

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
APPROPRIATIONS COMMITTEE HEARING
BUDGET HEARING

STATE CAPITOL
MAJORITY CAUCUS ROOM
HARRISBURG, PENNSYLVANIA

TUESDAY, MARCH 4, 2008, 3:15 P.M.

VOLUME IV OF V

PRESENTATION BY
PENNSYLVANIA STATE POLICE

BEFORE:

HONORABLE DWIGHT EVANS, CHAIRMAN
HONORABLE MARIO J. CIVERA, JR., CHAIRMAN
HONORABLE STEPHEN E. BARRAR
HONORABLE STEVEN W. CAPPELLI
HONORABLE H. SCOTT CONKLIN
HONORABLE CRAIG A. DALLY
HONORABLE GORDON R. DENLINGER
HONORABLE BRIAN ELLIS
HONORABLE DAN B. FRANKEL
HONORABLE JOHN T. GALLOWAY
HONORABLE WILLIAM F. KELLER
HONORABLE THADDEUS KIRKLAND
HONORABLE BRYAN R. LENTZ
HONORABLE KATHY M. MANDERINO
HONORABLE MICHAEL P. MCGEEHAN
HONORABLE FRED McILHATTAN
HONORABLE DAVID R. MILLARD
HONORABLE RON MILLER
HONORABLE JOHN MYERS
HONORABLE CHERELLE PARKER
HONORABLE JOSEPH A. PETRARCA

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BEFORE: (cont.'d)
HONORABLE SCOTT A. PETRI
HONORABLE SEAN M. RAMALEY
HONORABLE DAVE REED
HONORABLE DOUGLAS G. REICHLEY
HONORABLE DANTE SANTONI, JR.
HONORABLE MARIO M. SCAVELLO
HONORABLE JOSHUA D. SHAPIRO
HONORABLE JOHN SIPTROTH
HONORABLE MATTHEW SMITH
HONORABLE KATIE TRUE
HONORABLE GREGORY S. VITALI
HONORABLE DON WALKO
HONORABLE JAKE WHEATLEY, JR.

ALSO PRESENT:
MIRIAM FOX
EDWARD NOLAN

JEAN M. DAVIS, REPORTER
NOTARY PUBLIC

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1 REPRESENTATIVE KELLER: I would like to
2 reconvene the Appropriations Committee meeting with
3 the State Police.

4 Colonel Miller, good afternoon. Thank you
5 for coming.

6 COLONEL MILLER: Good afternoon.

7 REPRESENTATIVE KELLER: You know the format
8 we use. You can submit your written testimony for
9 the record and we'll get right into the questions.

10 If you wouldn't mind, if your panel, if your
11 complement, could introduce themselves for the
12 record, please.

13 COLONEL MILLER: Yes; I'll introduce.

14 To my immediate right is the Deputy
15 Commissioner of Operations for the State Police,
16 Lieutenant Colonel Frank Pawlowski. To his right is
17 the Deputy Commissioner of Administration and
18 Professional Responsibility, Lieutenant Colonel
19 John R. Brown. To my immediate left is Mr. Scott
20 Frederick; he's our fiscal officer. To his left is
21 Lieutenant Colonel Jon Kurtz, the Deputy Commissioner
22 of Staff for the State Police.

23 REPRESENTATIVE KELLER: Thank you.

24 These are joint hearings; Chairman Evans
25 makes them joint hearings. So we'll start out with

1 the Minority Chairman of the Gaming Control
2 Committee, Representative Clymer.

3 REPRESENTATIVE CLYMER: Thank you very much,
4 Mr. Chairman.

5 Colonel Miller and staff, good afternoon.

6 COLONEL MILLER: Good afternoon.

7 REPRESENTATIVE CLYMER: Colonel Miller,
8 could you just give us an oversight, an overview, of
9 what has been transacting these last 3 or 4 weeks?
10 The reports that we've been reading in the paper as
11 to who knew what, I think at this point in time, that
12 testimony would be very pertinent, as then we would
13 be able to focus on some other questions.

14 But your overview would be very much
15 appreciated.

16 COLONEL MILLER: Okay. Yes, sir. Thank
17 you.

18 I'll read to you -- I'll be as concise as I
19 can, but I think this will give you a real good
20 overview of what happened and what our involvement
21 was in the process.

22 REPRESENTATIVE CLYMER: Thank you.

23 COLONEL MILLER: The former chair of the
24 Gaming Control Board, Tad Decker, claims the Board
25 did not have any evidence that would have permitted

1 them to find DeNaples unsuitable for a license.

2 Mary DiGiacomo Colins, the Board's current
3 chair, said in testimony before the Senate Committee
4 last week that the Board would have delayed
5 consideration of DeNaples' license if they had just
6 known, quote, "there's an investigation ongoing,"
7 unquote.

8 Board member Kenneth McCabe, a retired
9 FBI agent, accused retired Lieutenant Colonel
10 Ralph Periandi and me of misleading him, violating
11 the law, and violating our written agreement
12 concerning background investigations.

13 David Kwait, Director of the Board's Bureau
14 of Investigations and Enforcement, also a retired FBI
15 agent, denied any perjury referral to the State
16 Police.

17 Let me tell you what really happened.

18 First of all, the State Police did not
19 conduct a background investigation of Louis DeNaples
20 or any other applicant for a Category 2 license.

21 The Gaming Control Board assigned DeNaples'
22 background investigation to investigators in its own
23 Bureau of Investigations and Enforcement, known as
24 the BIE. These investigators were competent and did
25 their best to conduct the background investigation.

1 From the very beginning, Chairman Decker
2 knew there was certain information that law
3 enforcement agencies like the State Police or the FBI
4 could not legally provide to the Board or to the BIE.
5 I personally told him so, and Chairman Decker
6 subsequently received letters from the FBI and the
7 State Attorney General telling him the exact same
8 thing.

9 In testimony before the Senate Committee
10 last week, Kenneth McCabe accused retired Lieutenant
11 Colonel Periandi and me of arbitrarily making
12 decisions contrary to the law on what could be
13 shared. His accusations are completely false.

14 McCabe's former employer, the FBI, stated in
15 an October 10, 2007, letter to Chairwoman Colins,
16 quote, "The FBI has not, can not and will not provide
17 the BIE with any investigative information. We are
18 generally prohibited from providing investigative
19 information to non-law enforcement agencies and the
20 BIE is not a law enforcement agency," end quote.

21 McCabe's assertions are even at odds with
22 testimony provided last week by Cyrus Pitre, the
23 Board's Chief Enforcement Counsel, who acknowledged
24 that, quote, "You cannot interfere with an ongoing
25 criminal investigation. You just can't do that,"

1 unquote.

2 Much has been made of the Federal wiretap
3 that captured a conversation involving Mr. DeNaples,
4 and you have probably heard a lot of misleading
5 information about Judge Robreno's order.

6 In May 2006, BIE investigators somehow
7 learned that DeNaples had a telephone conversation
8 that was intercepted during a Federal wiretap, and
9 they asked the Federal government for a copy of the
10 intercept.

11 At BIE's request, the United States Attorney
12 asked Judge Robreno, who supervised the wiretap, to
13 allow the State Police, which is clearly a law
14 enforcement agency, to review the intercept to
15 determine whether the conversation contained
16 information relevant to the DeNaples' background
17 investigation. Judge Robreno authorized that limited
18 disclosure.

19 The Court also authorized the State Police
20 to make use of the wiretap information as necessary
21 pursuant to its law enforcement duties under the
22 Gaming Act. Pursuant to the Gaming Act, the State
23 Police have a duty to enforce the provisions of the
24 Act and all other criminal laws of the Commonwealth.

25 The BIE, which does not have the power to

1 arrest, is required to refer possible criminal
2 violations to the State Police.

3 Let me be clear: Judge Robreno did not, as
4 it has been suggested, set up some sort of procedure
5 whereby the State Police could come back to him for
6 permission to share federally-protected information
7 with the BIE.

8 Rather, Judge Robreno said, quote, "In the
9 event that Title 3 information is relevant to the
10 scope of the background investigation, the
11 government" -- meaning the Assistant U.S. Attorney --
12 "may apply for a supplemental limited disclosure
13 regarding the disclosure of the Title 3 information
14 to the Gaming Control Board and its authorized
15 agents," unquote.

16 The State Police reviewed the intercepted
17 conversation and concluded there was nothing in it
18 evidencing criminal conduct or anything else relevant
19 to the background investigation. The Assistant
20 United States Attorney agreed with that assessment.

21 The State Police advised the Court and the
22 BIE of that fact. But bear in mind, at this point,
23 Mr. DeNaples had not been deposed.

24 In June of 2006, the Board and the State
25 Police entered into a written agreement to clarify

1 how background investigations would be conducted.
2 Pursuant to that agreement, all background
3 investigation referrals to the State Police would be
4 made in writing on a form that we agreed upon.

5 If the Board asks the State Police to
6 conduct the background investigation, the State
7 Police will provide the Board with a report of all
8 the agencies queried in the investigation and their
9 responses.

10 If their responses contained
11 federally-protected information, the report will
12 include the maximum amount of information legally
13 allowed to be shared so the BIE is in a position to
14 follow up on its own or find another avenue to obtain
15 relevant information.

16 In this case, the BIE did not ask the State
17 Police to conduct DeNaples background investigation.
18 Instead, David Kwait, the director of BIE, sent
19 referral forms to the State Police which only asked
20 for database and credit checks.

21 Regardless, the State Police did not need to
22 tell the BIE about the existence or source of the
23 Federal wiretap information. The BIE investigators
24 knew DeNaples was captured on the wiretap before the
25 State Police did.

1 BIE investigators deposed DeNaples under
2 oath in August and September of 2006. Based on
3 information they gathered during their own
4 investigation, the BIE investigators did not believe
5 DeNaples had been truthful in his depositions.

6 In fact, BIE investigators were so concerned
7 that they made a criminal referral of possible
8 perjury to the State Police. This referral is
9 documented between the BIE and the State Police.

10 Chairwoman Colins claimed that the Board
11 would not have granted DeNaples a license if it knew
12 of the State Police investigation. David Kwait said
13 BIE had not made a perjury referral.

14 Board spokesman Richard McGarvey is quoted
15 in a March 2 Patriot-News article stating, quote,
16 "The State Police actually asked us for the
17 transcripts of the depositions. It wasn't a referral
18 for the Gaming Control Board. They specifically
19 asked us for the depositions. Obviously, being
20 partners, we sent it to them," end quote.

21 They are engaging in a game of semantics.
22 The very reason BIE gave transcripts to the State
23 Police was so the State Police, as a criminal justice
24 agency, could determine whether DeNaples had been
25 truthful in his sworn depositions.

1 The State Police had no involvement
2 whatsoever in DeNaples' depositions or transcript
3 preparation, and therefore, had no perspective on his
4 truthfulness.

5 Had the BIE not expressed their concerns
6 that the applicant had been untruthful under oath and
7 specifically asked the State Police to make a written
8 request for the transcripts, we would not have had
9 any reason to do so.

10 BIE is not a law enforcement agency and does
11 not have the power to arrest. The Gaming Act
12 requires the BIE to refer possible criminal
13 violations to the State Police.

14 On September 13, 2006, Tom Sturgeon, Deputy
15 Director of BIE, asked for a meeting with the State
16 Police to discuss DeNaples' application and potential
17 criminal issues associated with it.

18 Sturgeon specifically asked Captain
19 Tim Allue to come to the BIE or assign someone to
20 come to the BIE to accept all information that BIE
21 investigators had that they believed to be of a
22 criminal nature. State troopers met BIE agents the
23 next day.

24 BIE agents believed DeNaples had been
25 untruthful in his depositions. On or about

1 October 3, 2006, Nan Davenport of the Gaming Control
2 Board advised Captain Allue that the State Police
3 should submit a written request to obtain the
4 transcripts of DeNaples' depositions.

