

Introduction

Good morning Chairman Cowser, members of the committee, it is an honor to be here and to have the opportunity to speak on behalf of the Georgia Department of Public Safety. My name is Lt. Colonel Chris Wright and I'm the Deputy Commissioner of the Georgia Department of Public Safety.

I would like to provide you with an overview of DPS. In doing so, I will explain our divisions, duties, budget and manpower. Knowing that use of force is a key topic of discussion in law enforcement, I will explain our use of force procedure as well as our procedures for pursuits, precision immobilization techniques, and conducted electrical weapons and deadly force encounters. By doing so, I hope to give insight into our methods for ensuring officer responsibility and accountability. I will talk about departmental training requirements and some of the additional roles we have taken on recently as a department.

Overview

The Georgia Department of Public Safety is made up of three divisions. They are the Georgia State Patrol, Capitol Police and Motor Carrier Compliance Division.

- **Georgia State Patrol**

In 1937, the motoring public advocated the need for a larger law enforcement agency with statewide arrest powers to help deal with growing

traffic fatalities and increased crime. Thus, the Department of Public Safety was created. The Georgia State Patrol is made up of 52 patrol posts within 9 geographic troops and eight specialized units, including Nighthawks DUI Task Force, Criminal Interdiction, Implied Consent, Specialized Collision Reconstruction Team (SCRT), Specialized Weapons and Tactics (SWAT), Aviation GSP Dive Team, Motorcycle Unit, and the Regional K-9 Task Force. While we primarily focus on traffic enforcement and crash reduction, we are also a support agency to many local jurisdictions across the state.

In 2019, GSP investigated **65,142 traffic crashes** resulting in **777 fatalities**. Members made **583,600 vehicles stops** resulting in **329,814 arrests**, **14,512** of which were for DUI and **446,615 warnings**.

- Capitol Police

The Department of Public Safety's Capitol Police Division (CPD) is tasked with the responsibility of providing primary law enforcement and security duties for the Georgia State Capitol, the Coverdell Legislative Office Building, Judicial Building, Sloppy Floyd Towers, Two Peachtree, and all other state owned buildings located on Capitol Hill. These buildings house constitutional, legislative, and judicial officers of the state, in

addition to the state employees that occupy offices in each of these buildings.

Officers with the Capitol Police Division investigate criminal incidents and traffic crashes; manage street closures for events; patrol the streets on Capitol Square and those adjacent to other state buildings; provide courtroom security for Georgia's Supreme Court and Court of Appeals; conduct security assessments and surveillance detection; and deliver personal safety training for state employees and others. In addition to Capitol Police, we also have Post 50. Post 50 is a GSP Post dedicated to working the Capitol and are the Troopers you see daily.

There were **354 events requiring security and police presence** in 2019.

- Motor Carrier Compliance Division

The Motor Carrier Compliance Division (MCCD) performs driver and vehicle inspections of commercial motor vehicles at roadsides, inspection stations, and at carriers' terminals. The inspections range from "full" vehicle and driver inspections, which includes mechanical components, to "driver only" inspections. These may also include inspections of vehicles transporting hazardous materials.

In 2019, MCCD performed **79,739 inspections** which resulted in placing **10,311** drivers and **17,713 CMV's out of service**. Motor Carrier Compliance issued **20,709 citations** for the year.

Board of Public Safety

The Georgia Board of Public Safety is a 16 member oversight group of civilian and public safety professionals tasked with setting general policy for the department. This policy is provided through regular board meetings throughout the year.

Budget

As with any state agency, DPS operates on an annual budget. Our current state budget is:

- ✓ 2021 \$157,262,897
- ✓ 2020 \$156,178,684
- ✓ 2019 \$159,875,024

Note: This is state funds only (and not any federal funds or other funds) **DPS only**, not the four attached agencies that also fall under DPS.

Manpower Totals

As of August 31, 2020:

	<u>Count</u>
Troopers	803
Capitol Police Officers	22

MCCD Officers 246

Sworn Total 1071

During last year's fiscal year, DPS lost **123 officers** due to retirements, resignations, or dismissals.

Service Retirement	19
Disability Retirement	38
Other/Resign or Dismissal	66

So far in FY 2021, DPS has lost **19 officers** due to retirements, resignations, or dismissals.

Service Retirement	4
Disability Retirement	10
Other/Resign or Dismissal	5

Now, I would like to speak about departmental policy and procedures when dealing with use of force incidents and pursuits.

