

# CONSORTIUM OF FORENSIC SCIENCE ORGANIZATIONS (CFSO)

# FLASH BRIEF

**MARCH 2025** 

The mission of the CFSO is to speak with a single forensic science voice on behalf of its member organizations of matters of mutual interest regarding forensic science, 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 and coroner offices. The primary focus of the CFSO is national, state, & local policymakers, as well as the United States Congress.

# 119<sup>TH</sup> CONGRESS

The CFSO has prepared a new webpage for the advent of the 119<sup>th</sup> Congress. CFSO will continue to carefully monitor all developments in Congress and keep the membership updated through this newsletter and information on the CFSO website. Please register on our website to get website updates and newsletters sent directly to your inbox. The 119<sup>th</sup> Congress has kicked off with a focus on passing the FY25 budget and addressing the DOGE efforts. As of the writing of this newsletter, the continuing resolution expires on March 14, 2025. Congress is debating numerous options to include a yearlong continuing resolution, an Omnibus appropriations bill accompanying the continuing resolution, and potentially passing a FY25 budget but that seems unlikely at this moment. In the meantime, efforts have begun on the FY26 budget, and both the House and Senate have passed frameworks for the budget caps.

In the 118<sup>th</sup> Congress numerous pieces of legislation were introduced addressing forensics and a Forensic Science Caucus was created in the House of Representatives. Efforts are underway to re-introduce this legislation, to include the Medical Examiner and Coroner bill and Carla Walker as well as stand up the Forensic Science Caucus again.

Information on CFSO actions from the 118<sup>th</sup> Congress has been added to a new CFSO website page that will eventually be archived on the website. As many of the bills introduced in the 119<sup>th</sup> session will be similar to legislation introduced in the 118<sup>th</sup> session, this page will be available for reference at this <u>link</u>. CFSO has posted the legislation that was introduced in the last session, policy papers pertaining to the legislation, and any other information about CFSO efforts on each bill.

#### **CFSO Board of Directors**

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#### FEDERAL ACTIONS

#### **Proposed Grant Freeze**

In late January, CFSO became aware of a critical issue for all forensic science service providers. The Federal Office of Management and Budget proposed to freeze all federal grants for a period of review to comply with new Executive Orders issued by the new Trump administration. CFSO updated the member organization boards in real time of these developments and actions. Below is a summary of all the documents and all the information has been archived on our website. All of these documents can be found on the CFSO website under <a href="https://thecfso.org/advocacy/advocacy-current-legislative-efforts/2024/12/2024-2025-federal-advocacy-efforts/">https://thecfso.org/advocacy/advocacy-current-legislative-efforts/2024/12/2024-2025-federal-advocacy-efforts/</a> and then Communication with Federal Agencies and Entities.

The following is a chronological record of important documents:

- January 27: OMB issues memo M-25-13
- January 28: OMB issues Q&A regarding memo M-25-13
- January 28: U.S. District Judge Loren AliKhan <u>ordered a temporary pause</u> in the planned freeze in disbursements of open Federal grants until February 3rd, at which point they will consider whether to extend the block or let the plan go forward. This legislation is in response to a lawsuit filed by Democracy Forward, a nonprofit legal organization.
- January 29: OMB issues memo M-25-14 which states that memo M-25-13 is rescinded.
- January 31: U.S. District Court Judge John McConnell Jr., <u>issued a temporary restraining order</u> blocking the suspension of federal dollars. This legislation is in response to a separate lawsuit filed by attorneys general in 22 states and the District of Columbia.
- February 3: U.S. District Judge Loren AliKhan issued a <u>temporary restraining order</u> against the administration's federal funds freeze, extending the hold on the freeze. Her order will remain in place while she considers whether to issue an even longer preliminary injunction.
- February 25: U.S. District Judge Loren AliKhan issued a <u>preliminary injunction</u> to continue blocking the administration's federal funds freeze, extending the hold on the freeze.

#### Federal Government Reduction in Force and Restructuring

In late February, CFSO became aware of a memo from the Federal Office of Management and Budget detailing large-scale federal reduction in force (RIF) efforts. The memo also describes the plan and deadlines for federal agency directors to submit and carry out agency RIF and reorganization plans (ARRP). These plans must be submitted from federal agencies to the Office of Management and Budget and the Office of Personnel Management no later than March 13, 2025. The plans are to be implemented by September 30, 2025, for the start of the new federal fiscal year. We recognize that many forensic programs may be impacted by this restructuring, and we are visiting with federal agencies and Congress about the negative impact on the criminal justice system of cutting funding or infrastructure for forensic science programs. The memo specifically exempts law enforcement, border security, national security, immigration enforcement, and public safety positions from this RIF. U.S. Postal Service employees are also excluded.