5 The next day, Captain Allue submitted a
6 written request, and Davenport sent transcripts of
7 the depositions to the State Police.

8 During that same time frame, October and
9 November 2006, BIE investigators were also concerned
10 about evidence they had uncovered concerning possible
11 illegal conduct by DeNaples that was unrelated to the
12 perjury investigation. As a result, BIE
13 investigators made referrals to at least three other
14 outside agencies.

15 For the same reasons I cannot provide more
16 specific information about the perjury investigation,
17 I cannot provide any further information about the
18 other referrals.

19 However, I can say that from the time BIE
20 made the criminal referral to the State Police up
21 until DeNaples' license, the Director and
22 Deputy Director of the BIE, Mr. David Kwait and
23 Mr. Thomas Sturgeon, were in regular contact with
24 Captain Tim Allue, the Director of our Gaming
25 Enforcement Office.

1 On multiple occasions, Captain Allue
2 confirmed to them that the criminal investigation was
3 ongoing.

4 Frankly, it is obvious that even Chairman
5 Decker knew of the ongoing investigation. Just
6 2 days before the Board awarded DeNaples a license,
7 he sent me a letter that said, quote, "...it is also
8 my understanding that your office may be in the
9 possession of some important background information
10 which may affect the suitability decision of the
11 Pennsylvania Gaming Control Board with respect to an
12 applicant for a Category 2 license."

13 Applicants are not presumed "suitable" for a
14 gaming license. To the contrary, the burden is on
15 the applicant to prove his suitability. The Gaming
16 Act explicitly provides, quote, "Every application
17 for a slot machine license shall include such
18 information, documentation and assurances as may be
19 required to establish by clear and convincing
20 evidence the applicant's good character, honesty and
21 integrity."

22 The State Police did not conduct DeNaples'
23 background investigation or any other background
24 investigation for a Category 2 license.
25 Consequently, I'm not privy to everything the Board

1 possessed concerning DeNaples' suitability.

2 However, at a minimum, the Board had access
3 to the following information at the time of their
4 decision to grant DeNaples a license:

5 One, in March 1978, DeNaples was convicted
6 of conspiracy to defraud the United States.

7 Two, the Board's investigators had provided
8 the State Police with transcripts of DeNaples'
9 depositions to initiate a possible perjury
10 investigation. The Director and Deputy Director of
11 the BIE knew the investigation was still ongoing.

12 Three, the Board's investigators had
13 referred evidence of DeNaples possible legal conduct
14 in other matters to at least three other outside
15 agencies. Those referrals had not been resolved.

16 Four, the Board's investigators asked
17 DeNaples to give them copies of documents he obtained
18 from the FBI through a Freedom of Information Act
19 request. DeNaples failed to produce the requested
20 documents.

21 According to the Board's regulations,
22 failure to provide relevant information is in and of
23 itself grounds to deny a license.

24 Even without the confidential law
25 enforcement information under review by the State

1 Police in the perjury investigation, the Board had
2 sufficient information to either determine whether
3 DeNaples had proven his suitability by clear and
4 convincing evidence, delay that determination until a
5 later date, or decide another applicant was more
6 suitable for the Category 2 license.

7 On December 18, 2006, Chairman Decker sent
8 me a letter stating, quote, "...it is also my
9 understanding that your office may be in the
10 possession of some important background information
11 which may affect the suitability decision of the
12 Pennsylvania Gaming Control Board with respect to an
13 applicant for a Category 2 license," end quote.

14 Decker went on to ask me to disclose that
15 information to the Board.

16 The next day I wrote back, quote, "Our
17 previous submissions have provided you with the full
18 extent of information permitted by law and in
19 accordance with our agreement of June 12, 2006," end
20 quote.

21 That same day, December 19, 2006, Chairman
22 Decker wrote, quote, "...your response causes me
23 concern because in it you did not directly address
24 the question as to whether the Pennsylvania State
25 Police...is in possession of additional background

1 information, which has not been produced to the
2 Pennsylvania Gaming Control Board's Bureau of
3 Investigations and Enforcement...because it is
4 somehow, in your view, beyond the scope 'of
5 information permitted [to be disseminated] by law,' "
6 end quote.

7 He went on to say, quote, "Should the PSP
8 fail to provide the Pennsylvania Gaming Control Board
9 with any additional information, we will operate
10 under the assumption that the PSP does not currently
11 have any information on any Category 2 applicant,
12 which would affect their suitability for licensure in
13 the Commonwealth," end quote.

14 Don't forget, at the time Chairman Decker
15 wrote that letter, he already knew I would not be
16 able to provide him with any federally-protected
17 information. He knew I could not legally provide
18 that information, and he knew I would not violate the
19 law.

20 Consequently, on December 20, 2006, before
21 DeNaples was granted a license, I sent the following
22 letter to Chairman Decker. Quote: "As I indicated
23 in my previous correspondence, the Pennsylvania State
24 Police has already provided the Board with the level
25 of cooperation that it requires. To reiterate, we

1 have, to the best of our ability, provided present
2 relevant information on applicants for a Category 2
3 license. As you know, we have given the Board source
4 and contact information regarding other law
5 enforcement agencies that may have, or come into
6 possession of, additional information regarding the
7 applicants. Obviously, we cannot speak for other law
8 enforcement agencies, nor can we be expected to
9 predict when and if they may develop further
10 information. Certainly, we are not in a position to
11 forecast if and when action may be taken by any such
12 agency or to divine what effect it may have on the
13 Board's licensing decision.

14 "I am sure you realize that the Pennsylvania
15 State Police has the duty to serve and to protect the
16 public in spheres far broader than gaming licensure
17 -- specifically, in the ongoing detection of crime
18 and in the apprehension of those who commit criminal
19 acts.

20 "In view of the level of cooperation
21 provided by the Pennsylvania State Police, the Board
22 should be in a position to properly exercise its
23 statutory duty to determine an applicant's
24 suitability for a gaming license," end quote.

25 Chairwoman Colins testified that she

1 believed, quote, "that letter was a green light,"
2 unquote.

3 I have never stated, nor implied, that Mr.
4 DeNaples was suitable for a gaming license. I simply
5 told the Board that they should be in a position to
6 determine the applicant's suitability. I believed it
7 then and I believe it now, and I have never said
8 otherwise.

9 Remember, the Board's own investigators had
10 serious concerns about the applicant's suitability
11 and had made a criminal referral for possible perjury
12 that was still ongoing.

13 Finally, I need to correct an error that
14 appeared in a press release dated February 3, 2008,
15 from the Governor's press office. The release
16 mistakenly reported that I said the Board's decision
17 to award a license to DeNaples was appropriate based
18 on the information available at the time.

19 That is not what I said. Based on what I
20 knew at the time, I was willing to give the Board the
21 benefit of the doubt in stating that I believed they
22 acted in good faith in making their decision.

23 In conclusion, make no mistake about it, the
24 Pennsylvania State Police followed the law, to the
25 letter, in every instance. We do not have the leeway

1 to pick and choose which laws we want to follow. Our
2 troopers conducted themselves professionally and with
3 integrity.

4 I am deeply disappointed, however, that both
5 current and former members of the Board have resorted
6 to making personal attacks against me and my former
7 Deputy Commissioner of Operations, Ralph M. Periandi.
8 I personally know Lieutenant Colonel Periandi to be a
9 man of high character and integrity who spent 33
10 years in service to the citizens of Pennsylvania as a
11 member of the Pennsylvania State Police.

12 Thank you.

13 REPRESENTATIVE CLYMER: Thank you very much,
14 Colonel, for the testimony and for that very
15 effective and informative overview. I appreciate it.
16 I just have a few questions.

17 An observation is that from my personal
18 perspective, the Pennsylvania Gaming Control Board
19 had enough information, enough red flags were raised
20 before they awarded the casino license to the
21 Mount Airy Casino and Lodge applicant, and you did a
22 remarkable job bringing up to date all those
23 important facts.

24 During the correspondence between yourself
25 and the Gaming Control Board, other than Chairman

1 Decker and Judge Colins, did you hear from any other
2 member of the Board? There's a total of seven. What
3 about the other six? Did they get involved in the
4 process at all? Did you hear from them?

5 COLONEL MILLER: I can't say that I
6 specifically heard from them. I mainly dealt with
7 the Chairperson of the Board, which initially was
8 Mr. Decker and afterwards was Ms. Colins.

9 REPRESENTATIVE CLYMER: Right.

10 COLONEL MILLER: Normally, they were the
11 ones that talked to us. But I was under the
12 impression, and, of course, from listening to
13 Chairwoman Colins's testimony, she made it clear that
14 even though the law might prevent the State Police
15 from sharing the investigative information behind the
16 investigation, the mere fact that we were conducting
17 one, she felt, would be something that perhaps if BIE
18 would know that, then the reference was that the
19 Board would know that and they would have made a
20 different decision.

21 But my response is that that's what happened
22 in this case. I mean, the only reason that we were
23 involved at all -- remember, we didn't do the
24 background investigation.

25 REPRESENTATIVE CLYMER: Yes.

1 COLONEL MILLER: These suitability
2 depositions were done behind closed doors. We didn't
3 know anything about what the applicant said.

4 So the only way we became involved was after
5 the BIE investigators shared with us the fact that
6 they thought the applicant may have been untruthful
7 and asked us to make a request for these transcripts.

8 So once we made the request for the
9 transcripts, we commenced a criminal investigation.

10 REPRESENTATIVE CLYMER: Okay.

11 COLONEL MILLER: Obviously, they were aware
12 of that criminal investigation because they were the
13 ones that referred to us the transcripts and the
14 possible perjury.

15 We started the investigation. They made a
16 number of contacts with our office to say, is that
17 thing still going on? And we let them know it's
18 still in process. We couldn't share any details, but
19 the fact that it was ongoing was something that they
20 knew. And I would presume the Board had to have
21 known that, and from Mr. Decker's letters, I would
22 think that he did know that.

23 REPRESENTATIVE CLYMER: Okay. I just have
24 one question, an observation and a question.

25 Speaking for myself, being involved in the

1 process when the gaming bill was finally approved
2 back in July of 2004, many of us in the General
3 Assembly wanted the State Police to be primary
4 investigators -- I want to make that perfectly clear
5 -- and there was great disappointment when we found
6 out that the State Police were not to be primary
7 investigators.

8 Now, here's my final question, and it's a
9 great certain as we look to the future of this whole
10 operation of casino gambling in Pennsylvania. We
11 know that we're in a global market; we've heard about
12 that, and my concern is that there's going to be some
13 international gambling cartel that's going to come in
14 and buy into Pennsylvania to one of our casino
15 licenses or buy the entire operation.

16 Now, who is going to do those international
17 law enforcement investigations which will be so
18 critical, more so than a company here in the United
19 States? Because we don't know who is going to be
20 involved in these international cartels, and we need
21 to do it right or we may be very sorry that we did it
22 wrong.

23 COLONEL MILLER: Right.

24 At this point, Representative, the way the
25 law is written, BIE would either do that themselves

1 or they would perhaps contract with an outside
2 entity.

3 REPRESENTATIVE CLYMER: Thank you,
4 Mr. Chairman.

5 Thank you, Colonel.

6 COLONEL MILLER: Thank you.

7 REPRESENTATIVE KELLER: Oh, boy. After
8 that, I guess we can all go home now, right?

9 The Chairman of the Judiciary Committee,
10 Representative Tom Caltagirone, please.

11 REPRESENTATIVE CALTAGIRONE: Thank you,
12 Mr. Chairman.

13 I have a couple quick questions that I would
14 like to see if you can answer.

15 COLONEL MILLER: Sure.

16 REPRESENTATIVE CALTAGIRONE: When you're
17 competing with New York and New Jersey for the best
18 and brightest in the recruits for replacements for
19 the State Police, I understand that New Jersey and
20 New York offer much better salary incentives,
21 especially after the first or second year of service.

