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PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

October 31, 1990

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**TESTIMONY OF PENNSYLVANIA DISTRICT
ATTORNEYS ASSOCIATION BEFORE THE
HOUSE JUDICIARY COMMITTEE IN SUPPORT
OF SENATE BILL 635 AND THE CHRIA
PROVISIONS OF HOUSE BILL 1141**

RONALD D. CASTILLE, LEGISLATIVE CHAIRMAN

Senate Bill 635 and House Bill 1141 contain the legislation which would allow the computer storage of intelligence, investigative and treatment information by criminal justice agencies.

In 1988, the Pennsylvania District Attorneys Association unanimously passed a resolution (attached) supporting this bill. In Spring, 1990, the Association announced that this legislation was the number one priority on its legislative agenda. As you can see here today, these proposals are also supported by all statewide law enforcement organizations.

It is our understanding that some committee members want to preclude computerization of "intelligence" information as presently would be authorized under these bills' provisions. "Intelligence" information is now routinely gathered by criminal justice agencies, and only when a person/organization is suspected of criminal conduct.

This legislation has no impact whatsoever on law enforcement's right to collect and store intelligence data. It merely permits law enforcement to more efficiently manage this information by using modern methods (computers) rather than obsolete and wasteful paper and file storage.

Contrary to the unfounded claims of the bill's opponents, intelligence information does not include whether or not an honest, upstanding citizen owns a firearm, receives a parking ticket, belongs to a swim club, takes prescription drugs, or is seeing a mental health therapist. Only when a person is suspected of significant criminal activity does the gathering and storage of relevant and wider-ranging intelligence information become allowable. This kind of intelligence data, for example, provided vital corroborative evidence resulting in the successful arrest, prosecution and conviction of Philadelphia mob boss, Nicodemo Scarfo, for first-degree murder. Without it, there would be no law enforcement war on major drug traffickers.

Computer storage of intelligence information will hardly create an "Orwellian nightmare". On the contrary, the numerous safeguards built into the bill itself, as well as the built-in safeguard capability of modern computers, i.e. audit trails, passwords, codes, etc., will achieve the security necessary to prevent the wholesale access, release or misuse of sensitive information.

It is easier now to abuse "intelligence" information by

opening up a written paper file and simply reading it. Presently, there are no access or dissemination prohibitions regarding the current practices of "storing" intelligence or investigative data. Intelligence information is stored more securely in a computer where computer passwords and codes can ensure that only trusted and specially-trained law enforcement personnel can gain access.

Pennsylvania is the one remaining state that prohibits the computer storage of intelligence, investigative and treatment data. If the concerns of the opposition were well-founded, we are sure there would have been a hue and cry in at least some of the 49 states throughout the nation. As a matter of fact, one state, Iowa, had a similar prohibition against storing intelligence and investigative data, but repealed that prohibition in 1986. Iowa's statute is far and away the most restrictive in the country about how computer information is stored, managed and disseminated. However, the legislation before you is even more protective and regulates more areas than Iowa's current restrictive statute. (see attached analysis comparing Iowa's law to House Bill 1141). Presently, except for the computer prohibition, Pennsylvania is the most unregulated state concerning the gathering and storage of intelligence and investigative data. With the enactment of House Bill 1141 Pennsylvania will become the most regulated state.

Intelligence information is critical to any successful organized crime or narcotics network prosecution. It would be grossly insufficient to merely permit the computer storage of "investigative" information, which is generally limited to one

individual and one criminal incident. Intelligence information allows law enforcement to develop investigations of corrupt individuals and associations, and any effort to permit the more effective management and use of this information by criminal justice agencies should be strongly supported.

It is critical to law enforcement to have the ability to store intelligence and investigative data in computers. Organized crime has them. Major drug traffickers have them. Law enforcement should no longer be the only group in the war against crime precluded from having them. The complexity and sophistication of crime-fighting and criminals mandates the enactment of Senate Bill 635 or House Bill 1141.

The Pennsylvania District Attorneys Association appreciates this opportunity to show its support for such an important piece of legislation.



