



*American Academy of Forensic Sciences
American Society of Crime Laboratory Directors
International Association for Identification
National Association of Medical Examiners
Society of Forensic Toxicologists/ American Board of Forensic Toxicology*

April 16, 2021

Bureau of Justice Statistics
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Bureau of Justice Statistics Administrators:

The Consortium of Forensic Science Organizations (CFSSO) is writing in response to the January 14, 2021 and March 23, 2021 Federal Register posting regarding the Census of Publicly Funded Forensic Crime Laboratories. CFSSO represents approximately 20,000 forensic science practitioners. Collectively, our member organizations, the American Academy of Forensic Sciences, American Society of Crime Laboratory Directors, the International Association for Identification, the National Association of Medical Examiners, the Society of Forensic Toxicologists, and the American Board of Forensic Toxicology represent the majority of the forensic science practitioner community. We strongly support the continuation of the Bureau of Justice Statistics (BJS) Census of Medical Examiner and Coroner (ME/C) Offices (CMEC) and Census of Publicly Funded Forensic Crime Laboratories (CPFFCL).

Below we are responding to each of your questions:

- 1) Q. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility.
 - A. The CPFFCL and the CMEC reflect BJS's mission to collect analyze, publish, and disseminate information on the operation of justice systems at all levels of government to ensure that justice is both efficient and evenhanded.

The CMEC obtains and updates information about operations, workload (including backlogs), staffing, training, policies, and procedures of approximately 2,400 medical examiner and coroner (ME/C) offices that are responsible for providing medicolegal death investigation (MDI) services to America's criminal justice system. The CMEC is the nation's definitive data source on the personnel, budgets, and workload of medical examiner and coroner offices by type of office and size of jurisdiction. The census gathers information on the number of unidentified human decedents handled by these offices, use of national databases for unidentified remains, and workload, including autopsy rates and backlogs related to increased workload and workforce shortages.

Each year, ME/C offices investigate approximately one million deaths a year and accept jurisdiction on approximately 500,000 deaths that are generally sudden and unexpected, have no attending physician, or are suspicious or violent. This includes thousands of homicides and suicides, which place demands on investigative operations of local law enforcement agencies and forensic laboratories. ME/Cs support public safety and the criminal justice system by providing death investigation services, including death scene investigations, medical investigations, medicolegal autopsies, determinations of the cause and manner of death, and completion of the certificates of death. Medical Examiner and Coroner Office activities and Forensic Pathologists inform decisions to pursue criminal investigations surrounding death as well as providing expert testimony in courts. Additionally, it is important to accurately report the nature and number of drug overdoses to inform public health and public safety and provide ME/C offices with adequate resources to address increasing demand for services. Not only do ME/Cs maintain records on mortality rates related to drug overdoses, they also are key to determining toxicity or

infection that may be related to biological or chemical terrorism. In support of the criminal justice system, the MDI system is critical to understanding drug and violent crime-related deaths. The CMEC identifies the administrative and functional capacities of the ME/C offices to guide policy and funding entities. The CMEC has only been conducted twice: in 2005 (referencing 2004) and in 2019 (referencing 2018).

The CPFFCL is the second BJS forensic data collection, which aims to provide a comprehensive understanding of publicly funded forensic crime laboratories in the United States. This includes, but is not limited to:

- administrative characteristics of crime labs (e.g., staffing, training, resources, and caseload)
- policies related to data, records, and evidence retention
- levels and methods of interaction with law enforcement agencies covering shared jurisdictions
- changes in demands on crime laboratories and other emerging trends in the field.

The first CPFFCL was fielded in 2003 and collected data on staffing levels, budgets, workloads, backlogs, and quality assurance practices. BJS conducted follow-up censuses in 2005, 2009, and 2014 to examine changes. The CPFFCL is a statistical series that provides a sorely needed comprehensive understanding of the services provided by crime laboratories and the resources committed to completing their work. It provides national-level statistics on publicly operated forensic crime laboratories, including policies, practices, services, and resources, and has been instrumental in identifying resource needs and informing federal and state legislation. In 2014, the CPFFCL included approximately 400 publicly funded forensic crime laboratories and an additional 60 federal and state publicly funded laboratories that solely analyze digital evidence.

Collectively, the BJS census efforts are critical for forensic science service providers to strategically plan and address critical needs. Historically, scheduling of these two collections has been inconsistent. These census efforts should be budgeted, regularly scheduled, and prioritized at the Department of Justice. Analyzing and reporting the data from the census activities in a more expeditious manner must be a high priority of BJS. Moving to a real-time data collection and distribution mechanism could be immensely important for forensic science stakeholders so adequate resources can be provided to address emerging needs.