22 Does this budget propose to remedy that
23 inequity?

24 COLONEL MILLER: I don't believe this budget
25 actually speaks to that. We have a contract with the

1 Troopers Association that will expire this June 30,
2 I believe, and so right now we're currently involved
3 in negotiations for a new contract. That's what
4 would affect the salary and benefits ultimately. So
5 this budget doesn't address any change in that
6 potential contract.

7 REPRESENTATIVE CALTAGIRONE: All right.
8 Since we're in the middle of this budget negotiation
9 -- that's what this hearing is about today -- in your
10 request for the '08-09 fiscal year, what allowance
11 are you making for those wage increases with the
12 collective bargaining that's going to be going on
13 before the end of June?

14 COLONEL MILLER: We were instructed not to
15 include any in there.

16 REPRESENTATIVE CALTAGIRONE: So there's no
17 adjustment that's anticipated, even though you know
18 there's collective bargaining that's going on? Or
19 will be.

20 COLONEL MILLER: Right. I mean, we know
21 ultimately there's going to be a change of some sort.
22 But I believe the position of the Office of the
23 Budget was, we don't know exactly what that's going
24 to be. So to try to forecast it at this particular
25 juncture would be something they didn't want to get

1 involved in.

2 REPRESENTATIVE CALTAGIRONE: How does that
3 compare with previous collective bargaining
4 agreements on the wage increases? I'm just curious,
5 because you've been around for a while; I've been
6 around for a while.

7 COLONEL MILLER: Yeah, and for the time I
8 have been Commissioner, for the last 5-plus years, I
9 think we had one other contract. And I don't believe
10 that that potential impact was felt in the way that
11 it was in the proposed budget. So I think this is
12 consistent with that.

13 REPRESENTATIVE CALTAGIRONE: All right.

14 I read your report, and you are looking at a
15 complement of 4,660 that you are saying that---

16 COLONEL MILLER: Actually now, with some of
17 the gaming positions, it would be 4,696. Of course,
18 the gaming and the turnpike and other ones don't
19 count against our complement.

20 REPRESENTATIVE CALTAGIRONE: And you know
21 there's always rollovers, retirements, and whatnot.

22 COLONEL MILLER: Sure.

23 REPRESENTATIVE CALTAGIRONE: Supposedly, you
24 know, I understand there's a shortfall of
25 approximately 139. Are you telling us here today

1 that you're going to have that complement up to the
2 figure that you had just said, by June of this year,
3 with the last class that's going in?

4 COLONEL MILLER: What we hope to do is to be
5 able to get to our maximum complement, if not by
6 September of this year, hopefully sometime in 2009.
7 It all depends on the attrition rate we have in each
8 class and how quickly we're able to put the classes
9 together.

10 REPRESENTATIVE CALTAGIRONE: Right.

11 COLONEL MILLER: Sometimes classes need to
12 be delayed because of funding issues. But what we've
13 tried to do -- in fact, we're right now engaged in a
14 process where we've identified a way to shorten the
15 length of our academy class by like 2 weeks so that
16 we can put perhaps three classes in at one time.

17 So, you know, I'm very thankful that the
18 Governor has included enough funding in the proposed
19 budget to allow us to train as many cadets as we can
20 as quickly as we can to try to reach that statutory
21 cap as soon as possible.

22 We'll never quite get there because we can't
23 hire in advance. Do you know what I mean? We have
24 to wait until there's a vacancy. But given that as
25 our marching orders, we still try to project in a way

1 that will get us as close as we can to that process,
2 you know, that point in time.

3 REPRESENTATIVE CALTAGIRONE: Thank you.

4 COLONEL MILLER: Thank you.

5 REPRESENTATIVE CALTAGIRONE: Thank you,
6 Mr. Chairman.

7 REPRESENTATIVE KELLER: Representative
8 Doug Reichley, please.

9 REPRESENTATIVE REICHLEY: Thank you,
10 Mr. Chairman.

11 Thank you, Colonel, for coming in this
12 afternoon.

13 COLONEL MILLER: You're welcome.

14 REPRESENTATIVE REICHLEY: I'm just trying to
15 clarify a little bit from the first part of your
16 testimony. I know there's a lot of issues to go over
17 with many of the members regarding your law
18 enforcement duties.

19 But sort of beginning toward the end of your
20 statement, you mentioned that a press statement had
21 been released on February 3 which attributed a
22 comment to you regarding the issuance of the DeNaples
23 license, and can you explain, number one, what the
24 statement was and the background by which that was
25 produced?

1 COLONEL MILLER: The statement was -- the
2 part of the statement that was inaccurate and
3 mistakenly put in there was that I had stated that
4 the Board's action in giving Mr. DeNaples a license
5 was appropriate based on the facts they knew at the
6 time.

7 I hadn't said that. What I said was, I was
8 willing to give the Board the benefit of the doubt in
9 stating that I believed they acted in good faith, but
10 I couldn't say that their decision was ultimately
11 appropriate.

12 Somehow I'm led to believe that there was a
13 mistake made with a prior version of something that
14 someone was working from in the press office, and
15 that ultimately went out without me knowing it. And
16 then, of course, I discovered it the next day and
17 immediately checked in with the appropriate people at
18 the Governor's Office, and they apologized for the
19 fact that the wrong one went out.

20 I just didn't want anyone to misunderstand
21 what I had really said at that particular time.

22 REPRESENTATIVE REICHLEY: And when you said
23 the press office, I take it you're referring to the
24 Governor's press office rather than the State Police
25 press office?

1 COLONEL MILLER: Right; correct.

2 REPRESENTATIVE REICHLEY: And it probably
3 goes without saying, but I think in the Senate this
4 morning you gave testimony which was under oath, and
5 I take it that your comments here today would be
6 under the similar circumstance, if you were sworn.

7 COLONEL MILLER: Absolutely.

8 REPRESENTATIVE REICHLEY: To clarify the
9 time frame or the time line that you described in
10 your testimony with regard to Judge Robreno's
11 order -- I believe that was in May of 2006?

12 COLONEL MILLER: Yes. I believe it was
13 May 19 of 2006.

14 REPRESENTATIVE REICHLEY: All right.

15 And the alleged perjurious statements of
16 Mr. DeNaples were in September and October of 2006?
17 Is that correct?

18 COLONEL MILLER: Actually, they were August
19 16 -- alleged to be August 16 of 2006 and I believe
20 September 28 of 2006.

21 REPRESENTATIVE REICHLEY: So August and
22 September.

23 When was the referral made to the State
24 Police by the Bureau of Investigations and
25 Enforcement?

1 COLONEL MILLER: The first time that I can
2 point to was September 13 of 2006, and that was at a
3 time when the Deputy Director of the BIE contacted
4 our gaming office and made a request for a meeting,
5 because they wanted to discuss with our troopers
6 information that they had uncovered that they
7 believed was of a criminal nature.

8 REPRESENTATIVE REICHLEY: Okay.

9 COLONEL MILLER: And this was various
10 information covering a number of topics. We met with
11 them, and that led to more meetings and discussion.

12 REPRESENTATIVE REICHLEY: I see.

13 COLONEL MILLER: And ultimately on October
14 -- I believe it was on or about October 3, one of the
15 attorneys from BIE contacted our gaming office and
16 asked us specifically, you know, said, hey, look, you
17 should make a request for these transcripts in
18 writing.

19 So we made the request, we received the
20 transcripts, and we began an investigation to
21 determine whether Mr. DeNaples had committed perjury
22 under oath.

23 REPRESENTATIVE REICHLEY: And you mentioned
24 that Mr. Kwait, the Director of the Bureau of
25 Investigations and Enforcement, was in contact with

1 the State Police leading up to the December 20
2 decision to issue a license. Are you able to
3 describe how frequently Mr. Kwait was in contact with
4 the State Police?

5 COLONEL MILLER: Well, it was Mr. Kwait and
6 Mr. Thomas Sturgeon, who is the Deputy Director of
7 the BIE. And I would characterize their contacts as
8 fairly frequent. Probably three or four contacts
9 were made -- on a number of issues, but touched on
10 this topic as well.

11 REPRESENTATIVE REICHLEY: Okay.

12 COLONEL MILLER: In other words, is that, by
13 comparison, is that information still being looked
14 at? Yes; it's still in process.

15 We weren't able to talk about the details,
16 obviously, but we were able to say, yes, it's still
17 in process.

18 REPRESENTATIVE REICHLEY: And to the best of
19 your knowledge, did the Bureau of Investigations and
20 Enforcement or the Gaming Board make a subsequent
21 request to the U.S. Attorney's Office to go back to
22 Judge Robreno to allow for review of the wiretap
23 transcripts in comparison to what you were getting
24 from the testimony?

25 COLONEL MILLER: I'm not aware of any

1 subsequent request that was made.

2 REPRESENTATIVE REICHLEY: Okay.

3 Judge Colins has stated that you could have
4 told her about the existence -- or you could have
5 told the Board about the existence of the DeNaples
6 investigation prior to the issuance of the DeNaples
7 license on December 20. Do you have any response to
8 that statement?

9 COLONEL MILLER: Well, I think what she said
10 -- because I listened very closely to the words that
11 she used -- I believe that she said that we could
12 have told the BIE about the existence of an
13 investigation. And had they only known that, then
14 the inference was that the Board would have known it,
15 and therefore, they would have taken a different
16 approach.

17 And my response to that would be, that's
18 exactly what happened, because the Board was the one
19 -- I'm sorry -- the Board's investigators, BIE, were
20 the ones that actually referred to us the fact that
21 they believed that Mr. DeNaples had been untruthful
22 in his depositions and requested that we make a
23 request in writing for the transcripts.

24 So the Board was aware that we were doing an
25 investigation just merely because they had provided

1 it to us. There's no other reason for a regulatory
2 body to provide to a law enforcement body this
3 information other than for that particular reason.

4 And obviously we had had discussions with
5 their investigators, and we knew what their thought
6 process was. So we took that information and began
7 to do an investigation.

8 Now, once we started to do that, we couldn't
9 tell them where it was going. Obviously, ultimately
10 it led into a grand jury situation. But they did
11 know it was ongoing, and they did make a point of
12 checking with us to determine whether it was.

13 REPRESENTATIVE REICHLEY: Were you familiar
14 with who the agents from BIE were that were assigned
15 to do the background investigation on Mr. DeNaples?

16 COLONEL MILLER: I didn't know them
17 personally, but I have seen their names in reports.

18 REPRESENTATIVE REICHLEY: And that's
19 Mr. Greenback and Meehan?

20 COLONEL MILLER: Greenbank and Meehan.

21 REPRESENTATIVE REICHLEY: Okay.

22 Were you familiar with the process by which
23 any recommendations were drafted or submitted from
24 the BIE up to the Gaming Board regarding particular
25 licensees' applications?

1 COLONEL MILLER: I can't say that I'm
2 familiar with exactly how and what they shared with
3 the Board.

4 REPRESENTATIVE REICHLEY: Okay.

5 Now, you stated that Mr. Decker knew you
6 would not provide him with sensitive criminal
7 background information prior to December 20. How do
8 you know that?

9 COLONEL MILLER: Because I had had a
10 personal face-to-face meeting with him many months
11 before that, where we sat down and I explained --
12 this is in advance of any issues coming forth -- but
13 just my concerns that, listen, we will not be able to
14 share certain federally-protected criminal
15 information because of 28 CFR 23 of the Federal Code,
16 and he disagreed with that.

17 We discussed it, but ultimately Mr. Decker
18 was in receipt of letters from the Attorney General
19 and from the U.S. Department of Justice and the FBI.
20 And, of course, Chairwoman Colins also was in receipt
21 of correspondence from the FBI that very clearly laid
22 out what could be shared and what could not be
23 shared.

24 And I just want to stress, we're not trying
25 to -- the State Police would get nothing out of the

1 fact that somebody gets a license when they shouldn't
2 get a license and then we have to turn around and
3 arrest them. That's not what we're about.

