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TESTIMONY OF JOSEPH D. LEHMAN
PENNSYLVANIA COMMISSIONER OF CORRECTIONS
BEFORE THE
HOUSE JUDICIARY COMMITTEE
REGARDING THE
CRIMINAL HISTORY RECORD INFORMATION ACT
OCTOBER 31, 1990
HARRISBURG, PENNSYLVANIA

CHAIRMAN CALTAGIRONE, MEMBERS OF THE HOUSE JUDICIARY COMMITTEE, THANK YOU FOR PERMITTING ME THE OPPORTUNITY TO TESTIFY BEFORE YOU TODAY.

WHEN THE CRIMINAL HISTORY RECORD INFORMATION ACT WAS AMENDED IN 1979 TO PROHIBIT USE OF AUTOMATED INTELLIGENCE, INVESTIGATIVE AND TREATMENT INFORMATION, IT IS VERY LIKELY THAT NO ONE EVER IMAGINED HOW MUCH INFORMATION COULD LAY AT OUR FINGERTIPS WITH THE AID OF A COMPUTER. IN THE OCTOBER 1990 ISSUE OF GOVERNING, A MAGAZINE WITH A FOCUS ON STATE AND LOCAL GOVERNMENT, AN ARTICLE EXAMINED HOW SOME CRIMINAL JUSTICE AGENCIES ARE PUTTING THEIR HIGH TECH TOOLS TO USE ON A DAILY BASIS WITH SURPRISING RESULTS. HERE IN PENNSYLVANIA WE ARE SUFFERING FROM WHAT IS REFERRED TO AS A "B.C." (BEFORE COMPUTER) MENTALITY, AND AS A RESULT CRIMINAL JUSTICE AGENCIES ACROSS THE STATE ARE LITERALLY TEN YEARS BEHIND WHAT THEY COULD BE DOING WITH THE INFORMATION THEY ARE MAINTAINING MANUALLY. THIS TRANSLATES INTO LONGER TURN-AROUND TIME FOR INQUIRIES, AND A TREMENDOUS AMOUNT OF UNAVAILABLE, THOUGH IMPORTANT INFORMATION.

PREVENTING CRIMINAL JUSTICE AGENCIES FROM CAPTURING INTELLIGENCE, INVESTIGATIVE AND TREATMENT INFORMATION ON INDIVIDUALS IS HAMPERING US, EVEN PLACING US IN DANGER. WHEN INFORMATION CANNOT BE READILY STORED IN A COMPUTER THAT MEANS IT MUST BE CAPTURED, STORED, RETRIEVED, UPDATED AND TRANSMITTED MANUALLY. THIS REQUIRES ADDITIONAL PERSONNEL AT A TIME WHEN AGENCIES ARE ASKED TO DO MORE WITH LESS. THIS INFORMATION BECOMES MORE DATED, AND IS SUBJECT TO ERROR. THE WORK REQUIRES TOO GREAT AN EFFORT IN TERMS OF MANPOWER RESOURCES AND TIME SO IT DOESN'T GET DONE. THUS THE CURRENT LAW HAS A CHILLING EFFECT - WORKING AGAINST THE VERY MANDATE OF THE AGENCY TO CARRY OUT ITS PUBLIC SAFETY RESPONSIBILITIES.

THE CURRENT LAW IS HAMPERING THE MANAGEMENT OF YOUR CORRECTIONS SYSTEM. THE PROBLEM IS NOT RESTRICTION ON THE TYPE OF INFORMATION WE CAN COLLECT OR FOR THAT MATTER ON WHOM. RATHER, BY YOUR RESTRICTIONS ON AUTOMATING THAT INFORMATION YOU IN FACT ARE LIMITING OUR CAPACITY TO HAVE INFORMATION WHICH IS CRUCIAL TO THE VERY MANDATE YOU HAVE GIVEN US, WHICH IS TO PROVIDE FOR THE SAFETY AND SECURITY OF STAFF, VISITORS AND INMATES ALIKE. THE BOTTOM LINE IS THAT RECORD KEEPING IS NOT REALISTIC IN THIS DAY AND AGE WHEN YOU ARE DEALING WITH A POPULATION OF 22,000 PLUS AND A NEED NOT ONLY TO GATHER AND STORE INFORMATION ON EACH INDIVIDUAL CASE BUT TO CORRELATE AND ANALYZE MILLIONS OF PIECES OF DISCRETE DATA. PLEASE LET ME GIVE YOU SOME EXAMPLES OF WHAT WE SHOULD BE DOING IN CORRECTIONS BUT CANNOT DO BECAUSE OF CURRENT LAWS.

