

Justice Dept. Proposes Crime Data Regulation

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The Justice Department proposed rules yesterday that would strictly limit the use of criminal information collected by state and local police and the FBI.

Mary C. Lawton, deputy assistant attorney general in the office of legal counsel, said the regulations' effect would be to "require states to be much more scrupulous about the information they give out on individuals and to whom they give it."

The proposed regulations, published in the Federal Register, are not as restrictive as the bill submitted last week by the department and another measure introduced by Sen. Sam J. Ervin (D-N.C.).

For instance, the administrative rules would not authorize a person to sue over the misuse of his files, provide criminal penalties for misuse, or require that conviction records be sealed after certain periods of time.

The legislation does have such provisions but they would not go into effect until 1975 at the earliest. The rules proposed yesterday, with modifications, are expected to go into effect by May.

A major provision would forbid a state police agency from giving criminal information to another state for use other than in criminal justice cases unless the receiving

state had a statute specifically providing for it.

Thus New York could not get data from California on a teacher about to be hired by a local school board unless it had a law allowing school boards to have such data.

The rules also would require states to submit to the Justice Department lists of any persons or agencies outside the criminal justice system (which consist mainly of police, courts, and prisons) that have statutory rights to crime data.

States would be required to keep criminal information "complete, accurate, and current" and would have to submit plans on how they will do so by July 1.

Many states are now changing their information banks from manual to computerized systems, which permit rapid data exchanges with the FBI or other states.

Computerized criminal history records are kept by the FBI at its National Criminal Information Center here.

"The computer is what scares people," said Miss Lawton, because of the instant access that computers provide.

One section of the proposed rules would put into the federal code the FBI's procedures for running its NCIC-CCH system and would forbid dissemination for state licensing or other state employment pur-

poses without state or federal statutes.

The rules would require states to seal arrest records that contain no final disposition after five years, but do not impose that restriction on FBI files.

As now written the rules would impose an additional restriction on the press. Reporters would not be able to learn about conviction records of suspects accused of federal crimes. Under Justice Department regulations issued in 1966, they may, upon request, receive such information from the department or the FBI.

"The new regulations contradict the old ones, which is a goof," Miss Lawton admitted. "We'll have to face that in the hearings."

Like the proposed legislation, the regulations would allow press access to police blotters and court records but not to "rap sheets," or arrest records, unless state statutes specifically authorized such access.

The rule would apply to most state and local police, court, and correction agencies because they receive Law Enforcement Assistance Administration funds or are linked to the FBI's NCIC system. LEAA sends money to most of the 14,901 police forces serving communities over 1,000 population. About 6,000 of these forces are linked to the NCIC.