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PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

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DATE: May 21, 1988

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RESOLUTION

WHEREAS, Section 9106 of Pennsylvania's present Criminal History Record Information Act ("CHRIA"), 18 Pa.C.S.A. §9101, et seq. prohibits the electronic or computer storage of intelligence and investigative data ("I & I"); and

WHEREAS, Pennsylvania is the only state in the entire country that prohibits the electronic or computer storage of I & I data; and

WHEREAS, the collection and storage of I & I data would be a progressive and invaluable law enforcement tool; and

WHEREAS, the present law enforcement practice of keeping paper files to collect and store I & I data is archaic, cumbersome and inefficient; and

WHEREAS, the complexity and sophistication of crime-fighting coupled with the modernization and computerization of most law enforcement agencies mandate the collection and computer storage of I & I data; and

WHEREAS, Senate Bill 973, which passed the Senate and is currently in the House Judiciary Committee, amends CHRIA's §9106 to permit the storage of I & I data by the Pennsylvania Crime Commission, State Police, Attorney General, county-wide law enforcement agencies, including District Attorneys' Offices and police departments of municipalities;

BE IT THEREFORE RESOLVED that the Pennsylvania District Attorneys Association Executive Committee supports the passage of Senate Bill 973.

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MEMORANDUM

DATE: October 10, 1990

TO: Kathleen McDonnell, ADA, Legislation Unit

FROM: Susan Krysiak, Law Clerk *SK*

SUBJECT: General Overview of the Extent of State Regulation of Intelligence and Investigative (I&I) Information Storage and a Comparison of Pennsylvania's Statute to Iowa's Statute Regulating Same

Only fifteen states have statutes which in any remote or direct way address the regulation of the storage of I&I information. Out of these fifteen, only two, Iowa and Pennsylvania, expressly regulate the computerization of intelligence information (also investigative information in PA).

Iowa is the most comparable statute to Pennsylvania, therefore, I have attached a chart comparing the two states' statutory provisions. As can be seen from the chart, Pennsylvania's proposed statute is clearly more protective, and regulates more areas, (even providing penalties for violations), than the Iowa statute. See Iowa Code § 692.8 (1989).

As for the other thirteen states, most (nine) of these statutes make provisions for establishing a council or agency to manage or to regulate the storage of I&I information, or authorize the head of the appropriate criminal justice agency to establish agency policy and procedures to manage and keep I&I information secure.

The remaining four state statutes either define active I&I information as exempt from public access (Minn. Stat. §13.82; KRS Ann. §17.150), regulate the interstate exchange of intelligence (MCL §752.1 (1990)), or authorize law enforcement generally to compile I&I information (Wyo. Stat. §9-1-627).

If you need anything else, let me know.

/pg

Attachment

COMPARISON OF PENNSYLVANIA AND IOWA STATUTES
REGULATING STORAGE OF I&I INFORMATION

	<u>PA</u> (Proposed)	<u>IOWA</u>
1) Regulates computerization of both intelligence and investigative information	Yes	No - only regulates computerization of intelligence
<hr/>		
2) In order to store intelligence on computer, requires:		
a) reasonable suspicion of criminal activity?	Yes	No - no such restriction
b) restriction of information to authorized employees?	Yes	Yes
c) cannot be accessed by any other individuals outside agency?	Yes	Yes
d) where computerization of intelligence or investigation information is maintained, equipment used must be dedicated solely to criminal justice purposes, or if not, there is equal management thereof?	Yes	Similar - no inter-connection of computer systems with outside dept. or agency
<hr/>		
3) Requires that agency must institute procedures to reasonably protect any I & I information depository from natural or man-made disasters?	Yes	No- no provisions for
<hr/>		
4) Provides penalties for violations of provisions of statute?	Yes	No - no provisions for
<hr/>		
5) Intelligence may not be collected or maintained concerning participation in a social, political, or religious organization without reasonable suspicion of criminal activity.	Yes	No - no such restriction

Submitted

GEORGE COPPERSMITH HAS 800.00 DOLLARS OF MY MONEY AND I HAVE NOTHING TO SHOW FOR IT

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*Ida Von Arx Vonara
Rt 2-123
Emporium Pa 15834 814-4860272*

I HAVE NO HUMAN RIGHTS

THE ATTORNEY GENERAL HIM SELF TODD ME HIMSELF THAT I SHOULD GET LEGAL SERVICES, WHICH I HAVE NEVER BEEN ABLE TO GET.

I WAS KIDNAPPED OFF THE STREET IN HBG 6 25 1965 TO THIS DAY THE STATE HAS KEPT THIS FROM ME. *Ida Kidnapped me*

I ONLY KNOW THAT KATHLENE REESE WAS THE SOCIAL WORKER. I NEVER ONCE KNEW HER. SHE IS NOW WORKING IN THE STARR STATE HOSPITAL NEAR SCRANTON.

THE RESULT OF THIS

I LOST MY HOME, CAR, AND WHAT WAS LEFT OF MY FURNITURE WASNT FIT TO BE USED.