INMATE GROUPS WITHIN PRISONS OFTEN TAKE THE FORM OF GANGS ALTHOUGH THEY IN FACT MAY BE MASQUERADING THEIR INTENT UNDER SOME LEGITIMATE SOCIAL ORGANIZATION OR ACTIVELY ATTEMPTING TO DENY THEIR EXISTENCE. IDENTIFYING MEMBERS OF THESE GROUPS, MONITORING THEIR ACTIVITIES - WHICH MEANS TRACING THEIR MEMBERS' ACTIVITIES INSIDE AND OUTSIDE THE PRISON WALLS IS CRITICAL. THAT REQUIRES GATHERING INFORMATION ON IDENTIFYING TATOOS, THE COLORS OF A GANG AND HOW THEY ARE DISPLAYED. TRACKING WHO IN ALL OF THE PRISONS ARE MEMBERS, WHAT CONTACTS THEY HAVE ON THE STREETS, WHO ARE THEIR LEADERS, WHAT OTHER GANGS ARE THEY AT WAR WITH, HOW DO THEY RECRUIT ON THE STREETS AND INSIDE, HOW DO THEY MANAGE THE TRANSFER OF INFORMATION - BETWEEN THEIR MEMBERS AND WHAT METHOD AND CODES ARE THEY USING.

I RESPECTFULLY SUBMIT TO YOU, YOU CAN NOT MANAGE AN INTELLIGENCE SYSTEM DEALING WITH PRISON GANGS WITHOUT AN AUTOMATED ELECTRONIC INFORMATION SYSTEM.

A SIGNIFICANT PROBLEM IN ANY PRISON SYSTEM IS PREVENTING AND RESPONDING TO CRIMINAL ACTIVITY, ONCE AGAIN INSIDE AND OUTSIDE THE WALLS. THAT MEANS TRACKING COMMUNICATION, MAIL, VISITS AND MONEY TRANSACTIONS. IDENTIFYING WHO IS THE CONDUIT FOR INFORMATION, DRUGS AND EXTORTION ATTEMPTS MEANS TRACKING WHERE MAIL IS GOING - ARE SEVERAL INMATES ACROSS THE SYSTEM CORRESPONDING TO ONE P.O. BOX OR INDIVIDUAL? ARE THE FAMILY AND FRIENDS ON THE OUTSIDE BEING INSTRUCTED TO SEND MONEY TO CERTAIN PEOPLE? WHAT ARE THE CRIMINAL ACTIVITIES OF THESE INDIVIDUALS? ARE THEY UNDER INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCIES? ARE CERTAIN INDIVIDUALS WHO VISIT INMATES "CIRCUIT-RIDING" - ARE THEY VISITING SEVERAL INMATES AT SEVERAL INSTITUTIONS? IS MONEY BEING SENT FROM SEVERAL INMATE ACCOUNTS TO SPECIFIC INDIVIDUALS - IS THERE A PATTERN OR A TREND?

I RESPECTFULLY SUBMIT TO YOU THAT YOU CANNOT MANAGE CRITICAL INFORMATION WITHOUT A CAPACITY TO AUTOMATE THIS INFORMATION.

CRIME CONTROL IN THE COMMUNITY SHOULD NOT BE HAMPERED AS IT IS BY CURRENT LAW. INMATES RELEASED FROM PRISON AND SUPERVISED IN THE COMMUNITY DO AND SHOULD HAVE CRIME-RELATED PROHIBITIONS PLACED ON THEM. THE PROHIBITION ON SPECIFIC OFFENDERS WHICH RELATE TO RULE VIOLATIONS AND/OR CRIMINAL ACITIVITY SHOULD BE SHARED WITH ALL LAW ENFORCEMENT AGENCIES. IN DOING SO YOU INCREASE THE CAPACITY OF THE SYSTEM TO SUPERVISE OFFENDERS. AS AN ILLUSTRATION OF WHERE I THINK WE NEED TO BE HEADED, LET ME GIVE YOU JUST ONE POSSIBLE APPLICATION.

