



## Legislation Text

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### Res. No. 85-A

Resolution calling upon the United States Congress to approve legislation that establishes a national ballistics fingerprint database.

By Council Members Vallone Jr., Nelson, Recchia, Jr., Fidler, Felder, Quinn, Vann, Sears, Avella, Gennaro, Liu, Gerson, Jackson, Katz, McMahon, Stewart, Weprin, DeBlasio, Koppell, Monserrate, Reed, Sanders, Brewer, Gentile, Clarke, Seabrook and The Public Advocate (Ms. Gotbaum)

Whereas, According to a study by the federal bureau of Alcohol, Tobacco and Firearms (“ATF”), almost 70 percent of the guns used in crimes in New York State originate out-of-state; and

Whereas, Currently, thousands of these crimes involving out-of-state guns remain unsolved as police departments nationwide continue to be deprived of the necessary technology to help solve them; the inadequate state of crime fighting technology is exemplified by the lack of a national ballistics fingerprint database, an omission which seriously hampers the ability of police departments across the country, including the NYPD, to crack down on gun crimes; and

Whereas, Although New York is one of only two states to have a database system for all guns bought within the state, because so many guns used in crimes in New York originate elsewhere, state authorities remain paralyzed in their ability to trace the weapons and gather the leads they need to make arrests; and

Whereas, Although every gun possesses a unique “fingerprint” or distinctive pattern which is imparted on spent casings and bullets from the gun from which they were fired, presently, without a national database, police can only use these markings to determine whether bullets recovered at a particular crime scene were fired from the same gun; until law enforcement agencies are able to coordinate their efforts and make data widely available, the police will continue to be deprived of vital information that could potentially identify

where and by whom the gun was originally purchased; and

Whereas, Consequently, police are forced to undertake expensive and time-consuming investigations, spending countless hours of precious time searching for clues that will hopefully lead them to the original owner or seller who will hopefully lead them to the shooter; and

Whereas, In the 108<sup>th</sup> Legislative Session, a bill known as the TRACE Act (“Technological Resource to Assist Criminal Enforcement Act”) was introduced that would require ballistics testing of all new firearms, preparation of ballistics images of the fired bullet and cartridge casings from the test fire, and preservation and cataloguing of these ballistics images in a national computerized database; and

Whereas, By creating a national database of these unique markings, the TRACE Act would coordinate local law enforcement agencies and help to provide the evidence to link felons to gun crimes in a timely and efficient manner, thereby greatly enhancing the safety of our communities; and

Whereas, Even with the presently limited technology which only enables tracking crime scene bullets and casings to determine whether they derive from the same gun, authorities in Washington, D.C. were able to utilize this minimal data to effectively connect the somewhat geographically dispersed D.C. area sniper shootings as originating from the same single weapon; and

Whereas, The potential effectiveness of a national ballistics fingerprint database is further illustrated by the 2001 ATF study which found that, even the limited ballistic fingerprints on file have enabled law enforcement to make 8,800 matches linked to 17,600 crime scenes over a 15-month period; and

Whereas, The ballistics fingerprint system has been widely and internationally tested and its high rate of effectiveness has garnered the support of numerous law enforcement groups across the country, many of whom have expressed the view that cataloguing these unique markings in a national database would help their work immeasurably; and

Whereas, According to Joe Vince, a former ATF agent and the bureau’s former chief of gun crime analysis who helped develop the ballistics system, it is imperative that law enforcement agencies, especially

local police departments, have access to a nationwide computerized system of ballistics identification; as Mr. Vince stated, “It’s a public safety issue. Law enforcement has to have 21<sup>st</sup> century technology to operate in today’s society”; and

Whereas, On October 16<sup>th</sup>, 2002, in the midst of the sniper shootings, Senator Tom Daschle called on the Senate to seriously consider the ballistic fingerprinting legislation stating, “The law enforcement community has looked at this legislation and...universally and virtually unanimously have supported this legislation”; experts have said that if such a system had already been in place, it could have advanced the investigation of the sniper shootings in the D.C. area, potentially saving many lives, since the only pieces of evidence available for days were bullet fragments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to approve legislation that establishes a national ballistics fingerprint database.