

Consortium of Forensic Science Organizations

AAFS Update, February 13, 2017

CFSO Board of Directors

The Consortium of Forensic Science Organizations (CFSO)



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The mission of the CFSO is to speak with a single forensic science voice in matters of mutual interest to its member organizations, to influence public policy at the national level and to make a compelling case for greater federal funding for public crime laboratories and medical examiner offices.

Legislative Priorities 2016

Forensic Advancement Bill

- Forensic advancement legislation is essential in providing the resources to establish a national infrastructure to standardize the quality of forensic science services, support increased forensic science research, develop a repository of published research, and address national forensic science funding, best practices, and policy issues. The legislation supports the continuous review, development, and advancement of applicable forensic science guidelines, standards, and best practices and will provide funding guidelines. This legislation will require every forensic science service provider to be accredited to applicable national and international standards and every forensic science practitioner to be certified to a national standard in their respective area of expertise.

Federal Forensic Science Grant Reform

- Forensic science grants are essential to the operation of public crime laboratories. Many of these granting programs, including the Paul Coverdell Forensic Improvement Grant, provide vital education, training, instrument, personnel, and facility funds to crime laboratories and medical examiner offices. The authorization of these granting mechanisms must be written into long-term legislation and the appropriations must be close to authorizing amounts. Grant authorizing legislation must be developed in harmony with publically funded forensic science service providers to address the most critical education, research, training, personnel, facility, and operational needs and the appropriations must meet those needs.

Accreditation Resources for Laboratories and Medical Examiner Offices

- **CFSO supports the overwhelming national consensus to require the accreditation of all forensic science service providers to include medical examiner offices. Accreditation is essential to ensure consistent application of the highest national and international quality, technical, management, and administrative standards.** While the majority of the nation's traditional crime laboratories are already accredited, the vast majority of other forensic science service providers (e.g. latent print units, crime scene units, medical examiner offices) are not accredited. Federal resources are essential to support this initiative for publically funded forensic science service providers.

Certification Funding for Forensic Science Practitioners

- **CFSO endorses certification of all forensic science practitioners.** The United States will soon endorse a state-by-state, national, or private vendor certification program to accomplish this individual certification. Certification is important to ensure that practitioners are competent and proficient in any discipline where they provide analysis or expert testimony. While all accredited labs already evaluate the competence and proficiency of their examiners, few have the resources to support certification of these practitioners by some type of external evaluation. It is critically important that all forensic practitioners have a mechanism to ensure continuing education and training to maintain proficiency in their area of expertise. Federal resources will be needed to address education, training, testing, and other fees associated with government forensic practitioners obtaining and maintaining these certifications.

Legislative Priorities 2016 (pg 2)

Research Funding

The Leahy-Cornyn bill (Title IV, Sec. 401-404) authorizes new grant funding of forensic science research. In 401 the Board will "establish a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines."

In 402(a)(2) it states that NIST, through the NIJ MOA, may make competitive grant awards to researchers and will coordinate with NSF for integrity. In 403 the IG will report on the administration and "effectiveness" of this grant program. In 404, a plan will eventually be implemented for encouraging public-private research [education & training] collaborations. The Judiciary Committee only has jurisdiction over DOJ. This Leahy legislation does not use the term "shall" in the proposed grant funding program. It does not direct NIJ to fund anything. It hopes that NIST may fund something. The NSF is not asked to fund anything. The bill is silent with regard to NIH or CDC research funding. The Rockefeller bill, out of Commerce, Science, and Transportation, did direct funding from NSF, NIST, and referred to DHHS (NIH & CDC). We should push for further changes of the Leahy legislation and we should push for legislation from the Science Committee for research in the forensic sciences by NIST, NSF, NIH, and CDC.

Grant funding programs in training in forensic disciplines.

All forensic science disciplines have significant training needs that must be met in order to meet the needs of the community and stay current with technical and scientific advances. Barriers include limited resources, limited laboratory space, few trained personnel to train new scientists, poorly established educational requirements, fast-changing disciplines with no recognized standards, lack of professional development in areas such as ethics, courtroom testimony, safety, and quality assurance. Potential solutions include development of competency measures, mentor training, loan forgiveness, laboratory renovation, funded and continuous training, travel monies, access to funded web-based training, provision of videoconferencing programs, mobile training units, and funding for national meetings and education to maintain competency in the field.

Rapid DNA Legislation

Rapid DNA legislation must be developed to allow the FBI Director to develop and implement Quality Assurance Standards for the use of these instruments in a non-accredited laboratory environment (e.g. booking stations or other criminal justice facilities). Most importantly, the legislation must provide for proper privacy and security for retained data and biological samples. The legislation should explicitly authorize the development of the information technology and other infrastructure necessary to securely host and utilize the database.

