



Department of Justice

STATEMENT OF

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U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES**

FOR A HEARING ENTITLED

**“FROM BOSTON TO AUSTIN: LESSONS LEARNED ON HOMELAND
THREAT INFORMATION SHARING”**

PRESENTED

APRIL 18, 2018

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James E. McDermond
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“From Boston to Austin: Lessons Learned on Homeland Threat Information Sharing”

Presented
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Chairman McCaul, Ranking Member Thompson, and Members of the Committee, thank you for the opportunity to appear before you today to discuss the ways in which the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) shares threat information and intelligence with its Federal, State, and local law enforcement partners.

Before discussing the important subject of data sharing, on behalf of Deputy Director Brandon and all of the men and women of ATF, I extend deeply felt condolences to the families, friends, and loved ones of those who were killed or injured during the recent bombings in Austin, Texas. The senseless Austin bombings are another terrible and compelling reminder of the need for ATF to maintain unrelenting vigilance in our mission to identify and combat criminals who use firearms, explosives, and fire to commit violent crimes.

ATF is committed to protecting our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, bombings, acts of arson, and acts of terrorism, and we have long recognized the critical role that information and intelligence sharing serves in keeping our communities safe. To ensure we receive and share information that is crucial to public safety, ATF vigorously cultivates deep and enduring relationships with communities, industries we regulate, law enforcement partners, and public safety agencies. We work very closely with State and local law enforcement to reduce and prevent the firearm violence that plagues too many of our communities, and to share our expertise and unique resources in the investigation and prevention of arson and the criminal use of explosives. When ATF obtains information through its investigations – or by any other

sources – relating to terrorism, we immediately provide that information to our partners at the Federal Bureau of Investigation (FBI). Our role in combatting terrorism is to be the best possible partner to the FBI, and I am honored to be here today with FBI Assistant Director Kerry Sleeper, a leader in consistently promoting information sharing and coordination among law enforcement.

I would like to highlight for you some of the programs through which ATF shares information and provides training, resources, and expertise to our law enforcement partners, and discuss with the Committee the role ATF has played in critical incident investigations such as the Boston Marathon bombing and the recent serial bombing in Austin, Texas.

ATF's core mission includes preventing the criminal diversion and misuse of explosives and the investigation of arson and criminal bombing incidents. A central aspect of this mission is providing support to our law enforcement and public safety partners who also respond to and investigate bombing and arson events. We do this through training and research, development and leveraging expertise and technology, and, importantly, providing access to timely, accurate information. ATF provides these services through several unique programs that are coordinated through ATF's National Center for Explosives Training and Research (NCETR). The main NCETR campus is located in Huntsville, Alabama, on the Army's Redstone Arsenal; this facility houses ATF's Explosives Enforcement and Training Division, Explosives Research and Development Division, Fire Investigation and Arson Enforcement Division, and the United States Bomb Data Center (USBDC).

The USBDC is now the sole national repository for explosives and arson-related incident data. ATF has operated the USBDC since Congress directed its establishment in the Federal explosives laws. The USBDC's mission is to increase regional and national situational awareness by collecting, analyzing, and disseminating information and intelligence products to assist Federal agents; investigators from State, local, tribal, and military departments; and international partners in preventing violent crime and acts of terrorism. These products include statistical and technical information, as well as analysis trends related to the criminal use of explosives and arson. Another key function of the USBDC is to collect information about the theft or loss of explosive materials. Explosives licensees and permittees are required by Federal

law to report theft or loss of explosives to ATF and local authorities within 24 hours. Using this theft/loss data, the USBDC provides timely security alerts to U.S. law enforcement partners across the country when these incidents occur. ATF has developed the USBDC into a vital intelligence and information resource, with current participation from more than 2,600 interagency partners.

In 2004, then-Attorney General Ashcroft directed the consolidation of all Department of Justice arson and explosives incident databases into a single system. To execute this directive, ATF, through the USBDC, established the Bomb Arson Tracking System (BATS). BATS garnered wide acceptance, and now has nearly 13,000 active users and contains information on more than 490,000 explosives and arson related incidents.

ATF's National Canine Division (NCD) in Front Royal, Virginia, is another vital component of ATF's support for our law enforcement partners in the investigation of explosives, arson, and firearms offenses. The NCD trains teams of explosives and accelerant detection canines and handlers for ATF's own arson and explosives mission, and for numerous Federal, State, local, and international law enforcement partners. The NCD utilizes the National Odor Recognition Training Standard (NORT), an ATF-developed cutting-edge training regimen that enables trained canines to detect more than 19,000 different explosives compounds. Congress has recognized this Standard as a benchmark for explosives canine proficiency. Since 1990, ATF has trained 919 explosives and 253 accelerant canine detection teams. ATF-trained canine teams are utilized across the country and by several foreign partner law enforcement agencies, and they serve a crucial role in protecting the public.