4 We're also not interested in trying to
5 embarrass the Board in any way. We don't care who
6 does the backgrounds; we really don't. If BIE would
7 be moved to the Attorney General, we'd be fine with
8 that. If for some reason the powers of the BIE saw
9 fit to put that under the State Police, that's fine,
10 too. We'll do whatever anyone wants us to do.

11 But I would state for the record, our
12 troopers that work with BIE work just fine together.
13 I've personally spoken to BIE investigators. They
14 like working with our troopers. There's no problem
15 at that level. There really is no problem.

16 I think the only problem here was there was
17 a disagreement as to what the Federal law was. But
18 again, I tried to stress to Mr. Decker, we want to
19 cooperate in every way that we can. I mean, that's
20 our goal. But we just want you to be aware that
21 there are certain provisions in Federal law that even
22 after the law was changed in Pennsylvania to deal
23 with Chapter 91 and Korea, it did not excuse us or
24 did not permit us to violate the Federal law. And
25 Attorney General Corbett, the FBI, and others have

1 opined the same way.

2 So in this process, our goal was to make
3 sure we did our job properly. We felt that because
4 the Board, through BIE, had access to information
5 that I just laid out about pending investigations,
6 et cetera, that they had ample information to be able
7 to do their statutory duty.

8 To me, it's irrelevant whether they knew
9 that we were moving towards a grand jury, because
10 they knew that that investigation was ongoing. I
11 know that Mr. Decker was quoted as saying, do we wait
12 forever? do we wait 20 years? something along those
13 lines.

14 And my comment to that would be that in
15 reality, they would have had to wait only 2 months
16 for confirmation, because in December, they voted for
17 the license. In February, they were served grand
18 jury subpoenas, which put them on notice that the
19 investigation they had referred to us had now reached
20 the grand jury stage.

21 REPRESENTATIVE REICHLEY: And I take it that
22 if in fact you were given the background
23 investigation responsibilities, you would need
24 additional manpower to perform those functions?

25 COLONEL MILLER: Well, if BIE came over,

1 let's say, then BIE, if they were a part of that
2 process, that would be part of the manpower. We
3 would just have to be funded to make sure that we
4 could handle that.

5 But again, I wouldn't object if it was with
6 us or if it was with the Attorney General.

7 REPRESENTATIVE REICHLEY: Okay. My last
8 area of inquiry for you, Colonel.

9 During your testimony, you made reference to
10 the fact that there were, during the course of your
11 investigation, other referrals made. And I
12 understand you can't talk about those in great
13 detail.

14 There was an article this past week in the
15 Allentown Morning Call that referred to, I guess I'll
16 call it a title washing or vehicle misidentification
17 situation. The referrals made mention of, are those
18 other than that title washing?

19 COLONEL MILLER: I really can't --
20 unfortunately, I really can't get into that at this
21 moment.

22 REPRESENTATIVE REICHLEY: And was the
23 existence of the other referrals also made known to
24 the Gaming Board or to BIE?

25 COLONEL MILLER: Well, BIE knew because they

1 were the ones that actually made the referrals. They
2 actually made the referrals. They made one to the
3 State Police, and then they made three additional
4 potential illegal conduct referrals to three other
5 outside agencies.

6 REPRESENTATIVE REICHLEY: Okay.

7 COLONEL MILLER: So BIE was absolutely aware
8 of the referrals. And all four of those referrals
9 were still not resolved.

10 So BIE knew about them. I would presume the
11 Board would know, but I can't say for sure they
12 shared that with the Board.

13 REPRESENTATIVE REICHLEY: Okay.

14 Now, let me get this straight. BIE had made
15 a referral to the Pennsylvania State Police on the
16 perjury allegation alone?

17 COLONEL MILLER: Yes.

18 REPRESENTATIVE REICHLEY: But there were
19 three other referrals made by the BIE to other
20 agencies for separate investigation purposes?

21 COLONEL MILLER: As well as the State
22 Police, too. But yes, there were three other
23 separate topics of referral that allege potential
24 illegal conduct on the part of the applicant.

25 REPRESENTATIVE REICHLEY: And this was all

1 prior to December 20 when the license was issued to
2 Mr. DeNaples?

3 COLONEL MILLER: That's correct.

4 REPRESENTATIVE REICHLEY: Was there
5 anything, based upon your knowledge of the gaming
6 law, that compelled the Gaming Board to issue the
7 license to Mr. DeNaples on December 20?

8 COLONEL MILLER: None that I'm aware of.

9 REPRESENTATIVE REICHLEY: Could they have
10 waited?

11 COLONEL MILLER: I believe they had a number
12 of options.

13 Number one, they could have. If they felt
14 that the applicant had met his burden of proving by
15 clear and convincing evidence that he was suitable
16 for a license in the areas of character, honesty, and
17 integrity, they could have issued the license. Or
18 they could have delayed a decision on that pending
19 the other investigations and other information that
20 they didn't have yet.

21 Or it's my understanding that the Board did
22 conclude ultimately that all the applicants for
23 Category 2 licenses were in fact suitable. So
24 another option that would have been available to them
25 would have been to award that particular Category 2

1 license to a different applicant.

2 REPRESENTATIVE REICHLEY: But I think you've
3 stated, at least today on previous grounds, that
4 under your reading of the gaming law, Mr. DeNaples
5 could have been denied a license based upon his prior
6 felony conviction, based upon the ongoing perjury
7 investigation that you were conducting, or based upon
8 his refusal to turn over his FBI file, which he had
9 obtained.

10 COLONEL MILLER: Just to be clear, I
11 mentioned the prior criminal record for Mr. DeNaples
12 only under the fact that even though it wasn't an
13 automatic bar -- in other words, his conviction was
14 outside of the 15-year window -- it could still be
15 considered by the Board in conjunction with other
16 items.

17 As to the fact that -- I lost my train of
18 thought there. As to the fact that -- I'm sorry;
19 what was the second part of it?

20 REPRESENTATIVE REICHLEY: On the perjury
21 investigation, the FBI file which he refused to
22 disclose.

23 COLONEL MILLER: Right. On the FBI file or
24 the FBI reports, the documents that he received from
25 the FBI, my reading of the statute would lead me to

1 conclude that in and of itself, the fact that an
2 applicant who is coming before you to secure a
3 license, that doesn't provide you with access to
4 documents that you deem to be relevant in your
5 background investigation, my reading of their own
6 regulation suggests that that in and of itself is
7 enough to deny a licensee there.

8 So I would think that there would at least
9 be some flags there that they would want to consider
10 with regard to this applicant before they made a
11 decision to actually go ahead and award the license.

12 REPRESENTATIVE REICHLEY: Okay. And then
13 possibly these three other matters.

14 COLONEL MILLER: Right.

15 REPRESENTATIVE REICHLEY: Well, thank you,
16 Colonel.

17 Thank you, Mr. Chairman, for your indulgence
18 for these questions.

19 Colonel, I think your testimony is
20 courageous. I think you and the State Police have
21 been slandered by the Gaming Board.

22 And, Mr. Chairman, I will submit the request
23 to you, but if you will convey to Chairman Evans that
24 I believe the Gaming Board should be recalled before
25 the Appropriations Committee to answer further

1 questions about the propriety of this license and
2 whether we need to transfer the investigation
3 powers.

4 Thank you, Mr. Chairman.

5 REPRESENTATIVE KELLER: Thank you.

6 Representative Cherelle Parker, please.

7 REPRESENTATIVE PARKER: Thank you,

8 Mr. Chairman, and I'll be as brief as possible.

9 I have two questions, Colonel.

10 COLONEL MILLER: Yes, ma'am.

11 REPRESENTATIVE PARKER: I want to thank you
12 and the members of your executive team for being
13 here.

14 First, I want to follow up on Chairman
15 Caltagirone's concern about recruitment for the
16 State Police. I thank you and members of your team
17 for meeting with a group of legislators from
18 southeastern Pennsylvania after we had read reports
19 in our local press about that process.

20 COLONEL MILLER: Sure.

21 REPRESENTATIVE PARKER: But I felt very much
22 assured after meeting with you that you understood
23 our concern about diversity in the department as it
24 relates to people of color and also women.

25 But I was really moved about the challenges

1 in the recruitment process and actually your efforts
2 to find individuals to actually serve on our State
3 Police.

4 So I wanted you to just on the record talk
5 about some of the challenges and then some of the
6 aggressive tools that members of your department have
7 used in that process.

8 COLONEL MILLER: Thank you, Representative
9 Parker. I appreciate your comments.

10 I would just say where we are right now
11 within the State Police, just briefly, there was a
12 Federal consent decree that was signed in 1974. At
13 the time that was signed, the State Police was at,
14 I believe, 1.48-percent minorities.

15 REPRESENTATIVE PARKER: Okay.

16 COLONEL MILLER: And we had just started
17 having females come into the department in 1972.

18 When the consent decree was signed, our
19 numbers for the minority quotient was 9.2 percent.
20 Then in 1983, it was amended to 10.2 percent, and
21 then in 1993 to 12.3 percent. In 1999, the consent
22 decree was dissolved.

23 What has happened is that between June 22 of
24 1978 and February 6 of 1984, the department hired
25 448 minority members during a time, under the consent

1 decree, when we were 50/50 classes -- 50 percent
2 minority, 50 percent non-minority. So there were a
3 lot of folks that came on to the State Police in a
4 short period of time.

5 What happened is that the State Police, once
6 the consent decree was dissolved, the State Police
7 was now responsible to ensure that we were able to
8 find qualified applicants of diversity and females
9 around the Commonwealth and throughout this part of
10 the country.

11 What happened was, when you hire a lot of
12 people in a short period of time, when they reach
13 20 to 25 years of service, now they can retire. And
14 what happened is, we lost about 300 minorities in a
15 short window, between '02 and '08.

16 Right now, as I sit here today, we're at
17 7.3-percent minorities and we're about 4.6-percent
18 female, and that is not where we want to be on either
19 note. However, the female quotient has crept up
20 slightly since I came here. The minority numbers are
21 reflective of the fact that so many people were able
22 to reach retirement age.

23 So the numbers couldn't look any worse on
24 that side. However, there are some reasons for hope
25 and optimism, and that is, Lieutenant Colonel Brown

1 and our team -- as you know personally, because we
2 met with you -- are engaged in a number of
3 initiatives that are very important, but also they're
4 striking at new ground.

5 We're testing not only in Pennsylvania, but
6 now we're testing at John Jay College, at Morgan
7 State University, at Howard University, Cleveland
8 State University. That's the written, the oral --
9 the whole thing. We're trying to come to people to
10 bring them into the fold.

11 We have a number of things ongoing with
12 regard to the Latino community in advertising. We're
13 also looking to do some more -- you guys had some
14 great suggestions, and we talked about the fact that
15 there are a number of local newspapers in
16 neighborhoods, and that's where we need to be. So
17 we're going to do that. And we also are going to
18 take you up on the offer of assistance in coming to
19 different meetings, et cetera.

20 We've got a lot of things going on right
21 now, and I would point to a big class we did, the
22 124th class, which was a recent class we did where
23 there were 200 members of that class. Twenty percent
24 went in that were minorities, and 20 percent went in
25 as females. That was a good result, and what we need

1 to do is have more consistent results that mirror
2 that.

3 And I can share with you -- I just picked
4 this up yesterday; it was just presented to me -- we
5 have two classes scheduled for this year in '08, one
6 June 2 and one August 4, and right now the numbers of
7 people that have made it through the written and the
8 oral and are now processing with the last several
9 steps, we have total minorities, 14.6 percent for the
10 127th class; total females, 14.28 percent. For the
11 128th, total minorities, 11 percent; total females,
12 21 percent.

13 So those are some encouraging numbers. And
14 again, it's like turning a battleship. It's not
15 going to happen overnight, just from the sheer fact
16 that the only way you can keep pace when people are
17 leaving in those numbers, because they were hired at
18 the same time, is if you're hiring one for one or
19 better. But unfortunately, we can't do that, because
20 then we'd be violating somebody else's civil rights.

