

Testimony on HB696/SB208

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The technology doesn't yet exist to enable California to track the ballistic "fingerprints" of every firearm made and sold in the state, Attorney General Bill Lockyer said Wednesday in a report based on studies at the center of the national gun control debate.

-- <http://www.ag.ca.gov/newsalerts/2003/03-013.htm>

We ask the Committee to return an unfavorable report for SB 208 which expands ballistic fingerprinting of new handguns to include long guns since the technology is unreliable, costly, immature and unlikely to be consistent with any national standard, which may emerge in a few years. In fact, the California Attorney General reports, Enclosure (1), that even under controlled circumstances, Ballistic Fingerprinting can fail in 60% of the cases. That report concludes that the technology is currently unusable. Perhaps, more importantly, the technology is never likely to be cost effective.

Ballistic Fingerprinting will always be limited even with significant improvements in technology. Few guns used by criminals are traceable to them even with serial numbers from recovered firearms (40 and 60 percent of BATF gun traces fail even to trace to the first retail FFL seller of the firearm)¹. The same problems – and more – will limit fingerprinting success. Figure 1 illustrates part of the reason for failures. Other reasons can include some or all of:

- 1) Criminal purchasers used forged IDs for the 14% of handguns they buy through retail sources²,
- 2) The most popular crime gun is a Smith and Wesson .38 revolver. Shell casings are rarely recovered from revolvers. So, criminals can migrate to revolvers.
- 3) Maryland has a revolving door justice system. No amount of tracing will do anything if violent criminals continue to get slaps on the wrist as they currently do with 75% of gun toting thugs not getting mandatory minimum sentences.³
- 4) Ballistic fingerprints of guns can be altered by use of common tools applied to the gun if a person wishes to use a legal firearm. Unlike human fingerprints, ballistic fingerprints are temporary. Even common wear on a firearm will change a ballistic fingerprint. It has been estimated that firing 400 to 600 rounds will change the fingerprint.



Figure 1. Stolen Guns are not traceable to crooks

¹ Kennedy, Table 5 (guns traced from youth offenders in Boston); J. Wachtel, *Sources of Crime Guns*, paper presented at annual meeting of Academy of Criminal Justice Sciences, Las Vegas, March 1996, pp. 10-12 (Los Angeles traces, using BATF data supplemented by California Department of Justice data); Gerald A. Nunziato, BATF National Tracing Center, briefing to the Homicide Research Working Group, June 10, 1997 (60 percent failure rate).

² "Firearm Use by Offenders," NCJ 189369, Nov. 2001.

³ "Tough gun law, timid enforcement," Caitlin Francke, Baltimore Sun, Jan 30, 2000

- 5) The idea that criminals use recently purchased firearms is just wrong. 40% or more of guns possessed by convicted criminals (note 2) are obtained from an illegal street source (drug dealers) or during a robbery, burglary, or other theft. This percentage is likely to rise as other sources become too risky from a working ballistic fingerprinting system.
- 6) Taking a small file to the bolt face, the extractor, and other parts that create "ballistic fingerprints" will allow a criminal to change the fingerprint in less time than it currently takes to drill out a serial number.
- 7) No one has ever shown that you can image shotgun shells successfully
- 8) Long guns are used in crime so rarely (roughly 1/17 that of handguns for homicides) that it would be better to spend the money on additional police or prosecutors.

All of these will insure poor performance is likely to result and the cost per crime solved is likely to be excessive, unjustified, and detract from spending on real crime solving methods. There seems to be more value to society for the money spent on ballistic fingerprinting being spent instead for cops on the street or prosecutors or processing rape kits or just locking violent offenders away for a few more years.

The dogmatic support for ballistic fingerprinting by certain Democrats, despite the ineffectiveness of the technology, is typical of a mindset that will be swept away by a political flood of irritation from decent gun owners because of their treatment as criminals in-waiting. Figure 2 illustrates the issue.

These legislators are proving they have an institutional hatred for guns – not just handguns, but all guns as they promote one wasteful anti-gun bill after another while Maryland citizens continue to suffer almost the top rates of violent crime and homicides compared to the other 49 states. Marylanders continue to be the most robbed citizens of the 50 states - the worst ranking now for seven straight years!



Figure 2. What is the likelihood of a criminal's gun being fingerprinted in a way it can be traced to him even if fingerprinting worked?

We hope that this wasteful and intrusive program is ended soon. And we ask that votes on this bill be recorded so that we might call the bill supports to account for their folly and wastefulness.

Some Democrats appear to have not learned the lessons of recent elections; but the most recent election in Maryland has shown that we have!

Feasibility of a California Ballistics Identification System

**Assembly Bill 1717 (Hertzberg)
(Stats. 2000, ch. 271)**

Report to the Legislature

Attorney General Bill Lockyer
California Department of Justice
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