

**THIRTY-FIFTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY, JUSTICE, AND
PUBLIC SAFETY**

Chairman: The Honorable Kenneth Gittens

Virgin Islands Police Department

St. Croix, USVI

May 14, 2024

Good morning to the Chair, The Honorable Kenneth Gittens, Legislative body and Staff, Members of the VIPD Executive Team, and to the Members of the listening and viewing audience. My name is Sidney Elskoe, Assistant Commissioner of Police for the United States Virgin Islands Police Department. We thank you for the opportunity to present testimony regarding a proposed territorial assault weapon ban; extending the firearm license renewal period from three years to five years, and the creation of a mechanism empowering the Police Commissioner with defined authority to monitor and approve or deny the ability to import rifle parts into the territory.

GERS Peace Officers

The Virgin Islands Police Department is not the sole law enforcement agency in the territory. Additional agencies include peace officers with the Department of Planning and Natural Resources, the Division of Licensing and Consumer Affairs,

the Department of Health, the Taxicab Commission, the Virgin Islands Lottery, the Department of Waste Management, the VI Port Authority, Fire EMS, and the Marshal's Service. All law enforcement agencies in the Virgin Islands collaborate in the responsibility of maintaining a safe environment for all. The named agencies exist to fill a necessity. As attempts are made to ensure the gaps in our safety are filled, change elicits new approaches to routine law enforcement. The Virgin Islands Police Department supports all genuine attempts to create a safer society.

Assault Weapon Ban

Firearm ownership is a part of the daily fabric of our community. Opinions regarding firearms range from views which are good, bad, or indifferent. The Second Amendment of the United States Constitution is part of the Bill of Rights and reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

In brief, the Second Amendment protects the right of individuals to keep and bear arms. It was adopted in 1791 and has been the subject of significant debate and interpretation throughout American history. Some view it as affirming an individual's right to own firearms for self-defense and other lawful purposes, while others interpret it as primarily protecting the collective right of states to maintain militias.

In simple terms, a firearm is a tool that uses a controlled explosion or combustion to propel a projectile through a barrel. In 1791 when the second amendment was promulgated the mechanism and operation of a firearm was vastly different than it is today.

One of the many arguments against firearm ownership, especially related to assault style weapons, is the second amendment requires an update to match the technology that currently exists. At the time, loading, aiming and firing a firearm was a complicated process which limited the user to firing 2 to 3 rounds a minute. Current technology allows an assault rifle to fire rounds at a rate of one per second. A typical 40 round magazine can then be swapped for a full load in a matter of seconds. The pro assault rifle argument rarely considers necessity, unless you reside in an area which hunting is readily available. It does include the right reflected in the second amendment to bear arms.

The Virgin Islands Police Department takes a somewhat neutral position in the argument. The agency does, however, remain cognizant and ready to perform its duty to ensure safety is addressed across the board. Generally, the law-abiding citizen that requests a firearm license falls in one of few categories. Employment related protection, personal protection, or sport (target practice). Most encounters involving a firearm occur in a close-quarters environment at a distance of seven yards or less. For protection, a pistol or shotgun which is accurate at the range

described is sufficient. A .223 caliber round fired from an assault weapon can travel 400 to 500 yards. This presents the possibility that a high velocity rifle round, as described could affect persons or property well outside of the area of the incident. This fact requires an open and honest discussion regarding all high-powered rifles within the community.

Firearm License Renewal Period

We have also been invited to discuss extending the firearm licensing period from 3 years to 5 years. Each firearm license applicant undergoes a vetting process to ensure the user possesses the capacity to handle and safely maintain a firearm. The process ensures the firearm owner is trained in proper usage. The process also ensures the licensee possesses a secure location to store the firearm in a safe or lock box to prevent loss or theft. Once the licensee is approved, the person must renew their license every three years. The renewal process does not include capacity review or storage inspection. It does require some paperwork and an interview. Generally, a law-abiding person that licenses a firearm is not of immediate criminal concern to the Virgin Islands Police Department. It is the agency's position that a three-year renewal period is already quite lenient. We must also consider our own independent life experiences. I recall a recent ad campaign in which the tag-line read, "Life comes at you fast." Many things can change in three years. Many more can change in five. Recently in the State of Ohio an Uber driver was killed by an elderly male that

legally owned a firearm. The man had been tricked by a scammer and the Uber driver was unknowingly a pawn in the event. The news report showed video of the incident. As I viewed the news report displaying the actions and the 911 recording made by the gun owner, I can't help but think of the senior firearm owners in the territory that may require extra scrutiny to assess their ability to process gun ownership and response. This is only one example that reveals there may be a need for more time-based review rather than the alternative.

National Police Week

We are now in Police Week which extends from Sunday May 12th through Saturday May 18th. It is a time to reflect on the past and present actions and sacrifices of the members of the law enforcement community. This week we also pay homage to the members of law enforcement who gave their lives in the line of duty. Our colleague and brother in blue, Detective Delberth Phipps Jr. who we tragically lost on July 4th, 2023, will be honored tomorrow May 15th 2024, at the US Capitol. His name will be affixed to the wall at the National Law Enforcement Officers Memorial in Washington DC. Police Commissioner Ray Martinez and Police Chief Steven Phillip will be in attendance. The Virgin Islands Police Department is your department ladies and gentlemen. This week please make an effort to thank your officers for their service.

I thank this body for the opportunity to testify. My team and I stand ready to answer your questions.