



# Department of Justice

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**STATEMENT OF**  
**THOMAS E. BRANDON**  
**DEPUTY DIRECTOR**  
**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

**BEFORE THE**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND**  
**RELATED AGENCIES**  
**COMMITTEE ON APPROPRIATIONS**  
**U.S. HOUSE OF REPRESENTATIVES**

**FOR A HEARING ENTITLED**  
**GUN VIOLENCE PREVENTION AND ENFORCEMENT**

**PRESENTED**

**March 13, 2019**

**Statement for the Record of Thomas E. Brandon  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
March 13, 2019**

Chairman Serrano, Ranking Member Aderholt, my name is Thomas Brandon, and I serve as the Deputy Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As head of the agency representing the men and women of ATF, I want to thank you for your invitation to appear before you today in order to address the role of ATF in combatting gun violence.

The plague of gun violence has had an enormous impact across America, from Charleston to Pittsburgh; from Columbine to Parkland; and throughout our nation. Whether you live in a big city or a rural community, whether it is our children in schools, adults at work, or families attending religious services, no one is immune to the impact. While a mass shooting captures the attention of the nightly news, the daily occurrence of firearm-related violent crime in many of our neighborhoods takes a heavy toll on the nation. In 2017, there were more than 14,000 homicides using a firearm. However, regardless of where you live and how it impacts you, let me assure you that ATF shares the nation's desire to combat gun violence. It is our job, and it is what we do every day.

ATF's mission is to protect communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, and acts of arson and bombings. We do this work through our partnerships with our state and local law enforcement partners and other federal law enforcement agencies.

I often say it's our goal that there be no better partner than ATF. That is why a major key to ATF's impact on enhancing public safety is the work we do every day with state and local law enforcement agencies. We seek to achieve this goal through hard work in the trenches and through the unique expertise we provide. The resources we provide to our partners include the National Integrated Ballistic Information Network (NIBIN) and firearms tracing – the two federal resources the Major City Chiefs Association has identified as far and away as the most valuable federal resources they use in their fight against firearms violence.

ATF is a small agency with a big mission. Today I would like to provide you with some examples of what we do with the resources you give us; and I hope these examples point to what we can do to have an even bigger impact in combatting violent crime in the future.

For the past several years, we have been assessing how we use the tools we have in order to be ahead of the curve with regard to violent crime. In fact, I would say we have played a significant role in actually changing the nature of criminal investigations, driving change in the way we use technology and thus helping to drive change in the way our local law enforcement partners use technology. Our efforts in these areas have enhanced our ability to reduce gun violence and make our communities safer for generations to come.

An example of our efforts to expand our investigative abilities is the transformation of ATF's National Integrated Ballistic Information Network (NIBIN), which I referenced earlier. When a firearm is discharged it ejects a shell casing, leaving behind unique markings on the casing. NIBIN is the only nationwide network that allows for the capture and comparison of 3D digital ballistic images of spent shell casings, recovered from crime scenes and crime gun test fires, to aid in solving and preventing firearm-related violent crimes. In the past, the technology existed primarily in labs to generate evidence for judicial proceedings. But our efforts have directly caused NIBIN to become an investigative leads generator – often linking crimes previously thought to be unrelated.

Since 2016, ATF has provided these image “matching” services at one centralized location in Huntsville, AL, called the National Correlation and Training Center (NNCTC). Correlation is the process of comparing images in the NIBIN system and is cost-prohibitive for many police departments nationwide. At the local level, the correlation work is often what becomes backlogged, sometimes taking a year or more to complete. The Center provides consistent and timely correlation services linking shell casings recovered at crime scenes and crime guns locally, regionally, and nationally. Currently, ATF conducts correlation reviews for more than 250 law enforcement agencies, with results within 48 hours or less. We plan to continue to expand this essential service and our goal would be to offer it to all NIBIN participants.

The success of NIBIN is illustrated by a case recently adjudicated in Detroit. In January 2017, a non-fatal shooting occurred at a Detroit gas station. Months later, in April 2017, there was another shooting – this one fatal – at a different gas station. By collecting shell casings at both scenes, and using surveillance footage from the first non-fatal shooting, investigators were able to link both cases to a single suspect, who was arrested and successfully prosecuted. In April 2018, the court sentenced the murderer to life in prison. The use of NIBIN and the National Correlation Center as a leads generator linking incidences will increase our ability to replicate this kind of success story throughout the country. I should mention that last year, through the assistance of the Department of Justice, the Detroit Police Department acquired a NIBIN machine and Detroit is now fully integrated into the National Correlation Center.

Because we have developed a protocol requiring ballistics data entry within two business days from retrieval, we are able to secure leads in as close to real time as possible. This allows us to help take illegal guns off the streets and identify the actual trigger-pullers in a more efficient and timely manner. In fact, a study conducted by Rutgers University regarding the use of NIBIN in New Jersey found that when two shootings are matched through NIBIN, there is a 50 percent chance that the firearm is going to be used in another shooting in the next 90 days. Our protocols are designed to identify and arrest these violent criminals as soon as possible to prevent them from engaging in more violence.

