

July 15, 2013

The Honorable Ron Marsico
Chairman, House Judiciary Committee
218 Ryan Office Building
Harrisburg, PA 17120-2105

The Honorable Thomas R. Caltagirone
Democratic Chair, House Judiciary Committee
106 Irvis Office Building
Harrisburg, PA 17120-2127

Dear Chairman Marsico and Democratic Chairman Caltagirone,

My name is Joseph Bielevicz and I have been a member of the Pittsburgh Bureau of Police for over 20 years. For the past ten years I have been attached to the Bureau of Alcohol, Tobacco, Firearms and Explosives and have conducted hundreds of firearm related investigations. I was unable to personally appear before the committee due to required court appearances, however I felt the issues at hand to be important enough to submit a written testimony, specifically regarding both background checks and the Pennsylvania Record of Sale Database. I would add that, although my testimony is based on my experience with the Pittsburgh Police, this testimony does not necessarily reflect the views of the department as a whole or that of the administration.

Background Checks on Long Guns

I believe we can all agree that conducting background checks for those who purchase firearms is sensible policy. Pennsylvania is one of only 17 states that require background checks to be conducted on the *secondary* sales of handguns, which I also believe is sound policy. In crafting this requirement, I believe the legislature correctly concluded that, if background checks make sense for the first retail sale, then they similarly make sense for all subsequent sales of the same handgun.

Long guns were likely excluded from this requirement because they were traditionally associated with shooting sports and hunting. I'm sure our legislators imagined the sale of an Ithaca shotgun or Remington deer rifle being sold between two hunters and decided that such firearms should be exempted, as they would be unlikely to be involved in criminal activity.

However, lumped in with these hunting guns were high powered rifles capable of accepting high capacity magazines. The argument against including these and other long guns in the background check requirement is that these types of guns are not actually used in crimes, at least not often enough to warrant concern.

I'm quite certain the families of the Sandy Hook and Aurora victims would disagree, as would the families of the firefighters killed in Webster, New York this past Christmas Eve. The family of a man killed in a Ligonier bar in July of 2011 would also disagree, as would the family of the man killed in a North Fayette, PA bar in March of 2013. The family of a Killeen, Texas police officer killed just this past weekend by a man with an AK-47 is surely convinced that long guns are used for criminal acts.

Over the last several years, law enforcement officers right here in Pennsylvania have been continually reminded that long guns are in fact used in crimes.

- On April 4, 2009 three of my fellow Pittsburgh Police Officers - Eric Kelly, Paul Sciuillo and Stephen Mayhle – were answering a domestic violence call when they were shot and killed by a rifle-wielding, anti-government, white supremacist .
- In December of 2009, Penn Hills Officer Michael Crawshaw responded to a robbery and was killed with an AK-47 before he could even exit his vehicle.
- One month later, State Trooper Paul Richey was working in Venango County when he was killed by a man using a 30/30 rifle.
- In June of 2011, Berks County Deputy Kyle Pagerly was shot and killed by a fugitive with an AK-47 rifle.
- In August of 2011, Freemansburg Borough officer Robert Lasso was killed by a man with a shotgun.

And the list, I am sure, will go on.

While it is true that most gun crime occurs with handguns, it is clear that most of our multiple-victim shootings are committed with high powered, high capacity rifles. In other words, rifles may not be used often, but when they are, the number of victims tends to be higher, the carnage greater.

Please keep in mind that not all long gun sales are between two relatives or long-time hunting buddies. Many of today's secondary transactions occur between strangers who meet on the internet, at gun shows, or by other means. With that in mind, should we really leave it to private citizens, who have no access to criminal or mental health records, to determine whether a buyer is eligible to possess firearms? I think the clear answer is "no." I therefore urge you to pass legislation requiring background checks on all long gun transfers.

RECORD OF SALE DATABASE

I would also like to address the issue of the Record of Sale database, which some are seeking to abolish. This database is absolutely vital to law enforcement's efforts in combating gun trafficking in Pennsylvania. Let me share a recent example of what I mean.

Over the last couple of years, the Pittsburgh Police recovered three pistols belonging to an individual from a nearby suburb. One of the guns was used in a homicide, according to our crime lab. None of the guns were reported stolen, but when contacted, the purchaser claimed each was stolen or lost in separate incidents. When the case was referred to me, I immediately queried the Record of Sale database and learned that this individual had purchased 17 firearms over the last several years, 13 of which were the exact same make and caliber. This pattern of purchases, along with the three recoveries, were strong indicators of trafficking, and I immediately set out to interview this individual. He readily admitted to being a drug addict who resorted to using guns as a form of currency to obtain drugs. Charges are pending against this individual.

Now, without the database, I would have been at a severe disadvantage in interviewing this straw purchaser. Without the ability to see this pattern of purchases, it was not entirely clear that something criminal was occurring. Furthermore, absent the information provided by the database, I would have to

rely on *him* to tell me how many guns he had purchased and put on the street. I don't have to tell you that relying on the honesty of a drug addict who puts guns on the street is not the most efficient path to the truth. Being able to confront a trafficker with the specifics of their purchases is a key part of obtaining confessions and, most importantly, finding out who received the guns so that efforts can be made to get them off the street.

This is but one of countless examples of how I and other investigators use the database for legitimate law enforcement investigations. Despite theories to the contrary, we do not use the database to harass law abiding gun owners or confiscate their firearms. We simply use it to conduct our investigations and hold gun traffickers and other violators accountable.

There is much talk about the need to "enforce the laws on the books," rather than pass new gun laws. However, it would be disingenuous for our elected officials to abolish the database on one hand, while demanding that the police enforce existing gun trafficking laws on the other. If you are truly serious about identifying and prosecuting those who would put guns on our streets, then you will allow this database to remain intact. The Record of Sale database is a vital tool that is being used effectively and properly; in fact, I use it quite literally *every day* to perform my job and conduct my investigations. I would strongly discourage you from making the job of law enforcement even more difficult by eliminating it.

Thank you for your time and attention to my testimony. If I can clarify any of my comments or answer any follow-up questions you may have as you deliberate these issues, I encourage you to contact me.

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