

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE  
PUBLIC HEARING

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HARRISBURG, PA

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TUESDAY, JANUARY 11, 2022  
9:04 A.M.

PRESENTATION ON HOUSE BILL 2088 (HELM)  
PROVIDING JNET ACCESS  
TO CORONERS

BEFORE:

HONORABLE TIM HENNESSEY, MAJORITY CHAIRMAN  
HONORABLE ROSEMARY M. BROWN  
HONORABLE LYNDA SCHLEGEL CULVER  
HONORABLE MINDY FEE  
HONORABLE AARON D. KAUFER  
HONORABLE JOHN A. LAWRENCE  
HONORABLE LORI A. MIZGORSKI  
HONORABLE MARCI MUSTELLO  
HONORABLE LOUIS C. SCHMITT, JR.  
HONORABLE MEGHAN SCHROEDER  
HONORABLE TODD STEPHENS  
HONORABLE RYAN WARNER  
HONORABLE MIKE CARROLL, DEMOCRATIC CHAIRMAN  
HONORABLE DIANNE HERRIN  
HONORABLE JOSEPH C. HOHENSTEIN  
HONORABLE STEPHEN KINSEY  
HONORABLE JENNIFER O'MARA  
HONORABLE PERRY S. WARREN

\* \* \* \* \*

*Debra B. Miller*  
[dbmreporting@msn.com](mailto:dbmreporting@msn.com)

ALSO IN ATTENDANCE:  
HONORABLE SUSAN C. HELM

COMMITTEE STAFF PRESENT:  
JOSIAH SHELLY  
MAJORITY EXECUTIVE DIRECTOR  
JAMES BOWES  
MAJORITY RESEARCH ANALYST  
  
MEREDITH BIGGICA  
DEMOCRATIC EXECUTIVE DIRECTOR

I N D E X

TESTIFIERS

\* \* \*

<u>NAME</u>	<u>PAGE</u>
REPRESENTATIVE SUSAN C. HELM PRIME SPONSOR OF HB 2088.....	6, 7
DR. SUZANNE F. SHEAFFER, M.S.N., R.N.-C., NHA, CDNLTC FORENSIC NURSE; DOCTORATE OF NURSING, DUQUESNE UNIVERSITY.....	9
GRAHAM S. HETRICK, MS, F.D., B.C.F.E. DAUPHIN COUNTY CORONER.....	20
SCOTT E. LYNN MONTOUR COUNTY CORONER; PRESIDENT, PA STATE CORONERS ASSOCIATION.....	26
CHARLES KIESSLING, JR., RN, BSN, PHRN, CFRN, CEN LYCOMING COUNTY CORONER; IMMEDIATE PAST PRESIDENT, PA STATE CORONERS ASSOCIATION.....	28
KURT MYERS DEPUTY SECRETARY FOR DRIVER & VEHICLE SERVICES, PA DEPARTMENT OF TRANSPORTATION.....	44
LIEUTENANT JASON WINKOWSKI COMMANDER, COMMONWEALTH LAW ENFORCEMENT ASSISTANCE NETWORK (CLEAN) ADMINISTRATIVE SECTION; SYSTEMS OFFICER, PA'S FBI CRIMINAL JUSTICE INFORMATION SERVICES (CJIS), PENNSYLVANIA STATE POLICE.....	61
MICHAEL A. VEREB DIRECTOR OF GOVERNMENT AFFAIRS, PA OFFICE OF ATTORNEY GENERAL.....	69
JAMES P. BARKER CHIEF DEPUTY ATTORNEY GENERAL, APPEALS AND LEGAL SERVICES SECTION, PA OFFICE OF ATTORNEY GENERAL.....	69, 72

## SUBMITTED WRITTEN TESTIMONY

\* \* \*

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[https://www.legis.State.pa.us/cfdocs/Legis/TR/Public/tr\\_finder\\_public\\_action.cfm?tr\\_doc\\_typ=T&billBody=&billTyp=&billNbr=&hearing\\_month=&hearing\\_day=&hearing\\_year=&NewCommittee=Transportation&subcommittee=&subject=&bill=&new Title=&new salutation=&new first name=&new middle name=&new last name=&new suffix=&hearing loc=](https://www.legis.State.pa.us/cfdocs/Legis/TR/Public/tr_finder_public_action.cfm?tr_doc_typ=T&billBody=&billTyp=&billNbr=&hearing_month=&hearing_day=&hearing_year=&NewCommittee=Transportation&subcommittee=&subject=&bill=&new Title=&new salutation=&new first name=&new middle name=&new last name=&new suffix=&hearing loc=)

## P R O C E E D I N G S

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3 MAJORITY CHAIRMAN HENNESSEY: Good morning,  
4 everyone. I'll call this meeting of the House  
5 Transportation Committee to order.

6 Thank you for joining us, either in person or  
7 virtually. This is a hearing that we have scheduled to  
8 learn about House Bill 2088, 2-0-8-8. The prime sponsor is  
9 Sue Helm, and she is not here in person but she is joining  
10 us virtually today, and I'll ask her in a few minutes to  
11 make some opening comments with regard to her bill.

12 But generally, the bill proposes to grant open  
13 access, or what I think is open access, to coroners across  
14 the State to JNET. Now, I have heard about JNET over the  
15 years. I think I understand pretty much what it is, but  
16 we'll probably learn it in more detail as we go along  
17 today.

18 But once the bill was filed, it drew comments  
19 from both sides, so we decided to hold the hearing to learn  
20 as much as we can about the bill. It's not a voting  
21 meeting today, but I did want to have our Members be  
22 educated on just what the issues were on both sides of the  
23 bill.

24 Again, welcome to those who are here and are  
25 joining us on Zoom. Welcome to the members of the public

1 who are watching this hearing on PCN or other media  
2 services.

3 And Sue, Representative Sue Helm?

4 REPRESENTATIVE HELM: Yes. Hi.

5 MAJORITY CHAIRMAN HENNESSEY: Okay.

6 Let me just ask you, if you are willing, if you  
7 would want to comment on your bill, and then we'll get  
8 underway with testimony.

9 In the meantime, we have a couple of people who  
10 are going to testify virtually. But Scott Lynn, I believe,  
11 is here in person. If you would come up to that end of  
12 the table and find a seat, if you would, please. And  
13 Charles Kiessling, if you'll come up, and then you'll be  
14 ready. We'll first start with testimony from Dr. Sheaffer.

15 But Sue -- I'm sorry. Before I call on you,  
16 let me ask if Chairman Carroll has any comments he wishes  
17 to make.

18 MINORITY CHAIRMAN CARROLL: Nothing more than to  
19 say good morning to everyone and welcome.

20 And like so many other things in State Government  
21 when you're dealing with 67 counties and 13 million people  
22 and the complexities of governing, you know, we're about to  
23 experience that today, I think, with this proposal. Based  
24 on my review of the testimony, the Pennsylvania State  
25 Police and PennDOT have some concerns relative to this

1 bill.

2 So absent that full knowledge of this subject, I  
3 look forward to hearing what everyone has to say.  
4 Hopefully we can try and find a way to reconcile all the  
5 differences.

6 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you,  
7 Mike.

8 Now, Representative Sue Helm.

9 REPRESENTATIVE HELM: Yes.

10 MAJORITY CHAIRMAN HENNESSEY: You have the floor,  
11 Sue.

12 REPRESENTATIVE HELM: Okay.

13 Thank you, Chairman Hennessey and Chairman  
14 Carroll. I appreciate the opportunity to have this hearing  
15 today.

16 Today, the Committee will be listening to  
17 testimony and asking questions regarding House Bill 2088.  
18 This legislation would provide coroners with greater access  
19 to certain records maintained by PennDOT and to JNET, which  
20 can aid our coroners when identifying next of kin for the  
21 deceased and when investigating causes of death.

22 For those who aren't familiar with JNET, JNET  
23 is a portal that allows secured access by criminal justice  
24 agencies to Commonwealth records provided by JNET's  
25 data partners such as PennDOT, Labor and Industry,

1 Human Services, the PA Courts, the PA State Police, and  
2 others.

3           Coroners have been recently denied JNET access or  
4 have had access revoked due to questions regarding whether  
5 a coroner's office is a criminal justice agency.

6 PennDOT's current policy is that noncriminal justice  
7 agencies in general are to be only granted access to  
8 PA driver's photos and detailed records. Additional access  
9 to driver history, medical information, emergency contact  
10 information, and vehicle registration information is  
11 reserved by PennDOT for "criminal justice" designated  
12 agencies only.

13           Coroners across the Commonwealth argue, however,  
14 that access to these records can allow them to identify  
15 and notify next of kin much quicker, especially in  
16 situations involving unclaimed decedents. States such as  
17 Ohio and Florida, who already successfully provide  
18 next of kin options on their States' driver's licenses can  
19 be models for implementing a similar system here in  
20 Pennsylvania.

21           I thank the Committee for taking this issue and  
22 House Bill 2088 into consideration.

23           Thank you.

24           MAJORITY CHAIRMAN HENNESSEY: Thank you. Thank  
25 you again, Representative Helm.



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PANEL 1:

PENNSYLVANIA CORONERS

MAJORITY CHAIRMAN HENNESSEY: With that, we'll launch into testimony.

The first testifier is joining us virtually. That is Dr. Suzanne Sheaffer. You are followed by an alphabet soup in terms of initials, Doctor, so why don't you tell us what your credentials mean -- DNP, R.N.-C., NHA, and CDNLTC.

DR. SHEAFFER: Good morning.

MAJORITY CHAIRMAN HENNESSEY: I hope I haven't tripped over any of that, but please tell us what that, what your credentials are.

DR. SHEAFFER: Good morning, and thank you to the Chairpersons and Committee for allowing my testimony on my doctoral project, a very quick snapshot of what it told us.

As a doctorate of nursing practice, the alphabet soup after my name means, DNP is doctorate of nursing practice, R.N.-C. is a registered nurse within the Commonwealth of Pennsylvania who is certified, the M.S. is a master's degree in criminal justice forensics. I also have a nursing home administrator's license, and the big long piece at the end of my name is a certified director of

1 nursing in long-term care.

2           It is my honor and privilege to be with you today  
3 and speak to you from a forensic nursing perspective on the  
4 importance of next of kin in Pennsylvania being in a more  
5 prominent location, and also I am advocating for limited  
6 JNET access, not full JNET access, for our coroners and  
7 medical examiners.

8           MAJORITY CHAIRMAN HENNESSEY: Yeah, thank you for  
9 that clarification, because as I read the comments in the  
10 testimony that was submitted and heard comments, it seems  
11 like the battleground was whether or not this would throw  
12 open JNET to coroners for all that information that JNET  
13 has to offer or whether there were to be limitations. And  
14 I think you are going to focus on those limitations as you  
15 look at House Bill 2088?

16           DR. SHEAFFER: Yes, sir. I am going to lay the  
17 foundation of why in Pennsylvania our emergency contact  
18 link needs to be moved to part of the application and  
19 renewal process for a driver's license, because many, many  
20 Pennsylvanians over the 2 years this project was done did  
21 not know that there was an emergency contact link in  
22 Pennsylvania. It's almost as if we buried it.

23           And it is a critical, critical piece for  
24 Pennsylvanians to consider. It's their choice. If they do  
25 not want to list next of kin, that is their right not to do

1 that. But I think you are going to find that many  
2 Pennsylvanians would like that option.

3           If we put it on part of the driver's license  
4 application and renewal process, then every time they go to  
5 renew, it triggers their mind, oh, well, maybe their mother  
6 or father passed away or a sibling passed away and they  
7 would have an option to go in on their own or to go in on  
8 the renewal process and change their designation, or delete  
9 it altogether. That would be their choice.

10           I do have slides to present to you, if those are  
11 available and ready.

12           MAJORITY CHAIRMAN HENNESSEY: There we go. Yes,  
13 they are showing. Go ahead.

14           DR. SHEAFFER: Thank you, James. Okay.

15           So my project that I did for Duquesne University  
16 was entitled "Healthcare Policy Analysis: Next of Kin  
17 Contact Information on Driver's License and its Use in  
18 Emergency Notification."

19           The next slide.

20           As with any presentation, this is based on  
21 permission for the pictures from the original owner or  
22 myself as the person taking them, and the content contained  
23 herein is based on my research and my thoughts and  
24 opinions.

