



Honorable Brian P. Kemp
Governor

Department of Public Safety

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Colonel Gary Vowell
Commissioner

Via First Class Mail and email

April 17, 2020

Chief Pat Kile
City of Oliver Police Department
6069 Highway 17 South
Oliver, GA 30449

Dear Chief Kile:

This letter is regarding the investigation of a complaint received by the Department of Public Safety ("DPS") alleging that the City of Oliver Police Department ("OPD") was operating radar on Kildare Road (which turns into Oliver Kildare Road), which is not on the City of Oliver's Department of Transportation ("DOT") List of Approved Roads. By letter dated February 10, 2020, my predecessor, Colonel Mark McDonough, notified you that OPD should cease and desist from operating any speed detection devices within its city limits or on any other roadways.

As part of its investigation, DPS's Office of Professional Standards ("OPS") reviewed Speed Detection Device Permit Number 44 G, which DPS issued to Oliver City Government on December 7, 2017. Based on reviewing the permit and the DOT's List of Approved Roadways for the City of Oliver, OPS determined that both Kildare Road and Oliver Kildare Road are not on the list. The only two roads on the DOT-approved list for the City of Oliver are Georgia State Routes 17 and 24. Therefore, the complainant's allegation that the City of Oliver Police Department operated radar and issued speeding citations on a road not approved by the DOT is sustained.

The Office of Professional Standards also reviewed information provided by Gloria Pittman, the Oliver City Clerk. On February 18, 2020, Ms. Pittman provided OPS with a 25-page list that included single-line entries summarizing the disposition of each speeding citation (among other citations) issued by the City of Oliver Police Department from January 8, 2018, through November 11, 2019. The Office of Professional Standards' review of this list shows that, during this approximately two-year time frame, the City of Oliver Police Department issued one hundred and thirty-two (132) speeding citations on Kildare Road, after checking motorists' vehicle speeds with radar. The associated revenue collected by the Oliver Municipal Court for these 132 citations is \$40,415.00. Attached to this letter is the 25-page list, which is Exhibit 11 to the OPS investigative file. In the far-right "Location" column, OPS has highlighted in yellow every citation issued on "Kildare".

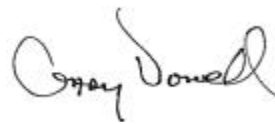
I am ordering OPD to immediately notify Ms. Pittman, the Oliver City Clerk, that these 132 citations should never have been issued, since the City of Oliver Police Department is not authorized to operate speed detection devices on Kildare Road. The Oliver Municipal Court can then decide how to proceed regarding the fines and fees collected in conjunction with these citations.

I am also ordering OPD to provide copies of *the actual citations themselves* (as opposed to a summary of the disposition of the citations, which Ms. Pittman has already provided) to the Office of Professional Standards no later than May 4, 2020. (Sending the citations via email as PDFs, on a thumb drive, or in hard-copy form is fine, so long as the May 4, 2020, deadline is met.) In my review of the OPS investigative file, I read that, during a January 31, 2020, interview at DPS headquarters conducted by Motor Carrier Compliance Division Officer Tommy Kelly and Trooper First Class C.A. Morgan, Officer Kelly ***expressly requested*** copies of these citations. The interview transcript quotes Officer Kelly telling you: "Speeding citations only for the last two years. The actual copy of the citation. I know you've got – I know you've got this, which is the name of the officer, the defendant, and the speeding charge. Um, I need the actual copy of the citation." (From Page 68 of 116 of the OPS file; Page 11 of 24 of the January 31, 2020, Kile interview transcript).

I am hereby terminating the suspension of the Oliver Police Department's speed detection device permit and reinstating that permit, on the following condition: Over the next 12 months, the Office of Professional Standards will review OPD's records periodically (including information maintained by the Oliver Municipal Court) to ensure that OPD is not issuing citations on any roads that are not included on the DOT's List of Approved Roads. I will not hesitate to order OPD to cease and desist from operating speed detection devices should the Office of Professional Standards bring to my attention any violations of the conditions of OPD's permit. Similarly, I will give swift and careful consideration to any complaint(s) our office receives regarding your department's use of speed detection devices.

OPD is authorized to resume the use of speed detection devices effective immediately, in accordance with state law and the rules applicable to the permit. Please govern yourself accordingly.

Sincerely,

A handwritten signature in black ink that reads "Gary Vowell". The signature is written in a cursive, flowing style.

Colonel Gary Vowell
Commissioner

Attachment (26 pages)

cc: Capt. Les Wilburn III #27
TFC3 Morgan #961