JOHN DOE IS A 50-YEAR-OLD SEX OFFENDER - HE HAS DONE HIS TIME AND IS ON PAROLE. BECAUSE HE WAS INVOLVED IN A PREDATORY SEX OFFENSE AGAINST A MINOR, AS A CONDITION OF PAROLE HE IS PROHIBITED FROM BEING ON OR NEAR ELEMENTARY SCHOOL GROUNDS, PARKS OR PLAYGROUNDS WITHOUT BEING ACCOMPANIED BY ANOTHER ADULT. WITH AN AUTOMATED INFORMATION SYSTEM LET US SAY THAT WE HAVE PUT THE NAME AND OTHER IDENTIFYING INFORMATION INTO A CENTRAL CRIMINAL JUSTICE INFORMATION SYSTEM ALONG

WITH A LIST OF THE CRIME RELATED PROHIBITION. ONE AFTERNOON A TEACHER NOTICES THIS STRANGER HANGING AROUND THE SCHOOL GROUNDS OR A PATROL CAR NOTICES THE INDIVIDUAL, IN ANY EVENT THE POLICE ARE THERE - THEY CONFRONT THE INDIVIDUAL - GAIN AN IDENTITY, ACCESS THEIR COMPUTER TERMINAL IN THE CAR AND LEARN OF THE PROHIBITION - THEY ARE IN THAT SITUATION - ABLE TO ARREST OR OTHERWISE INTERVENE - CRITICAL CONTROL EFFORTS OF CRIMINAL JUSTICE SYSTEM HAVE BEEN SIGNIFICANTLY ENHANCED.

THESE ARE BUT JUST A FEW EXAMPLES. WE CAN NO LONGER ALLOW THE CRIMINAL JUSTICE SYSTEM IN THE COMMONWEALTH TO BE A SLAVE TO ITS FEARS OF TECHNOLOGY.

IMAGINE THE DEPARTMENT OF CORRECTIONS DEALING WITH INFORMATION NEEDS WITH A POPULATION OF 7,865 INMATES IN 1980 AND NOT BEING ABLE TO MANAGE ITS INFORMATION AND RECORD KEEPING ADEQUATELY. THIS IS EXACTLY WHAT HAS HAPPENED, ONLY IN 1990 WE HAVE OVER 22,000 INMATES WITH NO RELIEF IN SIGHT FROM THE INCREASING COMPLEXITY OF INFORMATION COLLECTION AND TRANSFER COORDINATION REQUIREMENTS.

IT IS AS IF THE CRIMINAL JUSTICE SYSTEM IS BEING ASKED TO FOREGO THE TECHNOLOGY OF TODAY IN ITS CRIME CONTROL EFFORTS. THE ANALOGOUS SITUATION WOULD BE TO ASK LAW ENFORCEMENT TO USE INFERIOR WEAPONS BECAUSE TODAY RESTRICTIONS ON USING AUTOMATION AND ELECTRONIC INFORMATION SYSTEMS FOR INTELLIGENCE AND INVESTIGATIVE PURPOSES IS THE SAME THING. YOU ARE ASKING THE CRIMINAL JUSTICE SYSTEM TO TIE ONE OF ITS HANDS BEHIND ITS BACK.

THAT DOES NOT MEAN WE ARE NOT CONCERNED OR MINDFUL OF THE POTENTIAL ABUSE THAT I HAVE HEARD EXPRESSED AS A FEAR OF "BIG BROTHERISM". BUT LET US NOT LOSE SIGHT OF WHAT AUTOMATED AND ELECTRONIC INFORMATION SYSTEMS ARE - THEY ARE TOOLS. THEY ARE NOT IN AND OF THEMSELVES "EVIL". LEGISLATION SHOULD APPROPRIATELY PROSCRIBE THE PARAMETERS OF HOW INFORMATION GATHERED THROUGH THE USE OF THIS TOOL

IS TO BE USED. IT SHOULD NOT PROHIBIT THE USE OF TECHNOLOGY OUT OF SOME VAGUE FEAR OF HOW IT MIGHT BE USED. THE GENERAL ASSEMBLY NEEDS TO STEP UP TO THE TABLE AND ADDRESS THOSE CONCERNS SQUARELY BY DEFINING APPROPRIATE LIMITATIONS ON THE USE OF INFORMATION SO GATHERED AND STORED. I BELIEVE SENATE BILL 635 DOES SO.

THANK YOU FOR ALLOWING ME TO TESTIFY. AT THIS TIME I WOULD BE MORE THAN HAPPY TO RESPOND TO ANY QUESTIONS YOU HAVE REGARDING THIS TOPIC.