25           The next slide.

1           As a nurse, I look at things from a health-care  
2 problem. What is the health-care problem that is  
3 associated to next of kin notification? Our county  
4 coroners in Pennsylvania are seeing an increase in the  
5 unclaimed decedent counts that they care for. Certainly  
6 the opioid epidemic and the pandemic have not been our  
7 friend in that process.

8           We need to have a way to identify who the next of  
9 kin for the decedents are. We need to be able to return  
10 that decedent to family or friends for them to be able to  
11 honor their religious preferences and burial preferences.  
12 Failing to do that provides a lack of closure to our  
13 families, especially young children, and it also becomes an  
14 additional taxpayer issue, because the average cost for a  
15 coroner's office to take care of an unclaimed decedent can  
16 range anywhere from \$1500 to \$2500 per decedent.

17           The next slide.

18           On the map before you, you will see the map of  
19 Pennsylvania we're all so familiar with. The peach color  
20 is indicative of our fifth-class counties, and the golden,  
21 third-class counties. For the purpose of this project, I  
22 focused on the third- and fifth-class counties because of  
23 the diversity across the Commonwealth as well as the  
24 coroners wishing to participate.

25           The next slide.

1           When you are doing a doctoral project, you need  
2 to identify your stakeholders. They are listed there  
3 before you. I am not going to read them. Our stakeholders  
4 that are most concerning for yourselves are obviously those  
5 that would be impacted by moving the next of kin link and  
6 considering limited JNET access.

7           The next slide.

8           In my research, I used both what is called  
9 non-research material. Those are things like your articles  
10 in papers, in newspapers, and your articles in  
11 non-scholarly journals. They have relevance, but you have  
12 to weigh that relevance very carefully. And then the  
13 research is the scholarly peer-reviewed material, which you  
14 will find in the very long manuscript you all should have  
15 received.

16          The next slide.

17          In Pennsylvania, we do have the Pennsylvania  
18 emergency contact link on the database for PennDOT. It's  
19 hard to find as it currently is located. You have to know  
20 that you are looking for an emergency contact link to be  
21 able to have that come up on your computer and for you to  
22 fill out the windows. Once you are at the link, the ease  
23 of use is very, very easy to do. But you have to know it's  
24 there, and you have to be able to pull it up on your  
25 computer and then enter your information if you choose.

1           The slide you are looking at right now is  
2    *To Inform Families First, or TIFF's Initiative*, that  
3    started in 2006 in Florida when Christine Olson lost her  
4    daughter and her daughter's boyfriend in a head-on  
5    motorcycle collision. It was 8 hours from the date of the  
6    accident until she was notified that her daughter had  
7    passed away. Due to that, Chris knew she needed to do  
8    something. She went to the Florida Department of  
9    Transportation through her legislative body and began  
10   *To Inform Families First*.

11           The next slide.

12           I don't expect you to be able to read this slide.  
13    The important part is the top. From 2016 to 2019, which  
14    was the close of my project data, over 16 million  
15    Floridians have elected next of kin notification since its  
16    inception in 2006.

17           The next slide.

18           Why is this important to Pennsylvania? Looking  
19    at our counties, the two counties I used in my study, I can  
20    tell you why. The slide you are looking at is a colorful  
21    barcode, and in that barcode is your fifth-class counties.  
22    The upper left corner is the 2015 data, and in the bottom  
23    right is the 2019 data, which shows you the rise in  
24    unclaimed decedents right here in Pennsylvania. Over this  
25    5-year period, our fifth-class counties experienced a

1 54-percent increase in unclaimed decedents.

2 The next slide.

3 Our third-class counties, the population not as  
4 large as the fifth, we see the same trend. It's a  
5 29-percent increase over the 5-year period of our unclaimed  
6 decedents. That is a lot of Pennsylvanians or decedents  
7 that have not been able to be given back to their families  
8 or their loved ones for appropriate closure in whatever way  
9 they deem it possible. We have to, ladies and gentlemen,  
10 move that emergency contact link to the part of the  
11 driver's license application and renewal process and  
12 include the Pennsylvania identification cards for our  
13 special-needs community.

14 The next slide.

15 Now we're going to talk just very briefly about  
16 the importance of a limited JNET access. And when I say  
17 "limited," the coroners and medical examiners in  
18 Pennsylvania need to be able to see name, address, and the  
19 demographic that is on your card that you carry in your  
20 wallet. If we are successful and if the Committee would be  
21 willing to move that emergency contact link, the emergency  
22 contact link should also become part of that first screen  
23 so that you would have the decedent's demographics followed  
24 by next of kin, if they chose to have that.

25 The other window that I view as important,

1 because sometimes the work that our coroners and medical  
2 examiners do is not always the most pleasant, is having  
3 access to the pictures helps them assure that the person in  
4 their custody and care may very well be that person. Yes,  
5 law enforcement will definitely assist in confirming that,  
6 but it would be most helpful to our coroners to be able to  
7 have some of that process.

8 Our medicolegal death investigators, also known  
9 as the coroners and medical examiners, testify in courts  
10 all across the Commonwealth about manner and cause of death  
11 to our decedents that they care for. These three limited  
12 windows are going to be very, very helpful to the job that  
13 they do in caring and returning decedents to their loved  
14 ones.

15 We should now be on the pre-JNET slide. The  
16 pre-JNET slide is using pie charts with the largest one on  
17 the top to show you visually what counties already had JNET  
18 access and those that didn't. Unfortunately, those that  
19 had JNET access prior to my project, which were 14 -- that  
20 would be your top slide -- do not, most of them do not have  
21 the limited JNET access any longer.

22 The next slide.

23 In my post-JNET survey, that was based on sending  
24 out the information to the coroners on how to apply for  
25 JNET access. It was an application process that they were



1 individually, through their solicitor at the Pennsylvania  
2 State Coroners Association, were to fill out, submit, and  
3 await JNET's approval. Unfortunately, we have  
4 45 applications that were pending at the closure of this  
5 project. There was one county coroner in a rural community  
6 who relies on his State Police and felt, because he is not  
7 familiar with technology as much as he should be, that he  
8 would rather leave it to them so that he knows that he's  
9 getting the right information than trying to find it for  
10 himself. To date, I do not know whether the 45 coroners  
11 who applied have received JNET access or not.

12           The next slide.

13           Through predictive analytics, the next slide is  
14 showing you what is going to happen over time if we do not  
15 have next of kin notification on our driver's license and  
16 accessible. The solid blue line is the line as the data is  
17 during the project itself. The dotted line is a regression  
18 line and shows that based on the numbers that we have seen,  
19 that if this is not corrected over the next 3 years, the  
20 rise in unclaimed decedents to our county coroners and  
21 medical examiners will continue.

22           Our next line, which should appear as green for  
23 you, shows that if we do implement based on predictive  
24 analytics, we will have approximately a 12.5-percent  
25 decrease in unclaimed decedents within the first year.

1           The orange line is a 2-year mark, where we  
2 believe, based on predictive analytics, that it will be  
3 down by 25 percent. And at the third year of  
4 implementation, we could conceivably see a 50-percent  
5 decrease in the unclaimed decedents that the coroners' and  
6 medical examiners' offices have if they have access to next  
7 of kin information that may be contained within the  
8 Pennsylvania driver's license.

9           We can fast-forward through the reference slides.

10           And I would be remiss if I did not show you my  
11 final slide, that my project was dedicated to  
12 Tiffiany Olson in the bottom right, who lost her life on  
13 that tragic day in 2006. This project is of most  
14 importance to myself, because I am an Angel mom myself. I  
15 have lost two children in 22 months, my special-needs  
16 daughter, Sarah, on the left of that picture, and my son,  
17 William Trapnell, who gave me the honor of being his  
18 United States Coast Guard Gold Star Mother.

19           My father was a director in transportation. I  
20 completely understand from being that little girl that went  
21 to work with Walter Markham that your job is not easy.  
22 However, I would just ask this committee to consider  
23 allowing Pennsylvanians to have the right to choice and  
24 move the emergency contact link to become part of the  
25 application and renewal process for driver's licenses.

1 People do not have to choose to use it if they do not want.  
2 If they go to the clerk at the DMV, they could assist in  
3 putting that information in. We ask if they want to be  
4 organ tissue donors, but if we have no way of making that  
5 contact, we can lose precious donation within 24 hours of  
6 an individual's death.

7           Again, I thank you so much for your time and  
8 opportunity today. In recapping, I am simply asking for  
9 the emergency contact link to be moved to a prominent  
10 location for driver's license renewal and the initial  
11 application itself and to provide our county coroners and  
12 medicals examiners who are trusted by the court to speak on  
13 manner and cause of death to have the following limited  
14 access on JNET: the demographic information; next of kin  
15 information when that link would be moved; a photograph so  
16 that that can also assist them further. Very limited  
17 access, but yet, a great deal of help and support for our  
18 county coroners and medical examiners.

19           I'll be glad to take questions now or at the  
20 end of this segment. Thank you so much, and have a great  
21 day.

22           MAJORITY CHAIRMAN HENNESSEY: Thank you,  
23 Dr. Sheaffer. You anticipated my request. I was going to  
24 ask whether or not you could stay until the end.

25           DR. SHEAFFER: Absolutely, sir.

1 MAJORITY CHAIRMAN HENNESSEY: I'm going to ask  
2 that we hold questions so we go immediately to the next  
3 testifier on the panel. He's joining us virtually as well,  
4 and that's Graham Hetrick, who is the Dauphin County  
5 Coroner.

6 Mr. Hetrick, are you---

7 MR. HETRICK: I'm here. Can you hear me?

8 MAJORITY CHAIRMAN HENNESSEY: You're connected.  
9 Okay. Well, then begin whenever you're ready. Thank you.

10 MR. HETRICK: Yeah, I had some issue with the  
11 video, but it's what I'm saying that's important, not my  
12 face.

13 Thank you, Chairman Hennessey, Chairman Carroll,  
14 and the Members of the Committee for the opportunity to  
15 testify in favor of the amendment to House Bill No. 2088.

16 This all started when Dr. Suzanne Sheaffer, and  
17 the initials are there, was doing the doctoral thesis  
18 research under my supervision at the Dauphin County  
19 Forensic Center. During her exposure as an intern at the  
20 Forensic Center, she recognized that sometimes we would  
21 incur difficulty in tracking and finding next of kin of the  
22 deceased in the process of the medicolegal death  
23 investigation.

24 Partially using data from our database and  
25 exposure to our day-to-day investigative process, she saw

1 the need to have access to the Pennsylvania Department of  
2 Transportation under Title 75 of the Pennsylvania  
3 Consolidated Statutes. It is my hope that I can explain  
4 this and why the need exists in the process of medicolegal  
5 death investigation.

6 Many people don't realize what we do in a  
7 coroner's office, even parts of the teams which we work  
8 with on a day-to-day basis. To understand the need for  
9 access to the data, one must understand the nature and role  
10 of the coroner's office in determining cause and manner of  
11 death in any death that falls under the jurisdiction of the  
12 coroner. These deaths are deaths that are accidental,  
13 homicide, suicide, natural, and when a physician cannot  
14 certify. There are also cases of infectious disease and  
15 prison deaths where the coroner is notified and determines  
16 jurisdiction after notification.

17 The end goal is to determine the cause, which is  
18 a mechanical reason why a body cannot sustain life in an  
19 irretrievable manner, and manner, which is the  
20 nomenclatures I had above -- accidental, homicide, suicide,  
21 or natural. You can think of those as, the cause is how a  
22 person dies, the manner is why they died and under what  
23 conditions.

24 We use this scientific methodology to do this,  
25 forming a hypothesis and testing a hypothesis in forming a

1 theory. The conclusion is based on a reasonable medical  
2 and investigative certainty. This process is done in a  
3 multifaceted team of forensic personnel such as forensic  
4 pathologists, toxicologists, medicolegal death  
5 investigators, of course the police and investigating  
6 agencies if they are involved, and the resulting  
7 certification is then determined to be the official cause  
8 and manner of death on the State death certificate filed at  
9 the Department of Vital Statistics.

10           The State has 67 counties. The offices are  
11 either hybrids of lay coroners who are medicolegal  
12 specialists such as a forensic pathologist or a medical  
13 examiner system where the individual that is a coroner is a  
14 physician but not necessarily a forensic pathologist.

15           The role of the coroner either way is one in  
16 which the roles of administration, administration of the  
17 office, is part of the issue -- excuse me; I'm sorry --  
18 medicolegal investigation, liaison to police, medical  
19 community, first responders, working and coordinating with  
20 Gift of Life or an organ and tissue procurement  
21 organization.

