**THIRTHY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS**

**COMMITTEE ON HOMELAND SECURITY, JUSTICE, AND PUBLIC SAFETY**

**Chairman Kenneth L. Gittens**

**Tuesday, October 10, 2023**

Good morning Honorable Kenneth L. Gittens, Chairperson of the Committee on Homeland Security, Justice and Public Safety, Committee Members, members of the 35th Legislature, legislative staff, members of my Executive Team, and to the listening and viewing audience. I am Ray A. Martinez, Police Commissioner of Virgin Islands Police Department. Thank you for providing my team and I the opportunity to testify on Bill Number 35-0086, “an Act amending Title 3 Virgin Islands Code, Chapter 1, Section 10h to require background checks for all IT personnel and employees of the Bureau of Information Technology, agencies that have data centers, and any employee who handles classified information.

Mr. Chair, the VIPD does not have a position on this bill as all Virgin Islands Police Department personnel sworn and civilian are required to submit to and obtain a favorable background check. I am compelled however, to point out the proposed legislation appears overbroad in its referral of “classified” information. I recommend the Bill be more concise in its determination as to the definition of confidential information.

Moreover, the National Crime Information Center (NCIC) is a computerized index of missing persons and criminal information and is designed for the rapid exchange of information between criminal justice agencies. NCIC data encompasses twelve categories: articles, boats, Canadian warrants, lost or stolen firearms, interstate identification indexes, license plates, missing persons, securities, U.S. Secret Service Protectives, unidentified persons, stolen or wanted vehicles, and wanted persons. The Federal Bureau of Investigation, which oversees NCIC, prohibits the use of NCIC criminal record checks for employment purposes.

Senator Gittens, thank you for the opportunity to offer testimony on Bill No. 35-0086. My Team and I stand ready to answer your questions.