Bureau of	109
16	Investigation created in this Act.	110
17	Section 2506. Additional functions transferred to	114
18	Bureau. The functions assigned to the State Crime	115
19	Laboratory by an Act known as the 'Georgia Post Mortem	116
20	Examination Act', approved March 11, 1953 (Ga. Laws	
21	1953, Jan.-Feb. Sess., p. 602), as amended, except the	117
22	policy-making functions transferred to the Board of	119
23	Public Safety by Section 1609 of the Executive	120
24	Reorganization Act of 1972, are transferred to the	121
25	Georgia Bureau of Investigation. The functions assigned	122
26	to the Georgia Crime Information Center by an Act	123
27	providing for the establishment of the Georgia Crime	124
28	Information Center, approved April 19, 1973 (Ga. Laws	125
29	1973, p. 1301), except the policy-making functions	126
30	transferred to the Board of Public Safety by Section	127
31	1609 of the Executive Reorganization Act of 1972, are	128
32	transferred to the Georgia Bureau of Investigation.	129

1	Unless inconsistent with this Act, any reference in	130
2	Georgia laws to the State Crime Laboratory or the	131
3	Georgia Crime Information Center means the Georgia	
4	Bureau of Investigation created by this Act.	132
5	Section 2507. Agents under merit system. All	136
6	agents of the Georgia Bureau of Investigation shall be	137
7	governed by such rules of position, classification,	138
8	appointment, promotion, demotion, transfer, dismissal,	
9	qualification, compensation, seniority privileges,	139
10	tenure and other employment standards as may now or	140
11	hereafter be established under such merit system	141
12	controls as may be authorized by an Act completely and	142
13	exhaustively revising, superseding and consolidating the	143
14	laws relating to the State Personnel Board and the State	144
15	Merit System of Personnel Administration, approved March	145
16	10, 1971 (Ga. Laws 1971, p. 45). No agent shall be	147
17	compensated at a lesser initial salary than the salary	148
18	the agent was earning on the date this Section becomes	149
19	law. The provisions of this Section shall not apply to	150
20	special contract investigators provided for in an Act	151
21	establishing the qualifications for agents of the	152
22	Division of Investigation, approved February 25, 1949	
23	(Ga. Laws 1949, p. 1177), as amended, particularly by an	153
24	Act approved April 13, 1973 (Ga. Laws 1973, p. 544).	154
25	The Georgia Bureau of Investigation shall pay a pro rata	155
26	share of the administrative costs of operating the State	156
27	Merit System of Personnel Administration in the manner	157
28	prescribed by law.	
29	Section 2508. Function transferred to Board. All	161
30	policy-making functions relating to the Georgia Bureau	162
31	of Investigation which have not already been transferred	163

1 to the Board of Public Safety, are hereby transferred to 164
2 said Board.

3 Section 2509. Retirement benefits. All personnel 167
4 and the Director of the Georgia Bureau of Investigation 168
5 are hereby authorized to be members of the Employees' 169
6 Retirement System of Georgia, as established by an Act 170
7 approved February 3, 1949 (Ga. Laws 1949, p. 138), as 171
8 amended. All rights, credits and funds in said 172
9 retirement system which are possessed by any personnel 173
10 of the Georgia Bureau of Investigation, including the 174
11 Director, at the time of employment in said Bureau are 175
12 hereby continued, and it is the intention of the General
13 Assembly that any such personnel and the Director shall 176
14 not lose any rights, credits or funds to which they were 177
15 entitled prior to being employed with the Georgia Bureau 178
16 of Investigation. The provisions of this Section shall 179
17 not apply to special contract investigators provided for 180
18 in an Act establishing the qualifications for agents of 181
19 the Division of Investigation, approved February 25, 182
20 1949 (Ga. Laws 1949, p. 1177), as amended, particularly 183
21 by an Act approved April 13, 1973 (Ga. Laws 1973, p. 184
22 544)."

23 Section 3. This Act shall become effective upon 186
24 its approval by the Governor or upon its becoming law 187
25 without his approval.