Use of Force

- Reasonable force may be used to affect a lawful investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the member, the subject, or another person from injury or death.
- Any other provision notwithstanding, members may use any weapon (or use any weapon in any manner) if any member reasonably believes that emergency

circumstances make it immediately necessary to do so to prevent serious bodily injury or death.

- Any use of force (up to and including deadly force) by a member must be objectively reasonable.
- In determining whether a member's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the member at the time force was used.
- All of the surrounding circumstances will be considered, including whether the subject posed an immediate threat to the safety of the member or others,
- the severity of the crime at issue and whether the suspect actively resisted arrest or attempted to flee. The evaluation of a member's use of force is undertaken from the perspective of a reasonable member on the scene, not through the 20/20 vision of hindsight.
- **The central inquiry in every use of force case is whether the amount of force used by the member was objectively reasonable in light of the particular circumstances perceived by the member at the time. (It is based on the information the officer has at the time. His or her perception of the situation, based on their training, education, and experience.)**

Any use of force, requires the member involved to complete an Incident/Use of Force Report as soon as possible.

- In the report, the member must describe in detail the force used and all of the circumstances and facts surrounding the use of force.
- The basic questions-who, what, where, when, how and why-must be answered.
- The report is reviewed by supervisors on a post level.
- When complete, the Use of Force Report is approved by a troop officer and submitted to the appropriate adjutant (Major).
- The adjutant will forward a copy of the report to the Director of the Office of Professional Standards.
- This procedure ensures that each incident is reviewed by multiple layers of supervision.

Note: It should be mentioned that DPS considers a display of a member's service weapon or TASER as a Use of Force.

Pursuits- (2018 **895 pursuits** / 2019 numbers not whole because of cyberattack)

Sworn members of the Department are expected to make reasonable efforts to apprehend violators who flee or otherwise attempt to elude. However, we recognize and respect the value and special integrity of each and every human life.

- It is paramount that members exercise prudent and sound judgment in their actions when engaging in pursuits.
- Members must comply with existing laws governing vehicle pursuits and departmental policy. At the same time, they must use sound discretion and good judgment in each pursuit.
- In some situations, the most professional and reasonable decision would be to terminate a pursuit in the interest of their own and the public's safety.
- If the officer in the pursuit determines that the fleeing vehicle must be stopped immediately to safeguard life and preserve public safety, the PIT maneuver may be utilized.
- The PIT maneuver should not be used until other methods for stopping a fleeing vehicle (e.g. tire deflation devices and roadblocks) have been considered and determined to not be feasible.
- The PIT maneuver should be used only when the danger from the continued pursuit is greater than the danger associated with using the maneuver to end the pursuit.
- The PIT maneuver is **considered a use of force** and the officer's individual actions must be **objectively reasonable**.

Terminated pursuits that do not result in a death or a serious bodily injury,

- The member using the technique shall complete an Incident Report on the terminated pursuit and submit it to his Post Commander. The original or a copy of any video recordings from units involved shall be submitted with the Incident Report.
- The report must be filed within twenty-four (24) hours after the pursuit.
- The Post Commander shall refer the report to his Troop Officer or Unit Commander.
- The Troop Officer or Unit Commander, after reviewing the report, shall conduct a meeting with the member who terminated the pursuit, an NCO in whose territory the pursuit was terminated, the member's immediate supervisor, and such other personnel as the Troop Officer or Unit Commander deems appropriate **to critique** the method of terminating the pursuit in that situation.
- A critique report evaluating the termination of the pursuit will be prepared by the Troop Officer or Unit Commander and sent to the Commanding Officer.

Terminated pursuit resulting in a death or a serious bodily injury

- Much of the above still applies, plus...
- Requires notification of the Commanding Officer
- The Troop/Unit officer will notify the Office of Professional Standards and the appropriate Specialized Collision Reconstruction Team

- The incident shall be investigated by the Office of Professional Standards
- The Office of Professional Standards will have the overall responsibility of investigating whether the termination of the pursuit was in accordance with this policy
- The Office of Professional Standards shall issue a report containing its findings on the investigation to the member's Troop Officer or Unit Commander
- The Troop Officer or Unit Commander, after reviewing the report, shall conduct a meeting with the member who terminated the pursuit, an NCO in whose territory the pursuit was terminated, the member's immediate supervisor, and such other personnel as the Troop Officer or Unit Commander deems appropriate to critique the method of terminating the pursuit in that situation.
- A critique report evaluating the termination of the pursuit will be prepared by the Troop Officer or Unit Commander and sent to the Commanding Officer.