- 2) Q. Evaluate the accuracy of the agency's estimate the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
 - A. BJS has included forensic science service providers and forensic science medical providers in the process of evaluating the instrument, methodology, and assumptions. Inclusion of forensic practitioners and leaders in the planning and execution phases of the census ensures that the data is useful to the federal government, practitioners, and other stakeholders and policy makers. BJS should continue to engage with forensic science providers to ensure that the data gathered is of benefit to the community.
- 3) Q. Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced.
 - A. There are two populations that shoulder a significant burden of work that are not being adequately captured in the CMEC or CPFFCL¹. With respect to the CMEC, on-scene medicolegal death investigators (MDIs) working in centralized medical examiner states are the "eyes and ears of the chief medical examiner" at a death scene. In the current CMEC, they are not currently captured in the CMEC staffing, workload, or budget measures because they do not have their own budget or staff. In many states, the counties typically compensate the MDIs on a fee-for-service basis to respond to death scenes and determine whether the body should be transported to the ME/C facility for an autopsy. Some MDIs have temporary or makeshift office space in law enforcement agencies, while others operate out of their homes or other businesses. Notably, some MDIs have the discretion to provide causes of death for

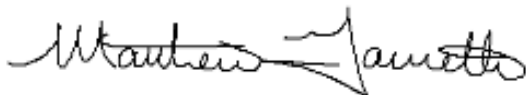
¹ Information in this briefing packet was obtained from the BJS census solicitation publications. Retrieved from <https://www.bjs.gov/index.cfm?ty=dca>.

certain types of cases and decide which bodies will be subject to autopsy. In Texas, Oregon, and North Carolina alone, there are 136 “county medical examiners” (for OR and NC) and over 800 Texas Justices of the Peace who serve in a coroner-type function, representing approximately 1,000 individuals operating in a forensic role. The Centers for Disease Control and the American Board of Medicolegal Death Investigators approximate that there are about 4,000-4,500 MDIs in the United States. A supplemental data collection to document their workload, budget, training, relationship with public and private autopsy facilities and with the main ME/C office, accessible resources, and infrastructure that these individuals have to support death investigations across the U.S. would support each of BJS’s stated CMEC goals, including the third, which is to “further develop the understanding of the relationship between law enforcement agencies and ME/C offices” (see pages 5-6: <https://www.bjs.gov/content/pub/pdf/cmecosol.pdf>). Specifically, these county-level MDIs/Justices of the Peace work closely with law enforcement, but little has been done to systematically document this relationship.

With respect to the **CPFFCL**, the forensic and law enforcement communities need basic information about the state and capacity of digital evidence processing and analysis across the U.S. In 2017, Americans used over 15.7 trillion megabytes of mobile data, a number which quadrupled from just 3 years prior.² In 2024, the average North American is predicted to use nearly six times more data than they did in 2018.³ As digital device use grows exponentially, the criminal justice system has struggled to keep pace with how this information can aid in criminal investigations and how forensic laboratories manage digital evidence (DE) processing and analysis. The 2014 BJS CPFFCL identified 67 publicly funded crime laboratories that analyze digital evidence. Although a good start, the universe of this digital evidence laboratories is not well defined, as some digital evidence work is nested within law enforcement. In order to grow a research base in this critical area, we need to have basic information about their functions, scope, education, training, staffing, and resources to begin building this foundation. It may be the case that a supplementary collection would involve over a 1,000 reporting units that are located in law enforcement agencies and crime laboratories. Thus, this proposed supplemental collection should be a census that would complement BJS’s CPFFCL and its Law Enforcement Management and Administrative Statistics collections.

- 4) Q. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
 - A. BJS has done an excellent job of gathering this data. The importance of this data being collected and being collected in a timely manner cannot be overstated. Forensic science leaders all over the country reference this census for local decision making. The data helps inform Congress, state and local leaders regarding where personnel, operations, and quality control resources are needed. The census also quantifies the forensic landscape changes over time as funding is directed to specific priorities. These census collection and publication events must be conducted on a regular and recurring basis. They must be expanded, as BJS has already recognized, into uncaptured areas of forensics like digital evidence and other important disciplines and practices. BJS should continue to work with practitioners on the timing, instrument, mechanisms, and other details for these collections and publications.

Thank you for your consideration of these comments.



Matthew Gamette M.S., C.P.M.
CFSO Chair,
on behalf of the CFSO Board

² CTIA. (2018). *The State of Wireless 2018*. Retrieved from <https://www.ctia.org/news/the-state-of-wireless-2018>

³ O’Dea, S. (2020). *Average mobile wireless data usage per user worldwide in 2018 and 2024 (in gigabytes per month), by region*. Retrieved from <https://www.statista.com/statistics/489169/canada-united-states-average-data-usage-user-per-month/>