#### **CFSO GRANT ACTIONS**

CFSO has advocated heavily with federal agencies on behalf of forensic science service providers in 2024. Several significant grant issues were raised to CFSO, including provisions in the Capacity Enhancement and Backlog Reduction (CEBR) grants regarding hotel rates, provisions in the 2024 Sexual Assault Kit Initiative (SAKI) and Missing and Unidentified Human Remains (MUHR) grants regarding use of mtDNA before Forensic Investigative Genetic Genealogy and the use of private genealogists, and the length of time to clear the National Environmental Protection Act (NEPA) withholding conditions in Coverdell and CEBR grants. In all cases, CFSO held discussions with the Department of Justice and reached beneficial resolutions for forensic science service providers. In all cases, DOJ agreed to review future solicitations for this problematic language and make appropriate adjustments to allow the recipients to appropriately utilize these funds. CFSO appreciates the members for bringing forward troublesome provisions and for the DOJ listening and making appropriate adjustments to better meet the needs of the community. Those needing information about waivers for the mtDNA or genealogist provisions in the 2024 grants, please reach out to CFSO Chair Matthew Gamette.

#### FORENSICS@NIST2024

<u>Archived video</u> of the NIST Forensics conference held November 18-21, 2024, is now available. The recordings from **Monday November 18th** through **Wednesday November 20th**, **2024**, show how NIST scientists are using advanced methods in metrology, computer science, and statistics to strengthen forensic science. Our thanks to Forensic Science Research Program Director Robert Ramotowski for this program.

Topic areas covered included:

- Biometrics
- Digital and Multimedia
- Drugs/Toxicology
- Evidential Statistics
- Firearm and Toolmarks
- Forensic Genetics
- Quality Assurance
- Trace
- CSAFE Forensic Statistics Center of Excellence

Workshops from Thursday November 21st include

- Implementation of 3D Technology, Algorithms, and Stats for Forensic Firearm Analysis
- Toolmark Analysis and Analytical Challenges in Seized Drug Analysis

#### NIST DNA FOUNDATIONS STUDY

NIST recently published <u>DNA Mixture Interpretation</u>: A <u>NIST Scientific Foundation Review</u>. CFSO members provided significant comment on the draft document and are pleased that NIST implemented the feedback of the community into the final document. NIST also reported at the recent American Academy of Forensic Sciences Meeting in Baltimore, Maryland that they would be implementing this type of community comment early in the process for future foundation studies. The NIST website states, "This report reviews the methods that forensic laboratories use to interpret evidence containing a mixture of DNA from two or more people</u>. NIST published a draft version of this report in June 2021 and invited public comment at that time. Sixty-three sets of comments spanning almost 450 pages were received and are available on the NIST website</u>. The study authors considered all comments when preparing the final version of this report. The new version considers several studies published since the draft report was released and includes updated data from DNA analyst proficiency tests and other sources. The preface of the report contains a list of significant revisions. The report's findings will be presented at major forensic science conferences in the coming year."

#### NIST DNA INTERPRETATION AND HUMAN FACTORS

NIST recently published Forensic DNA Interpretation and Human Factors: Improving the Practice Through a Systems Approach. The NIST website states, "The Expert Working Group on Human Factors in Forensic DNA Interpretation has conducted a scientific assessment of the effects of human factors in forensic DNA analysis. The Working Group evaluated relevant bodies of scientific literature and technical knowledge to develop recommendations to improve practice and reduce the likelihood of errors. This report provides a comprehensive discussion of human factors as they relate to all aspects of DNA analysis, from interpreting electropherograms to reporting results and testifying in court."

