

New Yorkers Against Gun Violence Testimony
Joint Public Protection Legislative Public Hearing on 2012-2013 Executive Budget Proposal

Monday, January 30, 2012

By Colin Weaver, NYAGV Deputy Director

Good afternoon Senator DeFrancisco, Assemblyman Farrell and Members of the Senate and Assembly. Thank you for permitting New Yorkers Against Gun Violence to testify today and comment on the Governor's Executive Budget regarding public safety issues, specifically matters related to gun violence.

My name is Colin Weaver and I am the Deputy Director of New Yorkers Against Gun Violence the only statewide group working to reduce gun violence through advocacy and education.

Gun violence is usually only discussed in the aftermath of high profile mass shootings like the horrific massacres at Tucson last year where 6 were killed and 13 injured, Virginia Tech where 32 were killed and 25 were injured, and in Binghamton, New York, in 2009 when 13 were killed and 3 were injured. But the truth is that thousands of New York families continue to suffer long after the media has moved past the latest shooting. Gun violence is an issue that communities around New Yorkers must deal with every single day--as mothers are shot picking children up from school, grandmothers are gunned down in their own kitchens, two year olds are shot in their car seats and prom queens are murdered on Mother's Day. Despite being well intentioned, the Governor's Executive Budget does not go far enough to help remedy this tragedy that continues to plague New York.

The Governor's Budget calls for the elimination of the Combined Ballistics Imaging System, known as CoBIS. Started ten years ago, the goal of CoBIS was to create a database to connect ballistics evidence from a crime scene to the first purchaser of the firearm. This is done through the matching and forensic examination of unintentional marking left on ballistics evidence by the firearm. The CoBIS program simply has not met expectations and its operation should be stopped. But the goal of connecting shell casings from crime scenes to the first purchaser of a weapon, and thus solving more gun crimes, should not be abandoned by the Governor.

We commend the Governor for taking a portion of the savings from CoBIS and reinvesting in the National Integrated Ballistic Information Network, known as NIBIN. NIBIN was established by the Bureau of Alcohol Tobacco and Firearms (ATF) to help establish a link or a hit between two crime scene investigations. All the images in NIBIN come from shell casings left at crime scenes where no gun is found or from shell casings fired from a known crime gun. In other words, the value of NIBIN technology starts after a gun or a shell casing has been used at least once in crime. In many cases, these "hits" are only matches to cartridges found at *other* crime scenes—letting investigators know that the firearm has been used in another crime without actually identifying the weapon or the first purchaser. And because of statutory limitations, NIBIN does not record or connect, and in fact cannot connect, a shell casing to a specific purchaser or a shell casing found at a crime scene and used in crime for the first time.

With the elimination of CoBIS and the limitations of NIBIN, a hole has been created in identifying shell casings left at crime scenes, and the Governor's Budget does not fully address this issue. The Governor and State Legislature can help law enforcement solve more gun crimes and get violent, gun-toting criminals off the streets faster, by passing and implementing microstamping in New York.

Microstamping is supported by more than 100 mayors and 80 police departments and law enforcement organizations from across New York including the District Attorney's Association, The Citizens' Crime Commission, The New York State Association of Chiefs of Police, and the Criminal Justice Coordinator of the City of New York. These experienced law enforcement professionals have repeatedly asked for this technology because they know it would provide an additional tool to help solve gun crimes and get violent criminals off the streets.

Microstamping imprints a unique alpha-numeric code on a shell casing each time a semi-automatic weapon is fired. A microstamped shell casing at a crime scene will help police identify the gun's first purchaser and begin the investigation process. The sooner you find the first valuable evidence at a crime scene, the better your chances of solving the crime. Microstamping is not a panacea, but since 40 percent of homicides remain unsolved nationally, it is a tool that law enforcement needs to increase their success.

In a peer reviewed study conducted by the inventor of microstamping, Todd Lizotte, who we would add is a life long member of the National Rifle Association, and an avid gun owner and hunter, microstamped markings were successfully transferred to the shell casing and identified 95% of the time.

Even critics of microstamping admit that recovering just one microstamped shell casing means a 54% success rate of identifying the serial number. This means that recovering three shell casings means a 90% success rate. This has been amply explored and defined in a peer-reviewed study by the Suffolk County Firearms Examiner.

Each of these rates of success are far greater than the ballistics identification rate of NIBIN which in New York is 2%, and nationally is just 1.5%, much lower than even the lowest estimate of microstamping hits.

Microstamping is a tool that works. In fact, recent RFPs from the Federal Government to firearms manufacturers have required the firearm manufacturers to laser engrave the exterior of military weapons with unique identification codes, a process similar to the one used to make microstamping components, so that when the United States Government sends weapons overseas, we can trace ownership and locations by the laser engraved markings on the outside of the weapon and the outside of the shipping containers. Clearly, the United States military believes this is important in tracing weapons and keeping our military safe overseas.

We agree.

