

Pennsylvania State Police Testimony
House Judiciary Committee
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Presented by:
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Good morning Chairman Marsico and members of the House Judiciary Committee, I am Lieutenant Colonel Scott R. Snyder, Deputy Commissioner of Staff for the Pennsylvania State Police. With me today is Captain Scott C. Price, Director of the Operational Records Division. Thank you for the opportunity to appear before you to discuss the Pennsylvania Instant Check System, commonly known as "PICS."

The federal Brady Act of 1993 mandated the establishment of the National Instant Criminal Background Check System, commonly known as "NICS." As allowed by this Act, all states are granted the authority to determine their own level of involvement with the NICS. States may choose to implement their own background check program, rely solely on the NICS, or use a combination of both.

Pursuant to Pennsylvania General Assembly Act 17 of 1995, known as the Pennsylvania Uniform Firearms Act Amendment, the Pennsylvania State Police (PSP) was required to establish, maintain, and operate an instantaneous background records check system used for firearms transactions. The PICS became operational on July 1, 1998, and is housed within the Firearms Division of our Bureau of Records and Identification. It provides quick, reliable service and is charged with the significant responsibility of preventing prohibited persons from acquiring a firearm, while at the same time, allowing timely clearance for lawful gun purchases, transfers, and licenses to carry a firearm concealed.

The PICS conducts the records check utilizing an Interactive Voice Response (IVR) system that issues most approvals without operator intervention. Since its inception in 1998, the PICS has processed over 9 million calls for background checks, an average of 625,461 calls per year. In 2012 alone, the PICS processed a record high 1,028,113 phone calls. Consistent with that mission, the PICS manages a database containing information on Pennsylvania involuntary mental health commitments. This year, the PSP overcame long-time legal and technical impediments and delivered 642,000 of these records to the NICS, closing a gap that might have

allowed those with this type of prohibition from travelling to another state to purchase a firearm. Pennsylvania is now one of the nation's most significant states in terms of the number of mental health record submissions to the NICS. Through its diligent work, the PICS has prevented thousands of prohibited persons from illegally obtaining firearms.

It is important to note that the PICS utilizes a number of databases and technology, some directly under the control of PSP and some outside of our control. For example, it must interface directly with the NICS, the National Crime Information Center (NCIC), as well as Verizon. Such entities sometimes experience service interruptions, which in turn, affect our operation. Further, our own systems may experience technical difficulties as well; these issues are inherent to complex networks. Notwithstanding these issues, we believe our system provides exceptional service to the retail firearm sales industry with downtime kept to a minimum and wait times averaging only 2.38 minutes for automated approvals.

The legislature's initial crafting of the enabling statute provided additional protection to Pennsylvania citizens than that required by the national model. For example, in the event of a failure of the NICS system to properly identify a prohibited person within three days of the attempted sale, the licensed dealer could proceed with the sale, potentially creating a public safety risk. In 2012, the NICS Section referred 3,722 firearm retrieval actions to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Alternatively, if a person's status cannot be determined during the initial call utilizing the PICS, the PICS Instant Check Unit places the request in delayed status for up to 15 days while they further investigate the record. Furthermore, Pennsylvania law allows for a PICS check to be conducted on those we entrust with the safekeeping of a firearm that is taken from its owner as a result of a domestic violence incident. Similarly, the PICS assists in performing a background check prior to returning a firearm which is seized or recovered as evidence in an investigation. These benefits are not available through the NICS. Additionally, federal standards exclude many criminal arrest records from being entered into the FBI's Interstate Identification Index, due to insufficient fingerprint sample quality. In

Pennsylvania, despite the quality of these prints, the records are included in the more encompassing PSP Central Repository, therefore, greatly increasing the likelihood of a denial to a prohibited person.

The Firearms Division actively assists in the capture of fugitives, is an important source for identifying and initiating investigations on suspected straw purchases, identifies false information on both state and federal firearm forms, and aids in the solving of serious crimes. In 2012, the unit initiated 322 criminal investigations, which were forwarded to state, local, or federal law enforcement for follow-up investigation. Over the past 10 years, PICS has been responsible for initiating 3,507 of these investigations, which have resulted in the successful arrest and prosecution of 1,428 subjects. Utilizing the PSP Application/Record of Sale form, which has been sent to the Department for decades, Firearms Division personnel were able to assist in solving countless crimes over the years, including homicides, straw purchases, and burglaries. Moreover, this past year the PICS Unit was directly involved in the capture of 161 individuals with active warrants attempting to purchase firearms. Since its inception, PICS has been responsible for the apprehension of 1,707 fugitives at the point of purchase.

Customer service has always been paramount to the Firearms Division. In January 2012, a telephone survey was conducted and 513 licensed firearms dealers representing small, medium, and large volume dealers from around the state were contacted. The majority of dealers surveyed had used the PICS system for over five years, and more than 81 percent used it on a daily or weekly basis. Over 96 percent of the dealers related that they were satisfied with the PICS IVR phone system. The results also showed that over 70 percent of the dealers reported that they typically receive an automated response on a background check in less than four minutes, and another 18 percent in less than six minutes. Regarding calls that are required to be researched by an operator, over 92 percent of the dealers responded that this transaction typically took less than 10 minutes to complete, with over half reporting a five-minute or less completion time.

Internally, these results can certainly be attributed to the fact that the PICS is staffed with the retail industry in mind, accounting for predicted high volume dates and times such as those associated with scheduled large gun show events. Experienced supervision is on site at all times of operation, and the command personnel are available by phone at virtually all times of the day to direct additional resources, if necessary. It is not uncommon for the PICS commanders to be apprised of even the slightest interruption in service on weekends or holidays to work with staff on a resolution. These efforts are paying dividends based on the feedback recently received from some of the highest volume users of the PICS, who also happened to have been some of the PICS greatest critics in the past. Most importantly, I can assure you we have a particularly dedicated staff vested with a significant responsibility to not only be efficient, but also to ensure their research is thorough and correct so as not to compromise public safety.

To further improve service, we have recently increased our allotted telephone lines coming into the PICS from 72 lines to 96. Looking to the future, a project is underway to place the system onto a new Microsoft server-based platform; the goal is to bring this updated system on-line in the fall of 2013. The system upgrade will provide retail firearms dealers and sheriffs internet access to request a background check. Dealers will also be able to submit forms and payment online. It will further allow mental health agencies the ability to send required information electronically for more timely and efficient storage into the database and reporting to the NICS. A separate initiative is underway with the Pennsylvania Justice Network (JNET) and the Pennsylvania Sheriff's Association to have certain arrest notifications sent directly to the Sheriff for a determination of license to carry revocation. These upgrades were fully funded through a federal grant. They represent the next generation of efficient service to our private and public partners.

In closing, let me state that when the Pennsylvania General Assembly directed the creation of the PICS, it did so with the charge to protect public safety while also protecting the

fundamental right of all law abiding Pennsylvania citizens to keep and bear arms. For the past 15 years, the Pennsylvania State Police has embraced these ideals and will continue to carry out its mandated duty and obligations for the benefit of all citizens of the Commonwealth.

Once again, thank you for inviting me to appear before you. I would be happy to answer any questions you may have.