21 And let me let Colonel Brown just make a
22 quick comment on some of the other things that we're
23 doing.

24 COLONEL BROWN: Sure. Absolutely.

25 And once again, thank you for your support

1 of our recruitment effort. I know our recruiter has
2 been down to meet with you on some of the advertising
3 things.

4 But we're looking at increasing advertising
5 in Pittsburgh, Erie, Cleveland, and Philadelphia with
6 mass transit vehicles, the buses. We're looking at
7 billboards. We're doing Black magazines and
8 newspapers, and we're looking to do something with
9 television this year. Hopefully we can do something
10 with Univision on the Hispanic side and something
11 with Comcast, the full range of diversity that we're
12 looking for.

13 So right now, John Jay, we were just up
14 there last week, and they've offered to allow us to
15 test up there, so we're really encouraged about that
16 because of the numbers they have up there.

17 And the thing I just want to mention is the
18 mentoring program we discussed. We've expanded it
19 statewide, and we have good results with that.

20 And one of the other things I'm looking at
21 is the process itself to see if we can collapse some
22 of the processing time down to where there's not so
23 much time from the test to the academy, that we can
24 compress it a little bit.

25 So we think that those things are bringing

1 us forward faster.

2 REPRESENTATIVE PARKER: Thank you.

3 I just want to follow up to that, and again,
4 just like you're being questioned about other issues
5 here today, I think the good that you do should also
6 be a part of the public record.

7 And when we did question you about having a
8 strategic plan overall as it relates to your
9 recruitment process, it's obvious to me today that
10 you've responded.

11 And I've seen it firsthand in the northwest
12 section of Philadelphia. I happen to represent one
13 of the most diverse districts in the city of
14 Philadelphia, and you all have been at every major
15 meeting where we've had over 100, 200 people on the
16 ground trying to recruit from residents. So I thank
17 you for those efforts.

18 Finally, my second question, there has been
19 a very unusual tie that I've been witnessing in the
20 Commonwealth of Pennsylvania, and that is, aside from
21 the usual advocates that we see working to support
22 the control of the flow of illegal handguns in the
23 Commonwealth, there has been a rallying cry from
24 law enforcement officials across the Commonwealth,
25 our chiefs of police, from the major areas aside from

1 Philadelphia and Pittsburgh, saying to the
2 Legislature that there needs to be some law
3 associated with the mandatory reporting of lost and
4 stolen guns for the purpose of cutting down on straw
5 purchasing and for supporting our law-abiding
6 citizens who are sportsmen, who are hunters, and who
7 are responsible gun owners, who traditionally usually
8 wouldn't have a problem if their gun was lost or
9 stolen reporting it because they are responsible gun
10 owners.

11 But this is not coming from the advocacy
12 side now; it's coming more from law enforcement. And
13 in fact, I was reading an article that was actually
14 in the Post-Gazette, because lots of times this issue
15 is perceived as being a Philadelphia issue, but it
16 was in the Post-Gazette, and there was a man in
17 Butler County arrested with 410 weapons in his home.
18 He was actually caught selling guns, illegal
19 handguns, to felons.

20 So I just wanted to know, as head of our
21 State Police, what is your thinking as it relates to
22 the mandatory reporting of lost and stolen guns while
23 making sure that we do want to protect the rights of
24 our law-abiding citizens who own guns and who are
25 hunters and who are sportsmen but recognizing that

1 there's a problem going on with straw purchasing and
2 we need to address it.

3 COLONEL MILLER: Right. I wholeheartedly
4 support the Governor's proposal that we require
5 individuals to report to law enforcement that their
6 gun has been lost or stolen within 24 hours, I
7 believe was the proposal.

8 I support that, I believe that other people
9 in law enforcement support that, just from the
10 perspective that we see so much on the straw purchase
11 side that allows people to act with impunity in
12 providing guns to other individuals that are going to
13 use those guns to kill and maim people.

14 So I think that there's a way in which it
15 could be, I think that reasonable people from both
16 sides of the issue could come together and hammer out
17 some language that would provide the requisite
18 protections for law-abiding gun owners.

19 Again, I would agree with you,
20 Representative. Most gun owners are law-abiding
21 citizens, and they would be the first ones to call
22 the State Police or call the local police to report a
23 gun missing or stolen, because they want to get that
24 gun back.

25 REPRESENTATIVE PARKER: Right.

1 COLONEL MILLER: So I think there's probably
2 some common ground here where something could be
3 hammered out that would not be objectionable to
4 either side and would still serve the purposes that
5 the Governor's bill would seek to achieve.

6 REPRESENTATIVE PARKER: Thank you.

7 That's it, Mr. Chairman.

8 REPRESENTATIVE KELLER: Thank you.

9 Colonel, I'm just curious, you're doing a
10 great job on recruiting, but is there an outreach to
11 returning Pennsylvania veterans?

12 COLONEL MILLER: Actually, veterans do get
13 preference points in the testing process. Let me let
14 Colonel Brown talk. We have some other things I'll
15 let him tell you about.

16 COLONEL BROWN: We give preference points in
17 the testing process, but they also get a waiver of
18 some of the educational requirements, 30/30 credits
19 for 4 years of military service.

20 And this spring, we have some of our
21 recruiters going down to Camp Lejeune and also, I
22 think it's Fort Benning. We're looking at some other
23 military installations. We're trying to get the
24 veterans as they're coming out of the Service.

25 So yes, sir, that's one of our initiatives.

1 REPRESENTATIVE KELLER: Thank you.

2 Representative Mario Scavello, please.

3 REPRESENTATIVE SCAVELLO: Thank you,

4 Mr. Chairman.

5 Good afternoon.

6 COLONEL MILLER: Good afternoon.

7 REPRESENTATIVE SCAVELLO: When you talked
8 about the recruitment -- and I'd like to check the
9 complement, the 4,660 troopers -- how short from the
10 legislative cap of 4,310 troopers are we?

11 COLONEL MILLER: We're going to be coming up
12 pretty close to that this year. And actually, the
13 number, including some additional gaming positions,
14 is probably more like 4,696, I believe, on the
15 enlisted side.

16 REPRESENTATIVE SCAVELLO: Okay.

17 COLONEL MILLER: We have about 164 liquor
18 enforcement officers that are not enlisted. We have
19 64 motor carrier enforcement officers, and 1,525
20 civilians. That's our authorized complement. So I
21 think all told, it's like 6,400-some people.

22 But your point is well taken, and that is
23 that we are getting closer, as we fill positions, we
24 are going to be getting closer to the actual
25 statutory cap.

1 So there is some concern on my part that
2 perhaps we need to remove that or move it up, just so
3 we have enough flexibility that if we end up hiring
4 somebody in anticipation, that we don't go over the
5 cap.

6 REPRESENTATIVE SCAVELLO: That was my --
7 fine. Okay.

8 I noticed in the 2006-2007 budget, you had a
9 \$900,000 appropriation for gun checks, and it's not
10 there in 2007-08 or in the proposed budget. What
11 does the gun checks do?

12 COLONEL MILLER: Well, what is present in
13 the Governor's proposed budget for '08-09 is that if
14 you look back in time to Act 17 of 1995, Act 17 never
15 provided adequate funding because the ratio of
16 handguns versus long guns was never quite right. So
17 from the time the law was passed in 1995 to the
18 present, we have never been able to go through a
19 fiscal year and allow the instant check system to
20 support itself really, and what we've needed is a gun
21 check appropriation.

22 So we can estimate that with the current
23 fees, which is a \$2 fee and a \$3 surcharge per weapon
24 or per transaction, that with that, we can expect to
25 receive \$1.8 million that we would need authorization

1 to spend. But that's not enough to run the system.

2 We would need an additional \$3.8 million.

3 So what the Governor has proposed is moving
4 both of those fees up from \$2 to \$10 for the PICS
5 check fee, and that would put it in line with what we
6 charge right now to do a criminal history check
7 across Pennsylvania.

8 And it should be noted that in the PICS
9 check, that check is not just what we do in criminal
10 history; it checks a lot of other things. So it's
11 fair to say that we have had that priced way too low
12 for a long time.

13 So right now if we moved that up to \$10 and
14 the \$3 surcharge fee to \$10, then we would not need a
15 gun check appropriation augmentation of \$3.8 million.
16 We could expect that we would have additional moneys
17 there so that we could not only support PICS but also
18 build in a PICS upgrade. We desperately need a PICS
19 upgrade. The system is older.

20 I know there's some confusion; we did an
21 upgrade last year on the computerized criminal
22 history record information system. That's different.
23 They tap into that, but it's not PICS.

24 So if we move those fees up, as the Governor
25 proposes, which I think we should do, it would allow

1 us to let the system run on its own and pay for
2 itself in doing an upgrade that we desperately need
3 to do to the system.

4 REPRESENTATIVE SCAVELLO: Chairman Evans
5 isn't here, but, you know, he relates to me as
6 another Legislator from Philadelphia, so I have a
7 Philadelphia question.

8 What is the status of deploying troopers to
9 patrol the major highways in Philadelphia, how many
10 troopers are currently assigned to Philly, and are we
11 assigning more troopers to Philly in the 2008-2009
12 budget or are any more needed?

13 COLONEL MILLER: I've actually transferred
14 all my troopers to Philadelphia. No, I'm just
15 kidding. Just kidding. Just a joke; just a joke.

16 Actually, what we have is we have about
17 60 troopers that are assigned to Philadelphia now.
18 The status of the project is this: We currently, as
19 of March 1, we have all the interstate highways
20 within the city of Philadelphia.

21 So it took a while, we were transitioning,
22 and now we have all of 76, 95, and 676. So we have
23 additional troopers down there for that. We're doing
24 that as we speak.

25 Was there a second part of your question?

1 REPRESENTATIVE SCAVELLO: Yes. So you feel
2 that that's enough, or are we going to have to add
3 more to that complement?

4 COLONEL MILLER: No, I think we're going to
5 be okay with what we have down there. I think we're
6 going to be all right with that. And we're also
7 involved in some other things in Philadelphia,
8 Allentown, other places, where we're dealing with gun
9 violence issues. But you're specifically talking
10 about the interstates.

11 REPRESENTATIVE SCAVELLO: Do we have an
12 adequate barracks or an operations space?

13 COLONEL MILLER: No, we don't. We don't
14 have an adequate barracks. We're trying to work --
15 and I had a recent meeting with Mayor Nutter and
16 Commissioner Ramsey and we talked about a number of
17 issues, but we also talked about that.

18 We're hopeful that -- we're working right
19 now with the Department of General Services and the
20 Office of Administration, because there's a plot of
21 ground, if you're familiar at all with where our
22 barracks is on Belmont Avenue---

23 REPRESENTATIVE SCAVELLO: Yes.

24 COLONEL MILLER: ---there's a plot of ground
25 just adjacent to it on the north side where our radio

1 tower is. That is, I believe, about 3 acres of
2 ground. Yeah; it's 3 acres of ground.

3 If we could work out an agreement with the
4 city, what we would ultimately like to do is build a
5 new facility, like a 40,000-square-foot facility, on
6 that piece of ground, then knock down the current
7 1949 structure and use that area for parking.

8 REPRESENTATIVE SCAVELLO: I know that the
9 turnpike reimburses us for the troopers on the
10 turnpike system. Does Philadelphia do the same
11 thing?

12 COLONEL MILLER: Well, they reimburse us
13 just the same as Pittsburgh does, which is, they
14 don't reimburse us. And, of course, the turnpike is
15 a toll road; it's a little bit different animal.