Legislative Priorities 2016 (pg 3)

Violence Against Women Act – FY2016 Appropriations Request

VAWA is the cornerstone of our nation's response to domestic and sexual violence. Initially passed in 1994, VAWA created the first U.S. federal legislation acknowledging domestic violence and sexual assault as crimes, and provided federal resources to encourage community-coordinated responses to combating violence. In 2013 a strong bipartisan bill to reauthorize VAWA (S. 47) passed in the Senate on February 12, 2013, and in the House of Representatives on February 28, 2013. President Obama signed the bill into law on March 7, 2013. The CFSO strongly supports enhanced funding for the Violence Against Women Act (VAWA) for FY2016. Forensic nurses are on the front lines of treating and caring for patients who have experienced intimate partner violence and sexual assault. The CFSO appreciates the commitment made in reauthorizing the VAWA in 2013 and asks the 114th Congress to provide strong funding for these vital programs.

Sexual Assault Kit Processing and SAFER Act

CFSO is pleased of the work that has begun to address the unsubmitted sexual assault kit issue in the United States. The SAFER Act and other federal initiatives have provided funding to start research to determine the number of rape kits that exist in the US and redefine policies for collection, preservation, and analysis of sexual assault kits. Only through increased sustainable funding for forensic analysis can the sexual assault kit issue be addressed now and in the future. In addition, Congress must address funding for the other forensic disciplines involved in the analysis of sexual assault cases that are also in need of grant funding. More training, analysis, and funding should be directed to collection, preservation, and analysis in the other forensic disciplines such as toxicology, micro/trace analysis, and latent impression evidence.

Legislative Priorities 2016 (pg 4)

Medico/Legal Death Investigation

The National Commission on Forensic Science MDI Subcommittee is intending to submit two recommendations for consideration by the full Commission that are of interest to the CFSO: 1) Forensic Pathology Workforce, and 2) Model Legislation for Medicolegal Death Investigation.

1) Forensic Pathology Workforce: A forensic pathology workforce shortage exists and is likely to get worse. NAME estimates that adequate medicolegal death investigation in the United States requires approximately doubling of the current forensic pathology workforce. The NCFS MDI Subcommittee is proposing a requirement of exposure of medical school and pathology students to forensic pathology; use of forensic pathologists for autopsies; establishment of a loan forgiveness program; consolidation of small medicolegal offices into accredited regional offices; that they operate independently; and that forensic pathologists are available for consultation by prosecutors, defense attorneys, and in civil cases.

2) Model Medicolegal Death Investigation Legislation: The current medicolegal environment is a crazy quilt patchwork of varying systems. Many state laws are old and fail to address many issues in the field. Drawing upon the best of existing legislative language and with considered attention and thought, model legislation could be drafted and adopted by state legislatures.

Shortage of Forensic Pathologists

Currently, in the United States, there is a shortage of forensic pathologists; approximately 500 with a need for at least 1000. Many regions of the US have no access to a forensic pathologist. The reasons are varied. Currently, there are only 37 accredited forensic pathology training programs, and many of the training positions are unfilled. Approximately one third of the fellowship training positions are not funded. Many medical students and residents are not exposed to the practice of forensic pathology and do not choose to enter the field. The autopsy requirement for anatomic pathology training has dropped to 50, further reducing the opportunities for a trainee to come in contact with forensic pathology. The salaries are not competitive compared to other subspecialties of medicine, and many forensic pathologists have to work a second job outside of routine business hours. The shortage of forensic pathologists creates career burnout to the practicing forensic pathologist, further reducing the numbers. A lack of funding for continued training to keep abreast of advances creates uncertainty in the performance of forensic pathology duties. A lack of funding for facilities, equipment, and salaries further decreases the number of pathologists who choose to enter forensic pathology. Possible solutions include loan forgiveness, increased visibility in the medical school curriculum, increased salaries for forensic pathologists and fellows, increased number of training programs, increased number of fellowship positions, mandated board certification for the performance of forensic pathology duties, funding for education and training, funding for instrumentation and equipment.

