

BALLISTIC FINGERPRINTING – A DEFECTIVE SCIENCE

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One of the many objectionable provisions contained in the Firearms Control Amendment Bill of 2014, provided for the ballistic fingerprinting of all privately owned firearms. With this project government proposed obtaining at least 5 spent cartridge cases and the bullets fired from them, to keep on record as a comparison with your firearm from which they were discharged. Government believed that, despite your constitutional right to be presumed innocent, they should have on record matched cartridge cases and bullets fired from all your firearms – just in case one of your firearms should ever be used in the commission of a crime. According to this line of thinking you, the lawful gun owner, will be suspect # 1!

During the March 2015 Parliamentary Firearm Colloquium, SAGA, amongst others, strenuously objected to this proposed amendment. SAGA Trustee John Welch pointed out that the ballistic image, even if correct at the time of the recording, would be of little or no value soon after the firearm had been used or, when the conditions or circumstances under which the cases or bullets were retrieved differed from the time when the firearm was discharged to obtain the samples.

Welch further alluded to the high costs involved for firearm owners - they would have to provide the ammunition and take their firearms to the police for the tests to be conducted. This poses a very serious threat to safety and security by having to convey firearms to the police station, which, in the case of dedicated hunters, sportsmen and collectors, could be many. The logistical nightmare of having to find space for all the exhibits and to secure them to prevent tampering and interference makes one shudder. The firearms community felt so strongly about this issue that they agreed to mandate well-known forensic expert, Dr David Klatzow, to do an independent research project and to make public his project and finding irrespective of what they are. SAGA's contribution towards this project, like many other stakeholders in the firearms community, was significant.

On 4 December the research product called Defective Science by Dr David Klatzow, was launched in an electronic format. "SAGA is well-please with the research product as it confirms, to a large degree, our viewpoints", Welch said today. He believes Klatzow's research and findings are substantial and should cause a serious rethink of the traditional idea of ballistics, in fact not only ballistic evidence but all forms of forensic investigations. Contrary to popular belief, firearms do not always leave unique markings on cartridge cases and bullets and even if there were unique markings, there may be explanations which the so-called experts do not wish to reveal as it may not suit their "client" (SAPS). SAGA is particularly pleased with Klatzow's finding that the firearm's imprint on ammunition can change over a period of time. This exactly confirms the fallacy of the whole idea – it just cannot be compared with the likes of DNA or fingerprints.

SAGA warned that people should not think that suddenly firearms could no longer be linked to crime scenes through ballistic testing and analysis. Welch pointed out that in all criminal cases the prosecution must prove the case against the accused beyond a reasonable doubt. So this means that if the state avers that the accused has shot and

killed the deceased, and the only evidence is that the bullet found in the body of the deceased matches the imprint left by the firearm that belonged to or even was possessed by the accused, the court must be satisfied beyond a reasonable doubt that the accused had in fact killed the deceased. This ballistic comparison is nothing more than circumstantial evidence from which the court could draw a favourable or unfavourable conclusion. Although Klatzow's research is more to the point regarding the ballistic fingerprinting of firearms, it nevertheless reiterates the importance of exercising caution with respect to so-called scientific ballistic comparison evidence.

While SAGA supports all lawful and constitutionally accepted measures to prevent and combat crime, especially violent crime, it believes that the sharp end of the police's strategy against firearm-related crime should be against gangsters and other criminals who murder, rob, rape and steal and not against licensed firearm owners, some of whom have contravened the Act by failing to renew their licenses or committed mere administrative violations.