

Pennsylvania State Police Testimony
Senate Committee on Community, Economic,
and Recreational Development
October 22, 2007

Presented by:
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Good morning, Chairwoman Earll and members of the Committee. I am Lt. Colonel Frank Pawlowski, Deputy Commissioner of Operations for the Pennsylvania State Police. Thank you for the opportunity to testify on the important issues pertaining to restrictions on confidential information sharing between the Pennsylvania State Police and the Pennsylvania Gaming Control Board. We appreciate the fact you are taking the time to understand the legal and factual dynamics of this very important topic.

First and foremost, I want to emphasize that the relationship between the Pennsylvania State Police and the Pennsylvania Gaming Control Board has never been better. The Gaming Control Board's recently-appointed Chairperson, Mary DiGiacomo Colins, has already repeatedly demonstrated a sincere commitment to maintaining and enhancing the partnership between our two agencies. The command-level staffs of the State Police Gaming Enforcement Office and the Gaming Control Board's Bureau of Investigations and Enforcement have always maintained an open and professional relationship, which has filtered down to the dedicated men and women who work for both agencies at the local level. Perhaps most importantly, the State Police Troopers and Gaming Control Board Agents working at the casino sites have forged very positive, cooperative, and productive working relationships that are essential to carrying out their respective duties of law enforcement and regulatory enforcement at individual gaming sites.

That being said, it is important to recognize that there are legal restrictions as to what information the State Police can share with the Gaming Control Board and its Bureau of Investigations and Enforcement, commonly referred to as the BIE. For purposes of state law, the BIE is a criminal justice agency and can receive information otherwise protected by Pennsylvania's Criminal History Record Information Act. However, as the Pennsylvania's Attorney General explained in a letter to the Senate's General Counsel, regardless of the BIE's status under state law, federal law prohibits the BIE from receiving certain information.

Last year, in a letter to the Executive Director of our House Judiciary Committee, counsel for the FBI explained that the BIE is not a criminal justice agency as defined by federal law. Consequently, the BIE is not entitled to access information in the National Crime Information Center (NCIC) or the Interstate Identification Index (III). In fact, less than two weeks ago, the Special Agent in Charge of the FBI Office in Philadelphia sent a letter to the Gaming Control Board, with a copy to Colonel Miller, emphasizing that the FBI "has not, can not and will not provide the BIE with any investigative information."

Moreover, by virtue of our ability to access inter-jurisdictional intelligence systems, the Pennsylvania State Police is likewise prohibited from sharing any criminal intelligence information with the BIE. Under federal law, we can only disseminate intelligence information when there is a need to know and a right to know the information in performance of a law enforcement activity. The Department of Justice

has already determined that BIE investigations, which are conducted for purposes of licensing and employment, do not qualify as law enforcement activity.

In conclusion, despite our inability to share certain protected information with the Gaming Control Board or its BIE, I want to reiterate the collaboration and positive working relationship that has developed between our agencies, which I trust will continue long into the future. Once again, on behalf of Colonel Miller and the Pennsylvania State Police, thank you for this opportunity to testify before your committee.