16 I know you said that in jest.

17 REPRESENTATIVE SCAVELLO: Thank you very
18 much.

19 COLONEL MILLER: Thank you.

20 REPRESENTATIVE KELLER: Does Monroe County
21 reimburse you for their roads?

22 COLONEL MILLER: I don't think. I'm going
23 to look at that when I get back.

24 REPRESENTATIVE SCAVELLO: Excuse me; 80
25 percent of my municipalities have regional police

1 departments. I have a great police department. I
2 have Paradise Township and Jackson Township that
3 don't have, and one has the casino.

4 REPRESENTATIVE KELLER: I'm going to get up
5 there someday to see that garden spot.

6 Chairman Civera, please.

7 CHAIRMAN CIVERA: Thank you, Mr. Chairman.
8 Colonel, just a brief question.

9 COLONEL MILLER: Yes, sir.

10 CHAIRMAN CIVERA: If the General Assembly
11 was to give you the enforcement for the gaming, how
12 would you go about that? We gave you in 1985 the
13 enforcement for the LCB, and over the years there has
14 been some problems enforcing the LCB laws, and the
15 gaming, I believe, were two different types of
16 enforcement.

17 But what would you recommend and how would
18 you do, compared to what the Gaming Board is doing
19 now, with the investigations and enforcement?

20 COLONEL MILLER: Well, first off, I just
21 want to say, again for the record, that I believe
22 that the BIE investigators are good investigators.
23 They're competent investigators. I think they're
24 doing everything that they can do under their
25 circumstances.

1 I think if you're asking me how would we
2 look at maybe doing some things differently, I think
3 in general terms, there were some recommendations
4 that were presented in the grand jury presentment,
5 and one of them was to open up to public scrutiny the
6 suitability hearings rather than having them behind
7 closed doors. I think that's a good suggestion to
8 look at.

9 I think right now -- to give you an example
10 -- I think right now the way the law is written,
11 there are a number of things that I think could be
12 changed, that at least should be looked at, and if
13 BIE was removed from the Board and placed with the
14 Attorney General or with the State Police, wherever
15 you want to put it, with a law enforcement agency,
16 they would have access to more information. And
17 probably from a perception standpoint, it might be
18 better than having them under the Board.

19 But ultimately I think there would be -- and
20 I believe the Attorney General would agree with me --
21 there would have to be some other changes. For
22 instance, maybe we would want to look at whether or
23 not a recommendation could be built into the law.

24 Let's say that BIE was moved under the
25 Attorney General. Maybe there could be a

1 recommendation that the Attorney General could make
2 to the Board as to the suitability of an applicant.

3 But at the same time, I think there's some
4 onerous due-process requirements on the back end of
5 the law that will need to be adjusted, because right
6 now, for example, if somebody like John Gotti, let's
7 say, walked in and he applied for a gaming license in
8 Pennsylvania, not because he wanted a license but
9 because strategically he wanted access to
10 information, he could apply for a license.

11 An investigation would occur, and under
12 today's law, he would have the right to an
13 adversarial hearing where confidential information
14 could be presented to him, which he could then use
15 for criminal means.

16 So that's an example, but I think that's a
17 realistic example. I think we have to maybe look at
18 the back end of the law to see what can be done on
19 that side of it.

20 CHAIRMAN CIVERA: One more question.

21 The State of New Jersey, under their gaming
22 and their investigation, basically the State Police,
23 do they assist them in any way under their gaming
24 regulations in New Jersey?

25 COLONEL MILLER: Yes. There are State

1 troopers in the casinos in New Jersey.

2 CHAIRMAN CIVERA: Well, don't we have them
3 in Pennsylvania, too?

4 COLONEL MILLER: We do.

5 CHAIRMAN CIVERA: What are their
6 responsibilities in the casinos in Pennsylvania? I
7 mean, they're just like enforcement?

8 COLONEL MILLER: Right. The troopers that
9 we have from our Gaming Enforcement Office in the
10 casinos, they do things like fingerprinting under the
11 harness racing acts; they monitor surveillance; they
12 make arrests for violation of the Gaming Act or
13 violations of any law in the facility. I think we
14 had about 968 criminal offenses we investigated in
15 2007 in the casinos themselves. So they're busy
16 doing a number of different requirements under the
17 law, including the fingerprinting and surveillance
18 and making arrests.

19 But to answer your question, in New Jersey,
20 the New Jersey State Police, it's a different
21 structure in New Jersey. The New Jersey State Police
22 is under the Attorney General. Their regulatory arm
23 is also under the Attorney General. So it's a little
24 bit different process in New Jersey. But the
25 troopers are there. They're in those facilities

1 alongside of the regulatory arm.

2 I mean, they're still -- in New Jersey, they
3 still can't share protected information. I mean,
4 these same challenges, you know, are all over the
5 place. The challenge is for us to try to construct
6 something that will allow everyone to be able to do
7 their job properly in a way that we don't violate
8 Federal law.

9 CHAIRMAN CIVERA: Okay. Thank you.

10 REPRESENTATIVE KELLER: The gentleman from
11 Monroe County, Representative John Siptroth.

12 REPRESENTATIVE SIPTROTH: Thank you,
13 Mr. Chairman.

14 Colonel Miller, good afternoon.

15 COLONEL MILLER: Good afternoon.

16 REPRESENTATIVE SIPTROTH: Unlike
17 Representative Scavello, I don't have a lot of
18 regional police departments in my district; I only
19 have one, but there has been significant growth. We
20 have asked you this question probably year after year
21 since Philadelphia received the additional State
22 Police under the 2006 authorization and complement
23 change.

24 What about the northeast and barracks like
25 Blooming Grove? If you don't have those numbers with

1 you today, if you could submit them, I would
2 appreciate it. Has there been any change, any
3 additional troopers placed in those growth areas?

4 COLONEL MILLER: Yes. And I want to be
5 clear, and I believe the Governor has made this point
6 as well, and that is that what we are doing in
7 Philadelphia is no different than what we've done
8 anywhere else. It's just that we weren't in the city
9 before. We were doing the interstates, but just
10 outside of the city. Now we're doing it consistent
11 with what we do in Pittsburgh, Harrisburg, and other
12 places.

13 As to the other part of your question, the
14 additional troopers that I thank the General Assembly
15 and the Governor for providing have been deployed
16 throughout the Commonwealth. In other words, 60 of
17 them went to Philadelphia, but the vast majority went
18 everywhere else, via our staffing formula. So we're
19 in the process of continuing to put more resources in
20 areas based on the calls for service that we have.

21 So that area I know, the Troop R Blooming
22 Grove area, et cetera, that's been an area that has
23 received more home buyers, more home owners, et
24 cetera, so there are more calls for assistance in
25 some of those areas.

1 And I know that Blooming Grove -- I don't
2 have in front of me the number of troopers assigned
3 to the barracks at present, but I know that they have
4 most likely seen an increase over the last few years.

5 REPRESENTATIVE SIPTROTH: Okay. If you
6 could---

7 COLONEL MILLER: Sure.

8 REPRESENTATIVE SIPTROTH: ---and you have
9 that available, that data, could you submit that
10 through the Chairman -- for Blooming Grove, Pike
11 County as a whole, and Monroe County as a whole. If
12 you could break it down by barracks, that would be
13 fabulous.

14 COLONEL MILLER: Monroe and Pike.

15 REPRESENTATIVE SIPTROTH: Yes, sir.

16 COLONEL MILLER: We will do that for you,
17 sir.

18 REPRESENTATIVE SIPTROTH: Thank you very
19 much, sir.

20 Thank you, Mr. Chairman.

21 REPRESENTATIVE KELLER: Thank you.

22 Representative Katie True.

23 REPRESENTATIVE TRUE: Thank you,
24 Mr. Chairman.

25 Good afternoon, Colonel.

1 COLONEL MILLER: Good afternoon.

2 REPRESENTATIVE TRUE: Of interest to a lot
3 of taxpayers is the DNA issue relating to crimes
4 committed, and I'm just curious, how many DNA and
5 non-DNA cases were processed through your labs?

6 COLONEL MILLER: We have seen an increase,
7 Representative, on both counts. On the convicted
8 offenders side, it's been a great success of the
9 change in the law that required offenders to submit
10 samples for the lab. And now we upload those into
11 CODIS and we have the opportunity then to compare
12 unknown samples at scenes versus known samples in a
13 database.

14 And in 2007, the DNA lab, all told, with
15 outsourcing and what we did ourselves, put 85,485 DNA
16 samples in through CODIS. That's a lot of samples.

17 But it also pays off because we had a number
18 of cold case hits. We had 678 cold case hits in
19 2007, which is an increase of 125 percent over the
20 301 we had in 2006. So that's a positive. That's a
21 real tangible result of a law that the General
22 Assembly passed. I mean, that is helping to make the
23 community safer.

24 Now on the other side of it, you know,
25 programs like CSI are probably interesting programs,

1 people enjoy watching them, but on the other side of
2 the equation, now every piece of evidence that
3 someone stumbles upon they would like it to be tested
4 in the DNA realm. And because of that fact, we have
5 seen an increase in our DNA caseload. In fact, last
6 year, we processed 1,800 regular criminal cases with
7 DNA. That's a 38-percent increase over the 1,300
8 cases we had in 2006.

9 So that has caused us a little bit of a
10 backlog in the lab, because we're dealing with some
11 new technology that has to be tested and validated
12 and we're dealing with the convicted offender
13 samples.

14 We're hoping this year, we should be about
15 done with the work we have to do on the convicted
16 offender samples, the large portion that we had.
17 Then we validate the new equipment, and now we attack
18 the backlog that has been created in the case log.

19 But unfortunately, we expect that instead of
20 getting 1,800 cases this year, we'll probably get
21 2,000 or more. So it's a growing field, and the good
22 news is that DNA is great evidence, but it's also
23 very labor intensive.

24 REPRESENTATIVE TRUE: And is there something
25 that you would like to recommend that we could do to

1 help you with that backlog? I mean, where's the
2 funding---

3 COLONEL MILLER: Well, we have made
4 available -- to the best of our ability, the grant
5 funding we've been able to get from the Federal
6 government, we continue to pursue every single dollar
7 that we can.

8 I am concerned that as we go down the road,
9 we will have to look closely at not only the
10 facilities in which we do this work, because a lot of
11 the facilities that we use for laboratories are
12 facilities that when they were constructed and
13 conceived, there was no thought of the kind of
14 evidentiary processes that we have in place now. So
15 we have to look at those facilities, I think in the
16 future broad based, and make a plan.

17 And we also have to look at perhaps some
18 personnel issues, because there's only so much -- we
19 are taking advantage of robotics in the DNA field.
20 That's a very interesting field, and I've seen that
21 in person. But at the same time, we still have to
22 continue to have scientists doing this work. So
23 that's an area that we're going to have to look at if
24 things continue to go the way they're going.

25 And the grant funding is starting to dry up

1 a little bit from Washington, so I have some concerns
2 there. We're going to need approximately
3 \$1.7 million in funding to keep up with the backlog.

4 So we're going to have to work as best we
5 can to be as efficient as we can be with our DNA
6 labs.

7 REPRESENTATIVE TRUE: Have you been relying
8 totally on grant funding for the DNA so far?

9 COLONEL MILLER: Well, no, not totally. We
10 have funding in the budget to support personnel and
11 equipment and positions. But we have relied upon a
12 number of grant dollars that have helped us to
13 actually hire some additional people, not a lot, but
14 some, and also buy some additional equipment.

15 And our DNA budget in '08-09 is \$1.6
16 million, I believe, in the general government
17 appropriation.

18 REPRESENTATIVE TRUE: Okay. Thank you very
19 much.

20 Thank you, Mr. Chairman.

21 REPRESENTATIVE KELLER: Thank you.

22 Representative Gordon Denlinger, please.

23 REPRESENTATIVE DENLINGER: Thank you,
24 Mr. Chairman.

25 Good afternoon.

1 COLONEL MILLER: Good afternoon.

2 REPRESENTATIVE DENLINGER: A question about
3 the statewide emergency radio system. I'm hearing
4 some conflicting information out there.

