

Testimony Submitted by

Deputy Chief John A. Livingood, Abington Township Police Department

Before the

The Pennsylvania House of Representatives

Judiciary Committee

Meeting at

Philadelphia School of the Future

4021 Parkside Avenue

Philadelphia, PA

Wednesday August 11, 2010 at 10:00 AM

Mr. Chairman and members of the Committee: My name is John A. Livingood and I am the Deputy Chief of Abington Township Police Department in Montgomery County Pennsylvania.

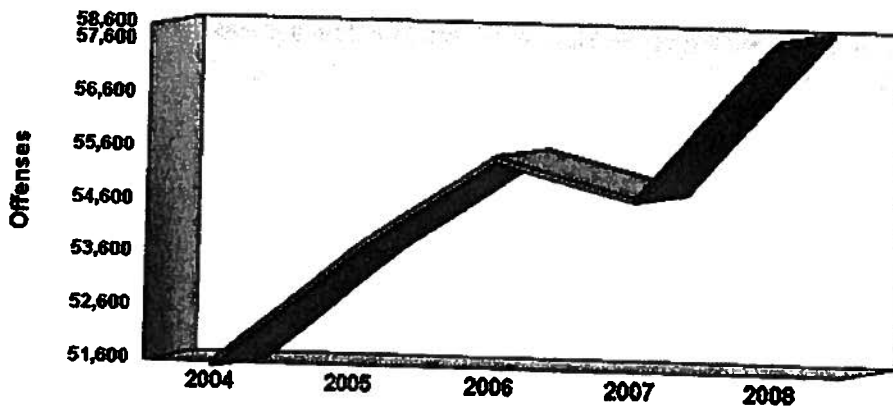
I commend State Representative Brown and the other representatives who introduced House Bill No. 2517 for the positive steps it takes for law enforcement. It will help law enforcement in our mission as we seek to recover stolen property, prosecute those who stole it, and return that property to its rightful owners.

Like most suburban police departments one of the more significant crimes affecting our citizens are residential burglaries. Many citizens not only have lost valuable property but in many cases heirloom jewelry and items that had great meaning to them. All of us like to think that we safe and secure in our own homes but when a burglary occurs, it deprives victims of this most basic sense of security. I have had victims tell me that after a burglary they never again feel the same way in their own home. Sometimes the results are even more devastating. On January 1, 1986 a prominent Abington Physician was slain in his bed by two would-be burglars who broke into his home. This past spring we investigated a burglary in which an elderly male surprised a burglar in his home and was severely beaten by the intruder. He has still not fully recovered from those injuries.

I believe that burglaries and thefts are driven by criminals' desire to steal items that they can easily convert to cash and then in many cases to illegal drugs. Property taken in thefts and burglaries includes small electronics, guns, cameras, currency and almost always – jewelry. Jewelry is the one valuable item that just about everyone has in their home. Even jewelry that one wouldn't ordinarily think of as having great monetary value today has become a prime target of burglars. The reason is that as the price of precious metals has increased, even small pieces of jewelry made from these metals have become a prime target of burglars. In 2006 the price of gold was \$400 per ounce. That price has steadily increased since then and today the price of an ounce of gold is three times that amount or over \$1,200! We have witnessed a similar increase in burglaries that I believe has a direct correlation to the price of gold and other precious metals.

The following graph shows the increase in burglaries between 2004 and 2008, the last year for which these statistics have been posted.

Burglaries in Pennsylvania: Source: PA Uniform Crime Reports



The most frustrating thing about investigating burglaries is that seldom do we recover stolen property. In only a small fraction of the cases that jewelry is stolen is it ever recovered. With the dramatic increase in precious metals prices there has also been a similar increase in the number of dealers and other merchants ready and willing to purchase gold, precious metals, and other items of value.

Although the steps taken in House Bill No. 2517 are positive ones for our citizens, the ultimate solution would be to require all persons who buy precious metals; buy other valuable property; or accept items for pawn to take the following steps:

- Require sellers to show valid, photo ID. The buyer would also have to record the sellers name, address, and phone number in addition to the ID number. The ID would also be copied by the buyer.

