



CITY OF PHILADELPHIA

Police Department
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA

CHARLES RAMSEY
Commissioner

TESTIMONY OF
LT. LISA KING
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AUGUST 10, 2010

Good morning. My name is Lieutenant Lisa King. I am the officer in charge of the Philadelphia Police Department Gun Permits Unit. Thank you for taking the time to consider House Bill 2536. The concealed carry loophole it aims to remedy is a real problem threatening police officers executing their duty to protect communities in Philadelphia, and across the Commonwealth.

In Philadelphia, there are currently more than 23,000 active permits to carry a concealed firearm. In 2009, we received approximately 5,500 new applications for concealed carry permits, and granted 5000 of them – a 90 percent approval rate. In 2008, we received 6,200, and granted 5,900 – a 95 percent approval rate.

The Philadelphia Police Department reviews and grants permits based on the guidelines established in Pennsylvania Code Section 6109 – which enables us to prevent individuals who pose too great a threat to the community to receive a Pennsylvania permit to carry a concealed gun. This protects neighborhoods. It also protects police officers who serve those neighborhoods. We try to reduce their risk by blocking individuals who we know to be dangerous based on criminal record, psychological problems, a history of violent or anti-social behavior, and local knowledge.

In recent years, however, we have noticed a trend of suspects who are ineligible for a Pennsylvania concealed carry permit – carrying a concealed firearm with a permit to do so issued by the Florida Department of Agriculture. These are often times criminals who were either denied a permit to carry, who had their permit to carry revoked after an incident, or who knew that they would not be eligible to carry in Pennsylvania. In some cases the suspect had even filed an appeal – and had the permit denial upheld by a judge.

Here are just three examples of situations our police officers have been put in as a result of this real problem:

The Case of Robert T.

ROBERT T., of Philadelphia, has a lengthy arrest record. He has been arrested six times since 1997, for crimes such as terroristic threats, harassment, aggravated assault, presenting false ID to purchase a gun, carrying a gun without a license and other, related offenses.

This person was convicted in 1997 of making terrorist threats in Delaware County Court.

He was convicted in 2004 of carrying a gun without a license in Philadelphia.

This conviction makes Robert T. prohibited from possessing or owning a gun or permit to carry in Pennsylvania.

On June 23, 2008, subsequent to that Pennsylvania conviction, Robert T. obtained a permit to carry a concealed gun from the Florida - from the Florida Department of Agriculture.

On July 27, 2009, Robert T. was stopped by police for careless driving. The car windows were tinted, preventing officers from observing the occupants. The officer asked for license, insurance and registration, and for Robert T. to lower his windows and turn the car off. He closed the tinted windows, and refused to exit the car. Police called for backup. Police ran the car's license and registration and discovered Robert T.'s prior arrests for aggravated assault by handgun and terroristic threats. Robert T. eventually surrendered. Robert T. told police he had a permit to carry a concealed gun - from Florida.

For the last 10 months, Philadelphia Police have tried, without success, to have the Florida Department of Agriculture revoke or suspend Robert T.'s Florida permit to carry. It is still an active permit.

The Case of Sandford K.

SANDFORD K., of Philadelphia, applied for and received a permit to carry a concealed gun in Philadelphia on Jan. 19, 2006. On Oct. 31, 2006, Mr. K. also applied for and obtained a Florida permit to carry a concealed gun.

On July 28, 2008, Sandford K. was involved in an incident with a stolen cell phone. He went to Temple Hospital and offered to sell the stolen phone back to the victim. A dispute ensued. Sandford K. pulled up his shirt, revealed a semiautomatic handgun, and pointed it directly at the victim and demanded money. The victim grabbed the phone and ran, but not before taking pictures of Sandford K. as he drove away in his vehicle. Sandford K. was stopped by police and charged with robbery, possessing an instrument of crime, theft, simple assault, and other offenses.

As a result of this incident, his PA permit to carry was revoked by Philadelphia police.

Sandford K. was convicted of possessing an instrument of crime, a first-degree misdemeanor. He was also convicted of robbery in the course of committing a theft, a first-degree felony. These convictions in Pennsylvania render King INELIGIBLE and PROHIBITED to carry a gun in PA.

Despite repeated efforts by the Philadelphia Police Department subsequent to Sandford K.'s criminal conviction in Pennsylvania, at this writing, the Florida Dept. of Agriculture has yet to suspend or revoke his Florida permit to carry.

The Case of Jean P.

JEAN P., of Philadelphia, is a Pennsylvania resident with a lengthy arrest record, including convictions. Mr. P. was arrested in New York in 1987 for selling marijuana, and was convicted on that drug charge.

Jean P. was arrested in New York in 1994 for possessing a forged instrument Class D license, and for aggravated unlicensed operator, a felony.

He was convicted of these charges, rendering him PROHIBITED and INELIGIBLE to carry or possess a gun in Pennsylvania.

Mr. P. was also arrested in June, 2008, in New York for DUI, a misdemeanor, and was convicted of this offense as well. That's three convictions.

In February, 2010, he was arrested in Philadelphia for carrying a gun on public streets, a first-degree misdemeanor. He handed police officers an expired Pennsylvania permit to carry, and, a Florida permit to carry which is valid until 2015. Jean P. also had an active Temporary Protection Order issued from New York against him, which expired June 15, 2010.

Based on that Order and his other prior convictions, Jean P. should not have any active permits to carry a concealed gun.

In April 2010, Mr. P. applied for a Pennsylvania permit to carry. His application was denied. Philadelphia Police have sent proof of Mr. Jean P.'s convictions and the Protection Order to the Florida Department of Agriculture and asked that his Florida permit be suspended or revoked.

Understanding that these cases might have been exceptions, I personally reached out to the Florida Department of Agriculture to bring this growing problem to their attention, and have been met with a fairly slow response to our department's concerns. There are literally convicted criminals in Pennsylvania jails who *still* have active Florida permits, despite having had their PA permit revoked – because Florida is either unaware of their situation, or unwilling to take prompt action to revoke their Florida permits.

In an attempt to better address this problem, we requested a list of Philadelphia, PA residents with Florida permits. That way, we could cross reference our own database to see if any had had a permit denied, revoked, or were ineligible – and then notify the Florida Department of Agriculture. Our request was denied.

In Pennsylvania the decision to grant a concealed carry permit is made by local law enforcement officers. County Sheriffs (or the Police Department in Philadelphia) are assigned the task of reviewing applications to decide whether or not to allow or deny requests. By putting that authority in the hands of local law enforcement we can reduce the risk of allowing criminals to legally carry a concealed firearm – without blocking the ability of law abiding citizens to do so. In Florida the authority to review applications is not assigned to law enforcement. It is handled by the Florida Department of Agriculture.

This is not a reciprocity issue. This is about law enforcement. In Pennsylvania we are happy to honor the permits carried by Florida residents visiting our state – and likewise, it is understood that PA residents may use their concealed carry permits in Florida. That's reciprocity. This loophole is just a loophole – not reciprocity – and it is growing wider and we believe it is dangerous to our citizens and to our officers.

The Philadelphia Police Department believes that in Pennsylvania, Pennsylvania residents should be subject to Pennsylvania law, as administered by Pennsylvania law enforcement. This loophole undermines the authority of Pennsylvania police – putting officers at risk and eroding our ability to protect our communities.

Thank you again to this committee, especially Chairman Caltagirone and Minority Chairman Marsico, for considering this testimony. The Philadelphia Police Department supports House Bill 2536, to close this dangerous loophole in Pennsylvania law.