22           All these functions take place within the powers  
23 of the criminal and civil process. So we are involved in  
24 both criminal and civil cases. Actually, the majority of  
25 the cases are natural deaths, but there are many that have

1 a very important civil emphasis on them.

2           The coroner's office is charged with the  
3 protection of the deceased's estate until such time as the  
4 next of kin are notified and proper probate is established.  
5 This is part of that civil element. We have to protect  
6 that estate until we can sort things out. The office is  
7 also the key player in all evidence on or about the body  
8 and thus cooperates with the District Attorney and the  
9 police in cases other than natural causes.

10           The office of the coroner is autonomous from  
11 these offices so that it is an independent analysis and is  
12 more likely independent in its conclusions, especially in  
13 areas where there are government actions or it's on a  
14 government facility.

15           Why is the next of kin important?

16           Medicolegal death investigation is a process that  
17 is time sensitive, data-collection oriented, and evidence  
18 collection then documented. The process must be completely  
19 documented within the rules of chain of evidence. The  
20 primary need is to identify the deceased and then to  
21 determine the next of kin. This process is both to obtain  
22 history of the deceased and to determine who has the  
23 decisionmaking rights of the estate until probate is  
24 completed. All of the above give directionality to the  
25 investigative process and aid in a successful outcome

1 without evidence bias or civil authority confusion.

2 Are coroners capable of securing and controlling  
3 the data obtained?

4 The answer to the above is an emphatic "yes."  
5 Under Title 16 of the County Code, coroners have broad  
6 subpoena powers and are very aware of restrictions of  
7 disclosure under HIPAA. We work with medical information  
8 daily as well as being in charge of the process of  
9 notification of next of kin.

10 Most of the time, it is the coroner who will  
11 notify the next of kin unless the notification is at a  
12 distant location, in which case the coroner will contact a  
13 police department or a coroner's office in the locality  
14 where the next of kin resides.

15 The timeliness of the notification in this world  
16 of television, Internet, Facebook, Twitter, and all the  
17 other things is very important, extremely important. Death  
18 investigators and police are familiar with the  
19 thanatological, which basically means the function of the  
20 grieving process, and we are experienced in notifying  
21 people of this tragic message.

22 I seriously and sincerely encourage the passage  
23 of this amendment. As a primary officer of the court in  
24 the process of investigation of death, coroners and their  
25 deputies should have access to the pertinent information in



1 the database in the process of their investigation. It is  
2 the role of the coroner to have and control access on the  
3 evidence on or about the body. This database gives us much  
4 needed evidence of who the next of kin are, and thus  
5 enables us to build a profile of the deceased. The  
6 information gives us important family history, genetic  
7 resources, and the protection of the family from finding  
8 out about the death of a loved one through social media and  
9 television.

10 Thank you for your time and your cooperation in  
11 this matter. I will be pleased to stay and answer any  
12 questions you may have.

13 MAJORITY CHAIRMAN HENNESSEY: Thank you,  
14 Mr. Hetrick.

15 Looking at, again, the initials at the end of  
16 your testimony here, should I be calling you Dr. Hetrick?

17 MR. HETRICK: No. I have graduate degrees. I am  
18 nationally certified as a medicolegal death investigator  
19 from the American College of Forensic Examiners, and I am a  
20 member of the ABMDI, which is also a national certification  
21 which I have and all my full-time employees that are  
22 deputies have.

23 MAJORITY CHAIRMAN HENNESSEY: Okay. Well, thank  
24 you very much for your testimony and for waiting for  
25 questions.

1           We'll move on to Scott Lynn, the Montour County  
2 Coroner, who is President of the Pennsylvania State  
3 Coroners Association.

4           Dr. Lynn or Mr. Lynn? Mister? Okay. Go ahead,  
5 whenever you're ready.

6           MR. LYNN: Chairman Hennessey, Chairman Carroll,  
7 and Members of the House Transportation Committee, my name  
8 is Scott Lynn. I am the Coroner of Montour County and  
9 President of the Pennsylvania Coroners Association. I  
10 appreciate you permitting me to talk here today for the  
11 need for House Bill 2088.

12           The county in which I serve is geographically the  
13 smallest in the State but has a large tertiary care center  
14 for adults and pediatrics, which I see cases from about  
15 26 different counties. Being a small county, resources are  
16 precious to aid in the identification and rapid  
17 notification of families. Most medical cases do not  
18 involve law enforcement of any type, so the resource is not  
19 an available tool to our office, let alone trying to  
20 identify the law enforcement agency of jurisdiction.

21           The Pennsylvania State Coroners Association and  
22 the Montour County Coroner's Office supports organ donation  
23 whenever possible and believes in this opportunity to save  
24 countless lives. The crucial time we lose when we are  
25 trying to locate families for notification often takes us

1 outside of the window of 24 hours after death to allow  
2 donation. We cannot even make a referral to the organ  
3 donation procurement groups until after the family has been  
4 notified.

5           The ability to have access to JNET for the  
6 driver's license and next of kin information would assist  
7 us to timely notify the family of the death of their loved  
8 one. Medicolegal death investigation is a public service,  
9 and conveying information in a clear and sensitive and  
10 effective manner to the surviving family members is a  
11 critical aspect of the medicolegal death investigation  
12 system.

13           How medicolegal professionals communicate with  
14 families in the aftermath of a death will have a direct  
15 impact on the family's ability to cope, their ability to  
16 process and accommodate what has happened, their view of  
17 the medicolegal system, and their willingness to cooperate  
18 with the investigation and future proceedings -- *Scientific*  
19 *Working Group for Medicolegal Death and Guidelines for*  
20 *Communication with Next of Kin During Medicolegal Death*  
21 *Investigations*, from June 13, 2012.

22           Without the JNET PennDOT tool, coroners are  
23 sometimes left with trying to find the next of kin through  
24 social media, which I'm sure we can all agree that is not  
25 the best option, but many times we are left with just that,

1 turning to social media. I think that we can all agree  
2 that there are other options that are more reasonable and  
3 more available that would make more sense than taking it  
4 to social media.

5 Thank you very much.

6 MAJORITY CHAIRMAN HENNESSEY: And thank you,  
7 Mr. Lynn.

8 And next we'll turn to Charles Kiessler, who is  
9 the Lycoming County Coroner and the Past President of the  
10 Pennsylvania State Coroners Association.

11 Mr. Kiessler, begin anytime you are ready.

12 MR. KIESSLING: Okay.

13 MAJORITY CHAIRMAN HENNESSEY: Thank you, sir.

14 MR. KIESSLING: Good morning.

15 Thank you, Chairman Hennessey and Chairman  
16 Carroll and all the Members of the House Transportation  
17 Committee for allowing me to speak. My name is  
18 Charles Kiessler. I am the Lycoming County Coroner and  
19 Immediate Past President of the Pennsylvania State Coroners  
20 Association.

21 The coroners have three, and this has already  
22 been kind of addressed, but we have three responsibilities.  
23 We have to identify the deceased, we have to notify next of  
24 kin, and determine cause and manner of death, and those  
25 three things we have to do with every death that we are

1 called to investigate.

2           And I had JNET access for almost 20 years and had  
3 used that on a daily basis with identifying decedents. We  
4 were able to look at photographs of the deceased, actually  
5 at, you know, in the morgue, look at the deceased and make  
6 sure we have the correct person, as was already stated by  
7 the other speakers. This was a huge, you know, when this  
8 occurred that we lost access to JNET, this really tied our  
9 hands considerably.

10           MAJORITY CHAIRMAN HENNESSEY: Could you get a  
11 little closer to the mic?

12           MR. KIESSLING: A little closer? Okay. I'm  
13 sorry.

14           MAJORITY CHAIRMAN HENNESSEY: Okay. Thanks.

15           MR. KIESSLING: Better?

16           MAJORITY CHAIRMAN HENNESSEY: Yes. Thank you.

17           MR. KIESSLING: Okay.

18           So when this JNET, and I had JNET for almost  
19 20 years. So when the plug was pulled for the coroners,  
20 this really tied our hands with being able to identify  
21 decedents, and then more importantly, notify next of kin.

22           The clock is ticking from the time that person  
23 dies, or I spent 26 years working as an ER nurse. I also  
24 worked part time as a flight nurse. Locating family  
25 members when they are critically ill or injured or deceased

1 is a timely -- it needs to be done very quickly, and we  
2 need to have the tools to be able to do that.

3           And as was already said, we don't want to go to  
4 social media, or we don't want family members to see, I  
5 have had an incident where I stood in the living room, and  
6 all of a sudden the news is now releasing the name of the  
7 deceased on TV and I just stepped in the door. We don't  
8 want that to happen. Unfortunately, we're getting caught  
9 in those situations now more than ever with social media,  
10 because the minute something happens, photographs go out,  
11 it's out of our control, and family members find out and  
12 show up at these death scenes, or they're calling our  
13 offices showing up at our doors to see their loved ones.  
14 And it's much better if we can know it soon after the death  
15 occurs to be able to reach out to the families.

16           When we got pulled from JNET access, I  
17 immediately reached out as the President of the State  
18 Association to PennDOT leadership and said, hey, we really  
19 need this. This is like tying our right arm behind our  
20 back and throwing us in the ring. I said, we need to be  
21 able to get in contact with these families. And, you know,  
22 I tried to work it out that way. We were told then that we  
23 are not considered law enforcement. Well, you'll see in my  
24 testimony the attached emails from multiple different --  
25 Major Shadle from the State Police, Captain Warner from the

1 State Police, Sheriff Mark Lusk from our County Sheriff's  
2 Office. I serve as the treasurer for the County Law  
3 Enforcement Association. If I'm not law enforcement, I  
4 don't think they would allow me to handle their funds for  
5 the last 20 years. So we clearly have law enforcement and  
6 are law enforcement members of that team across the State.

7 MAJORITY CHAIRMAN HENNESSEY: They just find you  
8 extremely trustworthy.

9 MR. KIESSLING: Was that it? Well, I guess so.  
10 Well, I appreciate that, but I do believe they  
11 also think I'm part of the law enforcement team.

12 MAJORITY CHAIRMAN HENNESSEY: Right.

13 MR. KIESSLING: And you also have letters from  
14 Chief Guy Hettinger from York County, the Chief of Police.  
15 Also from Lehigh County DA Martin and Chief County  
16 Detective Tallarico. I also have, there are emails and  
17 letters in there, again, agreeing that we are a part of  
18 that law enforcement team.

19 We were given access to an email from PennDOT  
20 to be able to email and get information. Unfortunately,  
21 two-thirds of our work comes in after 5 o'clock at night,  
22 before 8 in the morning, weekends and holidays. Well,  
23 guess what? Nobody is going to be sitting at that email  
24 address to be able to help us and gather information in the  
25 middle of the night when we have got to make notification

1 to the next of kin, so.

2           And oftentimes we handle natural deaths, so that  
3 law enforcement, the other law enforcement, State Police,  
4 local police, they don't have to come out. Major Shadle  
5 has addressed in his letter the concerns about the budget  
6 to the State Police, how this will impact it. If they have  
7 to respond to every natural death scene in 1200 square  
8 miles of Lycoming County, their budget is going through the  
9 roof. We handle countless numbers of natural deaths  
10 without any law enforcement presence. They are medical  
11 deaths. We go out and we look at the deceased. We talk to  
12 their family doctor and review medical records, and then we  
13 decide whether the doctor or my office is issuing that  
14 death certification. So the impact on the State Police  
15 budget will be considerable if they have to start coming  
16 out to these death scenes with us.

17           And I think to stay on track with our time, it  
18 looks like we're at a quarter of now, I will cut it off and  
19 we'll just open it for questions, I believe.

20           MAJORITY CHAIRMAN HENNESSEY: Okay. Well, thank  
21 you very much for your testimony.

22           MR. KIESSLING: Thank you.

23           MAJORITY CHAIRMAN HENNESSEY: Could I ask, you  
24 said you had access to JNET for 20 years and then were  
25 suddenly cut off.



1 MR. KIESSLING: Yes.

2 MAJORITY CHAIRMAN HENNESSEY: And I gather that  
3 was not just you, it was coroners across the State?

4 MR. KIESSLING: Correct.

5 MAJORITY CHAIRMAN HENNESSEY: And who cut you off  
6 and why? What was the argument to cut you off?

7 MR. KIESSLING: I was told it was coming from  
8 PennDOT, and when I reached out to their leadership, I was  
9 told that it's because we are not considered law  
10 enforcement, and so it was shut down.

