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PREPARED STATEMENT
OF
ATTORNEY GENERAL ERNEST D. PREATE, JR.

before the

House Judiciary Committee

in regards to the

CRIMINAL HISTORY RECORDS INFORMATION ACT

October 31, 1990

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you to discuss the number one legislative priority for law enforcement in this Commonwealth: The passage of HB 1141 to permit the computerization of law enforcement information -- specifically investigative, treatment and intelligence information, as defined in the present law.

We are at the end of a very long legislative road on this issue. This hearing is the third time in this legislative session that this Committee has considered, in some form, the amendment of the Criminal History Records Information Act -- CHRIA. The first time was 17 months ago, on May 31, 1989, when you reported House Bill 1427. You may recall that that bill was the Governor's proposal and I supported it.

The second time was in early October of this year when this Committee favorably considered Senate Bill 635. And finally today, the Chairman has called this hearing to heighten awareness of the importance of passing this legislation before the end of the current session.

I hope the joint appearance by Col. Sharpe and me, testifying together, succeeds in dramatizing the fact that all of law-enforcement stands together, united, on this critical issue. Subsequent witnesses representing local district attorneys and police will confirm that they, too, concur with the Governor, the State Police and the Attorney General on this issue.

Such great unity should be cause for optimism, but I must say that I have been frustrated and disappointed that so many times law enforcement has come before the Legislature in a united way to request a change in the law, only to be turned away -- turned away despite the fact that both caucuses have evidenced so much support for the bill and despite, Mr. Chairman, your own strong personal support and leadership.

To repeat the basic issue for the record: Pennsylvania is the only state in the nation that denies its law-enforcement officers access to current technology for information storage and retrieval.

Pennsylvania alone among the 50 states shackles its police by forcing them to rely on horse-and-buggy filing systems while all of their colleagues around the nation benefit from the latest computer-based technology.

This bill would simply take the handcuffs off the police and prosecutors and allow us to use basic computer filing systems to organize, retrieve and review information which we now review manually. It would allow Pennsylvania's law-enforcement officers to do what Pennsylvania's businesses, industries, government agencies, academic institutions and, indeed, even high school students, already are doing: replacing 3x5 cards with computer discs.

It would not give police any new powers to gather information; we already have the information, filed away. What this bill would do is enable police to do a better job of organizing, analyzing and sharing the great volume of information they already have on file.

It also would remove a serious and unwarranted obstacle to cross-jurisdictional investigations and the investigation of crimes, such as serial murders, that exhibit repetitive characteristics.

Currently, even the basic task of identifying similarities among a series of crimes that may be the work of a repeat offender requires hours and days of tedious paper-shuffling -- and while we dig through the files, the crime spree may continue.

Currently, we are attempting to track, without computers, the activities of suspected toxic waste dumpers and drug traffickers, who move large volumes of their respective poisons throughout the state and interstate -- and who themselves use computers to keep their business records.

Currently, pedophiles use computers to support an elaborate network in which they continually exchange information on child pornography, child prostitutes and child-seduction methods. But currently, my child-abuse investigators are not allowed to use computers to keep track of the pedophiles as they move from place to place, exploiting victim after victim.

And they do travel. This past weekend we arrested near Harrisburg an alleged would-be child abuser who had traveled here from Lackawanna County to meet his intended young victims.

HB 1141 would enable us to make better use of the information we already have so that we can more quickly identify the similarities in serial killings, recognize the connections among key members of drug trafficking organizations, track toxic dumpers and recognize the patterns of pedophiles.

And as a consequence, this bill would enable law-enforcement to do a better, more efficient job of arresting and prosecuting criminals.

That is what this bill is about; that is all this bill is about.

The unique handicap under which we now labor has drawn national attention. In June of this year national Drug Czar William Bennett, addressing this Legislature, emphasized the importance of intelligence gathering in the war on drugs, and urged you to make this one of your key legislative initiatives. Yet to date we have no law.

With the possibility of six session days remaining, I urge you to move forward today to take the final step toward passage, by concurring in the amendments to House Bill 1141. The bill, of which the Chairman is the prime sponsor, originally addressed another issue, banning nude dancing.

After one year of negotiation, the Senate, by a vote of 49-0, amended the bill by adding the CHRIA amendments, permitting Pennsylvania to join the other 49 states in the use of 20th Century law-enforcement techniques.

And the ultimate beneficiaries will be, not the police, but law-abiding and tax-paying citizens of Pennsylvania. A few examples:

- * By saving thousands of hours now spent on manual retrieval, this bill would shorten the time it takes to investigate crime and, in many cases, would enable police to solve crimes that otherwise could not be solved.
- * By allowing law enforcement to reassign manpower for other duties, the bill will result in better police protection at no increase in cost;
- * And this bill will prevent the waste of taxpayers' dollars because the collection of information will be done in a more efficient manner.

It is important to note that, while it does permit police use of computers, this bill includes extensive safeguards to protect individual privacy. Indeed, HB 1141, as amended, would make Pennsylvania the most restrictive state in the nation in the control of law-enforcement information. The law-enforcement community is prepared to live with those restrictions.

Among its restrictive provisions:

- * The bill sets strict standards for collection of data and to ensure the information remains confidential;
- * It allows no storage of information that does not demonstrate a reasonable suspicion of criminal activity. The "reasonable suspicion" standard is a test that has long been relied on by the courts in other areas of criminal law. It has proven to be a reasonable, workable standard and one which meets the balancing test of protecting the public and individual rights.
- * The bill forbids the sharing of information with anyone other than a criminal justice agency. And any agency which requests information must evidence that its information system controls and its dissemination standards are consistent with Pennsylvania law.
- * Further, the bill requires that all of the information that meets the reasonable suspicion test must be placed as subject matters in specific categories that are crimes as defined by statute.

I will be candid with the Committee. I realize that there has been a tremendous effort on the part of a few members of this House to obstruct the passage of the bill by procedural posturing and the dissemination of misinformation.

I find it regrettable that a small number of legislators who are openly hostile to law-enforcement are able to use their positions of power to handcuff the Attorney General, the State Police, the Governor, the District Attorneys and the local police. These same few lawmakers appear now to be determined to ignore the will of the members of the House -- Republicans and Democrats alike -- who want a floor vote for concurrence in this important legislation.

This proposal is not, as its opponents have claimed, "McCathyism." And they know it. Such emotionally charged rhetoric is intentionally misleading; that they have been reduced to such name-calling reflects their absolute lack of legitimate objections to this widely supported bill. Bereft of valid arguments, they insinuate that the law enforcement men and women of this Commonwealth, who swear to uphold the Constitution and the laws of this State, lack the integrity to do so. I resent that insinuation.

Law enforcement agencies throughout all the rest of the nation are using computer technology to give their citizens the best possible protection from crime without impinging upon civil liberties. It is an insult to suggest that Pennsylvania's police and prosecutors cannot do the same.

I hope, Mr. Chairman, that the Legislature will see through the anti-law-enforcement rhetoric of this bill's few well-placed opponents, stand up for the needs of law-enforcement and our citizens, and act promptly on this decades-overdue legislation.

Thank you.

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