In addition to the support provided by the USBDC, BATS, and the NCD, one of the most important assets ATF contributes to our nation's capacity to prevent, investigate, and solve crimes involving arson and explosives is a specialized cadre of ATF Special Agents who receive unparalleled training in the scientific, technical, and legal aspects of investigating crimes involving fire and explosives. This cadre of agents is trained through our Certified Fire Investigator (CFI) and Certified Explosives Specialists (CES) programs. ATF's CFIs are the only certified fire investigators in the Federal government, and their support is routinely sought

by our State and local partners for arson investigations involving loss of life and major property damage. In 2017, ATF CFIs conducted more than 2,300 fire scene examinations.

ATF's CESs specialize in the investigation of non-terrorism-related criminal acts involving explosives, bombings, and explosives threats, which comprise more than 90 percent of all explosives-related incidents nationally every year. As with our CFIs, our State and local partners frequently request assistance from ATF CESs when bombings and other explosives incidents occur. ATF CESs are often assisted by highly skilled Explosives Enforcement Officers (EEO). EEOs are ATF's technical experts in matters involving improvised explosive devices (IED) and destructive devices. Many of ATF EEOs previously served as explosive ordnance disposal technicians in the U.S. military, where they initially received specialized explosives training. EEOs render bombs and other destructive devices safe, conduct advanced disassembly procedures in order to preserve and exploit evidence, provide explosives device determinations for criminal prosecutions, and routinely conduct explosives threat assessments of vulnerable buildings, airports, and national monuments. On average, an ATF EEO has sixteen years of experience in the explosives field before joining ATF. Together with other ATF Special Agents, and often with the support of EEOs, ATF CESs opened approximately 1,000 explosives investigations in FY 2017. In calendar year 2016, BATS reported 699 explosions of which 439 were bombings.

ATF's Forensic Science Laboratories (FSL) and its Fire Research Laboratory (FRL) also provide substantial support to our State and local partners through the examination and analysis of evidence, expert testimony, technical support, and advanced training. Similar to the CFI program, the FRL is the only national laboratory dedicated to the research of fire-science, and is the most comprehensive criminal fire research facility in the world. ATF's forensic scientists, examiners, and technicians specialize in the examination of evidence typically recovered in fire, explosives, and firearm-related crimes, and our partners frequently rely on their expertise to assist in the most challenging investigations of violent crimes and fire and explosives incidents.

The Boston Marathon bombing and the recent serial bombings in Austin are two high-profile examples of the support ATF routinely provides to our Federal, State, and local partners when an explosives incident occurs. More than 200 ATF personnel directly participated in the

investigation of the Boston Marathon bombing. These personnel included six CESs, five laboratory chemists, and nine explosive detection canine teams, who worked side-by-side with the Boston Police Department, Massachusetts State Police, and FBI in the post-blast investigation, including the clearing of unattended bags left by bystanders at the Marathon blast scene to render the area safe for investigators. ATF also served a critical role in the tracing of a firearm with an obliterated serial number that was used by the bombers in a shoot-out with the police, and an ATF Special Agent medic, on-scene at the arrest of the surviving bomber, provided critical first-aid.

In Austin, ATF CESs responded with the Austin Police Department (PD) to the initial bombing on March 2nd, and continued to work closely with Austin Police and the FBI as the bombings continued over a 19-day period. As the investigation unfolded, more than 110 ATF personnel directly participated in round-the-clock operations, including seven CESs, three EEOs, four CFIs, and fourteen explosives detection canine teams. At the request of the Austin PD, ATF's forensic lab served as the sole forensic examiner of the more than 200 pieces of evidence recovered from the detonated and disarmed IEDs involved in the bombings. ATF Special Agents were also the affiants for the Federal arrest warrant issued for the suspect before he killed himself by detonating an explosive device (when Austin PD attempted to execute that warrant) and for the Federal search warrant for the suspect's residence.

In both Boston and Austin, ATF and the FBI fully coordinated their support to the local authorities, sharing intelligence and crucial information as the investigations unfolded. This coordination reflected ATF and the FBI's parallel understanding that building and maintaining established partnerships based on trust and mutual respect is essential to effective information sharing in both daily, routine interactions, and when critical incidents occur. As a result of our deep-rooted daily working relationships with State and local law enforcement organizations, formal and informal information sharing is a daily occurrence for ATF, and we will continue to focus on strengthening those relationships to further enhance two-way communication of critical information.

Finally, recent events have focused attention on another aspect of information sharing, which is how law enforcement organizations handle tips received from the public. In light of these events, ATF conducted a thorough review of its processes and procedures for handling tips. As a result of that review, we have developed and deployed a new system called “iTip” to receive, review, and act upon tips from the public. “iTip” is an electronic system which permits us to document, disseminate, and track tips we receive from the public, and we have updated our protocols and policies to ensure consistent, effective follow through on these tips.

Mr. Chairman and Members of the Committee, thank you again for the opportunity to discuss with you the importance of law enforcement information sharing. We look forward to working with this Committee and Members of Congress to better serve and protect our nation.

I am happy to answer any questions that the Committee may have.