5 We had Fire Commissioner Ed Mann before us a
6 couple of days ago -- I guess it was last week -- and
7 he kind of gave the assurance that the 800 megahertz
8 radio system is on track, widely accepted, and there
9 are virtually, in his words, no complaints about it.

10 Anecdotally, in my county, I hear many
11 concerns about it. Obviously, as it relates to a
12 potential terrorist attack or emergency situation,
13 some kind of catastrophe, we would rely on that radio
14 system being up, running, operational, in peak
15 performance.

16 Can you share for me your perspective on
17 where we stand on the 800 megahertz system?

18 COLONEL MILLER: Yes; yes.

19 I'm much more optimistic about the 800
20 megahertz system this year than I was in the past.
21 I've seen evidence with my own eyes of it working
22 well in many cases.

23 In fact, when we had the tragedy at
24 West Nickel Mines, that whole incident we did on 800.
25 In fact, one of the individuals involved with

1 communications made a suggestion: Do we want to stay
2 on 800 -- because this was new down. Do you want to
3 stay on this or do you want to switch over? And one
4 of the corporals that responded to the scene said,
5 stay on 800; we have the 800 portables. Well, that
6 was a good decision that he made, and that whole
7 incident worked very, very well from a communications
8 standpoint. We had, within a short period of time,
9 50 or so troopers operating off the same tower. So
10 that worked very well.

11 On the broader sense, we have been
12 successful now -- I believe we have 14 stations that
13 were dispatching on 800 for voice. We have 1,395
14 mobile offices out there in the patrol cars that
15 we're supplying through the 800 data. We also have
16 about 845 voice users on the 800 megahertz.

17 For instance, Troop G Hollidaysburg, that
18 entire troop, all seven stations, are now on the
19 800 megahertz system, and we do regular station
20 visits around the State.

21 We've heard a lot of positive things. We've
22 also heard some, hey, we just got this; we're not
23 really sure how this works; what's going on? But
24 things have been going in a positive direction.

25 So right now we have 14 stations. We have

1 six gaming offices. We have our helicopters using
2 800. And in some cases, like Cumberland County, our
3 helicopters can talk directly to local municipal
4 police officers in their car using the 800.

5 For instance, in Philadelphia, we built a
6 bridge from our 800 to their 800, and we communicate
7 directly, car to car, in back-up situations and
8 emergencies.

9 So I see this thing really progressing
10 forward, and I'm optimistic that when we get to the
11 end -- and I think we're talking about '09, the end
12 of '09 -- we hope to be fully operational with the
13 800 megahertz for voice.

14 REPRESENTATIVE DENLINGER: Very good. Well,
15 that's good news for all of us. It really is.

16 We've had a lot of discussion in this
17 committee about the potential leasing of the
18 turnpike, and I'm wondering what potential impacts
19 there are to your force if we would in fact go to
20 some kind of a public-private partnership
21 arrangement.

22 COLONEL MILLER: Well, I've had some very
23 basic discussions with the people involved in the
24 process, and my understanding is that if that were to
25 come to be, that whomever, whatever entity would take

1 over that responsibility, would still need the
2 State Police in a similar function like we are right
3 now.

4 So I'm led to believe that not much would
5 change with regard to what we're doing out there on
6 the turnpike.

7 REPRESENTATIVE DENLINGER: And then finally,
8 I just want to provide an opportunity for you to
9 express, I guess, any concerns with trends that we
10 see in law enforcement. Obviously, we're dealing
11 with increased rates of incarceration. We do seem to
12 be having, you know, somewhat of a crime increase
13 going on.

14 As your rank-and-file officers are out there
15 on the job day in and day out, are they noticing more
16 difficulty in dealing with the general public? Are
17 there things that we should know about as a committee
18 as it relates to their interaction with the public?

19 COLONEL MILLER: Well, I guess I would
20 answer that by saying that what we've seen, I think,
21 is an increase in many mid-sized or smaller cities
22 with violent crime. We have seen that occur. And
23 some of that crime is related to gang activity.

24 And I can tell that you that we have gang
25 enforcement teams. We have task forces in all five

1 of our area commands now, and we have two troopers
2 assigned plus a supervisor at headquarters. The
3 troopers work in conjunction with State and
4 Federal and local officers in the various
5 jurisdictions.

6 In 2007, we made a number of arrests --
7 seized weapons, made arrests -- but also identified
8 255 gangs of various strengths and association that
9 are operating within Pennsylvania.

10 And I think that one of the challenges for
11 law enforcement moving forward is working together
12 to, A, share the intelligence that needs to be
13 shared, and we think we're providing that conduit
14 with our Pennsylvania Criminal Intelligence Center.

15 And more and more every day, more people are
16 talking advantage of that. Last year we had 10,726,
17 I think, requests for information through PaCIC.
18 Well, that's an increase of 18 percent over the
19 previous year and an increase of 163 percent from
20 3 years ago.

21 So people are tuned in to that now, because
22 criminals don't respect jurisdictional boundaries,
23 and we in law enforcement can't restrict ourselves as
24 well. We have to share that information on a
25 burglary happening over here with a group that's

1 operating over there. So I think that's one of the
2 challenges.

3 Secondly, an overarching challenge that I
4 think law enforcement and local governments are going
5 to deal with, have to deal with, is that the rising
6 costs of providing law enforcement services are such
7 that I believe two things are going to happen.
8 Either in some cases municipalities are going to have
9 to combine their resources to provide police
10 services, or some municipalities are going to go out
11 of business in that regard, because the costs are
12 going up.

13 So I guess if one would be an optimist, you
14 might say, well, that's going to force people to do
15 what they should have been doing all along, which is
16 kind of regionalizing some of these services. And I
17 hope that happens. I mean, we're all from
18 Pennsylvania. We all know what we are, okay? So I
19 don't really have to say much more about that. But I
20 hope that we can get to that point, because I think
21 that services could be provided a lot more
22 efficiently.

23 But I think that's a challenge that people
24 are going to be facing, because there's a lot of
25 hesitancy to maybe give up that loyal control, but I

1 think it's going to come down now to a fiscal
2 decision: Do you want to raise taxes, or do you want
3 to combine some of these resources?

4 This past year in '07, I think we had three
5 municipalities that went out of business that we had
6 to take over, not large ones necessarily, about 2,800
7 in population, maybe 19 square miles, 53 highway
8 miles. But we only had, I think, one municipality
9 that cut back and one that went up. I think there
10 was one in Potter County that didn't have a PD that
11 now has a PD, but they only have about 691 people,
12 and I think the rest are bears and elk and things
13 like that.

14 So that's the trend I see, and I think
15 that's a challenge. I think that's a challenge
16 moving forward.

17 REPRESENTATIVE DENLINGER: Very good. Well,
18 those comments are appreciated.

19 Thank you, Mr. Chairman.

20 REPRESENTATIVE KELLER: Thank you.

21 Representative Dave Millard, please.

22 REPRESENTATIVE MILLARD: Thank you,
23 Mr. Chairman.

24 Colonel Miller and company, welcome before
25 our committee today.

1 COLONEL MILLER: Thank you.

2 REPRESENTATIVE MILLARD: You answered
3 Representative Scavello when he asked you about the
4 firearms sale surcharge and the PICS system. I guess
5 I would like to follow up with that with a question
6 of, what if these fees are not implemented? Then
7 what happens to the program?

8 COLONEL MILLER: Well, if the fees are not
9 implemented, then we're probably going to need a
10 supplemental appropriation of some sort to make up
11 the difference, probably at least \$3.8 million. And
12 that doesn't even touch any update to the PICS
13 system.

14 So we would need an additional \$3.8 million
15 based on what we can forecast we're going to receive
16 from the \$2 and \$3 fees based on the number of
17 weapons that will be purchased and transferred in
18 Pennsylvania in '08-09. So we would need a
19 \$3.8 million supplement to augment what we need to
20 support the program.

21 REPRESENTATIVE MILLARD: And all those fees,
22 they're directed toward the information technology
23 and upgrades, not the administration program; is that
24 correct?

25 COLONEL MILLER: That's correct. It

1 basically would support the program itself, meaning
2 what it takes to do the checks associated with PICS,
3 as well as it would provide us with an avenue to pay
4 for needed improvements in the system.

5 Because eventually, if we don't make those
6 adjustments to the system, then sportsmen and hunters
7 and others are going to be facing more delays, and we
8 don't want that to happen. So eventually we have to
9 get our arms around that, and I think the Governor's
10 proposal is a good one, which will allow the users to
11 actually pay a fair price for what it is that we need
12 to improve and the benefits that will come back to
13 them in that process.

14 REPRESENTATIVE MILLARD: Okay.

15 Now, one other question for you. You
16 answered Representative Denlinger concerning the
17 radios and how you're using them and being able to
18 communicate from your helicopter right to the members
19 in the squad cars and everything.

20 Along this vein, what's the status of your
21 aerial fleet, given that the Governor is selling one
22 of the State planes? How many helicopters do you
23 have? And, you know, we're talking funding here,
24 immediate and in the future. What is their life
25 expectancy? You know, what's the status of your

1 equipment?

2 COLONEL MILLER: Right. Well, we have eight
3 helicopters and seven fixed-wing aircraft as I sit
4 here right now.

5 On the fixed-wing aircraft side, we have
6 just finished arrangements to take our fleet of five
7 of our Cessna aircraft and we're going to be turning
8 them over and replacing them with four Cessna 206H
9 aircraft, which is going to give us a little bit more
10 flexibility in our operational environment. But
11 instead of five, we'll have four, but that will be
12 okay with us.

13 On the helicopter side, as I said, we have
14 eight helicopters presently. We're currently in
15 discussions with the Governor's Office to determine
16 whether we might be better suited to standardize our
17 fleet with a lease-purchase option to turn our fleet
18 over completely.

19 We have some older helicopters that are
20 going to have to be replaced anyway, but if we come
21 up with a -- we have one plan that's on the table
22 that would allow us to take all of our helicopters
23 and turn them over to one type of helicopter, get a
24 new fleet, and it would give us a fixed cost for a
25 period of, I think, 10 years.

1 So that's one of the things we're discussing
2 right now with the Governor's Office.

3 REPRESENTATIVE MILLARD: And are these
4 aircraft equipped to communicate with the Civil Air
5 Patrol, the Department of Homeland Security, if
6 needed?

7 COLONEL MILLER: Well, the aircraft have
8 basic -- they have radios in them that they can
9 communicate to pretty much anybody that they need to.
10 And the beauty of the new 800 system is that we can
11 talk to any system that we want to talk to as long as
12 the other system will allow us to, and we can put the
13 fix in place to do that.

14 In other words, if someone's willing to talk
15 to us, there's a way to do it. But with the
16 helicopters, they have always been able to talk
17 across bans that we in the cars couldn't do.

18 REPRESENTATIVE MILLARD: I see.

19 Thank you, Colonel Miller.

20 COLONEL MILLER: Thank you.

21 REPRESENTATIVE MILLARD: Thank you,
22 Mr. Chairman.

23 REPRESENTATIVE KELLER: Thank you.

24 Representative Ron Miller.

25 REPRESENTATIVE MILLER: Thank you,

1 Mr. Chairman.

2 Colonel.

3 COLONEL MILLER: Good afternoon.

4 REPRESENTATIVE MILLER: Good afternoon. It
5 is still afternoon.

6 A little while ago there was some
7 lighthearted banter about complement deployment, and
8 one of the things that you had asked for in the past,
9 I believe, was a consideration of a budget initiative
10 for cost reimbursement for municipalities for State
11 Police coverage? Did you request that again this
12 year?

13 COLONEL MILLER: That is something that we
14 have talked about. That wasn't a part, I don't
15 believe, in the final PRR process, that that was in
16 there. But certainly that's an issue, and I
17 discussed it in the Senate this morning as well.

18 It is something that I think still needs to
19 be discussed because of the fact that there are --
20 we're mainly a rural police department, and we supply
21 police services to areas that don't have the budget
22 to support their own PD.