11 MAJORITY CHAIRMAN HENNESSEY: Okay.

12 The debate, I think you have probably seen some  
13 of the prepared comments that the Committee is receiving.  
14 But the debate seems to be, and Dr. Suzanne---

15 MR. KIESSLING: Sheaffer.

16 MAJORITY CHAIRMAN HENNESSEY: ---Sheaffer sort of  
17 highlighted in her testimony that you are not seeking full  
18 access to everything that is on JNET, you are seeking  
19 limited access. But what do you think are the appropriate  
20 limits that we should put in to any amendment to House Bill  
21 2088 if we were to move it along?

22 MR. KIESSLING: Well, I think the critical areas  
23 are the ability to identify the deceased. Well, what  
24 better way to identify a deceased person is to be able to  
25 look at their JNET or their driver's license picture. The

1 facial recognition program in as part of JNET certainly  
2 would be helpful as well.

3           We need to know whether the individual is an  
4 organ and tissue donor. The clock is ticking. We have a  
5 24-hour window of opportunity to be able to notify the next  
6 of kin, then get their consent. It has to be obtained by  
7 the Gift of Life and CORE. The OPO's need to get consent  
8 to be able to do the recovery of organs and tissues on  
9 suitable candidates. So we need to know whether that  
10 person is an organ and tissue donor.

11           And oftentimes when we would go out to make  
12 notification to the families, I will notify them of the  
13 death and then bring up in that conversation that they are  
14 identified as a donor, and is that something that they  
15 would like us to proceed, you know, follow through with,  
16 and many times the families wholeheartedly agree because  
17 their tragic loss is now, they know that their loss will  
18 help, you know, other people through organ and tissue  
19 donation.

20           So we need to know that information. We need  
21 addresses and the ability to pull up addresses so we can go  
22 to those homes and make notification in a face-to-face  
23 manner whenever possible.

24           So those are the areas that, you know, we really  
25 need access to. We don't care about their driving record

1 or any other, you know, their citations or anything  
2 criminal. But we do need to be able to identify the  
3 deceased, notify next of kin, and organ and tissue donation  
4 status.

5 MAJORITY CHAIRMAN HENNESSEY: Well, thank you for  
6 your comments and your answer. Feel free to put some of  
7 that down in writing. I don't mean to take you off guard  
8 and say tell us what it is you need access to. There may  
9 be other things. But it would be helpful if you would  
10 supplement your testimony with some sort of specification  
11 as to what parts of JNET.

12 MR. KIESSLING: I think that's pretty well  
13 covered in my testimony, but I can certainly provide  
14 anything that you need, so.

15 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

16 MR. KIESSLING: And, Scott, do you have any  
17 thoughts or comments?

18 MR. LYNN: I just can't impress enough the point  
19 that we have to turn to social media, and I know Chuck and  
20 I have both taken that step at times to go to social media  
21 to find family because we have a deceased and, you know,  
22 they are laying in our trauma bay. The hospitals even, in  
23 my trauma center, turn to me when they cannot find family  
24 and look for family. And obviously a lot of those are  
25 medical deaths, and law enforcement, the police, are not

1 involved. The hospital turns to us for the actual help to  
2 identify these people, locate family.

3 I have two in our office currently that we are  
4 trying to locate family on, and we are several days out, so  
5 that has taken any opportunity for organ donation away from  
6 us. So I really urge that consideration.

7 The information that Chuck went over as far as  
8 what we need access to I think is accurate and really  
9 reflects that we don't want carte blanche access to the  
10 system, we just need the limited information that Chuck has  
11 reviewed.

12 Thank you.

13 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.  
14 Chairman Carroll.

15 MINORITY CHAIRMAN CARROLL: Thanks, guys.

16 I represent Lackawanna and Luzerne Counties, so I  
17 have talked to the coroners up there, in Lackawanna, in  
18 particular, yesterday. In my region -- I assume it's the  
19 case in Montour and Lycoming Counties -- there are deputy  
20 coroners or assistant coroners, folks that help and  
21 oftentimes would be funeral directors and such. During the  
22 window of time when you had access to JNET, those 20 years,  
23 Charles, did that apply to just you as the elected coroner  
24 or did it apply to the folks that are in your realm as your  
25 assistants?

1           MR. KIESSLING: No. The full-time staff in my  
2 office have all had access, both myself and deputy  
3 coroners.

4           MINORITY CHAIRMAN CARROLL: So in your case,  
5 deputy coroners are always full-time staff?

6           MR. KIESSLING: We have part-time staff, but they  
7 did not have JNET access. Only the folks that work daily  
8 in my office, day in and day out on a 40-hour work week,  
9 had access, yes.

10          MINORITY CHAIRMAN CARROLL: Okay. The same in  
11 Montour County then, I assume? Okay.

12          All right. And during that 20-year window when  
13 you had access, what is life like now compared to then in  
14 terms of, you just simply, what are your choices in terms  
15 of trying to identify since you don't have access?

16          MR. KIESSLING: Well, one of the things we have  
17 now started, we actually, as of January 1, I started  
18 purchasing systems, which is going to cost the county  
19 taxpayers about \$2200 a year for myself and my deputies to  
20 have access to other systems to be able to locate next of  
21 kin.

22          We have also used hospital medical records.  
23 Obviously, we are very fluent with HIPAA and, you know, the  
24 issues that are there. But we can contact the hospitals  
25 and gather information from them, but it's not always up to

1 date.

2 And the driver's license information, and again,  
3 the photos, you know, we constantly need to look at the  
4 deceased's photos to say, is this the person that we have  
5 over here in the morgue, and now we don't have that at all.  
6 So we have to bring families in and have them identify the  
7 deceased, if we can find the family.

8 MINORITY CHAIRMAN CARROLL: Has there been any  
9 conversation or discussion or sharing, asking the county  
10 sheriff to help out with this? Let me ask you, do you know  
11 whether the county sheriff has access to JNET?

12 MR. KIESSLING: The county sheriff does.  
13 Actually, the county sheriff actually worked for me for  
14 3 years in my office as my chief deputy coroner. So I have  
15 a very ongoing great relationship with them, but again, why  
16 should I have to call them out at 3 in the morning for  
17 something that I had access to for 20 years? That just  
18 incurs overtime on their part if they are going to have to  
19 come out and look up information for us.

20 MINORITY CHAIRMAN CARROLL: So this occurs  
21 24 hours a day, 7 days a week?

22 MR. KIESSLING: Absolutely.

23 Two-thirds of our work comes in after 5 o'clock  
24 at night and before 8 in the morning, on weekends and  
25 holidays. It's just the way it has been for over 20 years

1 of my office, and I'm sure you're the same way in Montour  
2 County, and almost every county across the State.

3 We are 1200 square miles. I now have five  
4 hospitals, you know, in Lycoming County, and we are  
5 constantly getting called from those hospitals to help with  
6 family notification because they don't have access to the  
7 information.

8 MINORITY CHAIRMAN CARROLL: I think we brought  
9 the largest and the smallest counties before us today. I  
10 think that Lycoming is the largest and Montour is the  
11 smallest.

12 MR. KIESSLING: Yeah, that's right.

13 MINORITY CHAIRMAN CARROLL: Everybody else is in  
14 between.

15 MR. KIESSLING: In between. Correct.

16 MAJORITY CHAIRMAN HENNESSEY: Thank you, Mike.  
17 Representative Brown. Rosemary.

18 REPRESENTATIVE BROWN: Thank you, Mr. Chairman,  
19 and thank you for your testimony.

20 A quick question.

21 So I think my mindset is on the same as the two  
22 Chairmen as far as you having that access and then having  
23 it pulled in 2021. This has come up with JNET, which is a  
24 very sensitive subject, as you know, oftentimes even with  
25 the constables being able to have access to JNET.

1           Now, I know PennDOT is testifying and coming up  
2 and so is the Pennsylvania State Police, but is there  
3 anything that you know of that was showing any sign of  
4 abuse to the system of you having access to JNET? Was  
5 there anything of any indication that the system was being  
6 abused by the coroners in any way?

7           And I'm only saying that because is this  
8 strictly, and trying to figure out on our end, is this  
9 strictly just the definition of, you know, "law  
10 enforcement" playing a role here, or is there something  
11 that is not being released by PennDOT, Pennsylvania State  
12 Police, or some of these other agencies of where they maybe  
13 had full-time access, deputy access, whatever it may be.  
14 Was there something that we should know on that level?

15           MR. KIESSLING: I am not -- when I asked the  
16 question, and I will tell you, last year I did look up,  
17 and I didn't realize, because I have had access to JNET for  
18 20 years almost, and I didn't realize it was not, it was  
19 against the rules of PennDOT to look up my own name. The  
20 only reason I was doing it was I wanted to see if I could  
21 find my emergency contact information. I knew my wife's  
22 information was there. I wanted to look and make sure I  
23 could get to that information. Well, so then I did find  
24 out that was a violation of JNET rules, but I was told by  
25 PennDOT that was not the reason that they pulled this.



1 They purely pulled it because of the fact that we are not  
2 considered law enforcement. There was no other abuse that  
3 I was aware of.

4 And I do know there has been law enforcement from  
5 our own county that have violated rules and gotten jammed  
6 up over the use, illegally, of JNET, so. And I'm all  
7 about, if you're going to abuse the access, shut it down.

8 My concern also from Chief Gyurina, who is our  
9 Law Enforcement President, is if we are considered  
10 non-law enforcement, then it's illegal for law enforcement  
11 to share this information with us. But we have a duty by  
12 statute to get that information so we can make contact with  
13 families. So it's kind of a vicious circle.

14 So that's the only violation I know of, and that  
15 was purely, I did not understand that this was considered a  
16 violation. I was purely trying to see what we had access  
17 to so we could address getting access to the emergency  
18 contact information, as Dr. Sheaffer has indicated is so  
19 critical for us to be able to perform our jobs.

20 REPRESENTATIVE BROWN: And just as clarity, I  
21 mean, I fully support the fact of you needing this and  
22 utilizing it. I can understand, and even speaking with my  
23 coroner briefly, I know that there is a need for it.

24 With that, I think just trying to figure out if  
25 there's something here that's behind it besides the

1 definition of "law enforcement." Is there, and I'm not  
2 sure, I did some work with constables, like I said, on this  
3 as well, so that's where I'm kind of going with some of  
4 that mindset that came at me during that work. Is there  
5 training because of some of this, that in order before you  
6 had access to JNET, was there training before you started?

7 MR. KIESSLING: There is training now. Anyone  
8 that gets JNET access has to go through watching, you know,  
9 go through the training process, the security, get  
10 clearance to get into the system. That didn't actually --  
11 back 20 years ago, I was like, the District Attorney's  
12 Office had said, you now have JNET access and here you go.

13 REPRESENTATIVE BROWN: Here you go.

14 MR. KIESSLING: You know, this is your login, and  
15 that was it.

16 REPRESENTATIVE BROWN: Is that a one-time  
17 training?

18 MR. KIESSLING: Yeah. Yeah.

19 REPRESENTATIVE BROWN: Okay. And maybe that's  
20 something, Mr. Chairman, as we move forward, some  
21 provisions that may help the access is, you know,  
22 tightening up and continuous training or, you know,  
23 verification, those type of measures.

24 MR. KIESSLING: Right. Sure.

25 REPRESENTATIVE BROWN: Thank you very much.

1 MAJORITY CHAIRMAN HENNESSEY: Thank you,  
2 Rosemary.

3 Seeing no other questions, thank you very much to  
4 our panelists for your testimony, and we'll look forward to  
5 any further information you want to submit to us as far as  
6 possible limitations or tweaks to an amendment that might  
7 have to be filed to 2088, okay?

8 Thank you very much.

9

10 PANEL 2:  
11 PENNSYLVANIA DEPARTMENT  
12 OF TRANSPORTATION

13

14 MAJORITY CHAIRMAN HENNESSEY: We'll next move on  
15 to PennDOT, the representative here: Deputy Secretary for  
16 Driver & Vehicle Services, Kurt Myers. Kurt, you're no  
17 stranger to our committee. Welcome back.

18 I guess you have the enviable or unenviable task  
19 of trying to tell us what PennDOT was thinking when they  
20 decided to cut off, you know, contact from the coroners to  
21 JNET.

22 And was there any warning? Maybe you could, if  
23 you know, was there any warning given that said, you know,  
24 at the end of the month you're going to lose contact, or  
25 was it simply a decision made and handed down from on high?