As these NIBIN machines and our correlation capabilities are implemented across the country, ATF will be able to integrate data from localities throughout the network, allowing our experts in Huntsville to generate an even higher volume of actionable, investigative leads. Violent crime knows no boundaries, so our work at the national level supporting local law enforcement is a key part of connecting the dots across jurisdictional boundaries. NIBIN is also the cornerstone of

another way we continue to transform criminal investigations – through our Crime Gun Intelligence Centers (CGICs).

Located in each ATF field division, CGICs are collaborative efforts that use cutting-edge technology and a dedicated investigative team to identify shooters and their source of crime guns. Our CGIC “best practices” have revolutionized the way criminal investigations are conducted – bringing NIBIN and our firearms tracing capabilities into a “one stop” shop. This allows us the ability to direct our intelligence to go after the trigger-pullers in an even more efficient and effective way than ever before.

Let me provide a real-life example from New York as to how we use crime gun intelligence. In 2009, an enforcer in a violent drug-trafficking organization, shot and killed a mother of two children. In 2010, another member of the organization was shot and killed because they feared he would cooperate with law enforcement. NIBIN linked the two murders to the same gun, and our application of crime gun intelligence, now generated in all CGICs, assisted in identifying and arresting the shooter, who in 2017 was sentenced to life in prison plus 10 years. Without NIBIN technology and crime gun intelligence, the trigger-puller would likely still be on the street, continuing to threaten public safety.

Building on the effectiveness of our CGICs, ATF established a Crime Gun Strike Force in Chicago, and is adding Strike Forces in Memphis, Saint Louis, and Houston. These Strike Forces use crime gun intelligence, innovative partnerships and targeted strategies to reduce persistent pockets of firearms violence by disrupting the shooting cycle. These efforts are targeted and smart, including prevention strategies developed through community outreach. The Strike Forces maximize NIBIN leads and leverage crime gun intelligence to identify individuals, groups, and gangs responsible for committing armed robberies, armed carjacking, and shootings.

Strike Forces are another example of the way we have transformed the nature of criminal investigations. It’s more than just Special Agents in the field. Special Agents work together with our law enforcement partners and prosecutors and are supported by ATF Industry Operations Investigators, personnel at the ATF National Tracing Center who track down the disposition of crime guns to further an investigation, and by Intelligence Research Specialists, forensic scientists, data analysts and other personnel who complete the team.

Another area of note is our effort to address the problem of Federal Firearms Licensee (FFL) burglaries. There has been an alarming increase in FFL burglaries and the number of firearms stolen from FFL, from 436 in 2015 to 577 in 2017, with a decrease in 2018. Each time firearms are stolen from a licensed dealer, there is a good chance that they will be used in a violent crime unless they are immediately recovered. ATF prioritizes investigations of FFL burglaries by responding to 100% of these reported crimes. We have also partnered with the National Shooting Sports Foundation in “Operation Secure Store”, which promotes best security practices to FFLs to aid in the prevention of these crime gun incidents. Further, our “FFL Alert” system informs FFLs through an automated messaging system when there is a burglary in their area. This allows the FFLs to have a heightened awareness of potential threats in their area. In 2018, there were over 135,000 FFLs, with only 641 field investigators for both inspections and

burglary response. Each FFL burglary we prevent is potentially a violent crime averted, which is why I view these incidents as an ATF priority.

Additionally, while the prevention of firearms trafficking is one of ATF's top priorities, we often rely on charges related to "straw purchasing," that is, falsifying firearms transaction records to acquire firearms for someone else. However, the associated penalties for these offenses do not serve as an adequate deterrence to the offender, nor the prohibited person soliciting the "straw." Straw purchased firearms are crime guns that adversely impact the safety of our communities. Enhanced penalties would serve to minimize the use of this criminal tool in obtaining firearms for the commission of violent offenses.

ATF also has a role in the National Instant Criminal Background Check System (NICS), run by our partners at the Federal Bureau of Investigation (FBI). The Brady law allows three business days for the FBI to determine whether a firearms purchaser is prohibited from possessing a firearm. If no determination is made within the three business days, the FFL may transfer the firearm to the purchaser. Standard denials are NICS checks that are denied within three business days from the date of the initial NICS check; thus, the FFL may not legally transfer the weapon. Delayed denials are those that are denied after the 3 business days, meaning the firearm may have been legally transferred to the purchaser. When the FBI makes a denial determination after three business days, the FBI and ATF jointly assess whether the FFL transferred the firearm to the individual. If the firearm was transferred and the person is confirmed to be prohibited, the FBI refers the case to ATF for retrieval of the firearm. In FY 2017, FBI referred over 4,500 delayed denials to ATF field divisions for investigation. ATF places a high priority on retrieving firearms held by prohibited persons and has established a timeframe of 48 hours for reviewing delayed denials. ATF expends considerable resources on this priority.

Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee, I hope I have relayed why I feel that your investment in ATF is money well-spent. We know that in order to fight violent crime, we must be an integrated and resourceful organization, nimble in responding to an ever-changing environment with technological sophistication. ATF personnel know that the safety of the American citizens we serve has no higher priority.

Thank you for your time, and I am happy to answer any questions you may have.