- A complete description of the property being sold would be recorded by the buyer and ideally a digital photo would be taken of the property and a photo of the seller as well.
- The buyer would be required to upload all of this information to a secure Internet web site where it would only be available to law enforcement officers to review. The names of sellers could be checked against suspect list and the property could be checked against stolen property lists.

This is currently being done in other states and locations. Maryland, for example has such a system and they regularly send Pennsylvania law enforcement officers lists of sellers from Pennsylvania who are going to Maryland and selling jewelry and other valuable property. Another, similar system exists in New England. The New England system is unique in that it was put in operation without any expense to taxpayers. The reason is that the New England system operates on the Regional Information Sharing System (RISS) and was developed by the New England State Police Information Network (NESPIN). RISS is a national network of regionally oriented services and national information sharing initiatives designed to support local, state, federal and tribal law enforcement and criminal justice efforts in combating multijurisdictional criminal activities. It is also run by these same local, state and tribal agencies even though it is funded by the Federal Government through the Justice Department, Bureau of Justice Assistance (BJA). RISS is made up of the RISS Office of Internet Technology (OIT) and six RISS centers which cover the entire country. Those six RISS centers include NESPIN, which covers the New England States and the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN) which is the RISS center that includes all of Pennsylvania. To best use tax dollars and to avoid duplication of effort, each RISS center develops different programs and services to provide to their member agencies. If the programs are successful, they are then shared with the other RISS centers. NESPIN developed their pawn shop database in conjunction with the Worcester, Massachusetts Police Department and it was so successful that it has now been extended to the entire New England region.

Philadelphia Police Department is in the process of implementing the NESPIN developed pawn shop database through MAGLOCLEN. Philadelphia City Council has passed necessary ordinances and they are currently in the trial phase of having selected pawn shops and precious metals dealers report their data to the database. My understanding is that even during the trial this has proven to be very successful.

Some impediments to trying this on a Commonwealth-wide basis include the following:

- Pawnbrokers operate under the auspices of the Department of Banking. Precious Metals sales are regulated by the Attorney General and the Department of Agriculture even though the conduct being regulated for both is almost identical. Both permit additional local regulation which is exactly what Philadelphia is doing. However, as the regulations are now would require every local jurisdiction in the state to pass identical rules and regulations. Otherwise we end up with a patchwork of hit or miss regulations which vary from jurisdiction to jurisdiction and with many having none. The solution is Commonwealth-wide regulations that cover the entire state.
- The regulations for Pawnbrokers only apply to pawns or property that is turned in with the intention to be repurchased by the seller. A seller who sells items to a pawnshop with no intent to purchase it back falls through a loophole in the current system. There is currently no requirement for pawnbrokers to record anything for persons who directly sell property instead of pawning it.
- Pawnbrokers who also buy precious metal require a license from the Department of Banking and then from the Sheriff of every county in which he intends to purchase metals. This is confusing and redundant.
- Regulations for both require only hard copy. There are currently no requirements to submit data electronically and this is the only

meaningful way to cross reference lists of stolen property as well as those who are selling it.

- Second hand dealers are completely excluded from any of this regulation and are free to purchase valuable property without any oversight.
- There is currently no oversight of “fly-by-night” or transient dealers who frequently advertise that they will be at a local motel for a weekend and then will be gone. I have with me such an advertisement from the August 9, 2010 *Philadelphia Inquirer* although this one advertises a permanent location as well.

I believe that the most effective legislation to deal with these issues would encompass all of the above issues and be uniform throughout the Commonwealth. Only when we have every business that buys used property, precious metals, or makes loans for pawn operating under the same regulations will we have truly effective regulation. These regulations should require every seller to have valid ID and the buyer to record that and the other previously discussed data. Every dealer should be required to have a computer capable of connecting to a secure database like the RISS/NESPIN database.

Because the infrastructure is already funded by the Federal Government and because an Internet connection is not an overly burdensome requirement, we have the capability of putting this system in place without any additional burden to the citizens of this Commonwealth. This system and necessary legislation and regulation will in my opinion be of tremendous benefit to the safety and wellbeing of the citizens of this Commonwealth.

Thank you again for helping move this legislation forward. It is a very positive step. I have been working with Representative Josh Shapiro on more comprehensive legislation that could either be a stand-alone bill or be incorporated into Representative Brown’s Bill that would provide Pennsylvania with statewide regulation that would be even more effective.