

STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 3, 2008

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

HB 5675 AAC OVERSIGHT OF INTELLIGENCE GATHERING BY LAW ENFORCEMENT AGENCIES

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The Department of Public Safety has a number of concerns about this bill as currently drafted.

The Central Criminal Intelligence Unit operates the Statewide Police Intelligence Network, which is governed by section 28 CFR Part 23. This section of the federal code provides the guidelines through which participating law enforcement agencies can submit and receive criminal intelligence information. The standard for records entered into this system is a "reasonable suspicion" of criminal activity. The agency would prefer that the standard set forth in the bill, which is currently "an articulable suspicion" be change to conform to the language of federal law, or "reasonable suspicion".

We have concerns about the additional language in Section 2 which requires the disclosure of facts and circumstances that constitute probable cause for arrest. By releasing this information this may adversely affect criminal prosecution. In addition, there may be future co-defendants whose arrests could be compromised by the premature disclosure of the investigative facts.

The most serious concern about the bill as drafted is that section 3 (d) attempts to give law enforcement authority status within the meaning of 28 Code of Federal Regulations, section 23 to a legislative oversight committee. There is some question as to whether it is

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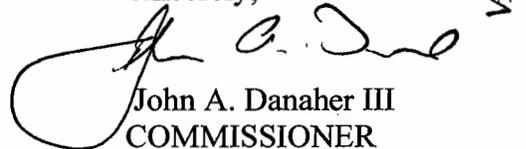
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within the powers of a state legislative body to change or expand upon the federal meaning of "law enforcement authority". Enactment of this provision would also raise significant separation of powers issues if a legislative oversight committee created by the Connecticut General Assembly attempted by legislation to become the only non-executive branch agency participating in the in the sharing of criminal intelligence information.

The Connecticut state police currently participate in the Connecticut Intelligence Center, known as CTIC. CTIC is a regional intelligence center staffed by local, federal, and state agency personnel who share expertise, resources, and intelligence information in an effort to deal more effectively with criminal and terrorist threats and activities. The staff includes personnel from the Federal Bureau of Investigation (FBI), State Police, Connecticut Police Chiefs Association, and the U. S. Coast Guard. An FBI agent exercises day-to-day authority over the center, which is located at the FBI's New Haven office and is funded by local, state, and federal homeland security dollars. All of these executive branch agencies are accredited and have agreed to share information (all based on the standard of reasonable suspicion of criminal activity) pursuant to the requirements and standards of 28 CFR Part 23.

The information collected and maintained is considered law enforcement sensitive. Under guidelines set forth by 28 CFR23 this information cannot be shared or disseminated outside of law enforcement. If HB 5675 is passed into law, a legislative body with no powers of law enforcement, with no law enforcement clearance and with no background checks of its members or staff in place would receive, maintain and disseminate criminal intelligence information. If this were to take place, no outside federal, state or local law enforcement agency would share information with Connecticut. The flow of intelligence information to Connecticut would be shut down, and the existing abilities to work together in efforts to identify and prosecute organized crime and terrorists would be severely compromised.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is written in a cursive style with a large, looping initial "J". To the right of the signature, there is a small, stylized mark that looks like a capital letter "S" with a horizontal line through it.

John A. Danaher III
COMMISSIONER
Department of Public Safety