

CONNECTICUT CARRY, INC

229 BRANFORD RD UNIT 423 NORTH BRANFORD, CT 06471

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President
Connecticut Carry, Inc
229 Branford Rd Unit 423 North Branford, CT 06471

Commissioner Reuben Bradford
Department of Emergency Services and Public Protection
1111 Country Club Road
Middletown, Connecticut 06457

Commissioner Bradford,

The Department of Emergency Services and Public Protection has been entrusted by the legislature, and therefore the people, of the state of Connecticut to oversee the process of obtaining a pistol permit to purchase and/or carry a firearm in the state of Connecticut.

I am sure you understand what a huge responsibility this is, as you are in charge of a system that puts a significant burden on the fundamental right of self defense and the bearing of arms. These rights are, in fact, so important, that they were not only explicitly protected in the second amendment of our federal constitution, but they were also explicitly protected in Article 1, Section 15 of our Connecticut state constitution.

Article 1, Section 15 of the Connecticut Constitution reads:

Every citizen has a right to bear arms in defense of himself and the state.

It has come to our attention that the State Police Bureau of Identification has been stalling the administrative process of obtaining a pistol permit in the State of Connecticut.

In the State of Connecticut, a pistol permit is required to exercise a core human right protected by both our Federal and our State constitution. This right has, for a long time, been hindered by the mere presence of our permitting system that restricts and delays this right. Constitutionally, it would be prudent for the state to exercise extreme care and diligence in managing this process as to make this process as expedient as possible.

We have received a large volume of complaints recently from people who wish to exercise the right to possess and bear arms in our state but lack the state permit that restricts their right to do so. In working to troubleshoot these issues with the applicants, we advised said citizens on the administrative due processes and informed them of how to obtain the information necessary to start the appeals process. The dates of when their application was submitted,

sent to the SPBI and when their report was received back from the FBI are necessary to establish what part of the law the police department is breaking. Sadly, this is all too often the reality of the permitting process as very few police departments respect, know or follow the state statutes for permit applications that they were sworn to uphold.

When our citizens requested the dates, a matter of public information, they received conflicting, confusing, erroneous and often just plain dishonest answers from their local issuing authorities and from the DPS. When one of our directors Ed Peruta dug into the DPS system through an FOIA request, we were alarmed to find that there are in fact 1080 backlogged permit application background checks in the hands of the SPBI. These files date all the way back to the beginning of October, 2011. We have been informed all of these have the FBI checks complete and are only waiting on SPBI to handle their duties.

Connecticut General Statutes 29-28 and 29-29 illustrate and define a very specific and narrow basis for deadlines for both the state and for the local issuing authorities as well as an overall maximum duration for the process of 8 weeks. Unfortunately, the statutes are not specific about how long the SPBI may take to handle the background checks. When SPBI gets the fingerprints from the local issuing authorities, they are live scanned and sent to the FBI immediately. This FBI check should reveal any disqualifiers for a Connecticut Pistol permit not only within the state of Connecticut, but throughout the entire country. The FBI uses an automated system which returns these results in no more than 48 hours.

As a frame of reference, the local issuing authority has 5 days to submit the fingerprints to SPBI, and 'one week' to approve or deny an application once they have received the FBI report back from the SPBI. The FBI returns reports within 48 hours. We think it reasonable to assume that the SPBI should take no more than 48 hours in entirety to complete as well. Currently, the SPBI is taking a minimum of 15 weeks. The entire permit process is required to be completed in no more than 8 weeks.

In this situation, the FBI report has been received back, and the SPBI is simply sitting on the applications. There is no reason they cannot return these to the local issuing authorities and be comfortable in the validity of the FBI check. The FBI NCIC check is nationally accepted as the standard for background checks for firearms purchasing and possession.

Members and directors of our organization in the past have worked very hard to work for and with the Connecticut Board of Firearm Permit Examiners (BFPE) to reduce the backlog of appeals. These efforts have reduced the backlog from approximately 2 years to six months, and this is still **far** too long to deny anyone such an important fundamental right. Now, we have no choice but to recommend to any citizen that they immediately appeal to the BFPE to get on the list of appeals as soon as possible. This will devastate the efforts to get this backlog down and it again infringes on fundamental rights.

We ask of you, as the commissioner of the Department of Emergency Services and Public Protection, to investigate and correct your department's performance and attitude regarding our fundamental rights. We have clear evidence that the Department of Emergency Services

and Public Protection is not living up to the duties they were entrusted with, and in investigating these issues and helping citizens who are having problems because of these issues, we have run into a wall of arrogance and at times, deceit with regards to the answers provided to us by the SPBI. A citizen who pays the SPBI a \$50 fee to have a background check done for any reason has a right to prompt, courteous and professional service. When the background check is mandated before the citizen is allowed to exercise a fundamental right, that burden is even more so. Giving false dates, excuses and refusing to answer matters that are public information are unacceptable behaviors of a department that has been placed in a trusted role with regards to our rights.

Please investigate the matters we are bringing before you and make corrections to ensure that the people who are currently being denied their human rights because of the SPBI's failure to perform their duties have their situation corrected promptly. The backlog must be eliminated right now.

Please take action to make systemic corrections to the SPBI and how they manage these records checks in the future. When it comes to such an important human right, it is unacceptable to have any backlog with these processes.

We suggest two major reforms:

- All records checks that otherwise hinder and delay fundamental human rights like pistol permits do should be given immediate and absolute priority.
- Since the state reports criminal records directly to the FBI, the SPBI should be able to skip the state history check simply by relying on the FBI report. The FBI NCIC checks are trusted in every other element of firearms laws, there is no reason they shouldn't be absolutely trusted here as well.

If the state is unable to reform these processes in a reasonable manner and timeframe, perhaps it is time for the legislature to consider removing the requirement for a permit altogether. This has worked nicely in other states, with no penalties in increased crime or lowered public safety.

If the Department of Emergency Services and Public Protection wishes to remain relevant and active in this process, we suggest they make the necessary reforms immediately.

Please remember that previous and ongoing lawsuits have named the commissioner of Department of Emergency Services and Public Protection (formerly Department of Public Safety) as being responsible for neglecting these rights and being culpable in the drastic backlog of the BFPE. This is the commissioner's chance to help correct the current backlog at the BFPE, and to help stave off more floods of appeals that will be filed by the 1080 permit applicants who are currently being denied their rights.

It should be noted that this process costs a citizen of Connecticut \$50. With a backlog of 1080 checks, that is \$54,000 worth of undelivered services that the SPBI is responsible for. As the commissioner of the Department of Emergency Services and Public Protection, you should be very concerned with an astonishingly poor performance by the employees which you are

directly responsible for. Is the state prepared to refund all 1080 applicants their \$50 fee? Are you as a commissioner prepared to answer for the \$54,000 in state revenue that would be lost in such critical financial times for the state?

Connecticut Carry endeavors to be dedicated to advancing and protecting the fundamental civil rights of the men and women of Connecticut to keep and bear arms for self defense of themselves and the state as guaranteed by the United States Constitution and the Constitution of Connecticut.

Respectfully,



Richard Burgess
President

Connecticut Carry, Inc

Ph: 203-208-9577

Email: connecticutcarry@gmail.com

<http://ctcarry.com>



Don Mei
Director

Connecticut Carry, Inc



Edward Peruta
Director

Connecticut Carry, Inc