



Official Statement

ATF Headquarters – Washington, DC



Contact: Office of Public Affairs
(202) 648-8500

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www.atf.gov

ATF Response to the President's Council of Advisors on Science and Technology Report

WASHINGTON, D.C. – The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received and reviewed the report entitled *Forensic Science in Federal Criminal Courts: Ensuring Scientific Validity of Pattern Comparison Methods*, issued Sept. 20, 2016, by the President's Council of Advisors on Science and Technology (PCAST). While ATF appreciates the important advisory role of PCAST to the President, and agrees with its goal of strengthening ties between the academic research community and the forensic science community, we join our colleagues at the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) in expressing disappointment in the flawed methodology PCAST employed in generating the report, and join them in strong disagreement with PCAST's recommendations regarding the admission of forensic evidence in criminal trials, particularly with respect to firmly established firearm and tool mark forensic evidence.

With respect to the methodology used to generate the report, ATF is particularly disappointed that PCAST failed to consult adequately with expert firearm and tool mark examiners at ATF, FBI, state, and local laboratories. PCAST ignored much of the limited input forensic professionals were allowed to provide. Moreover, in reaching its conclusions regarding firearm and tool mark evidence, PCAST did not adequately consider the numerous research studies that support the validity of firearm and tool mark forensics, including one of the most recent research studies on the topic. ATF and FBI specifically provided the recent research study to PCAST more than a month before the issuance of their report, and provided substantial analysis on how the study further reinforced decades of well documented scientific and legal precedents supporting firearm and tool mark forensics. PCAST, however, chose to relegate its consideration of the study to a footnote without further consultation with DOJ or other experts in the field.

With respect to PCAST's recommendation that courts should restrict the admission of firearm and tool mark evidence, ATF strongly agrees with the DOJ decision not to adopt that recommendation as the existing legal standards regarding the admissibility of firearm and tool mark evidence are based on sound science and sound legal reasoning. Decades of legal precedent—and the underlying scientific research on which the courts have relied—establish that forensic firearm and tool mark evidence is both reliable and of substantial value to juries in determining the facts. Firearm and tool mark evidence not only aids prosecutors and defense attorneys in the courtroom, it also enhances public safety and protects the innocent by providing law enforcement with science-based tools to focus scarce investigative resources on actual perpetrators.

As the agency with primary jurisdiction over the enforcement of federal firearm laws, ATF is deeply committed to the advancement of forensic science in the area of firearms and tool mark analysis—an objective we share with PCAST. ATF’s forensic professionals maintain the highest standards, provide training to law enforcement agencies across the globe, and support the investigative efforts of law enforcement with reliable, science-based leads and expert evidentiary analysis every day. ATF’s National Integrated Ballistics Information Network (NIBIN) is an essential law enforcement tool that regularly provides science-based leads to criminal investigators, helping them to identify, apprehend, and prosecute violent criminals who use firearms to wreak havoc in our communities.

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