

Pennsylvania State Police Testimony

House Transportation Committee

January 11, 2022



Presented by:

Lieutenant Jason Winkowski

Pennsylvania's FBI CJIS Systems Officer

Commander, CLEAN

Pennsylvania State Police

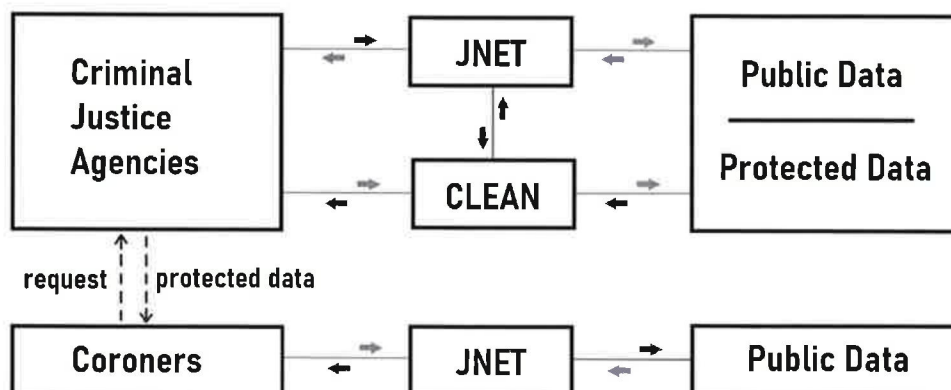
Good morning Chairman Hennessey, Chairman Carroll, Representative Helm, and members of the House Transportation Committee. I am Lieutenant Jason Winkowski, Commander of the Commonwealth Law Enforcement Assistance Network (CLEAN) Administrative Section, Pennsylvania State Police (PSP). On behalf of the State Police, I would like to thank you for extending the invitation to us to participate in a discussion regarding House Bill 2088.

The Commonwealth of Pennsylvania benefits from the use of the FBI's Criminal Justice Information Services (CJIS). The State Police is designated as the CJIS Systems Agency (CSA) for Pennsylvania. As the assigned and authorized CJIS Systems Officer (CSO) for CSA, I can testify to what the FBI CJIS Division requires and condones.

The Pennsylvania Justice Network (JNET) is the Commonwealth's primary public safety and criminal justice information broker. JNET's integrated justice portal provides a common online environment for authorized users to access public safety and criminal justice information. This critical information comes from various contributing municipal, county, state, and federal agencies.

The Commonwealth Law Enforcement Assistance Network (CLEAN) is used by criminal justice agencies to access driver license and motor vehicle data, state criminal history records in the PSP Central Repository, the Commonwealth's central registry for Protection from Abuse orders, stolen property files, law enforcement messaging capabilities, and other services. CLEAN is Pennsylvania's conduit to the FBI's National Crime Information Center and to Nlets, the International Justice and Public Safety Information Sharing Network. CLEAN maintains connections to more than forty networks, including JNET.

At a high level, user access to these information sources occurs as depicted below.



In its role as the federally-sanctioned gatekeeper to criminal justice information (CJI) in Pennsylvania, PSP understands that coroners can and do benefit from indirect access to protected data to perform their duties in determining cause of death. Currently, county coroners do have access to information through long-established, well-controlled channels: they contact criminal justice agencies whose job it is to provide the information that is proper and lawful to share.

Coroners are not criminal justice agencies as defined by Title 18 Chapter 91 of Pennsylvania law, Title 28 of 92-544 Code of Federal Regulations (CFR), and the FBI CJIS Security Policy. Coroners are elected officials who do not have well-defined requirements for clearances. Opening up direct access to protected data for coroner office staff might create too many opportunities for possible misuse and would increase the CJIS auditing demands on the CLEAN Administrative Section Auditors.

Over the years, the PSP administrators of CLEAN have been asked by individual county coroners to have an Originating Agency Identifier, an ORI, assigned to their office. An assigned ORI is a key to accessing privileged information. We have repeatedly informed coroners that their elected office qualifies for a specific ORI that will only permit access to data pertaining to missing persons and unidentified persons. The FBI sets the nationwide policy. Some states have medical examiners, instead of coroners, whose duty is to investigate any criminality associated with a cause of death and therefore would qualify for a full-access ORI. That is not the case in Pennsylvania.

Coroners currently have the access for which they are authorized. For example, in JNET there are two user roles: (1) Criminal Justice Role, which comes with controlled access to state and federal CJI, and (2) Non-Criminal Justice Role, which comes with access to the Unified Justice System, JNET Address Search, JNET Federated Search, Pennsylvania Commission on Crime and Delinquency, and other sources. This latter Role is what coroners should use.

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

Thank you for the opportunity to testify before you today. I would be happy to take your questions at this time.