



**CONSORTIUM OF FORENSIC SCIENCE  
ORGANIZATIONS (CFSO)**

**2020 YEAR SUMMARY**

JANUARY 2021

*The mission of the CFSO is to speak with a single voice in matters of forensic science of mutual interest to its member organizations, to influence public policy at a national level, and to make a compelling case to increase federal resources for publicly funded forensic service providers. The primary focus of the CFSO is local, county, state, and federal policymakers, as well as the United States Congress.*

## 2020 CFSO Year in Review

There is little doubt that this year has been “different.” Congress and the US Government started 2020 with the intent of passing many pieces of legislation and having a budget move on time. It soon had to shift the legislative focus to matters related to COVID. The Halls of Congress, normally bustling with staff, Members of Congress, lobbyists, and tourists became a ghost town and we all had to adjust to Zoom calls and virtual meetings. The CFSO, despite COVID, continued to meet regularly with staff and work on legislation and policy matters that are significant to our Members. To that end, please find below an overview of 2020 and a brief look at what to expect in 2021. As always, you can find the full documents on our website ([www.thecfso.org](http://www.thecfso.org)) along with more detailed reports on each of the legislative matters discussed below.

### LEGISLATIVE ITEMS

#### APPROPRIATIONS/FUNDING

The FY21 appropriations process is complete with the passage of an Omnibus budget bill on December 21, 2020. The CFSO started the year with a request letter for full funding of programs important to our community. The letter was sent to all key appropriations staff and friends on the Hill. We also assisted the victims’ groups and other advocates with letters of support for programs of mutual interest. We met with staff and had several discussions with them regarding the FY21 appropriations bill prior to and during COVID. As you can see in the November 2020 Budget Brief, our priorities were funded in both the House and Senate. With the completion of the appropriations process, our programs were fully funded for FY21. Attached to the end of this brief is a complete overview of the final budget.

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### **S. 2174, MISSING PERSONS AND UNIDENTIFIED REMAINS ACT OF 2019**

The Missing Persons and Unidentified Remains Act passed in December 2020 and was signed into law by the President on December 31, 2020. We have been working on this legislation for close to seven years. The legislation, a white paper, and our letter to the Hill in support of its passage can be found on our website. In short, this bill will expand the eligibility to apply for grants through Jennifer's Law and authorizes use of grants to pay for the costs incurred by grant applicants. It expands the items allowed under the grant to include transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants; it establishes and expands programs developed to improve reporting of unidentified persons; allows for funding to be used to hire and maintain additional DNA case analysts and technicians, fingerprint examiners, and forensic odontologists and anthropologists needed to support identification programs; and procuring and maintaining state-of-the-art forensic and DNA-typing and analytical equipment.

### **S. 1130, SCARLETTS SUNSHINE ACT**

CFSO has been very active ensuring that the Scarlett's Sunshine Act met the needs of Medical Examiners and Coroners. This legislation was signed into law by the President on December 31, 2020. The legislation will authorize the Secretary of HHS to continue support for Sudden Unexplained Infant Death and Sudden Death in the Young Case Registry of the CDC. It will also provide grants to improve investigation (foster the training of ME's, coroner's, death scene investigators, law enforcement and health investigators). Significant changes have been made to this legislation, at the request of the CFSO membership, since its introduction in April 2019.

### **H.R. 8239/S 4568, FORENSIC SCIENCE RESEARCH AND STANDARDS ACT OF 2020**

CFSO renewed discussions with the House and Senate Science Committees regarding this legislation in early 2019 and participated in a House Science Committee hearing. The legislation, however, began after the publication of the National Academy of Sciences Report- "Strengthening Forensic Science in the United States: A Path Forward" in 2009 with bills introduced by Senator Rockefeller and Senator Blumenthal, with which we had significant concerns. The legislation was re-introduced in the House in 2015, and we again expressed concern with it. However, negotiations began again in early 2019 and with the support of all our member CFSO Boards, CFSO reached agreement with the House and the Senate on legislation that would codify the OSAC and create a federal research agenda that included all federal agencies working in forensic science. Our efforts were done in consultation with the OSAC FSSB Members of each of the CFSO organizations. The legislation passed out of both the House and Senate Science Committees and was to move to the floor for a vote. Regrettably, the National District Attorneys Association and many associations representing law enforcement did not agree with certain components of the legislation and as a result the legislation died. We will begin negotiations again in the new Congress.

