

Senate Executive Departments and Administration Committee

Deb Chroniak 271-1403

SB 211-FN, establishing a statewide law enforcement data network.

Hearing Date: February 8, 2017

Time Opened: 9:49 a.m.

Time Closed: 10:13 a.m.

Members of the Committee Present: Senators Carson, Gannon, Soucy and Woodburn

Members of the Committee Absent: Senator Reagan

Bill Analysis: This bill establishes a statewide law enforcement data network.

This bill also establishes the law enforcement data network.

Sponsors:

Sen. D'Allesandro

Who supports the bill: Senator Lou D'Allesandro, District 20; Captain Paul Hardcastle, Department of Safety.

Who opposes the bill: Will Anderson, Concord, New Hampshire, Self

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Woodburn opened for Senator D'Allesandro (testimony provided):

- Stated this was a request from the Department of Safety.
- Over the years, the Department of Safety has maintained a growing collection of computer services and programs.
- The cost to maintain is presently \$1.3 million per year, which is paid for out of the Department's budget.
- Computer services include SPOTS, the State Police Online Telecommunications System; AFIS, the Automated Fingerprint Information System; and, connections to the FBI's NCIC (National Crime Information System), the Canadian provinces and RCMP, and INTERPOL (International Criminal Police Organization), which allows the transfer of criminal information from European countries.
- The Department has met with other statewide law enforcement organizations trying to develop a fair and equitable system where costs could be "shared" through a

“fee” system.

- This bill would create a non-lapsing fund at the State Treasury, where fees would be deposited from various users (including the Department), which fees would support the maintenance, upkeep, and future enhancements to the “Statewide Law Enforcement Data Network”.

Trooper Paul Hardcastle, Captain, New Hampshire State Police, Department of Safety (in support):

- State Police are in charge of overseeing State Police on-line network.
- They are the one point of contact for FBI.
- Allows officers across the state to have 24-7 access to information.
- Previously, this network was on a T-1 network (straight telephone lines).
- Last couple of years this has transitioned over to a VPN (Virtual Private Network), more secure, less costly, and allows for better transfer of information.
- In coordination with the J-1 Program (Justice One) they are implementing e-ticketing (electronic services to the courts and DMV).
- Some pilot programs are now in place with law enforcement agencies.
- Looking to formalize with local and county partners who also use this system.
- This legislation will allow establishment of a cost-share process.
- In 2016, a LEAN event was held to evaluate the business process around data usage, cost and billing strategies, and to evaluate what would be the best way to do a cost-share with local and county partners.
- Has a spreadsheet which breaks out who has what types of services.
- As Police Departments grow, their service levels grow.
- State Police are the major users.

Senator Soucy pointed out, on the first page of the legislation, line 17, RSA 106-L:4 is Fees from Users, where it states, “the division is authorized to charge service fees to users....” She noted that there was no indication of “rulemaking authority” or what the parameters would be. Captain Hardcastle stated to connect to the FBI (Criminal Justice Information System) there are two vendors. New Hampshire is a CPI state, so a license is needed through CPI to interface with them, and ultimately the FBI. There is no formal structure set in this legislation, which was part of the LEAN process, and due to maintenance fees going up and down. To establish a rule of what the maintenance fees would be and cost-sharing is dependent on future use. **Senator Soucy** does not believe a dollar amount needs to be in statute, but maybe by adding language such as, “the group will determine, on an annual basis, will examine the following but not limited to...”. Captain Hardcastle said there will be no billing until 2019 when all have time to work these costs into their budgets. They are looking for a fair and equitable share cost across the board.

Senator Soucy pointed to page 2, line 1 states, “imposing by state or federal statutes or delinquency in payment of assessed fees.” This is putting restriction in if someone does not pay a fee. Would this stop that particular department to not gain access to information? Captain Hardcastle said locally they could be shut off. He defers to Senator D’Allesandro regarding that particular language, but did indicate there needed to be some accountability. They would not be completely without services because the State Police dispatch center is still available and some municipalities

share services to other communities.

- **Senator Carson** had concerns because there was no fee structure. There was a concern of down-shifting the costs to the other users. A fee schedule would identify that.

- With the discussion on terminating service, there is no process (e.g., wait 30 days if you do not pay your bill before shut-off.) Another question was what would happen if someone felt they were turned off for the wrong reasons. There is no appeals process in place. She believes that more work needs to be completed on the “fee schedule” and “appeals process”. She can work on this, but is not comfortable passing this legislation as written. If a fee is going to be charged, parameters need to be in place. This is something that can be done through the rulemaking process. Can put the ability in legislation to create the rules, but will include what you need to make rules on (RSA 541-A). **Senator Carson** asked for Captain Hardcastle’s contact information so she could further discuss with him.

Summary of testimony presented in opposition: No one

Hearing closed at 10:15 a.m.

Future Action: Pending

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Date Hearing Report completed: February 14, 2017

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