26 Section 4. All laws and parts of laws in conflict 190
27 with this Act are hereby repealed. 191

PAY SCHEDULE
COVERING POSITIONS UNDER THE STATE MERIT SYSTEM
EFFECTIVE SEPTEMBER 1, 1974

	1	2	3	4	5	6	7	L1	L2
6.	349	362	377	393	410	426	444	463	483
	4188	4344	4524	4716	4920	5112	5328	5556	5796
7.	377	393	410	426	444	463	483	504	526
	4524	4716	4920	5112	5328	5556	5796	6048	6312
8.	410	426	444	463	483	504	526	549	573
	4920	5112	5328	5556	5796	6048	6312	6588	6876
9.	444	463	483	504	526	549	573	599	625
	5328	5556	5796	6048	6312	6588	6876	7188	7500
10.	483	504	526	549	573	599	625	653	683
	5796	6048	6312	6588	6876	7188	7500	7836	8196
11.	526	549	573	599	625	653	683	713	746
	6312	6588	6876	7188	7500	7836	8196	8556	8952
12.	573	599	625	653	683	713	746	779	815
	6876	7188	7500	7836	8196	8556	8952	9348	9780
13.	625	653	683	713	746	779	815	853	891
	7500	7836	8196	8556	8952	9348	9780	10236	10692
14. ^{lot}	683	713	746	779	815	853	891	932	975
	8196	8556	8952	9348	9780	10236	10692	11184	11700
15. ^{18 mos}	746	779	815	853	891	932	975	1021	1068
	8952	9348	9780	10236	10692	11184	11700	12252	12816
16. <i>Asst</i>	815	853	891	932	975	1021	1068	1118	1171
	9780	10236	10692	11184	11700	12252	12816	13416	14052
17.	891	932	975	1021	1068	1118	1171	1226	1284
	10692	11184	11700	12252	12816	13416	14052	14712	15408
18. <i>Asst</i>	975	1021	1068	1118	1171	1226	1284	1345	1409
	11700	12252	12816	13416	14052	14712	15408	16140	16908
19. <i>Asst</i>	1068	1118	1171	1226	1284	1345	1409	1476	1547
	12816	13416	14052	14712	15408	16140	16908	17712	18564
20.	1171	1226	1284	1345	1409	1476	1547	1620	1698
	14052	14712	15408	16140	16908	17712	18564	19440	20376
21. <i>Supv</i>	1284	1345	1409	1476	1547	1620	1698	1780	1866
	15408	16140	16908	17712	18564	19440	20376	21360	22392
22. <i>Inspector</i>	1409	1476	1547	1620	1698	1780	1866	1956	2051
	16908	17712	18564	19440	20376	21360	22392	23472	24612
23. <i>Director</i>	1547	1620	1698	1780	1866	1956	2051	2149	2253
	18564	19440	20376	21360	22392	23472	24612	25788	27036
24. <i>DP</i>	1698	1780	1866	1956	2051	2149	2253	2363	2477
	20376	21360	22392	23472	24612	25788	27036	28356	29724
25.	1866	1956	2051	2149	2253	2363	2477	2588	2714
	22392	23472	24612	25788	27036	28356	29724	31056	32568
26.	2051	2149	2253	2363	2477	2588	2714	2847	2985
	24612	25788	27036	28356	29724	31056	32568	34164	35820
27.	2253	2363	2477	2588	2714	2847	2985	3129	3282
	27036	28356	29724	31056	32568	34164	35820	37548	39384
28.	2477	2588	2714	2847	2985	3129	3282	3444	3613
	29724	31056	32568	34164	35820	37548	39384	41328	43356
29.	2714	2847	2985	3129	3282	3444	3613	3791	3976
	32568	34164	35820	37548	39384	41328	43356	45492	47712
30.	2985	3129	3282	3444	3613	3791	-----	3976	4172
	35820	37548	39384	41328	43356	45492	-----	47712	50064
31.	3282	3444	3613	3791	3976	-----	-----	4172	-----
	39384	41328	43356	45492	47712	-----	-----	50064	-----

HOUSE OF REPRESENTATIVES
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

MEMORANDUM

By James R. Malley

Date February 27, 1974

FILE: Pennsylvania State Police

Mr. EDWARD SCHEIDT, 11418 Waterview Cluster, Reston, Virginia 22070, telephone No. 703:437-6425, advised that after he retired from the F.B.I., at which time he was Agent-in-Charge of the New York office, he spent quite a number of years as head of the North Carolina Highway Patrol. He advised that while he was there, he created the Department of Transportation, as well as the Department of Motor Vehicles, and also set up a Bureau of Investigation to work on special matters for the State Police.

Scheidt stated that based on his experience with the North Carolina State Police, he felt that it was imperative that officers doing highway patrol work be confined to traffic control and not have investigative assignments as such. He felt it was not possible to devote the correct amount of time to investigative matters when they also had the responsibility for patrol work. He stated that there was also the problem of officers living in an area doing patrol work and, of necessity, becoming extremely well acquainted with various persons in the area which in some instances interfered with investigative work.

During the discussion with Scheidt, the matter of weigh stations where trucks were regularly stopping for weigh-in came up. It was mentioned to him that the Pennsylvania State Police, in addition to doing investigative work and patrol work, also handled the weigh-in stations. Scheidt stated that he did not see how this could possibly work out in a successful manner.

Scheidt advised that in North Carolina there was a separate division known as the License and Theft Division. He advised that this division set up all of the regulations for licensing automobiles and trucks and in addition thereto maintained the weigh stations. He advised that there were a number of personnel assigned as investigators to work on the problems of licensing, as well as following through with information developed at the weigh stations. He explained this by stating that most states throughout the country have certain regulations concerning the necessity of obtaining licenses for trucks that operate through the state on a regular basis and that many truck operators utilize every means they

Pennsylvania State Police - 2
February 27, 1974

can think of to try to avoid buying licenses in every state through which they run their trucks. He mentioned that if the weigh stations are operated in a correct manner, the personnel assigned, after a short period of experience, will make observation relative to certain truck lines that are traveling in the state but do not have appropriate North Carolina licenses on their trucks. He advised that with proper notations being made by these employees, this material is turned over to the investigators assigned to the License and Theft Division and frequently, as a result of the inquiries made by these personnel, numerous truck lines are notified of the necessity for obtaining proper licenses in the state. If they do not pay the appropriate fines, they are brought up on charges and forced to pay the correct license fees which are necessary.

Scheidt advised that one WILLIAM FREANEY, Assistant Executive Director, American Association of Motor Vehicle Administrators, was formerly with the International Chiefs of Police Association and, in his opinion, is extremely knowledgeable concerning administration of highway patrols throughout the country. He suggested that it might be well to talk to Freaney. In the event it is desired to have Scheidt testify before the Committee, it is suggested that he be telephonically contacted concerning this matter to make sure that he is agreeable to traveling to Pennsylvania for this purpose and appropriate steps be taken to serve him with a subpoena after he arrives for a hearing. No effort is being made to contact Freaney at this time.