2016 Strategic Plan

I. Elevate Public Credibility

1. **Promote universal accreditation of Laboratories and ME Offices**
2. **Promote mandatory certification of Forensic Science Practitioners**
3. **Support establishment of nationally recognized standards**

II. Make forensic science a national priority

1. **Enhance standing with federal executive, legislative, and judicial branches**
2. **Establish a practitioner voice within the federal government**
3. **Engage relevant stakeholders to advance forensic science initiatives**

III. Enhance Forensic Science Operational Capabilities

1. **Increase resources for the timely delivery of services**
2. **Enable providers to meet increasing demands for services**
3. **Acquire resources to implement emerging technologies**
4. **Maintain an adequately educated and well-trained workforce**

IV. Promote Forensic Science Research

1. **Support a robust national basic and applied forensic science research agenda**
2. **Promote establishment of an accessible comprehensive research library and data repository**

Public Documents Published

Advocacy

CFSO Public Comments at NCFS Meeting March 22, 2016

- [NCFS Statement on Coverdell](#)
- [NCFS Statement on Expanded Reviews](#)
- [NCFS Statement on NIST Standards](#)

[Hatch Rapid Support Letter — January 11, 2017](#)

[Letter to the House leadership encouraging suspension of Cutgo rules for JFAA — July 12, 2016](#)

[Passage of the 2016 Senate Justice for All Reauthorization Act — June 16, 2016](#)

[JFAA and Rapid DNA Update — May 16, 2016](#)

[CFSO Senate FY17 Budget Update — April 24, 2016](#)

[Response to Proposed Draft of Potential Cognitive Bias Legislation — April 24, 2016](#)

[AAFS CFSO Presentation Post — February 22, 2016](#)

[CFSO Response to PCAST Survey 1.8.2016 — January 8, 2016](#)

CBER update for membership

Coverdell Letter and Advocacy Packet

House and Senate JFAA Support Letter

GAO Letter on DNA backlog reduction

JFAA Letter of thanks

AVAILABLE ON THE CFSO Website www.thecfso.org

2016 Achievements

- JFAA
 - Coverdell, Reducing Rape Kit Backlog, Sexual Assault Nurse Examiners, Violence Against Women, Prison Rape Elimination, DNA R&D, Post Conviction DNA Testing, Kirk Bloodsworth, Best Practices for Evidence Retention, Needs Assessment, and other administrative matters
- Rapid DNA introduced in 114th Congress and now in 115th Congress
- Cognitive bias legislation discussions and information sharing—red line of many drafts
- NIJ DNA grant changes resolved
- Forensic Reform Contributions-(OFS, OSAC, OMDI)
- Survivor's Rights Bill
- Edits of Innocence Protection Act
- Funding for OSAC

Federal Legislators 2016

- Blumenthal, Carter, Chaffetz, Conyers, Cornyn, Crapo, Cruz, Culberson, Fienstein, Flake, Forbes, Gohmert, Goodlatte, Gowdy, Graham, Grassley, Hatch, Honda, Issa, Jackson-Lee, Kaine, Kobuchar, Franken, Labrador, Leahy, Lee, Marino, McCain, McCarthy, McConnell, Mikulski, Paul, Peters, Poe, Reed (R.I.), Risch, Ryan, Sanders, Sensenbrenner, Sessions, Shaheen, Shelby, Simpson, Smith (Lamar), Thune, Toomy, Vitter, Whitehouse, Wyden (many on multiple occasions)
- **Majority and Minority**--Senate CJS Appropriations, House CJS Appropriations, Senate Judiciary, House Judiciary, Science Committee (House and Senate) (Beth at least weekly and many times more frequently)
- In-person Hill visits by CFSO BOD Members
 - 2016---January (x2), February, April, May, June, August (x2), September, October, December
 - 2017---January, February

2016 Involvement

- ABA Meeting at Fordham Law School
- Attended all the NCFS Meetings - provided public comment
 - March, June, September, January 2017
- Made comments on NCFS documents
- HR 320 Rapid DNA Bill (House and Senate) Introduction
- Negotiations and passage of JFAA
- Chair Presentation to PCAST Meeting and ongoing efforts
- CFSO presentations at ASCLD, AAFS, AFQAM, IAI, IABPA, NWAFS
- Provided updates to members of the LE forensic groups
- CFSO website updates
- Sexual assault coalition meeting
- Review and comment on DOJ ULTR and FSDR Approaches
- PCAST Interaction
 - Information provided
 - Lab visits
 - Presentations given
 - Information sharing with membership
- Increased involvement with Federal Agencies
(FBI, NIST, DOJ/AG, OSTP, NIJ, OMB, GAO, DOD)
- National Sexual Assault Symposium
- NIJ grant administration meetings