23 In some places, though, we are supplying
24 resources to an area that obviously has the tax base
25 to support a local police department. So the

1 question that comes up is, is there a fairer way to
2 assess some fees so that if that municipality wants
3 to stay with the State Police, which is fine, there
4 might be a fair compromise that is a win-win for both
5 sides.

6 I mean, when you look at it, if you throw
7 out Philadelphia and Pittsburgh, the average, the
8 median population of a municipality that has a
9 full-time police department, is 5,173 residents.

10 But when you look at that, there are a total
11 of 423 municipalities with populations less than
12 5,000 that have full-time PDs. But there are also
13 99 municipalities that have more than 5,000
14 population that have no PDs whatsoever and 32 that
15 have only a part-time police department.

16 So there have been a number of -- and I
17 think in the House in the past, I think
18 Representative Sturla had a measure that he proposed,
19 and I think Representative Pallone had one that he
20 proposed as well, but I think Representative Sturla's
21 measure was something along the lines of a
22 \$52 assessment that would be charged for the
23 municipality's entire population. And using his
24 figure, which was a population greater than 10,000 or
25 greater than 160 persons per square mile, just as an

1 example, and if you took that \$52 assessment and you
2 assessed it to every person that lived in that
3 municipality, you would be assessing 400
4 municipalities in the Commonwealth, but you'd come up
5 with about \$59.4 million that would go back into the
6 General Fund.

7 So again, it's not in the Governor's
8 proposal, but obviously it is something that has been
9 talked about in the past, and I do think it still
10 warrants some evaluation. I think there probably is
11 a way. And believe me, the number of proposals go
12 anywhere from about \$10 million that you could bring
13 back in to almost \$60 million, as you saw in that
14 proposal.

15 REPRESENTATIVE MILLER: I appreciate that
16 answer.

17 Many of us were not opposed the first time
18 we heard this -- I think it was under Tom Ridge as
19 Governor -- but were opposed to the cliff where it
20 was something that was going to be enacted, and there
21 was this cliff cutoff like 6 months later or 3 months
22 later and a huge bill for municipalities.

23 So I think if we can work together to
24 structure something, even if it's a sliding scale
25 based on the size of the municipality. But it's an

1 important issue, because many of us represent
2 districts where it has municipalities that are
3 adjacent to each other, they don't want to cooperate
4 on some of these things, and this could help to
5 foster that.

6 So I hope you continue to support this, and
7 I appreciate that. Thank you.

8 COLONEL MILLER: Thank you.

9 REPRESENTATIVE MILLER: Thank you,
10 Mr. Chairman.

11 REPRESENTATIVE KELLER: Thank you.

12 Vice Chair, Representative Craig Dally,
13 please.

14 REPRESENTATIVE DALLY: Thank you,
15 Mr. Chairman.

16 Good afternoon.

17 COLONEL MILLER: Good afternoon.

18 REPRESENTATIVE DALLY: I just want to return
19 briefly to a line of questions from Representative
20 Reichley on the press release that was issued, which
21 you are refuting in terms of your -- I guess the
22 quote that was attributed to you.

23 COLONEL MILLER: Yes.

24 REPRESENTATIVE DALLY: And I believe that
25 press release was issued on the weekend. So you're

1 saying that the quote that was utilized in that
2 press release attributed to you was not your
3 quotation?

4 COLONEL MILLER: Right. There was a lot --
5 the vast majority of that press release was exactly
6 what, you know, I was comfortable with saying.

7 REPRESENTATIVE DALLY: Okay.

8 COLONEL MILLER: Just one area. I think
9 that there was, you know, it appears to me there was
10 an honest mistake made by someone in the press office
11 that used a prior version that, you know, I had not
12 approved. And I didn't know that this went out
13 until after I saw it in print, and by then it's too
14 late.

15 But I just wanted to make sure the committee
16 was under the correction impression of what I had
17 actually said at the time.

18 REPRESENTATIVE DALLY: I know, at least in
19 our caucus, I mean, it's common practice that press
20 releases are approved prior to being released to the
21 press. So you're saying that wasn't done in this
22 instance for you?

23 COLONEL MILLER: Right.

24 I was involved in the process, but the final
25 that I approved was not the final that went out

1 mistakenly. That's what happened, I believe.

2 REPRESENTATIVE DALLY: I see. Okay.

3 And this press release came out of the
4 Governor's Office as opposed to the State Police?

5 COLONEL MILLER: That's correct.

6 REPRESENTATIVE DALLY: Okay. Do you know or
7 have any reason to know why the Governor's Office
8 felt they had to come to the defense of the Gaming
9 Commission?

10 COLONEL MILLER: Well, I think the intent of
11 the Governor's Office was to try to put some
12 information out there that might help to shed light
13 on -- I think there was an article or something was
14 written that I believe they felt was not completely
15 accurate, so they wanted to kind of correct the
16 record a bit. And I think that there was a mistake
17 made, obviously, and I just wanted to be clear.

18 REPRESENTATIVE DALLY: Okay. And I
19 appreciate that. Thank you.

20 Now, getting to your budget, I note that, as
21 been the practice in recent years, there has been
22 additional funds, a larger percentage of funds,
23 that are now coming to fund your budget from the
24 Motor License Fund. In fact, this year's budget is
25 73 percent.

1 And with all of the additional obligations
2 that your agency has in terms of meth labs and gaming
3 and patrolling jurisdictions without local police,
4 I'm wondering how much of the time that your agency
5 spends is actually done patrolling the highways of
6 Pennsylvania?

7 COLONEL MILLER: I think that -- and I would
8 echo what I believe Secretary Masch said -- I heard
9 him make a comment on this and I believe he is
10 accurate when he says that basically the moneys in
11 the Motor License Fund that are assigned to the State
12 Police, which I think were \$511 million in this
13 fiscal year, amount to, when we look at our budget,
14 73 percent of that. Twenty-seven percent comes from
15 General Fund appropriations.

16 The utilization of our personnel in marked
17 vehicles and uniform, that's the vast majority of
18 what we do. We do have people that do criminal
19 investigative work; we have undercover personnel.

20 But by and large, particularly in today's
21 environment, what we are doing is we are having a
22 marked car with a uniformed trooper responding to a
23 whole host of everything, from a crime response to a
24 crash response to protecting critical infrastructure.
25 You name it, they are doing it.

1 So we do believe that -- and I know that
2 Secretary Masch is very precise about how those
3 figures are arrived at in that if we see something in
4 a portion of our appropriation that perhaps does not
5 fall into the category that would allow us to charge
6 it under that circumstance, it will be charged
7 100-percent to a General Fund appropriation.

8 So my experience with Secretary Masch is he
9 is very precise when it comes to that, and I'm very
10 confident that we comply with the legal requirements
11 with regard to the use of those funds.

12 REPRESENTATIVE DALLY: Okay. Thank you.

13 Back in 2001, the Legislative Budget and
14 Finance Committee issued a report that said just
15 36 percent of a patrolled trooper's time is available
16 for patrol duties. Has that percentage increased or
17 decreased since that report was issued?

18 COLONEL MILLER: Well, that percentage, that
19 is a moving target. I mean, any day of the week, we
20 can take a temperature of where we are at a given
21 station across the State.

22 I think, by and large, we are probably
23 somewhere in the neighborhood of 54 percent, let us
24 say, average, across-the-board obligated time. So
25 there would be about maybe somewhere in the

1 neighborhood -- and again, it depends on the station
2 -- there may be 40, 46 percent, maybe less than that,
3 maybe more than that, depending on the nature of the
4 station.

5 So the majority of the time, what we would
6 like to do, our goal would be 50-percent obligated,
7 50-percent unobligated time. That would be our goal.

8 REPRESENTATIVE DALLY: Thank you.

9 And finally, according to past figures
10 presented by you and your department, the
11 Consolidated Dispatch Centers were to have been
12 operational by now and would result in the equivalent
13 of 170 troopers being returned to patrol duty.

14 What I would like to know is the status of
15 those and your plans for the five Consolidated
16 Dispatch Centers.

17 COLONEL MILLER: Yes, sir.

18 Right now, we have two Consolidated Dispatch
19 Centers -- Harrisburg and Skippack. I'm sorry;
20 Harrisburg and -- I'm drawing a blank. Norristown;
21 sorry. Skippack is dispatched by Norristown.

22 We have two that are up and running. We
23 also have the Greensburg and the Wyoming facility
24 built, but we are not utilizing them for consolidated
25 dispatch at this time because -- for a number of

1 reasons.

2 But to have a CDC operational, you need a
3 CDC that is built and equipped, you need the 800
4 megahertz on line in the area that you wish to
5 utilize the CDC, and you also need the staffing.

6 There is one question that hasn't been
7 resolved yet that we are still going back and forth
8 on, and that is, let's say tomorrow we open another
9 CDC and there are a number of stations that are
10 affected, because we are going to draw the
11 dispatchers from those stations to work at the CDC,
12 but in the initial rollout, some of the stations that
13 we would draw the dispatchers from would not be
14 covered, so what happens to those stations?

15 So that's a question. What we don't want to
16 do is have to put troopers on the desk. So we need
17 an answer to the question of whether or not we would
18 be staffing all of our substations 24/7 with a
19 clerk/reader type position, which is 405 bodies at
20 about \$17.3 million in costs, or whether we are going
21 to go with the administrative call center approach,
22 which we have piloted now at Troop K Skippack, where
23 off-hours -- in order words, after like 4 in the
24 afternoon -- if someone walks in there, they pick up
25 the phone, it's a ring-down line, and they can

1 communicate directly with the dispatch center. Or if
2 it's an administrative question, it goes to our
3 administrative call center.

4 So that decision has yet to be made on the
5 part of the General Assembly and the Governor's
6 Office, and until we get that done, we can't really
7 move forward as aggressively.

8 But the other thing we are trying to do is
9 make sure that we have the 800 megahertz rolled out
10 for voice in as many areas as possible as we spread
11 the Consolidated Dispatch Center process out, because
12 that does allow us the opportunity to, basically
13 right now, if you are in an area with no CDC, in this
14 station, nothing might be going on, the dispatchers
15 are just sitting there; two stations over they might
16 have so much work that one person or two can't handle
17 it. But with the CDC environment, all that workload
18 is actually evened out through the system.

19 REPRESENTATIVE DALLY: So it is still your
20 intention to roll out those three additional dispatch
21 centers?

22 COLONEL MILLER: It is still our intention
23 to do that. And I don't know if I mentioned the
24 Clarion facility. We have the property, but we
25 haven't built anything on that site.

1 REPRESENTATIVE DALLY: And are the dollars
2 to do that in this year's budget?

3 COLONEL MILLER: No. No; they are not.

4 REPRESENTATIVE DALLY: Okay. I'll just end
5 with a comment.

6 I would just like to enlist your support for
7 my House Bill 466.

8 COLONEL MILLER: Which one was that?

9 REPRESENTATIVE DALLY: It would reaffirm the
10 longstanding common law powers of the sheriffs and
11 deputy sheriffs in the Commonwealth.

12 Thank you.

13 REPRESENTATIVE KELLER: Thank you, Colonel.

14 We'd like to thank you and the panel for
15 your answers today and for your testimony. Let's all
16 hope that next year when you come back, all we'll be
17 talking about is budget questions.

18 COLONEL MILLER: I hope so.

19 REPRESENTATIVE KELLER: And I know I
20 expressed the thanks of Chairman Evans and the whole
21 committee, and thank you and your troopers for the
22 great job you do in protecting the citizens of
23 Pennsylvania. We thank you very much.

24 COLONEL MILLER: Okay. Thank you for your
25 support.

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REPRESENTATIVE KELLER: We are going to take a 5-minute break. We'll be back with the Office of Health Care Reform, and we'll start with the citizens panel first.

Thank you.

(The hearing concluded at 5:05 p.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Jean M. Davis, Reporter
Notary Public