1                   DEPUTY SECRETARY MYERS: Well, thank you,  
2 Mr. Chairman and Chairman Carroll and the Members of the  
3 Committee. Thank you for having me here today.

4                   Just so there's no ambiguity from the standpoint,  
5 I know it was mentioned that PennDOT made the decision. I  
6 just want to be clear, I'm the one who made that decision,  
7 so that if there's questions specifically related to that,  
8 I'm happy to go over the details of it.

9                   As to how much time, Mr. Chairman, was given, I  
10 don't recall exactly how much time was given from the time  
11 point that we did cut off those coroners who did have  
12 access. I think it's important to note that there were  
13 11 coroners across the Commonwealth of the 67 that had  
14 access to JNET. They have had, as was noted earlier, at  
15 least 20 years where they could have participated if they  
16 wanted to, and over those years, 11 out of the 67 decided  
17 to do so. So it's interesting from the standpoint of the  
18 discussion here, because apparently those other coroners  
19 have not found the need for JNET to be essential for them  
20 to be able to do their responsibilities.

21                   One of the things that I do want to talk about,  
22 and I'll let my testimony stand as presented, but there  
23 were a couple of things that I did want to touch on.

24                   PennDOT, of course, issues driver's licenses,  
25 ID cards, registrations, things of that nature, as you all

1 are aware. And we are under very, very strict  
2 confidentiality rules, not only at the State level under  
3 the Vehicle Code, under 6114 of the Vehicle Code, but also  
4 under the Driver's Privacy Protection Act, which is a  
5 Federal act, and it is DPPA. It's the common way of being  
6 referred to.

7 For those of you who don't know, DPPA came from a  
8 very tragic event that occurred in California. You may  
9 remember the TV show *My Sister Sam*. *My Sister Sam*, there  
10 were two stars in it. One was Pam Dawber, and the other  
11 was a young girl by the name of Rebecca Schaeffer. Well,  
12 Rebecca Schaeffer was tragically murdered by a stalker. So  
13 what occurred in that case was that someone was able to get  
14 her home address from the DMV in California, showed up at  
15 her doorstep, and shot her and killed her dead, all right?

16 Under 6114, this General Assembly years ago when  
17 you all passed 6114 made it very clear to PennDOT that the  
18 protection of the information that is in the database is of  
19 the utmost importance, and we take that very, very  
20 seriously.

21 Now, I heard earlier the comment that the  
22 individual called up his own record. Yes, that is a  
23 violation, and when you do access JNET, there is a warning  
24 screen reminding you about not doing something outside of  
25 your business responsibilities. All right?

1           There was a question as to, are there any other  
2 instances? Yes, there are, unfortunately. PennDOT did an  
3 audit, and we found one instance where a coroner's staff,  
4 again, I think that was brought out earlier that coroners  
5 have staff that can also access JNET. So when we talk  
6 about the 11 coroners' offices that had access, there were  
7 28 people who actually had access to the JNET information.

8           So in the other case, just to give you an  
9 example, in this case an individual called up two addresses  
10 in the DA's Office, two addresses in the police  
11 department's office, and one address of another individual  
12 in the coroner's office.

13           Now, why did I make the decision that I made?  
14 Well, knowing that, knowing the concerns from the  
15 standpoint of the discussion about the criminal justice  
16 role and the difference between that and those who are  
17 coroners, I asked myself and my staff, is there a real  
18 reason for the coroners to have access to 10.1 million  
19 records in real time? Your record, my record, all of our  
20 records, whether it has anything to do with an  
21 investigation or not.

22           Now, you know, I know that it came up about  
23 organ donation. The organ donation folks, as I understand  
24 it, CORE and Gift of Life are here at this hearing. I know  
25 they are not speaking today, but they are here, and we did

1 reach out to them, and we did talk to them about what role  
2 the coroners play.

3 Now, I think it's really important to understand  
4 that organ donors are protected under DPPA. There is a  
5 specific exception within DPPA that allows organ donor  
6 organizations to receive DMV information, and in fact both  
7 do. Both have real-time access to our information in the  
8 ability to be able to do their jobs. And so that access is  
9 there. Law enforcement has access.

10 Now, you heard earlier that we need to be able to  
11 verify. Well, what are you verifying? If you have the  
12 driver's license in hand, you know who the individual is.  
13 If you are asking law enforcement to pull a picture to  
14 verify, they certainly can do that. That doesn't require  
15 someone to come to the actual scene. They can pull the  
16 picture and verify that the individual is that same person  
17 on that driver's license.

18 So I think it all on the surface sounds good, but  
19 the reality is that you have entrusted us to ensure that we  
20 maintain the confidentiality of these records. We  
21 understand there is a need for law enforcement to be able  
22 to have access. We understand there are certain groups  
23 like the organ donor groups that need to have access to  
24 information. But at the end of the day, we need to be sure  
25 that we are not just giving access for the sake of giving

1 access, and we don't believe that this is a need that  
2 qualifies to have unlimited access.

3           Number two, and I want to be clear about this, we  
4 did not take away JNET access for coroners, all right? We  
5 told JNET that we didn't want the coroners to have access  
6 to PennDOT information. They still have access to JNET and  
7 all the other information in that realm, but they don't  
8 have access to PennDOT information.

9           So with that and in the interests of time,  
10 Mr. Chairman, I'll be happy to take any questions.

11           MAJORITY CHAIRMAN HENNESSEY: Thank you, Kurt,  
12 for the clarification as to exactly what PennDOT's decision  
13 invited, or "entails" is the word I was looking for.

14           Does PennDOT have the ability, if we were to say  
15 the coroners have access to certain information within  
16 JNET, PennDOT, would you have the ability to simply file  
17 something with JNET to block any sensitive information that  
18 PennDOT feels they shouldn't have?

19           DEPUTY SECRETARY MYERS: That's really a question  
20 for JNET, and I would encourage the Committee to reach out  
21 to JNET as to what their capabilities are.

22           I do know, obviously, that they have two tiers  
23 today, one through criminal justice and then noncriminal  
24 justice. What separation they can do beyond that is a  
25 technical question that I really don't feel comfortable



1 speaking for JNET on.

2 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

3 Go ahead.

4 MINORITY CHAIRMAN CARROLL: Kurt, thanks.

5 It seems to me there are two different issues at  
6 play here, the whole JNET access to coroners and then this  
7 desire to have next of kin information maintained and  
8 managed by PennDOT.

9 The first question is, to the best of your  
10 knowledge, are we an outlier in that regard, or where are  
11 the States among, where are we among the 50 States with  
12 respect to driver's license records, including next of kin  
13 information?

14 DEPUTY SECRETARY MYERS: Well, we implemented the  
15 next of kin program about 10 years ago. So we have had it  
16 for about 10 years. We have about 177,000 customers, or a  
17 little less than 2 percent of our entire database of  
18 driver's licenses and ID cards who participated in it.

19 There are other States that do have programs,  
20 some probably more robust in the numbers of people that are  
21 participating, but not all States, you know, do have  
22 emergency contact information. Keeping in mind, by the  
23 way, that we allow you to put somebody in who is not next  
24 of kin. You can put in a friend. It doesn't necessarily  
25 have to be a spouse or a brother or a sister, a parent. So

1 there is some difference there.

2 I would also note, the emergency contact on our  
3 website is on the front page. It's there with a little  
4 ambulance. One of the icons that you can pick takes you  
5 right to the page, which is part of our e-gov transaction.  
6 On our e-gov list is also listed all the e-gov transactions  
7 that can be done, including adding the emergency contact  
8 information.

9 We also advertise on, I believe it's a 15-minute  
10 cycle, it may be a half-an-hour cycle, at all of our driver  
11 licensing centers on our motor vehicle network. If you've  
12 been to one of our centers and you have seen the TVs, that  
13 is advertised on how you go about giving that information  
14 for emergency contact, keeping in mind that we see  
15 somewhere between 16,000 and 25,000 customers a day. So  
16 that's all cycling through.

17 So I think to suggest that we are not doing a lot  
18 of information related to advertising is a little bit of a  
19 misnomer. I think we are. Can you always do more? I'm  
20 sure we can. And so certainly, you know, I'll be happy to  
21 look at that on ways to enhance the number of people who  
22 are signing up for the program.

23 One other note I do want to make, and this is  
24 just my personal perception, and that is that we need to be  
25 very careful. Our focus, when it comes to organ donation,

1 is directly on making sure we get as many people as we  
2 possibly can signed up for organ donation. Today in  
3 Pennsylvania, about 49 percent of all people who have a  
4 driver's license or an ID card have the "Organ Donor"  
5 designation.

6 And I know there is some discussion here about  
7 collecting medical information. I would hate for customers  
8 to get confused that by collecting medical information,  
9 somehow or another that qualifies them as an organ donor.

10 MINORITY CHAIRMAN CARROLL: There is no scenario  
11 where we're going to start requiring drivers to submit  
12 medical information to PennDOT. I don't envision a world  
13 where that's going to happen. I cannot imagine me  
14 notifying PennDOT that I have high blood pressure today,  
15 maybe diabetes 20 years down the road. I cannot imagine  
16 that scenario occurring.

17 DEPUTY SECRETARY MYERS: Okay.

18 MINORITY CHAIRMAN CARROLL: Kurt, the emergency  
19 contact portal that you outlined, does somebody have access  
20 to that at any time or only when they are renewing or  
21 starting the process of a driver's license or an ID card?

22 DEPUTY SECRETARY MYERS: You can do it anytime.  
23 It's a separate database that we have, so it can be done at  
24 renewal. It can be done just by going on the website. You  
25 could go on today and add that information in. And all we

1 ask you for is, well, you can put in two contacts, or one  
2 if you want, and then we ask for their email, their  
3 cell phone, their home number, any information that you can  
4 give us that goes in there.

5           The reason we created the emergency contact list  
6 was to support roadside law enforcement when they may be  
7 investigating a serious accident where somebody is in a  
8 vehicle and can't speak for themselves, and law enforcement  
9 has their driver's license. They can call that information  
10 up and be able to contact somebody who can speak for them  
11 in a serious type of accident. That was the reason why it  
12 was created.

13           MINORITY CHAIRMAN CARROLL: Okay. Thanks.

14           MAJORITY CHAIRMAN HENNESSEY: Thank you, Mike.

15           Kurt, let me just give you a question there that  
16 not everybody is very facile in terms of dealing with the  
17 Internet. A lot of people in our Commonwealth still don't  
18 have access to the Internet, and it just seems to me that  
19 as government moves forward, it says, oh, well, just go to  
20 the Internet and get your answers. Well, some people can't  
21 get there. And so we have to keep in mind, you know, I  
22 spent 12 years, I think, as Chairman of the Aging  
23 Committee, and a lot of the people who are elderly, this  
24 technology is still very difficult for them to handle, and  
25 please keep that in mind when, you know. Putting something

1 on the Internet or a website is not necessarily the answer  
2 for a lot of Pennsylvanians.

3 Representative Meghan Schroeder from Bucks  
4 County.

5 REPRESENTATIVE SCHROEDER: Thank you, Chairman.

6 So two of my questions have already been  
7 answered.

8 So I was listening to your testimony regarding  
9 the audit that you performed.

10 DEPUTY SECRETARY MYERS: Yeah.

11 REPRESENTATIVE SCHROEDER: So is that something  
12 that was done because it's something your office does, or  
13 was there something to raise a flag to do that?

14 DEPUTY SECRETARY MYERS: Our office does this.  
15 We have an office of risk management within my deputation  
16 that is responsible for auditing not only access by those  
17 who have access to, you know, various agency information,  
18 but also it would be all of our issuing agents -- car  
19 dealers, anybody that might have access to information we  
20 audit on a regular basis.

21 REPRESENTATIVE SCHROEDER: Oh, okay, to have  
22 access, like other partners that access data there.

23 DEPUTY SECRETARY MYERS: Yeah.

24 REPRESENTATIVE SCHROEDER: Okay. I was just  
25 making sure that is something we do.

1 DEPUTY SECRETARY MYERS: Yeah.

2 REPRESENTATIVE SCHROEDER: Which I think is good  
3 for protection of everybody, but.

4 DEPUTY SECRETARY MYERS: We do. And from a  
5 standpoint of our audit, it's pretty robust from the  
6 standpoint of the numbers that we do audit. We look at  
7 -- and we also audit our own employees.