## NIST/NOBLIS BULLET EXAMINATION BLACK BOX STUDY

Noblis and NIST have published a new forensic bullet examination black box study in Forensic Science International. The <u>publication</u> concerns the accuracy and reproducibility of bullet comparison decisions by forensic examiners. CFSO appreciates these researchers continuing to add to the collective research performed in support of the validity of forensic firearms analysis. In addition to the main article, extensive information is included in supplemental information, including:

- Detailed appendices
- All response data in data tables
- Images of the comparison sets used in the study

# CHANGES TO THE FBI DNA QAS and IMPLEMENTATION OF RAPID DNA

From the SWGDAM website, "The FBI Has Approved Changes to the QAS Effective July 1, 2025!!! The FBI has approved changes to the Quality Assurance Standards for Forensic DNA Testing Laboratories and Quality Assurance Standards for DNA Databasing Laboratories. These changes will take effect on July 1, 2025. To assist laboratories in their preparations for the issuance of the new 2025 QAS, links are provided here for pre-issuance copies as well as to comparison tables prepared by SWGDAM during its revision work 2020 Forensic QAS vs 2025 Forensic QAS and 2020 Databasing QAS vs 2025 Databasing QAS." The most significant of the changes are to the sections covering personnel, validation, audits, and adding standards for the implementation of Rapid DNA.

Effective July 1, 2025, CODIS entry will be allowed from evidence sample profiles generated through rapid DNA analysis platforms when the instruments are operated within the confines of the FBI Quality Assurance Standards (QAS). More information is available on the FBI website.

#### CENSUS OF MEC OFFICES

The Bureau of Justice Statistics recently launched a new Census of Medical Examiner and Coroner Offices (CMEC) to better understand the current workloads and resources available among the agencies that conduct medicolegal death investigations across the United States. Following the last CMEC in 2018, the new survey will provide much-needed national statistics on emerging issues and the challenges facing the nation's medical examiners and coroners during 2023. Eligible agencies should have received a letter and email from RTI International with the CMEC survey. Please contact RTI at <a href="mailto:cmec@rti.org">cmec@rti.org</a> for more information or with any questions.

### NIST RaDAR Program

The NIST Rapid Drug Analysis and Research (RaDAR) program is a collaborative effort between the National Institute of Standards and Technology (NIST), law enforcement entities, public health agencies, and harm reduction groups across the country. The program enables near real-time monitoring of the drug supply through the analysis of drug residue collected from used or suspected paraphernalia. Recently, NIST has begun publishing a monthly newsletter highlighting trends and new compounds identified in these samples. The latest newsletter and more information about the RaDAR program can be found <a href="here">here</a>. The newsletter is a monthly publication and has been in publication for the last year. CFSO is eager to continue discussions with the RaDAR program about networking with forensic science service providers on this effort.

#### FLN-TWG LIMS REPORT

The National Institute of Justice Forensic Laboratory Needs Technology Working Group (FLN-TWG) has published a comprehensive report on laboratory information management systems. The Forensic Technology Center of Excellence website describes the report states, "This document provides FSSP decision-makers with an overview of functionalities that a LIMS should include. An excel download is provided with a more comprehensive list of functional requirements to assist with discovering and enumerating functional requirements, both when developing purchasing requirements and creating documents after procuring a new LIMS. Furthermore, this list could be useful to LIMS developers to assess and possibly incorporate the features discussed here into their products. In addition to compiling a list of functional requirements for a modern LIMS, the authors have forecasted what functional requirements may be necessary for a next generation LIMS. In addition to functional requirements, this document includes a section on next-generation (NG) LIMS. The NG-LIMS includes information on the future of LIMS may look like and provides an initial framework to spark discussions among the community."

#### **HHS ATTESTATION**

Recently, a new rule issued by Health and Human Services (HHS) requires an attestation for access to protected health information that is potentially related to reproductive health care (45 CFR 160.509). It requires medical examiners and coroners (MEC) to sign an attestation that states the requested use or disclosure of medical records is not for certain prohibited purposes. These prohibited purposes include identifying or conducting a criminal, civil, or administrative investigation into any person for the mere act of seeking, obtaining, providing, or facilitating lawful reproductive health care. Due to the needs of MEC to fulfill their statutory investigative roles, there is a standard HIPAA exemption for disclosure of medical records to them (45 CFR 164.512 (g)(1)), but which has been overridden by the new rule. Simply put, without this timely access, MEC will not be able to perform proper death investigations. CFSO is working to remove MEC from this requirement as well as asking for further clarification to simplify these procedures.

#### REINTRODUCTION OF MEC BILL

Through a bipartisan and bicameral effort, Senators Cornyn (TX) and Murphy (CT) along with Congressman Guest (MS) and Congressman Cleaver (MO) have developed legislation to strengthen the medical examiner, coroner, and toxicologist systems through fellowships and training grants. Following its reintroduction in the 119<sup>th</sup> Congress, an advocacy package for this bill on the CFSO website can be used to reach out to your policymakers and request support. Information about this bill and the advocacy packet for the last legislative session can be found on the CFSO website at this link.