

WRITTEN TESTIMONY OF PETE GAGLIARDI

IN FAVOR OF BILL H7216,

AN ACT RELATING TO CRIMINAL OFFENSES-- WEAPONS

My name is Pete Gagliardi, and I am currently a consultant on matters related to Crime Gun Intelligence (CGI).

I am writing today in favor of Bill [H7216](#). I believe that Bill H7216 can help to improve the identification and apprehension of armed criminals by setting a state-wide policy directing all law-enforcement agencies (LEAs) to fully utilize currently available technology and criminal information systems to deter and solve firearm related violent crimes.

My experience with ballistics information-sharing networks spans 30 years - from “day one” of the creation of the ATF program in 1993 - to similar programs established in other countries, including at INTERPOL.

I believe that many at this hearing will be familiar with this case.

This past January, the Providence Journal published an article written by Jack Barry reporting on the sentencing of man named Pinkerton for the murder of Miya Brophy-Baermann, during a drive-by shooting in Providence on August 24, 2022.

The article indicated that for more than a year, no one was arrested for the murder.

On Dec. 12, 2021, Providence police made a routine motor vehicle stop of a car in which Pinkerton was a passenger. It was the catalyst for what would become an outstanding piece of police work by all involved.

Officers found a backpack that had been thrown from the car before it was stopped; inside was a “ghost gun”, a privately made firearm (PMF) untraceable because it did not bear a serial number.

Although “Ghost Guns” can’t be traced, they still operate as other firearms. They transfer identifiable ballistic markings to the fired ammunition components they discharge. Investigators ran the gun through the National Integrated Ballistics Information Network (NIBIN) database. NIBIN alerted the investigators that the gun was a probable match to the fired evidence from the Brophy-Baermann murder. Further analysis confirmed it.

Police also obtained a consent from Pinkerton to provide a sample of his DNA and took swabs of the gun for analysis.

The evidence against Pinkerton became insurmountable, NIBIN pointed detectives to the murder weapon, the DNA linked it and the backpack to Pinkerton. Pinkerton was charged with murder and firearm offenses and was later convicted after a jury trial. He received two life sentences plus 50 years. A second man still faces trial in this case.

Following Pinkerton’s conviction, Michelle Brophy-Baermann, the murder victim’s mother was interviewed by Channel 12, WPRI. She made some poignant remarks that are commonly heard from the loved ones of murder victims. She said she remembers breathing a sigh of relief when she heard the jury’s verdict late last month. It was a moment she had been waiting for — justice for her late daughter.

She recalled that, “Right from the beginning, detectives told us there was a possibility that this would never be solved,” She said: “I was very concerned at one point that there would not be justice.”

Michelle thanked all of the detectives and prosecutors for never giving up on finding her daughter’s killer. She said: “A lot of times, people are not caught, and parents never know,” she said. “I’m just so grateful.”

These words from the mother of a murder victim, go to the heart of the “why”, well beyond the fact that a murder victim, unable to speak on his or her behalf, is reliant solely on loved ones and strangers to speak for them.

The answer as to “why” it should be declared a matter of public policy to take full advantage of evidence collection databases like NIBIN is three-fold.

First and most importantly, as the victim’s mother Michelle Brophy-Baermann indicated, we must seek justice for the victims, resolution for their loved ones, and peace and relief for all affected. The expectations as to how a segment of society does this should be set and supported by its representatives.

Secondly, these databases build and become more valuable over time. They collect and store evidence from cases ranging in importance from high-profile to seemingly insignificant. Many times, it is a piece of information from the seemingly insignificant cases that help to make the hi-profile cases.

Sometimes, the case breaker comes from a single database like NIBIN or eTrace. Many times, however, the answer comes in individual pieces of evidence from multiple crime databases to be used to lead detectives where they need to go - like the steppingstones used to cross a stream. We never know from which databases the answers will come.

Lastly, NIBIN matches provide law enforcement with essential investigative information about recovered ballistic evidence for cross-referencing with other evidence (e.g. CODIS for DNA, AFIS for latent fingerprints, and eTrace for crime gun tracing). This allows investigators to develop a more complete picture of what happened and who was involved.