8 Obviously, you know, with our own employees, we  
9 want to be sure that they are only accessing individuals'  
10 records for the purposes of a business function. And I can  
11 tell you that over the years, we have had to discipline  
12 employees and we have also had to terminate employees who  
13 have accessed information improperly.

14 REPRESENTATIVE SCHROEDER: Okay. Thank you.

15 And then I was just going to ask, the emergency  
16 contact list that you can do on PennDOT, is that something  
17 that your office advertises often, or is there ways that we  
18 can help, too, to advertise for that, because it sounds  
19 like that would be helpful.

20 DEPUTY SECRETARY MYERS: I think what I heard  
21 today, and I'm certainly happy to look at ways that we  
22 might be able to get the word out to individuals that that  
23 is there, and I would certainly, you know, be happy to work  
24 with the legislative, your district offices. If there's  
25 information we can put together that you could share and

1 newsletters and things of that nature to help get the word  
2 out, we would like that very much.

3           And it goes to Chairman Hennessey's point, that  
4 it is always a difficult situation in the world we live in  
5 today because we are so dependent upon the Web and the  
6 Internet. But I totally agree with you, Mr. Chairman, that  
7 there are still people out there who don't have access, and  
8 that's why it's so important that if we can get additional  
9 information out, that would be great, and we're happy to do  
10 that.

11           MAJORITY CHAIRMAN HENNESSEY: Thank you.

12           Representative Mizgorski.

13           REPRESENTATIVE MIZGORSKI: Thank you, Mr. Chair,  
14 and thank you, Deputy Secretary, for being here.

15           What are the other organizations that might have  
16 access to the driver's license information, as you just  
17 said about car dealerships. So what other, you know,  
18 businesses or organizations have access? Have any of them  
19 ever previously had access and then had it removed and no  
20 longer have access?

21           DEPUTY SECRETARY MYERS: Well, it is separated  
22 based upon the business function. So a car dealer would  
23 not have access to driver licensing records and  
24 information. They would work more on the vehicle side of  
25 it. Still, obviously, PII, or personal identifiable

1 information, because it has your address and things of that  
2 nature.

3           You know, we do audit, and if there are cases  
4 where somebody has violated the rules, they are either  
5 suspended, terminated, in some cases fined. It depends  
6 upon the particular type of business that we are dealing  
7 with.

8           From an access standpoint, there are two ways to  
9 have access to, primarily two ways to have access to  
10 PennDOT information. One is through JNET, and then the  
11 other is directly to the Department, where we have other  
12 agencies, as an example, that have access for their ability  
13 to be able to do their jobs.

14           REPRESENTATIVE MIZGORSKI: Thank you.

15           And as Chairman Hennessey said, there are many  
16 Pennsylvanians that don't have access. I'm just wondering,  
17 if a constituent ever came in to our office and wanted to  
18 add information and was sitting there with one of our staff  
19 members and they did that for them, is that acceptable or  
20 legal to have someone, if the actual, you know, license  
21 holder is right there visibly saying, please put this in  
22 for me?

23           DEPUTY SECRETARY MYERS: Yes, it would be.

24           And actually, 6114 of the Vehicle Code protects  
25 you as a Legislator from the standpoint of getting



1 constituent information in the effort to assist them.  
2 So it's well within your ability and your authority to be  
3 able to help a constituent be able to enter that  
4 information.

5 REPRESENTATIVE MIZGORSKI: Okay. So that could  
6 be a new service we provide.

7 DEPUTY SECRETARY MYERS: It could very well be,  
8 yes.

9 REPRESENTATIVE MIZGORSKI: Okay. Thank you.

10 MAJORITY CHAIRMAN HENNESSEY: Representative  
11 Mustello.

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

14 My question has to do with JNET. Who then  
15 controls JNET? If you had the power to take back their  
16 access from the coroners, then who does control it? Is it  
17 through the Pennsylvania State Police or is it through  
18 PennDOT?

19 DEPUTY SECRETARY MYERS: JNET is operated by the  
20 Office of Administration under the Governor's jurisdiction.  
21 So the various agencies such as PennDOT supply information  
22 to JNET. And so that information is still under PennDOT's  
23 control after making the determination of who has access to  
24 it and who doesn't.

25 REPRESENTATIVE MUSTELLO: So that rests solely on

1 PennDOT as to who has access, whether it's law enforcement,  
2 whoever asks for it. That's up to you to determine who  
3 will get it?

4 DEPUTY SECRETARY MYERS: Ultimately, yes,  
5 because the responsibility for the information is the  
6 responsibility of PennDOT, not, you know, JNET itself.  
7 But they have a responsibility from the standpoint of who  
8 comes in and they either give criminal justice access to  
9 or noncriminal justice access to. That's a determination  
10 that they make, all right?

11 But the information itself and who actually is  
12 allowed to receive it, ultimately, PennDOT can make that  
13 determination. If it's a criminal justice agency, we're  
14 not going to look at that and say, you know, no, they can't  
15 have access. You know, that's not a one-on-one type of  
16 situation where you would look at that.

17 REPRESENTATIVE MUSTELLO: May I ask one more  
18 question, Mr. Chairman? I'm so sorry. I don't mean to  
19 take up any more time.

20 MAJORITY CHAIRMAN HENNESSEY: Yes.

21 REPRESENTATIVE MUSTELLO: You had mentioned, you  
22 know, at a scene when the coroners, you know, somebody may  
23 have their driver's license on them, but isn't it also  
24 their responsibility to notify that next of kin, so  
25 wouldn't they need access to find the next of kin?

1           DEPUTY SECRETARY MYERS: That is an interesting  
2 question, and I'm not clear about, and again, from the  
3 coroners' standpoint, if they don't have a driver's  
4 license, I don't know -- in their possession of the  
5 individual who is deceased -- I'm not sure what they're  
6 using at that point in time as far as information is  
7 concerned to access driver licensing records to help them  
8 find the next of kin.

9           And that was to my point earlier, that if they do  
10 have a driver's license or they have an ID card, they  
11 certainly can reach out to law enforcement. And they  
12 certainly have relationships with the organ donor  
13 organizations, CORE and Gift of Life, to be able -- and  
14 they run 24/7 operations as well -- to be able to reach out  
15 to them if there is an opportunity for organ donation. And  
16 I think at that point in time, it's for CORE and Gift of  
17 Life to take it from there.

18           MAJORITY CHAIRMAN HENNESSEY: Thank you.

19           We have one more question from Chairman Carroll,  
20 and then I'm going to ask that we move on. We have three  
21 more witnesses to accommodate before our 11 o'clock  
22 deadline.

23           So Chairman Carroll.

24           MINORITY CHAIRMAN CARROLL: Kurt, the emergency  
25 contact information program, a review of the website

1 indicates that only law enforcement officials have access  
2 to that system. That would exclude coroners then as well  
3 with respect to that system?

4 DEPUTY SECRETARY MYERS: That is correct.

5 One of the reasons we put that, and that message  
6 has been on since the very beginning, 10 years ago. And  
7 one of the reasons we put that on there is we wanted people  
8 to feel comfortable that PennDOT was being responsible for  
9 the information they were sharing with us and that we would  
10 only share it with law enforcement.

11 If a change were made that we were going now to  
12 open it up and make that information more available, I  
13 would think that the Department would have to do an  
14 outreach to the 177,000 people who have already signed up  
15 to make them aware of the fact that access to the  
16 information has been expanded.

17 MINORITY CHAIRMAN CARROLL: Thank you.

18 MAJORITY CHAIRMAN HENNESSEY: Thank you, Kurt,  
19 for coming in and testifying again and giving us the  
20 information. And thanks for, you know, owning up to the  
21 fact that it was your decision and yours alone that made  
22 this thing happen, okay?

23 DEPUTY SECRETARY MYERS: All right. Thank you  
24 very much, Mr. Chair. Thank you.

25 MAJORITY CHAIRMAN HENNESSEY: You're welcome.

## 1 PANEL 3:

## 2 PENNSYLVANIA STATE POLICE

3  
4 MAJORITY CHAIRMAN HENNESSEY: We'll move on then.5 Next, we are joined by Lieutenant Jason Winkowski  
6 of the Pennsylvania State Police. He is Commander of the  
7 CLEAN Administration Section, Bureau of Communications and  
8 Information Services with the Pennsylvania State Police.9 Welcome, Lieutenant. Thank you for being here.  
10 Begin whenever you are ready.

11 LIEUTENANT WINKOWSKI: Good morning.

12 MAJORITY CHAIRMAN HENNESSEY: Good morning.

13 LIEUTENANT WINKOWSKI: Good morning, Chairman  
14 Hennessey, Chairman Carroll, Representative Helm, and  
15 Members of the House Transportation Committee.16 I'm Lieutenant Jason Winkowski, Commander of the  
17 Commonwealth Law Enforcement Assistance Network, also known  
18 as CLEAN, Administrative Section, the Pennsylvania State  
19 Police. On behalf of the State Police, I would like to  
20 thank you for extending the invitation to us to participate  
21 in discussion regarding House Bill 2088.22 The Commonwealth of Pennsylvania benefits from  
23 the use of the FBI's Criminal Justice Information Services,  
24 or CJIS. The State Police is designated as a CJIS Systems  
25 Agency, also known as the CSA, for Pennsylvania. As the

1 assigned and authorized CJIS Systems Officer, or CSO, for  
2 the CSA of the Pennsylvania State Police, I can testify to  
3 what the FBI CJIS Division requires and condones.

4           The Pennsylvania Justice Network, JNET, is the  
5 Commonwealth's primary public safety and criminal justice  
6 information broker. JNET's integrated justice portal  
7 provides a common online environment for authorized users  
8 to access public safety and criminal justice information.  
9 This critical information comes from various contributing  
10 municipal, county, State, and Federal agencies.

11           The Commonwealth Law Enforcement Assistance  
12 Network is used by criminal justice agencies to access  
13 driver's license and motor vehicle data, State criminal  
14 history records in PSP's Repository, the Commonwealth's  
15 central registry for protection from abuse orders, stolen  
16 property files, law enforcement messaging capabilities,  
17 and other services. CLEAN is Pennsylvania's conduit to  
18 the FBI's National Crime Information Center, or also known  
19 as NCIC, and the Nlets, the International Justice and  
20 Public Safety information sharing network, which allows us  
21 access to other agencies across the nation. CLEAN  
22 maintains connections to more than 40 networks, including  
23 JNET.

24           At a high level, user access to these information  
25 sources occurs as depicted below in the testimony that I am

1 providing. In its role as the federally sanctioned  
2 gatekeeper to criminal justice information in Pennsylvania,  
3 PSP understands that coroners can and do benefit from  
4 indirect access to protected data to perform their duties  
5 in determining cause of death. Currently, coroners do have  
6 access to information through long established, well  
7 controlled channels. They contact criminal justice  
8 agencies whose job it is to provide the information that is  
9 proper and lawful to share.

10           Coroners are not criminal justice agencies as  
11 defined by Title 18, Chapter 91, of the Pennsylvania law,  
12 or Title 28 of 922-544 Code of Federal Regulations and the  
13 FBI CJIS Security Policy. Coroners are elected officials  
14 who do not have well defined requirements for clearances.  
15 Opening up direct access to protected data for a coroner's  
16 office staff might create too many opportunities for  
17 possible misuse and would increase the CJIS auditing  
18 demands on the CLEAN Administrative Section.

19           Over the years, the PSP administrators of CLEAN  
20 have been asked by individual county coroners to have an  
21 Originating Agency Identifier, or an ORI, assigned to their  
22 offices. An assigned ORI is key to accessing privileged  
23 information. We have repeatedly informed coroners that  
24 their elected offices qualify for a specific ORI that will  
25 only permit access to data pertaining to missing persons

1 and unidentified persons. The FBI sets the nationwide  
2 policy. Some States have medical examiners instead of  
3 coroners, whose duty it is to investigate any criminality  
4 associated with a cause of death and, therefore, would  
5 qualify for a full access ORI. This is not the case in  
6 Pennsylvania.

7           Coroners currently have access for which they are  
8 authorized. For example, in JNET, there are two user  
9 roles: a criminal justice role, which comes with  
10 controlled access to State and Federal criminal justice  
11 information; and a noncriminal justice role, which comes  
12 with access to the Unified Judicial System, JNET Address  
13 Search, JNET Federated Search, the Pennsylvania Commission  
14 on Crime and Delinquency, and other sources. This latter  
15 role is what coroners should use.