FY2017 FEDERAL BUDGET PROPOSAL

PROGRAM	FY16 Actual	FY17 Proposed	Notes on FY17
NIJ R&D	\$36m	CR	\$5m Collect Digital Evidence Initiative to develop technology
DNA Initiative	\$125m	CR (proposed \$12m House and Senate)	Of the \$105m \$20m will be used for the Sexual Assault Evidence Kit program. Kirk Bloodsworth and the Sexual Assault Forensic Exam Program receive no funding.
Coverdell	\$13.5	CR (0 House and \$13.5 in the Senate)	The Department of Justice recommends not funding Coverdell and rescinding the FY16 funding from Congress back into the budget to offset other programs.
Post Conviction DNA Testing	\$4	CR	
Forensic Initiative	\$4m	CR (0 House and \$5m Senate (\$4m OSAC, \$1m Commission))	

Proposed CFSO Funding Approach:

- Fully appropriate JFAA authorization
- Increase OSAC funding to at least \$4 million
- Increase federal research funding at ALL federal agencies in concert with academia
- Increase DNA and other forensic discipline funding

Forensic Advancement...

Change of strategy

- OSAC language submitted to Hill 12/28/2016
- OFS language submitted to Hill 2/4/2017
- OMI language being circulated this week
- Federal forensic research bill.....
- Blumenthal (Rockefeller) bill comments

Ongoing discussion with staff and Committees on House and Senate sides

Justice For All

- Edits accepted by Senate
 - Title: Rewrite to focus on all forensic science not just DNA
 - Rape Kit Backlog: Increase to 75% for direct testing grants
 - DNA R&D researching if it has been used as funding has decreased
 - Post Conviction DNA Testing: supported NDAA on language to clarify information about definition of applicant
 - Kirk Bloodsworth: requested them to review to help labs that have no state or local evidence preservation laws.
 - Best Practices: changed biological to forensic
 - Oversight and Accountability: add language to clarify that “no section of this act should be taxed more than 7.5% for admin costs”
 - **Added: a needs assessment for personnel, equipment, resources**

Coverdell Funding

- 2012 = \$10M
- 2013 = \$11M
- 2014 = \$12M
- 2015 = \$12M
- 2016 = \$13.5M
- 2017 = CR \$13.5M? ←

(CFSO has already started working!)

- JFAA Reauthorization, Meeting with DAG, Working on a Letter to the AG and another to Congressional Committees, Heavy lobbying on the Hill.

New JFAA Authorization:

2018 = \$18.5M

2019 = \$19M

2020 = \$21M

2021 = \$23M

****CFSO found an offset of 11M to fund JFAA Coverdell Authorization**

****Only program to increase funding in the JFAA Reauthorization**

Justice For All: Coverdell

- **Coverdell AUTHORIZED FY17 to FY21 tier increase to combat the Cut-Go rules of the House.**
- Agreed to new language on accreditation

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after “bodies” the following: “and is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801”;

- Changed 75% formula to 85%
- Changed minimum requirement a state receives from .06% to 1%
- Inserted impression evidence after latent prints
- Added: impression evidence, digital evidence and fire evidence to funding allowances

Justice For All: Coverdell

- Added: to address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation)
- Added: to educate and train forensic pathologists
- Added: To work with the States and units of local government to direct funding to medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators
- **Signed by the President December 16, 2016**

Sexual Assault Survivors

Comments submitted to Ranking and via Ranking to Author

Edits:

- Modified the notice section to
 - A) Make it clear the lab is not responsible for notification
 - B) Notification is made upon written request
 - C) Notices only triggered if destruction occur prior to statute of limitations
 - D) If destruction occurs pursuant to statute of limitations, no notice required
- Definition of survivor to include deceased victims
- Victim not having genetic information of suspect and vice versa
- OJP included in policy decisions to include the interests of practitioners

Sexual Assault Survivors

Senator Shaheen considered and accepted most CFSO edits

CFSO engaged our members nationwide on these issues:

Ultimately CFSO negotiated with the Senator until these two points were reworded to the satisfaction of our members

Signed by President 10/7/2016

Working in the new administration

- White House/OMB/GAO
- Attorney General Sessions/DOJ/OLP/OJP/NIJ
- NIST/CDC/NSF
- New leadership being put in place have been very supportive of forensic science

Benefit to Member Organizations:

- A voice where we would not have one...every other interest group has a very powerful lobby...the interest groups will continue to advocate for their agenda
- CFSO puts the issue of each organization behind the support of 21,000 forensic practitioners
- Professional ongoing daily representation in D.C. with the history, connections to Congressional staff, Congressional Members, and stakeholder groups including their lobbyists

Action Items:

- Host tours in your lab/office and let CFSO know.
- Feed information back to CFSO.
- New approach to CFSO newsletter.
- Provide comment on bills
- Follow us on Twitter @cfso1