Each year officers are required to attend pursuit liability training.

Conducted Electrical Weapons

- The department authorizes the use of Conducted Electrical Weapons by sworn members who have been trained and certified in their use.

- The CEW may be used when it reasonably appears that it will be an effective and objectively reasonable less-lethal response to resistance option.
- Deployment of the CEW against any person shall be considered a use of less-lethal physical force.
- When possible, the member should give a warning before deploying the CEW and subsequent warnings for additional cycles.
- The member shall only energize the subject the number of times reasonably necessary to accomplish the operational objective.
- CEW probes that penetrate sensitive areas of the subject's body (i.e., neck, face, groin, and, with female subjects, the breast area) will only be removed by medical personnel.
- Use of the CEW is considered a use of force and requires completion of the Incident/Use of Force Report.
- Except for training, all instances of CEW usage, including unintentional discharges, must be reported to a supervisor, and documented.

Deadly Force

The Department recognizes and respects the value and special integrity of each human life. In vesting the members of this agency with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Members

will only use force that is **reasonably necessary** to effectively bring an incident under control, while protecting the lives of the member and others.

A member may use deadly force to apprehend a suspected felon only:

- when the member reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury;
- when the member reasonably believes that the suspect poses an immediate threat of physical violence to the member or others; or
- when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.

All incidents involving use of force, which results in serious bodily injury or death, by department members shall be thoroughly investigated by this department for determination of compliance with existing policy and law.

Any member involved in a use of force incident, resulting in serious bodily injury or death, shall

- Immediately notify their supervisor.
- The supervisor shall notify the appropriate adjutant through the chain of command.

- A Troop/Region Officer will make the initial investigation.
- An Investigator from the Office of Professional Standards will make a complete investigation of all shootings by members that occur in the performance of their duties.
- The Office of Professional Standards must be notified from the scene of the shooting, when possible, and given the opportunity to view the scene before it is disturbed.
- The incident will be investigated by the Georgia Bureau of Investigation.

In 2019, DPS had one (1) officer involved shooting.

A white female was shot and killed while trying to run over an officer on I-95.

So far in 2020, we have had five (5) OIS.

- An armed black male was shot at, but not injured
- An armed black male was shot and killed.
- An armed white male was shot and injured
- A armed Hispanic male was shot an injured
- An unarmed black male was shot and killed (Officer was arrested for felony murder)

In addition to the procedures laid out above, DPS also implements monthly inspections to help ensure that the work product being produced is in line with the department's mission statement and core values. Non-

commissioned officers also routinely review officer's video footage to ensure officer safety and customer satisfaction concerns are being met. We have always been an agency known for having high standards and holding our people accountable when they fall short of our expectations. We expect our members to do the right thing when no one is looking.

Trooper School

As with any agency, training is very important. Where local officers attend a 408-hour academy, troopers attend an academy that totals over 1500 hours. As part of that training, cadets are trained in driving, firearms, crash investigation, de-escalation and use of force training. Cadets undergo a dedicated de-escalation class which is two hours, but they also apply de-escalation techniques through use of force labs. The use of force labs is a series of use of force scenarios where cadets must observe and react to incidents in the proper manner. Additionally, troopers undergo a 3 month field training portion where they take the information learned in trooper school and apply it in a real world environment. The FTO portion allows the cadet to "do the job" while being evaluated by a veteran officer. This not only ensures that the officer can do the job but do the job up to the professional standard we expect as an agency.

MCCD School

Motor Carrier undergoes basic mandate training, but then their officers attend an advanced academy. The advanced academy is 881 hours. During the academy, the officers learn the skills required to enforce commercial motor vehicle laws.

In neither school are chokes or strangleholds taught. The only time a choke is even shown in the academy is when cadets are taught how to **escape** from one.

As you can see, DPS takes training seriously and places a premium on well-trained officers.

To get into Trooper School or MCCD School, candidates must pass a physical fitness evaluation, background investigation, polygraph, oral interview, medical evaluation, and a psychological evaluation as well as any requirements for certification as a peace officer set by POST. We believe that it is critically important to vet potential officers prior to hiring them. As such, our process is extensive.