16           In closing, as long as coroners are not  
17 identified as criminal justice agencies by the State law,  
18 Federal regulation, or the FBI CJIS Security Policy, the  
19 PSP will continue to comply with the mandated and sworn  
20 duty of protecting criminal justice information and  
21 citizens' personally identifiable information.

22           Prior to closing, I would like to add a few  
23 things to some additional individuals' testimony based off  
24 of some of your questions that you all had.

25           MAJORITY CHAIRMAN HENNESSEY: Sure. Go ahead.



1           LIEUTENANT WINKOWSKI: So one of the individuals  
2 stated that it was not legal for criminal justice agencies  
3 to provide information. We are not looking for that  
4 indirect access to be stopped; we are looking for a  
5 controlled source of the information. It is permissible  
6 for a criminal justice agency to give coroners information  
7 based off of what the standards PennDOT sets to release  
8 such information.

9           We talked about misuse a little earlier, and we  
10 talked about, I believe one of the Representatives asked a  
11 question about, you know, what kind of training there is.  
12 So you do have training once when you sign in to JNET for  
13 the very first time and you get PennDOT information. But  
14 you also, as Deputy Secretary Myers testified, every time  
15 you run PennDOT transactions in the JNET infrastructure, a  
16 big block pops up on the screen, which you must accept or  
17 deny, going over all of the policy restrictions on  
18 PennDOT's information. It tells you that you are not  
19 permitted to use it for personal reasons. It's not  
20 permitted to be released; when photos are permitted to be  
21 used. This was instituted probably over 6 years ago to  
22 protect that information.

23           Besides that pop-up window, every user must re-up  
24 their user agreement, usually about every 2 years is what  
25 it comes to. So the user agreement within the JNET

1 infrastructure that every user, whenever they publish that  
2 user agreement in the JNET infrastructure, when you log in  
3 to the JNET infrastructure, you cannot move forward until  
4 you accept all of the requirements in that user agreement.  
5 In that user agreement, it goes over individuals misusing  
6 the system, running it for personal reasons, as well as  
7 what you are permitted to and not permitted to do with that  
8 PennDOT information.

9           It's very strict in regards to missing persons.  
10 You know, you're allowed to use a PennDOT photo for when an  
11 individual is a missing person, but you are not permitted  
12 to use it in saying this person is found, because that's  
13 their rules and the regulations that they have to abide by.  
14 So that is all documented either in the user agreement or  
15 as well as that pop-up window that we all have to go  
16 through as part of our recertification processes.

17           Someone asked the question, and I don't remember  
18 who, in regards to how JNET is overseen or how it was  
19 created. So JNET was created by Executive order back in  
20 approximately the 1998 timeframe, and in that Executive  
21 order, a Steering Committee was stood up in the JNET  
22 infrastructure, and that Steering Committee is made up of  
23 members of all of the data providers that JNET has or gives  
24 access to information from. Because JNET in its current  
25 state is an information broker. They provide you

1 information to other agencies' information. So if you're  
2 looking for criminal history information, JNET is pushing  
3 you to the Pennsylvania State Police. If you're looking  
4 for PennDOT information, JNET is pushing you to PennDOT.  
5 If you're looking for court information, it's pushing you  
6 to AOPC.

7           Several years ago, the Attorney General's Office  
8 had designated the JNET office as a criminal justice  
9 agency. The FBI came to us and said, by definition, they  
10 are not a criminal justice agency; they are an information  
11 broker in the Commonwealth. So the Pennsylvania State  
12 Police has a memorandum of understanding with the JNET  
13 office to ensure that they are abiding by all the CJIS  
14 rules and regulations as well so that they can continue to  
15 be that information broker for agencies in the  
16 Commonwealth, and we wouldn't disrupt law enforcement as we  
17 see it and criminal justice agencies as we see it today.

18           I believe a question was asked in regards to, did  
19 they have notice of being cut off, and they did get notice,  
20 because not only after PennDOT made that decision to cut  
21 the coroners off, that decision went to the Steering  
22 Committee so that all of the Steering Committee members  
23 knew that the coroner's office would no longer have access  
24 and these were the reasons why they were no longer  
25 receiving access.

1           Another question was brought up in regards to,  
2 you know, could certain information be provided to coroners  
3 if the Committee chooses to make an amendment. Currently  
4 when you have a PennDOT role, you are given all of the  
5 PennDOT information, so JNET would have to make a technical  
6 change to provide only limited information, which would be  
7 a cost associated with that and a timeframe to only provide  
8 certain information, because law enforcement and criminal  
9 justice agencies to date have access to the information  
10 because they are authorized by law.

11           Thank you for the opportunity to testify before  
12 you today, and I would be happy to take any questions that  
13 any Member has.

14           MAJORITY CHAIRMAN HENNESSEY: Thank you.

15           And since you're here, can you stay? We have a  
16 limited amount of time, and we want to hear from the  
17 Attorney General's Office. But can you stay for questions?

18           LIEUTENANT WINKOWSKI: Most definitely.

19           MAJORITY CHAIRMAN HENNESSEY: Thank you.

20           LIEUTENANT WINKOWSKI: You're welcome.

21  
22           PANEL 4:

23           PA OFFICE OF ATTORNEY GENERAL

24  
25           MAJORITY CHAIRMAN HENNESSEY: Next, we'll turn to

1 our final panel. We have Mike Vereb, who is the Director  
2 of Government Affairs for the Pennsylvania Attorney  
3 General's Office and a former Member of the House.

4 Welcome, Mike.

5 DIRECTOR VEREB: Thank you, Mr. Chairman.

6 MAJORITY CHAIRMAN HENNESSEY: And Jim Barker, the  
7 Chief Deputy Attorney General of the Appeals and Legal  
8 Services Section of the Pennsylvania Attorney General's  
9 Office.

10 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Thank you.

11 MAJORITY CHAIRMAN HENNESSEY: Who is going to  
12 kick off?

13 DIRECTOR VEREB: Mr. Chairman, I will. It's good  
14 to see you.

15 MAJORITY CHAIRMAN HENNESSEY: Good to see you.

16 DIRECTOR VEREB: And I realize that everyone is  
17 getting ready to do the business of the people up on the  
18 floor, but I think instead of us piling on to so many other  
19 testimonies, there's some unique areas that I think that we  
20 could be helpful. To my good colleague, the maker of this  
21 bill, or former colleague, I should say, Representative  
22 Helm, you know, I think this conversation is very  
23 important.

24 There is nothing more important than, especially  
25 for our coroners who are the front line for those who die

1 in our Commonwealth, to remember the dignity involved in  
2 that and their ability to access family members that they  
3 need to get to in a time of someone's death. I would just  
4 say from the Office of Attorney General's perspective, we  
5 do have a seat on the Coroners' Board, which, frankly, we  
6 have been trying to take it off of by statute with Leader  
7 Benninghoff. But this has not been a fully vetted matter  
8 to my knowledge and to our appointee's knowledge who we  
9 have spoken to in the actual coroners' family of that  
10 board, which I think would be very important.

11 The Lieutenant covered a lot of important issues,  
12 and before I hand it off to Chief Deputy Barker, I do just  
13 want to say a couple of things that I have observed in my  
14 traversing this Commonwealth in the last 5 years,  
15 especially during the opioid epidemic and the  
16 confidentiality of the information.

17 You know, some coroners are blessed with counties  
18 of wealth that they have their own facilities; they have  
19 offices; they have their own computers, et cetera. Then  
20 there are others that do not have their own computers, and  
21 there was kind of a point in time we were looking to see  
22 how we could facilitate getting some coroners in rural  
23 Pennsylvania their own computers. And by no stretch of the  
24 imagination is that a shot at any coroner. It was quite  
25 shocking to myself and the Attorney General that we

1 actually would have coroners that are using, you know,  
2 children's, not children's computers but family computers  
3 to do their spreadsheets and reports and work that they  
4 need to be done.

5           So I think the confidentiality of the  
6 information, that's an issue that has to be looked at.  
7 It's not about someone using it inappropriately, but that's  
8 certainly an issue that the Lieutenant raised and it's  
9 certainly an issue that the law enforcement world has. But  
10 it's certainly those that are not technically supported in  
11 their counties just because of the setting of the counties  
12 and where that data might go in a household when a coroner  
13 is doing their job.

14           I think another piece is, you know, in most times  
15 when someone passes in a noncontrolled environment, per se  
16 not in a medical facility and not in a home, in a nursing  
17 home, if they are in their house, chances are at some point  
18 police or EMS were called. I know that's not always the  
19 case with every single death, but I think that relationship  
20 between law enforcement and our coroners, you know, to pass  
21 that information on is important and I think it should  
22 continue.

23           I do think this is a problem. I just don't know  
24 from our perspective that this solution is one that can  
25 easily be done, and two, is not going to send some chills

1 from a privacy of data and information perspective in the  
2 law enforcement community.

3 So I do want to turn it over to Chief Deputy  
4 Attorney General Jim Barker, who heads up our Appeals and  
5 Legal Services Section. You know, Jim is the career  
6 attorney in our office. I feel like I'm a career friend of  
7 his now. I'm always down there in his office asking for  
8 legal interpretation after legal interpretation after legal  
9 interpretation. And he reminds me of all the bills that I  
10 have done and the messes that they were and that I should  
11 have called him before we ran them.

12 But nonetheless, Jim, he's a career attorney with  
13 our office and certainly will give you the perspective of  
14 some of the questions that were asked from, you know,  
15 law enforcement agencies, criminal justice agencies. And  
16 one thing that I haven't heard come up yet, and I may have  
17 missed it, but that's CHRIA.

18 Jim?

19 MAJORITY CHAIRMAN HENNESSEY: Thank you, Mike,  
20 for your testimony.

21 And Chief Deputy Barker.

22 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Thank you.

23 MAJORITY CHAIRMAN HENNESSEY: Thank you.

24 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Can you  
25 hear me okay?



1 MAJORITY CHAIRMAN HENNESSEY: Yes.

2 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Okay.

3 The last thing that Mike mentioned, CHRIA, was  
4 the one area that I have not heard whatsoever mentioned at  
5 all, and from our office's perspective, that's extremely  
6 important, CHRIA being the Criminal History Record  
7 Information Act.

8 The reason that JNET would be divided between  
9 criminal justice agencies and noncriminal justice agencies  
10 is CHRIA. You cannot access materials that are protected  
11 under CHRIA, and that's why JNET wouldn't give that to  
12 noncriminal justice agencies.

13 Now, we have also heard a lot of discussion  
14 about whether coroners are law enforcement or not. From  
15 our perspective, that really doesn't matter. The question  
16 is whether they are certified as a criminal justice  
17 agency.

18 Under CHRIA and specifically in Section 9102 of  
19 Title 18, they are not, and they are not able to be  
20 certified as a criminal justice agency, because their  
21 primary purpose has to be the administration of the  
22 criminal justice system. And so since we don't see that,  
23 we are not going to certify them.

24 And from that perspective then, there are three  
25 types of specific information that are protected under

1 CHRIA. That's going to be investigative information,  
2 intelligence information, and treatment information. All  
3 of those things can't be given out. And as Mike mentioned,  
4 the way this bill is written, there's no limitation on the  
5 information that's being given out, so all we're doing is  
6 opening up access to the coroners for information that they  
7 don't need and that, quite frankly, they are not allowed to  
8 have.

9 And so if there are any other questions about  
10 that, I certainly would be happy to answer that.

11 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.  
12 Have you concluded your testimony?

13 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Yes.

14 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you  
15 very much for offering that testimony to us.

16 Chairman Carroll has a question.

17 MINORITY CHAIRMAN CARROLL: Jim, thank you so  
18 much. And I know the question I'm about to ask you, I'll  
19 ask you for your opinion. I'll ask you for your personal  
20 answer to this, accepting that it may not be an answer on  
21 behalf of the Attorney General.

22 But this bill amends Title 75, and I see no  
23 reference to Title 18 in this bill. I thought I heard you  
24 just say a moment ago that 9102 of Title 18 is the  
25 controlling law with respect to the remedy that is sought

1 with this bill. So therefore, if the enactment of this  
2 bill were to occur, is it your opinion that it wouldn't  
3 matter because 9102 controls the ability for coroners,  
4 speaks to the ability of coroners to have access to the  
5 records?

6 CHIEF DEPUTY ATTORNEY GENERAL BARKER: What you  
7 would end up with are statutes that contradict each other.  
8 Effectively you are giving coroners unfettered access, and  
9 by simply saying, PennDOT, you have to give them this  
10 information without subjecting them to any sort of  
11 administrative remedies and so forth, you are taking away  
12 our ability to control information under CHRIA.

