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REMARKS PRESENTED TO
THE HOUSE JUDICIARY COMMITTEE
BY CAPTAIN ROGER C. PEACOCK
CONCERNING TITLE 18, SECTION 911
CORRUPT ORGANIZATIONS
SEPTEMBER 19, 1990

Mr. Chairman, Committee Members, on behalf of Colonel Ronald M. Sharpe, Commissioner of the Pennsylvania State Police, I would like to thank you for this opportunity to discuss Title 18, Section 911 (Corrupt Organizations). My remarks will be directed towards the specific areas addressed in your letter to the Commissioner on August 27, 1990.

ISSUE 1. How is the statute being used by law enforcement to address the organized crime and narcotics problem on a state and local level?

Section 911 is being used by the Pennsylvania State Police in the prosecution of gambling and narcotic cases for example, Pennsylvania State Police recently prosecuted a major gambling organization in western Pennsylvania using Section 911 via a statewide Grand Jury. This prosecution resulted in the arrest of twenty-four people. In 1988, the Troop H Crime Unit prosecuted three individuals for numerous counts of drug trafficking, conspiracy, theft by receiving stolen property and with operating a corrupt organization. I am not aware of any cases that have been initiated by local law enforcement agencies under Section 911.

ISSUE 2. Are state and local enforcement activities properly focused so as to ensure the implementation of this law, (e.g., intelligence and grand jury activities)?

Intelligence

Since Subsection 9106 (18 PA. C.S. Subsection 9106) prohibits the collection of intelligence information in any automated or electronic criminal justice information system, the Pennsylvania State Police utilize a totally manual intelligence system.

Currently, the process is to have a reporting officer provide a written intelligence report which is then reviewed by intelligence officers at a station level and Departmental Headquarters. The information is manually manipulated relying on the reviewing officer's ability to recall past submissions and to spend hours reviewing index cards for similar associations, entities and criminal events. The information is then disseminated to appropriate members or agencies for their tactical or strategic intelligence information.

The Pennsylvania State Police has recently initiated a new intelligence system to assist the law enforcement community in their cooperative efforts to combat crime, specifically narcotics and dangerous drugs. The program is known as Narcotics Analysis Referral Center (NARC). Briefly stated, NARC is a pointer index system which uses identifiers of drug related suspects. When submitted for analysis, these identifiers are manually cross searched and, when positive results are obtained, the submitting agency is supplied with the name(s) of other agencies having any information on the same subject. The emphasis of the program is to increase the awareness of investigators of the movement of suspects as they traverse various jurisdictional boundaries.

Although our intelligence system is properly focused, it is critically shackled because of the current wording of Section 9106.

The Pennsylvania State Police cannot over emphasize the necessity of legislation that will allow Pennsylvania law enforcement agencies to computerize intelligence information. Such legislation would greatly enhance criminal prosecution especially as it relates to organized crime and narcotic investigations.

Grand Jury

Corrupt organization investigations conducted by the Pennsylvania State Police are focused on large organizations with the intent of arresting and convicting all of the members of that organizations. The Pennsylvania State Police have conducted investigations resulting in Section 911 prosecutions through statewide Grand Juries. Prosecutions have also been initiated through District Attorneys with and without the use of a county Grand Jury. The Grand Jury is an excellent prosecutive tool because of its subpoena powers and the ability to grant immunity.

ISSUE 3. Are there any jurisdictional problems encountered in applying the law?

The Pennsylvania State Police have not encountered any jurisdictional problems in applying this law.

ISSUE 4. What type of training and resources are provided to law enforcement?

Members of the Pennsylvania State Police involved in organized crime investigations receive training in Section 911, Prosecution. Training is also provided on an in-service basis in respect to Section 911 updates.

In addition, the Pennsylvania State Police, sponsor an annual Organized Crime Seminar. During this seminar speakers from other branches of law enforcement are utilized to discuss specific topics of interest. Members from the Attorney General's Office have presented programs addressing Section 911, investigations and prosecutions.

Additionally, the training most specific to the needs of law enforcement as it relates to gathering investigative information for the purpose of bringing prosecutions under Section 911 is in the area of electronic surveillance and investigative techniques.

The successful prosecution of some of these cases depends upon the use of Electronic Surveillance techniques. To be qualified to use this equipment the officers are required, under Chapter 57 of the Crimes Code, to be certified through training provided by the Pennsylvania State Police and the Attorney General's Office. Electronic surveillance training courses are conducted throughout the year at the Pennsylvania State Police Academy in Hershey.

Recommendations

The Pennsylvania State Police suggest that a forfeiture provision be established, equitably shared among law enforcement, rather than just the

divestiture provisions that are presently available under the Civil Remedies Sub-Section of Section 911.

Again, I would like to thank you Mr. Chairman and the Committee for the opportunity to provide testimony on these issues. At this time I and Sergeant Klaus Behrens, Organized Crime Unit, are prepared to answer questions regarding this testimony.