



*American Academy of Forensic Sciences
 American Society of Crime Laboratory Directors
 International Association for Identification
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 National Association of Medical Examiners
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LEGISLATIVE ALERT

6/19/2015

The Congress is half way through the budget process. The House has written their draft of the budget and passed it. The Senate completed their Committee mark-up and will go to the floor shortly. There are differences between the budgets and the CFSO will be sending an alert soon with a call to action. In the meantime we wanted to give you the good news first. Please see the chart below for funding and the language accompanying the funds after the chart. NOTE: we have included ALL forensic related language in the Senate Appropriations Bill. In an upcoming newsletter we will provide a side by side of the House and Senate bills (language and funding).

Program	DOJ	House	Senate
Forensic Initiative	\$6m (\$3m to NIST)	0	\$5m (\$4 to NIST)
Paul Coverdell Act	0	0	\$15m
DNA Backlog and Crime Lab Improvement	\$105,000m (including \$20m to address backlogs and rape kit related DNA evidence)	\$125m (\$117 Debbie Smith Act, \$4m Kirk Bloodsworth, \$4m Sexual Assault Nurse Examiner)	\$125m (\$117 Debbie Smith Act, \$4m Kirk Bloodsworth, \$4m Sexual Assault Nurse Examiner)
Reducing Rape Kit Backlog	0		\$41m

Senate Appropriations Bill

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee's recommendation provides \$117,000,000 for the Research, Evaluation and Statistics account. The recommendation is \$6,000,000 above the fiscal year 2015 enacted level and \$34,900,000 below the budget request.

Funding in this account provides assistance in the areas of research, evaluation, statistics, hate crimes, DNA and forensics, criminal background checks, and gun safety technology, among others.

Spending Plans.-The Department shall submit to the Committee as part of its spending plan for State and Local Law Enforcement Activities a plan for the use of



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all funding administered by the National Institute of Justice and the Bureau of Justice Statistics [BJS], respectively, for approval by the Committee prior to the obligation of any such funds.

National Institute of Justice [NIJ].-The Committee's recommendation provides \$36,000,000 for the NIJ, in addition to \$4,000,000 transferred from the OVW for research and evaluation on violence against women and Indian women. The NIJ's mission is to advance scientific research, development, and evaluation to advance the administration of justice and public safety.

Forensic Initiative.-The Committee provides \$5,000,000 for a forensic initiative, of which \$4,000,000 is provided by transfer to the National Institute of Standards and Technology [NIST] to support Scientific Working Groups. The Department of Justice shall coordinate its forensic initiative activities with NIST.

Building Digital Forensics Capabilities.-The Committee continues to stress the importance of training and equipping State and local law enforcement with the tools and expertise needed to investigate and prosecute electronic crime. As smartphones and the Internet have become fundamental parts of daily life, these technologies have also become a fundamental part of criminal acts and enterprises, from drug deals and murder hits ordered by text to ATM heists via laptops, to child pornography Web sites. Given that more than 95 percent of all criminal cases are investigated and prosecuted at the State and local levels, the Committee remains concerned that the ability of State and local law enforcement to investigate and effectively prosecute cases involving digital evidence- and computer-based crimes will diminish without the Department's support of training and research. The Committee encourages the Department to prioritize State and local assistance for computer forensics tool development and digital evidence training for investigations surrounding drug, violent, and financial crimes, and crimes against children.

Regional Information Sharing Activities.-The Committee recommends \$35,000,000, an increase of \$10,000,000 above the budget request and \$5,000,000 above the fiscal year 2015 enacted level, to support activities that enable the sharing of nationwide criminal intelligence and other resources with State, local, and other law enforcement agencies and organizations. Such activities should address critical and chronic criminal threats, including gangs, terrorism, narcotics, weapons and officer safety or "event de-confliction," and should reflect regional as well as national threat priorities. In addition, funds shall be available to support local-to-local law enforcement data and information sharing efforts focused on solving routine crimes by sharing law enforcement information not categorized as criminal



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intelligence. All activities shall be consistent with national information-sharing standards and requirements as determined by the Bureau of Justice Assistance.

Edward Byrne Memorial Justice Assistance Grant Program.-The Committee recommends \$382,000,000 for Edward Byrne Memorial Justice Assistance Grants [Byrne-JAG]. Funding is not available for luxury items, real estate, or construction projects. The Department should expect State, local, and tribal governments to target funding to programs and activities that conform with evidence-based strategic plans developed through broad stakeholder involvement. The Committee directs the Department to make technical assistance available to State, local, and tribal governments for the development or update of such plans.

Training for Forensic Services.-The Committee is interested in solution-based approaches to train local law enforcement officers and utilize available technology to reduce court backlogs and prosecutions. To the extent appropriate, OJP should explore ways to provide resources for multi-jurisdictional forensic service providers, in collaboration with universities, to provide access to forensic expertise, assistance, and continuing education to law enforcement agencies. The Committee encourages OJP to remind awardees that these objectives could be met through the Byrne-JAG program.

Byrne Criminal Justice Innovation Program.-Persistent crime and public safety problems, especially gang activity and youth violence, cannot be addressed solely by law enforcement. These issues require a comprehensive interagency approach that enables law enforcement, educators, social services agencies, and community organizations to address both public safety problems and their under-lying causes.