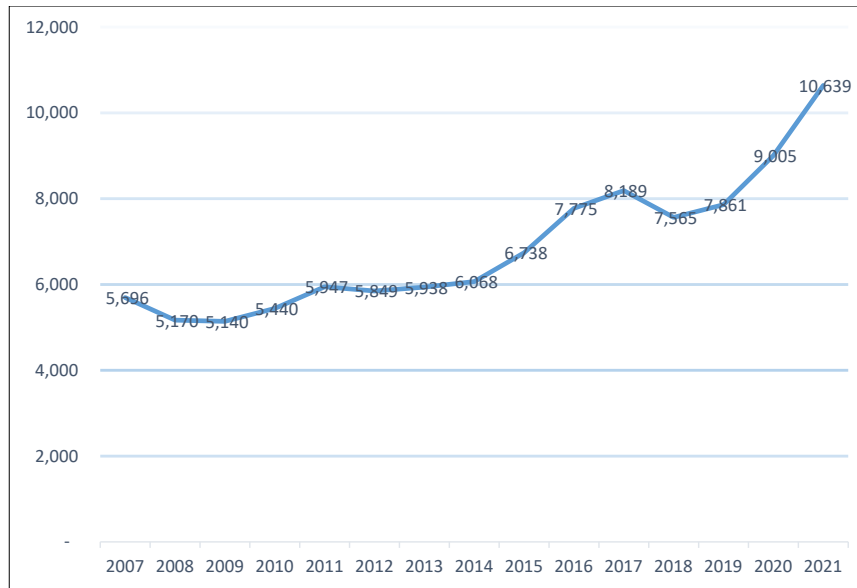
Moreover, NIBIN leads are non-biased information for law enforcement personnel to assist in identifying, investigating, and arresting shooters and their source of crime guns. NIBIN technicians rely on their training and technology founded in forensic science to make ballistic connections through NIBIN. In other words, being evidence-led, NIBIN can help law enforcement determine with impartiality that a series of firearm related crimes are connected. (Source National Firearms Commerce and Trafficking Assessment, Volume Two, NIBIN, <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-i/download>)

In closing, I can say that five states have passed laws similar to H7216: New Jersey, Delaware, Nevada, Illinois, and New York. Connecticut and West Virginia are considering the similar one too.

Figure 8 below, *New Jersey NIBIN Acquisitions 2007 to 2021*, reflects the impact that the New Jersey law has had in terms of the number of yearly NIBIN acquisitions that are so critical to building a robust database of crime gun intelligence.

When viewing the graph please consider that the New Jersey law was passed in September of 2013 and took effect in January of 2014. Furthermore, the protocols to implement the law were not complete until 2015.

Figure 8. New Jersey NIBIN Acquisitions 2007 to 2021*



* National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two, PART I: National Integrated Ballistic Information Network (NIBIN), Table NIB-01: NIBIN Acquisitions by State/Territory, 2005 – 2021, <https://www.atf.gov/firearms/national-firearms-commerce-and-trafficking-assessment-nfcta-crime-guns-volume-two>

Figure 8, Research on a 15-Year Statewide Program to Generate Enhanced Investigative Leads on Crime Gun Violence, <https://www.ojp.gov/pdffiles1/nij/grants/307138.pdf>

By way of background, I have over 50 years of experience extracting useful investigative information from crime guns and related evidence in both the public and private sectors.

Thirty of those years were in law enforcement - most of which was focused on the investigation of firearms and explosives related crimes with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As a street agent I have conducted firearm investigations in Massachusetts, Maine, Rhode Island, and Connecticut.

I have served as a first line task force supervisor in Boston and as the Resident Agent in Charge for the State of New Hampshire.

As a manager assigned to ATF Headquarters in Washington, DC, I have served as ATF's principal liaison to Congress, the Deputy Assistant Director of Science and Technology, the Deputy Assistant Director of Law Enforcement Programs, and the Chief of Strategic Planning. I was one of the primary developers of ATF's National Integrated Ballistic Information Network (NIBIN) Program.

In 1999, I retired from ATF as the Special Agent in Charge of the New York Field Division.

Following my retirement, I spent 16 years as the Senior Vice President with Ultra Electronics Forensic Technology Inc. and its predecessor Forensic Technology Inc., the developers of the Integrated Ballistics Identification System (IBIS).

As a consultant today, I provide thought leadership and strategic planning support to help governments develop sustainable solutions aimed at bringing justice to the victims of gun violence, resolution to their loved ones, and peace to their neighbors.

I have refined a strategic concept I refer to as Triple Barrel Strategy, which is **built upon three canons: *Cross-jurisdictional TEAMWORK, policy driven TACTICS and layering of leveraging TECHNOLOGY.***

I share concepts and best practices, that I have developed and those I have learned from others, through published articles, speeches, and seminars. I have conducted over one hundred workshops across the U.S. and abroad, based on my book entitled: *The 13 Critical Tasks: An Inside-Out Approach to Solving More Gun Crime (3rd Edition)*.

I have instructed at ATF's Crime Gun Intelligence Expert Schools and served as an adjunct instructor at the University of the West Indies, in the Firearm Investigations Section of their master's degree program in Forensic Science.

I am a life member of the International Association of Chiefs of Police (IACP) and served for many years on the organization's Firearms Committee.

I have served as a subject matter expert to the ATF National Firearms Commerce and Trafficking Assessment (NFCTA) Team for Volume I and II. Volume II published last year contains two in-depth reports on the ATF NIBIN Program. It can be accessed at: <https://www.atf.gov/firearms/national-firearms-commerce-and-trafficking-assessment-nfcta-crime-guns-volume-two>

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