Almost all crime guns are originally purchased legally. In 2009, ATF reported 60 percent of guns used in crime upstate New York were first sold in New York. Microstamping would prove invaluable to these investigations, since it applies to new guns sold in New York.

Microstamping is cost-effective as well. No new massive, government-controlled database is needed to implement microstamping. Law enforcement will submit the microstamped serial number to the ATF for a tracing request, as they have for decades.

The legislation now under consideration, states that microstamping will not be implemented unless it costs \$12 or less per firearm. Laser job-shops like Laser Light Technologies estimate costs between \$1 and \$6 per firearm. That is a minor expense for gun purchasers who routinely pay hundreds of dollars for a new semi-automatic handgun and a small price to pay for the safety of communities and families around New York.

Denying law enforcement every tool now available to help solve gun crimes, will make New York less safe, and allow violent criminals to continue to terrorize communities already flooded by guns. Since 1970 in New York City alone,

more than 8,000 firearm homicides remain unsolved. As a result of these stymied investigations, more than 8,000 murderers with guns have not been brought to justice for their crimes. Many remain free and can continue to carry and use guns against innocent New Yorkers. And this number of will continue to rise unless we do something about it.

Unsolved gun crimes are a problem across New York State. Crime has dropped in Syracuse, but certain categories — like shots fired — remain dangerously high. Responsible elected officials must give the police every tool possible to help them solve gun crimes. From 2006 to 2010, Syracuse police responded to 1,360 incidents of shots fired, of which 1,200 — 88 percent — remain unsolved. Additionally, 85 percent of unsolved Syracuse homicides are gun homicides. Similar and equally startling statistics can be found in villages, towns and cities across New York.

Every time a semi automatic gun is used in the commission of a crime, shell casings are left at crime scenes around the state. Without microstamping these crimes are hard to investigate and solve. In the meantime, taxpayers are forced to foot the bill for injuries and medical costs to victims and police officers. Families are forced to endure a criminal justice system that does not find and bring criminals to justice as often as they could. In the last two years alone, more than 5,000 people were shot in New York. Shooting victims require immediate medical attention, and the majority of victims either don't have health insurance, or are on public health programs paid for by the government. According to The World Health Organization in a 2004 study, 56%-80% of the medical costs of acute gun injury care, were either paid for directly by public financing, or not paid at all. When expensive medical bills go unpaid, it results in higher health care costs and increased health insurance premiums. In any case the vast majority of medical costs of gun violence care are paid for by society.

The criminal justice system, funded with taxpayer dollars, spends enormous money and resources to investigate and prosecute every shooting, every incident of shots fired, and every gun homicide. Those costs are compounded when crimes go unsolved, as investigations must continue for months and even years, while criminals remain free with their guns, to commit even more violent crimes.

Data from the Center for Disease Control paints the most accurate picture of the costs to society of gun violence. In 2005 alone, the 515 firearm homicides in New York accounted for more than \$770 million in combined medical costs and lifetime work-loss costs in this state. These are real costs with real impact on our states' budget and include lost tax-revenue from future earnings, medical costs borne by government-financed programs, and lost productivity to the marketplace, to name just a few societal costs. The data however, does not even include the costs of the more than 2,500 people shot in New York in that same year.

Preventing gun violence is a lot less expensive to society than reacting to it.

Let me give you one example:

In the summer of 2010, a Federal law enforcement officer named Maurice Gordon from Nassau County, New York was shot and killed in Queens while shielding a family member as bullets exploded from a semi-automatic firearm in the hands of a criminals and reigned down upon them. Police found 25 shell casings at the crime scene but have not arrested anyone for this horrific murder.

The day after the shooting, Maurice Gordon's father said "He is the best son that would come on the Earth, I will miss him until I die. This death will carry me to my grave." Less than a week later his father died of a heart attack the day before Maurice's funeral. Maurice Gordon left behind a wife and two young children. That one shooting claimed two lives and devastated an entire family.

Despite the tragedy and heartache thrust upon her innocent family, Maurice Gordon's sister continues to fight for justice and works closely with the NYPD to find her brother's killer. But despite the best efforts of his family, the community and of law enforcement, this case remains unsolved and a murderer continues to roam the streets.

The physical, emotional and financial costs of this one shooting ripple across New York.

The personal toll of gun violence on families like the Gordons and thousands of other families around New York is a terrible tragedy. But we can do something about it. New York families will continue to lose loved ones every day and will be denied justice and closure until we pass sensible legislation like microstamping.

We can all agree that we need to keep violent criminals behind bars. But if they are never apprehended, then they remain on the streets with their guns. Law enforcement should not be forced to use 20th century technology while gun-toting criminals with high-tech powerful semi-automatic weapons remain free to wreak havoc on communities and families across the state. Microstamping is a cost-effective crime-fighting tool that New York needs. We are asking the Governor to emphatically endorse the technology and ensure that the legislation is passed this year to close the gap created by defunding CoBIS.

Thank you for your time. I would be happy to answer any questions you may have.