Once officers graduate from their academy, they must complete the annual training requirements set forth by POST. They are 20 total hours of training, 5 hours of which must be obtained in the areas of Use of Force, Community Oriented Policing and De-escalation. The officers must also qualify with their firearms annually. This is the minimum number of hours required and most officers exceed that amount. Traditionally, we hold two firearms in-services each year even though only is

required. It should also be mentioned that each member of the department is required to complete Critical Incident Training. CIT training helps officers better identify and deal with mentally impaired persons who may be in crisis.

Other Duties

It should be mentioned that recently DPS has taken on additional non-traditional duties. With the arrival of the COVID-19 virus, DPS was tasked as the lead agency in enforcing the Governor's Executive Order. We have answered approximately 3,000 calls for service related to the executive order. Also, DPS staffed the State Operations Center and became the lead ESF 13 agency to coordinate and distribute much needed PPE, medicine and ventilators from the Strategic National Stockpile. We have coordinated over 2200 relays to date.

In addition to COVID-19, DPS has also been active with responses to civil unrest. Since May 29th, DPS has been busy responding to civil unrest around the state. *(While doing so, members have used less lethal munitions. DPS currently utilizes FN 303's, SAGE SL1 and SL6 launchers. The FN303 can use marking rounds or OC rounds. The SAGE launcher can be used to launch impact rounds, smoke rounds, OC or CS rounds. In addition to the launchers, DPS utilizes hand tossed munitions. These munitions include OC, CS, smoke and stinger balls.)*

Less-Lethal Munitions may only be used when use is objectively reasonable in response to instances that

threaten the safety of the member or others, the destruction of property, or in response to a civil disturbance.

Because of the civil unrest, DPS has been forced to expand our operations. We have not been able to solely focus on traffic enforcement as in the past. Since July 31st, DPS has been assigning additional Troopers each weekend to Atlanta to help with protests and overall unrest in the city to include street racing. DPS has also been responsible for the coordination of National Guard assets who has played a critical role in protecting the city of Atlanta and state property.

The financial burden of DPS assets utilized on protests has been high:

- Protest amounts spent:
 - FY 2020 (from May through June 30, 2020)
\$1,051,043.06
 - Salaries and Fringes \$943,086.49
 - Meals/Lodging/Parking \$107,956.57
 - FY 2021 (from July 1 through September 30, 2020) \$461,335.07
 - Salaries and Fringes \$365,967.89
 - Meals/Lodging/Parking \$95,367.18
- Our Headquarters was attacked on July 5th causing \$173,000 in damage.

The unrest is also exacting a cost on our officers. Officers are beginning to feel as if they are not supported by their community or its leaders. We all must find a way to bring this civil unrest to rest. The DPS supports everyone's right to peacefully assemble and protest, but rioting, violence and looting cannot be accepted or tolerated. It is criminal behavior in its purest form. Providing Law and order is the single most important function of government. It is the glue that maintains peace in our society and allows us to enjoy the freedoms we all appreciate. The unrest and lack of support many officers are feeling is encouraging officers to leave this profession and its causing fewer people to want to enter this profession. In a time where we are being tasked to do more, we are going to find ourselves with **less**. Officers are required to have an even greater presence of mind when addressing situations. Officer wellness is essential in reducing risks such as accidents, use of force, and citizen complaints. The importance of early intervention in identifying officers under stress has never been more important. Our agency utilizes PEER support teams to help first responders mitigate stress. The newly created Office of Public Safety Support has shown tremendous leadership in counseling first responders across the state.

Our agency will continue to evolve and adapt to best practices in policing. We critique our officers and spend countless hours reviewing and discussing better, safer, and more appropriate ways to deal with public encounters.

We will continue to have layers of supervision and oversight to ensure our officers are making good decisions during citizen encounters. We encourage and employ our officers to make every citizen encounter positive. At the end of the day, our officers want to go home to their families also.

I want to finish with a topic which is not talked about much when discussing police reform. It is compliance. Compliance is the one thing that could almost eliminate use of force incidents in policing. Almost every use of force begins with an individual being non-compliant. From there, the situation escalates. Even if the officer is wrong, citizens should comply and utilize proper court proceedings to voice their case. If it is not criminal in nature, citizens should file a complaint with the department. If someone loses their life in a confrontation with a police officer, does it matter if they were right? Compliance is essential and should be communicated in every home in America.

Thank you for your time and thank you for the support our legislators have always shown to our profession. I will try and answer any questions you may have.