### **NATIONAL CENTER ON FORENSIC SCIENCE**

CFSO has lobbied many years for funding to increase the workforce of Forensic Pathologists. CFSO was active on the Hill and in discussions with the National Institute of Justice (NIJ) on the concept of a national collaborative effort that could explore workforce issues and hopefully recommend models and mechanisms to address the initial workforce training issues and the networking of continuing educational programs in this field. A solicitation was published for the first time in 2020 for this to become a reality. The center was awarded to a collaborative group headed by George Mason University. CFSO continues to lobby Congress to continue current funding and increase resources to this critical effort for Forensic Pathology.

### **H.Res. 572/S. Res. 320, FORENSIC SCIENCE WEEK**

We again worked with the House and Senate to pass a bill celebrating Forensic Science Week. Our thanks to the co-sponsors of this bill for their constant support of forensic science and medical examiner/coroner service providers and practitioners. Several members of Congress issued press releases in support of forensic science and medical examiner/coroner practitioners. CFSO is a strong supporter of National Forensic Science Week and works to spread the message among member organizations to increase participation in hosting events during the week.

### **S. 3201, TEMPORARY REAUTHORIZATION AND STUDY OF THE EMERGENCY SCHEDULING OF FETANYL ANALOGUES ACT**

The CFSO worked and continues to work with the House and Senate Committees and personal staff on the rescheduling of fentanyl to include providing subject matter expert information as it pertains to the forensic science community to the Committee. We expect to continue working on this matter in the next year.

### **CARA AND CURES LEGISLATION**

Both of these bills are up for reauthorization next year and will need to be re-examined and updated. If you have any comments or edits please provide them to your CFSO representative.

### **S. 3312/HR 5909, CRISIS STABILIZATION AND COMMUNITY REENTRY ACT OF 2020**

We continue to work with Congress on the "Crisis Stabilization and Community Reentry Act of 2020." Special thanks to AAPL members Dr. Rosenbaum and Dr. Christopher Thompson for their input. It is expected that this bill will move in the next Congress.

### **JUSTICE FOR ALL REAUTHORIZATION(JFA)/COVERDELL (JFA)**

JFA is up for re-authorization in 2021. We worked with the CFSO member organizations to ensure we were focused on the right priorities and began discussions with Hill staff in the middle of 2020 about technical edits needed to update the Coverdell grant and updates in general regarding grants in this legislation. We expect this to be a priority in the next Congress.

### **ME LEGISLATION**

We continue to work with the CFSO NAME representative on new legislation to assist the medical examiner and coroner community with their workforce shortage. We expect legislation to be introduced in early 2021.

### **NATIONAL VIOLENT DEATH REPORTING SYSTEM**

We are working with the Safe States Association to expand funding for medical examiner and coroner offices for participating in the NVDRS.

### **AUSTIN MURDERS**

Ken Melson was asked to meet with Congressman McCaul of Texas to review the FBI response to the Austin Police Department request for personal identifying information on the contributor to an anonymous Y-STR database. CFSO responded and coordinated a discussion between FBI and Austin police regarding the case and obtained commitments from the FBI. Melson was asked by the Congressman to accompany him to a meeting in Austin with prosecutors and detectives, but COVID-19 postponed that event.

## **NON-LEGISLATIVE ITEMS**

### **MEDICO-LEGAL DEATH INVESTIGATION-DATA-WORKING GROUP (MDI-DATA-WG)**

CFSO has long advocated for strong partnerships between state and local forensic science service providers and federal agencies. Many CFSO members were invited to a Centers for Disease Control and Prevention (CDC) working group in 2019 to discuss data sharing and Medical Examiner/Coroner (ME/C) data systems. CFSO continued to ask CDC and NIJ to engage state and local practitioners on this topic. In 2020, a CDC/NIJ collaborative group was formed including many CFSO members called the MDI-Data-WG. This group, with the support of the FTCoE at RTI is looking at ME/C data systems and what data should be collected, sharing that data between state and other entities, and nomenclature needed for various substances. The group is tasked with a multiple year process of developing recommendations for the federal government. CFSO is pleased to have been involved in the inception of this working group and thankful to our federal partners for including many CFSO members as active participants.