The Committee provides \$15,000,000 within Byrne-JAG to support the Byrne Criminal Justice Innovation Program, which provides demonstration grants in communities to support innovative, evidence-based approaches to fighting crime and improving public safety, as well as addressing its underlying problems. The OJP will coordinate with the Department of Housing and Urban Development and other agencies to promote interagency collaboration and enable a wide range of new and existing partners to further stabilize neighborhoods that face the most severe violence and crime. This program builds upon the approach of supporting communities with strategies that combine law enforcement, community policing, prevention, intervention, treatment, and neighborhood restoration.

Coverdell National Forensic Science Grant Program.-The Committee rejects the budget request to eliminate the Coverdell National Forensic Science Grant Program and provides \$15,000,000 to continue assistance of forensic sciences.



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DNA Backlog and Crime Lab Improvements.-The Committee is once again extremely disappointed that the Department's budget request slashes funding by \$20,000,000 for critical grant programs to help State and local agencies address their backlogs and test forensic evidence. The Committee continues its strong support for DNA backlog and crime lab improvements by recommending \$125,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within funds provided, \$117,000,000 is for Debbie Smith DNA Backlog Reduction grants, \$4,000,000 is for Kirk Bloodsworth Post-Conviction DNA Testing grants, and \$4,000,000 is for Sexual Assault Nurse Examiners grants.

From within the funding provided for Debbie Smith DNA Backlog Reduction grants, the Committee expects the Department to prioritize reducing rape kit backlogs, given that it is the primary reason why the Committee continues to provide robust funding for these grants. The Committee directs the Department to provide not less than 75 percent of the total grant amounts for direct testing activities to reduce the backlog. The Committee further directs DOJ to provide at least 5 percent of funds to law enforcement agencies to conduct audits of their backlogged rape kits and to prioritize testing in those cases in which the statute of limitations will soon expire, as authorized by the Sexual Assault Forensic Evidence Reporting Act of 2013 (Public Law 113-4).

The Committee expects that the OJP will make funding for DNA analysis and capacity enhancement a priority in order to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit to the Committee as part of its spending plan for State and Local Law Enforcement Activities a plan with respect to funds appropriated for DNA-related and forensic programs, including the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program.

Reducing the Rape Kit Backlog.-The Committee's recommendation includes \$41,000,000 to continue a competitive grant program started in fiscal year 2015 as part of the initiative to reduce the backlog of rape kits at law enforcement agencies. The NIJ shall provide competitively awarded grants with a comprehensive community-based approach to addressing the resolution of cases in the backlog. The Committee directs the NIJ to provide a report not later than 90 days after enactment of this act on its progress in developing a strategy and model to serve as best practices for discovering and testing kits, training law enforcement, and supporting victims throughout the process as required by Public Law 113-235.



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Cybercrime.-As national and international cyber threats become increasingly sophisticated, our Federal prosecutors must become better versed in digital forensic evidence. The Committee's recommendation supports the requested amount of \$55,110,000 for cybercrime activities, which will increase the investigation and prosecution of cyber-attacks and cyber intrusions, and provide the training on cybercrime and digital evidence needed for USAs to be able to analyze and present digital evidence across all types of criminal cases.

Regional Computer Forensics Laboratory.-The FBI's Regional Computer Forensics Laboratory [RCFL] provides law enforcement with valuable forensics expertise and training opportunities devoted to the examination of digital evidence in support of criminal investigations, including terrorism, child pornography, and Internet fraud. Currently, 15 regional offices are located irregularly throughout the United States, each serving various geographic sizes of law enforcement populations. The Committee notes that the southeastern region of the United States is particularly void of a RCFL presence, requiring law enforcement in that area to travel greater distance to receive assistance. The Committee directs the RCFL's National Program Office, which is charged with facilitating the creation of new RCFL facilities, to report to the Committee within 120 days of enactment of this act with a recommendation for locating a RCFL in the southeastern United States that takes into consideration regional law enforcement agency relationships and leverages existing Federal facilities and expertise.

Training State and Local Law Enforcement.-The Committee recognizes the importance of strengthening the trust between law enforcement agencies and the communities they serve, particularly in light of recent events around the country. In its longstanding commitment to training and supporting State and local law enforcement, the FBI can play an important part in the Federal Government's efforts to help improve community and police relations. The Committee encourages the FBI to incorporate the relevant recommendations contained in the Interim Report of the President's Task Force on 21st Century Policing into its instruction for State and local law enforcement.

Cooperation with State and Local Forensic Crime Laboratory Community.-The Committee is aware of the important work that State and local forensic crime laboratories are doing to identify and combat the proliferation of new varieties of synthetic drugs known as "Spice." These herbal mixtures typically contain chemical additives, which are Schedule I controlled substances, but manufacturers are increasingly working to avoid legal restrictions by using substitute chemicals in their products. These evasion tactics require constant and vigilant cooperation between State and local forensic crime laboratories and the DEA in the effort to



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recognize, analyze and control the growing use of synthetic, or designer, cannabinoid compounds. The Committee encourages the DEA to collaborate and share any available resources with State and local forensic crime laboratories in these important efforts.

One-Year Prison Rape Elimination Act [PREA] Exemption.-The Committee has included bill language providing a 1-year exemption from the penalties required under the PREA for the OVW's Services, Training, Officers, and Prosecutors [STOP] Grants.

Trauma-Informed Training.-The Committee encourages the Department's grant making agencies to focus on efforts to provide specialized trauma-informed training in responding to, and investigating, sexual assault, including forensic interviewing and evidence-gathering techniques and trauma-informed investigative skills. The goal is to increase the capacity of law enforcement agencies whose officers may come into contact with survivors of sexual assault, including survivors of sexual assault on college campuses, and to help ensure law enforcement resources are made available in an appropriate and timely manner.