13 In other words, the Attorney General is in charge  
14 of administratively supervising criminal history record  
15 information, and what we can do is we can get injunctions.  
16 We can take away certifications and prevent access to any  
17 kind of criminal history record information. But if you go  
18 to Title 75 and do that, that takes away our ability to do  
19 any of that. Essentially, you're undermining CHRIA and  
20 giving someone -- coroners -- unfettered access to what  
21 could be CHRIA-protected information.

22 MINORITY CHAIRMAN CARROLL: Okay. That sounds  
23 like, it sounds like it's conflicting statutes and we would  
24 all throw up our hands and a court somewhere probably would  
25 decide how to proceed.

1 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I think  
2 that is correct. And given the rules of statutory  
3 construction, it probably would end up being that since  
4 this is a specific statute under Title 75, it would govern  
5 over CHRIA. So as I said, you are effectively giving them  
6 access without any oversight.

7 MINORITY CHAIRMAN CARROLL: And then---

8 DIRECTOR VEREB: Mr. Chairman, may I?

9 MAJORITY CHAIRMAN HENNESSEY: Yeah; sure. Go  
10 ahead, Mike.

11 DIRECTOR VEREB: Chairman Carroll, just keep in  
12 mind, we who are often on the other side of the Sheetrock  
13 have to defend sitting statutes, so if you can avoid  
14 putting us into a confused state and one side of our  
15 building defending and one side, you know, that would be  
16 great. But we obviously defend sitting law as one of our  
17 roles in the Attorney General's Office.

18 MINORITY CHAIRMAN CARROLL: Especially the ones I  
19 vote for.

20 All right. Thank you both. And like so many  
21 other things around here, there is more to this than meets  
22 the eye. I have not looked at 9102 of Title 18. I will in  
23 an effort to try and figure out how to reconcile all of  
24 this.

25 Again, it's so often the case around here that

1 something that sounds easy and simple is not quite as easy  
2 and simple as it seems, and so we'll take a second look at  
3 it on our side and try and figure out, you know, how best  
4 to proceed.

5 So I'll stop there. Thank you.

6 MAJORITY CHAIRMAN HENNESSEY: Thank you, Mike.

7 Representative Brown.

8 REPRESENTATIVE BROWN: Thank you, Mr. Chairman.

9 And again, thank you for your additional  
10 testimony.

11 So after hearing all of the testimony, first and  
12 foremost, obviously I think from the coroners' side, is the  
13 ability to get the information immediately, quickly, to be  
14 able to communicate on many different levels to next of  
15 kin, to organ donation, et cetera. Now, from the JNET  
16 law enforcement side, it is also keeping that information  
17 controlled and within restrictions for privacy measures.

18 So with those two things coming together, as it  
19 stands right now, and Lieutenant, I'm going to aim this at  
20 you just because you're sitting here and because I think  
21 you are the law enforcement guy in front of us right now.

22 Coroners and law enforcement are 24 hours a day,  
23 7 days a week, both of your industries, super important to  
24 all of us. Is there 24-hour contact available for the  
25 coroners with a law enforcement agency to be able to get

1 this information, not tomorrow morning if a death happens  
2 at 8 o'clock at night but at 8 o'clock at night? That, to  
3 me, is something that I still feel after this hearing I  
4 need some clarity.

5           If that's the case, if there's the ability to do  
6 that, then I think we have, you know, further conversations  
7 to happen. But to me, it seems like that's the question.  
8 Coroners need the information. They don't need it  
9 tomorrow morning; they need it now. Law enforcement has  
10 it. You can be a partnership. But although you are out  
11 there working 24/7, is that person on the administrative  
12 level able to be there to give that information to a  
13 coroner?

14           LIEUTENANT WINKOWSKI: So to answer that  
15 question, so there are two avenues that the coroners would  
16 have as long as we could figure out an agreement between  
17 PennDOT allowing the information to be released as well as  
18 the agencies agreeing to do it. So you have the law  
19 enforcement agency that would have jurisdiction over  
20 wherever that death occurred, but you also have all of the  
21 PSAPs in the county, or the 911 centers, who also have  
22 access to the information. So they are also 24/7, which if  
23 the coroner's office and if authorization was given could  
24 reach out to the 911 centers and say, this is what I have;  
25 can you see what I can find for you.

1           Besides even the PSAPs, if the coroners and  
2 depending on, you know, I don't want to speak for our PSIC  
3 section of the Pennsylvania State Police, but we do have  
4 our Watch Center, which is open to partners across the  
5 Commonwealth, that may be able to assist as well.

6           REPRESENTATIVE BROWN: One follow-up.

7           So in your opinion, a coroner should be able to  
8 get something right on the spot when they need it?

9           LIEUTENANT WINKOWSKI: In my opinion, yes, they  
10 should be able to.

11          REPRESENTATIVE BROWN: Okay. Thank you.

12          MAJORITY CHAIRMAN HENNESSEY: Thank you,  
13 Rosemary.

14          Lieutenant, let me find it in your testimony.  
15 You said, there are coroners that "...can and do benefit  
16 from indirect access to protected data...." Is everything  
17 in JNET considered protected data?

18          LIEUTENANT WINKOWSKI: Not everything is  
19 considered protected, because you have multiple roles in  
20 JNET. You have a criminal justice role as well as a  
21 noncriminal justice role. So---

22          MAJORITY CHAIRMAN HENNESSEY: Okay. So why can't  
23 we allow the coroners to -- I mean, the coroners aren't  
24 asking for information about criminal histories; they're  
25 asking for information about next of kin, things like that.

1 Are there specific dangers in that kind of generalized  
2 information being released to a coroner?

3 LIEUTENANT WINKOWSKI: You still have the  
4 possibility of misuse at that point in time. And there has  
5 been misuse. That's documented.

6 MAJORITY CHAIRMAN HENNESSEY: Yeah. There are a  
7 couple of citations---

8 LIEUTENANT WINKOWSKI: Correct.

9 MAJORITY CHAIRMAN HENNESSEY: ---you know, of  
10 misuse. But, I don't know, across the Commonwealth for  
11 over a number of years, three or four incidents of misuse  
12 doesn't necessarily mean we should cut off everybody's  
13 access to every bit of information.

14 LIEUTENANT WINKOWSKI: Correct. So, you know,  
15 with that being said, you know, they would possibly be able  
16 to have access. Indirect access is what we are supporting  
17 due to the fact that they are not logging in themselves and  
18 getting that information on their own with the information.  
19 It's under a controlled environment. The information that  
20 they are looking to get in the PennDOT information, it is  
21 personally identifiable information. So you have an  
22 individual's name. You have an individual's date of birth.

23 They talked about, you know, being able to  
24 identify a deceased individual. Well, if I don't have a  
25 name and I don't have a date of birth, how am I saying who



1 that deceased person is? I can't run them in the JNET  
2 infrastructure if I don't have a name, a date of birth, and  
3 a driver's license or an OLN number. Those are the three  
4 functions of the JNET infrastructure that allow you to  
5 query information.

6 So if I have a dead body and I don't know who  
7 that dead body is, having access to JNET is not going to  
8 change that, because they don't have that information.

9 MAJORITY CHAIRMAN HENNESSEY: But perchance they  
10 have a driver's license on them and they can enter that  
11 information and then get additional information. The  
12 question I'm asking you is, is all that additional  
13 information protected, or is there a way that we can find a  
14 way to accommodate the coroners to say, gee, this  
15 information might help you; we're only going to give you  
16 this limited amount of information, beyond which you have  
17 to get your certifications or---

18 LIEUTENANT WINKOWSKI: It's protected personally  
19 identifiable information, which is protected under not only  
20 Pennsylvania law but Federal law as well. So I can't  
21 answer to who can say yes or no to that. I cannot, but I  
22 can tell you that it's all protected and we treat all of  
23 that information in the CLEAN Section the same exact way,  
24 because it can hurt individuals if that information gets  
25 out.

1 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

2 I think perhaps part of the problem is  
3 House Bill 2088 as it was currently drafted probably is  
4 seeking too much information. The coroners came in saying,  
5 you know, they didn't need all, they didn't need unlimited  
6 information access, they just needed some limited  
7 information. Maybe there's a way we can find common  
8 ground, and we'll try to do that.

9 LIEUTENANT WINKOWSKI: Thank you.

10 MAJORITY CHAIRMAN HENNESSEY: Thank you.

11 Oh, I'm sorry. You're not off the hot seat yet,  
12 Lieutenant.

13 LIEUTENANT WINKOWSKI: Yep.

14 MAJORITY CHAIRMAN HENNESSEY: Representative  
15 Mustello, go ahead.

16 REPRESENTATIVE MUSTELLO: Thank you,  
17 Mr. Chairman.

18 This question is actually for Mr. Vereb. Maybe  
19 just a comment.

20 When you had mentioned something about coroners  
21 using their personal computers, there are a lot of rural  
22 counties in this Commonwealth that the county commissioners  
23 may not provide them with an office, let alone a computer.  
24 So they may use their own personal one to access  
25 information, or if they are at a scene, all they may have

1 is their cell phone. So, you know, just please keep that  
2 in mind, you know, with comments like that. Not everybody  
3 has, you know, what everybody has in Montgomery County or  
4 some of the bigger communities out there.

5 DIRECTOR VEREB: In fairness, Representative, I  
6 totally agree with you. I'm not trying to chide one county  
7 versus the other. It was shocking. I'm sorry that I'm  
8 from Montgomery County, but it was shocking that some folks  
9 had tools and their neighbors did not.

10 So I want to be very clear in that. It's  
11 identifying a problem that perhaps we asked back then  
12 through PCCD, is there a way to actually outfit our  
13 coroners. This is during and still during our opioid  
14 crisis. It's not really talked about as much anymore. But  
15 what can we do to give and make sure that all of our  
16 coroners are at least working on the same playing field  
17 together with at least the essential tools.

18 So obviously there's mergers and use of regional  
19 morgues, et cetera, and for autopsies and everything else  
20 that needs to happen, but the basic tools from a  
21 work-issued cell phone and a work computer to these  
22 coroners is something certainly we would advocate for. We  
23 don't think it's in our lane, but I totally respect what  
24 you said.

25 But I meant nothing to chide one county of wealth

1 versus another county that is very rural and not providing  
2 the same tools. I think all of our coroners should be  
3 given those tools, and that's certainly maybe something  
4 that the Legislature can take a look at. I wanted to put  
5 forward what we learned when we were actually out in the  
6 field throughout our Commonwealth.

7 REPRESENTATIVE MUSTELLO: Right. And, I mean,  
8 not that we took any offense by it, but I just wanted to  
9 remind people that, you know, not all of us have those  
10 luxuries in some of the smaller counties that are  
11 represented out west and, you know, in the center of the  
12 Commonwealth.

13 Thank you.

14 DIRECTOR VEREB: Representative, I think it would  
15 be a great idea if we could get everyone on the same page  
16 and we have the same level of Internet security and data  
17 security, if everyone is on kind of, not sort of the same  
18 system but when they're running parallels with equipment.  
19 Using home computers, accessing, you know, data of  
20 decedents or anyone for that matter in the Commonwealth is  
21 quite dangerous, and we certainly would advocate if someone  
22 would want to take that up. Because I think, you know,  
23 just because you're in one area of the State and not the  
24 other does not mean you should not have some similar tools  
25 such as a laptop or a computer at home to do your job.

1 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you,  
2 Marci.

3 With that, I think we have no other questions.

4 I want to thank all of the testifiers today.

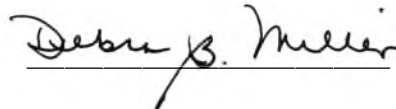
5 When I came in to the hearing this morning, I thought this  
6 would be sort of cut and dried. It has been anything but  
7 that. There have been a lot of different points of view  
8 and perspectives that are mentioned, and I appreciate the  
9 testimony from all of those points of view. We'll take it  
10 into our legislative considerations and see if we can come  
11 up with something to make this bill better.

12 Thank you very much, and we are adjourned.

13

14 (At 10:52 a.m., the public hearing adjourned.)

1 I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from  
3 audio/video on the said proceedings and that this is a  
4 correct transcript of the same.

5  
6  
7 

8 *Debra B. Miller*

9 *Transcriptionist*

10 [dbmreporting@msn.com](mailto:dbmreporting@msn.com)

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