WE MOVED TO EMPORIUM PA

BOUGHT A HOUSE FROM FRANK GELESKIE JANE & JOHN OLSWOD GOES DOWN TO SPENCE A SHORT WAY FROM GELESKIE AND BUY SAME HOUSE FROM HIM. WE WERE LITERALL SET OUT ON THE STREET.

THIS SAME MAN WOULD NOT HELP ME GET MY HUSBAND GET HIS VETERANS BENEFITS, AND HE WAS TO BE TO BE REPRESEN TING THE VETERANS OF CAMERON COUNTY, WHEN HE BECAME VERY ILL IN 1983.

I HAD TO BEG FOR FOOD STAMPS FROM THAT BOSWORTH AT THE WELFARE OFFICE. WE HAD NO INCOME FROM JULY OF 1983 UNTIL MAY OF 1984 HIS PEOPLE HELPED US. I LOOK BACK I DONT KNOW HOW WE MADE IT, IN DEC OF 1983 MY HUSBAND WENT INTO KIDNEY FAILURE. AS TIME WENT ON HE WENT FROM 220 LBS TO 130.

MY DAD WILL BEVINS CAME TO LIVE WITH ME HE HAD SUFFERED ACERBRBRAL HEMORAGE AND STROKE WHILE LIVING WITH ME. I ALLOWED THODE JEHOVAH WITNESS BOB AND MILLIE MILLER TO COME AN STUDY WITH US. BOB SLIPPED AND PUT DAD ON ABBUS AND HE SENT HIM BACK TO WVA. HE HAD NO PLACE TO GO HE LIVED IN A TRUCK BED, AND THE WLFARE REPORTED HE LIVED IN A TRAILER. I TRIED TO GET DAD BACK. THOSE PEOPLE DIDN'T HAVE ENOUGH SENSE TO TAKE CARE OF HIM.

THE RAIL WAY AND COAL CO WAS GOING OVER DAD, DAD PROPERTY

HE STARTED A BANK ACCOUNT IN OUR NAME WILL BEVINS OR BLANCHE VON ARX (BLANCHEE IS MY MIDE NAME) AT HIS DEATH THAT MONEY WAS MINE AT NO TIME DID I GIVE PERMISSION TO BE CHANGED YET ATT J BROOKS LAWSON GAVE MY BANK ACCOUNT 013896 AWAY.

HE HAS GOOFED UP MY DAD WILL THIS ATT. HAS AALL FELONY AND BRIBER CHARGES AGAINST HIM NOW I ALSO HAVE A LAWSUIT AGAINST HIM.

I NEED AND ATT TO HELP ME DEFEND MY SELF.

NO WANDER THEY HAVE TO BUILD MORE PRISON S. THE COURTS ARE SO CORRUPT. I NEVER WOULD HAVE BELIEVED THIS. I THOUGHT THE COURTS WERE TO ESTABLISHED THE TRUTH.

OUR PRESENT JUDGE GORDON DAGHIR AND JUDGE PAUL GREINER HAVE BEEN CAUGHT FOR DWI. I TOLI GORDON DAGHIR HE WOULD MAKE ABBETTER WITNESS FOR ME THAN HE WOULD A JUDGE FOR ME. HE AGREED TO BE AWITNESS IN FRONT OF THE PEOPLE IN THE COURTROOM.

THE PUBLIC DEFENDER ATT. JAMES MATIN DID NOT TELL THE JUDGE I COULD NT MAKE IT IN COURT SO THEY ISSUED A BENCH WARRENT FOR ME. WHICH RESULTED IN TROPPER BRENNAN AND ACT OF POLICE BRUTALITY. I HAD A DISLOCATED SHOULDER. I HAVE BEEN IN SO MUCH PAIN HE MAN HANDLE ME. 65 YEARS OLD I WAS NEVER READ MY RIGHTS. THE POLICE IN WARREN THEM SAID GET AN ATT

WHAT I WANT THE STATE TO DO THEY CAUSE ME TO LOSE MY HOME NOW THEY CAN JUST GET IT BACK AND GET MY NAME CLEARED THE MENTAL ADVOCACY IN HBG SAID NO WAY SHOULD THIS HAVE HAPPENED

THIS IS BEING DONE, AND IT SHOULDN T HAPPENED TO ANY ONE. MY MOTHER SAID ALWAYS TRY BETTER YOURSEL BE SOME BODY THIS KIDNAPPIN SHOULD HAVE NEVER TAKEN PLACE LEROY ZIMMERMAN HAS COVERED THIS CRIME UP FROM THE TIME I FOUND OUT KATHMENE REESE INVOLVEMENT.

I WANT THE STATE TO HELP GET ME AN ATTORNEY. LIKE ERNEY PREATE SAID LEGAL SERVICES