

Tight Curb on Use of Police Files Urged in Justice Dept. Report

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WASHINGTON, Nov. 4—The Justice Department released today a report calling for tight new restrictions on the use of criminal information systems and intelligence files. Without such restrictions, and without "conscious planning" to control data gathering, the report said, the right of privacy is seriously endangered.

"The threat to individual rights from unrestricted intelligence operations is direct, the report said. "Leaks occur. Details which should be kept strictly private become public news. Reputations may be destroyed and careers ruined."

Even the most prosaic type of information systems, such as arrest records, poses threats because of the growing trend

toward automating such files, the study said.

"Despite the fact that computer systems can make errors, often monstrous ones," it said, "there are those who believe these machines can 'never be wrong.'"

The report, prepared by the National Advisory Commission on Criminal Justice Standards and Goals, and written in terms of "standards" that it said the states and localities should adopt, calls for the "purging" of inaccurate or outdated information from files.

It also said that an individual should be allowed to review,

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and if need be correct, information collected about him. The only exception, the report said, would be sensitive information in intelligence files.

In addition, the report said, access to any dissemination of the information should be limited to those public agencies that have both a "right to know" and a "need to know."

Credit Ratings

"The media, credit rating services and the like should not receive from criminal justice agencies, either directly or indirectly, any information from criminal justice systems," the report contended, because it is virtually impossible to monitor and restrain the use of data once they pass out of government.

In states where the law permits or requires disseminating such information to nonpublic agencies, the report said, "every effort should be made to repeal these statutes."

To the extent that the commission is calling on law enforcement to withhold information currently made available—such as details about crimes and about arrests, and criminal records or suspects and defendants—the commission is likely to draw strong criticism from the press.

The press, law enforcement officials and the judiciary have long debated what kind of information should be made available, in the criminal justice area, to reporters. After many studies, the general rule has become, as Jack C. Landau of the Reporters Committee for Freedom of the Press put it today, that the authorities will at least provide the press any information regarding "public record contacts between the individual and the system—arrest, indictment, conviction, acquittal."

Fair Trial

In states such as New York, where the press and the authorities have entered into a "free press fair trial conference," the press agrees that in return for this information, it will exercise great care in using it lest it prejudice a defendant's right to a fair trial.

"I they're going to stop giving out criminal background, they're going to have a fight on their hands," said Mr. Landau, a reporter for Newhouse Newspapers.

He noted, though, that most of the press did not contend that most of the press did not contend that the police should be required to turn over such items as any confessions that a defendant or suspect has made prior to trial. The commission report's recommenda-

tion that this type of information be kept secret is thus not likely to be overly controversial.

The commission, headed by Russell W. Peterson, former Governor of Delaware, was created and its work funded by the Law Enforcement Assistance Administration of the Justice Department. That is the unit that provides funds for states and localities to upgrade their criminal justice systems. A spokesman for the agency pointed out today, though, that the I.E.A.A. was "not bound" by the commission's recommendations.

Where the recommendations are "controversial," he said, there should be full and public discussion of them.

If the commission's report will annoy the press, it will nevertheless, to some extent, please the civil liberties lawyers who have long warned of the danger involved in law enforcement record-keeping.

Bar to Employment

One complaint is that police records sometimes show only the arrest and not the disposition, so that a person who has been acquitted nevertheless has a "criminal record" showing a charge against him—a record that can sometimes keep him from getting a job.

The commission urges that when a case is "legally terminated" in favor of the defendants, all copies of such things as fingerprints and photographs be given to the defendant within 60 days of the

end of the case.

The commission sidesteps some issues. It takes no position on whether such information as "Mr. A was refused entry across the Canadian border in 1970 for lack of sufficient funds" should be contained in police intelligence files. But it does say that that type of material should not be in a "criminal justice information system" set up to provide data for the components of the criminal justice system, such as the Corrections Department.

The commission also said that information systems were vital to the criminal justice system both to help it deal with the individual cases and to enable it to manage itself and plan for the future. Indeed, it notes that the L.E.A.A. is giving "high priority" to developing systems to provide three types of information: the basic criminal history record of an individual, statistics about the justice system's treatment of individuals, and general crime occurrence data.

Each state should have such a system, the report says, and the system should be connected to a national network. But, it says, each state should also set up a council—with some laymen members—to devise rules regulating the system, both to protect the individuals' rights to privacy and to protect the "security" of the information. The "standards" in the commission's report are, in effect, its suggestions for the rules that should be adopted.