### **TESTIMONY TO LAW ENFORCEMENT COMMISSION**

CFSO Chair Gamette was asked to testify in front of the DOJ Law Enforcement Commission. His comments concerned recommendations for how laboratories and law enforcement can work more collaboratively on domestic abuse and sexual assault investigations. An edited version of the testimony was published in Forensic Science International-Synergy.

### **ABA FORDHAM MEETING**

The planned 2020 American Bar Association Criminal Justice Section meeting at Fordham University in New York City was called off due to COVID-19. CFSO continues to engage the ABA to plan future events where forensic science providers, stakeholders, and officers of the court can engage in constructive dialog on numerous topics.

### **NIJ/BJA SOLICITATIONS**

In early 2020, CFSO was notified by the Office of Justice Programs (OJP) at DOJ that most forensic science granting programs would move from NIJ to BJA. CFSO met with senior leadership at OJP to discuss concerns with this plan and potential consequences to the moves. CFSO worked diligently with OJP and BJA to ensure that information was available to forensic science service providers and our CFSO member Boards. CFSO was able to work with BJA to address several critical things like the grants being awarded in October of the fiscal year to allow providers more time in the state fiscal year to spend the funds. Also, CFSO was able to provide education to BJA on the effect of several harmful provisions in the solicitations which led to these being fixed in the 2020 solicitation. CFSO also continued to work with Congress to ensure that the Coverdell and CEBR funds are appropriated at the highest levels possible and that the funding is directed to help the most critical forensic science needs.

### **NIJ NEEDS ASSESSMENT**

CFSO continued to engage NIJ on the Federal Forensic Science Needs Assessment. The document was published with great assistance from CFSO members in 2019, and CFSO provided assistance in 2020 by sharing the importance of this report with the community.

### **FEDERAL CENSUS WORK**

CFSO provided assistance to RTI to increase the response rate on the census of federally funded medical examiner/coroner offices. CFSO engaged with individual providers to encourage them to

answer the survey and provide this critical information to Congress and other policy makers. RTI expressed thanks to CFSO for helping them achieve a high census response rate.

CFSO continued to help RTI with the planning and preparation of the Census of Publically Funded Crime Laboratories. The next census will include digital evidence laboratories to a greater degree and CFSO is eager to see this regularly scheduled census be a successful tool for policy makers and forensic science service providers.

## FORENSIC RELATED FEDERAL BUDGET

### BUDGET RESULTS (FINAL NUMBERS ONLY)

JUSTICE	DOJ REQUEST	FINAL
Byrne JAG	\$411,700,00	\$484,000,000
<i>NamUs</i>		<i>\$ 2,400,000</i>
<i>National Center on Forensics</i>	<i>0</i>	<i>\$ 4,000,000</i>
Paul Coverdell Forensic Science	\$ 10,000,000	\$ 33,000,000
DNA Initiative	\$ 15,000,000	\$141,000,000
<i>Debbie Smith DNA Grants</i>	<i>\$97,000,000</i>	<i>\$110,000,000</i>
<i>State, Local and Federal Forensic Activities</i>	<i>0</i>	<i>\$ 19,000,000</i>
<i>Kirk Bloodsworth Post-Conviction DNA</i>	<i>\$ 4,000,000</i>	<i>\$ 8,000,000</i>
Sexual Assault Forensic Exam Program	\$ 4,000,000	\$ 4,000,000
Community Teams to Reduce the Sexual Assault Kit (SAKI) Backlog	\$47,500,000	\$ 48,000,000
NIST		
OSAC	0	\$ 3,150,000
Technical Merit	0	\$ 1,200,000

## NEW JUSTICE LEGISLATIVE LANGUAGE

**Law Enforcement Training.** -In lieu of House report language regarding law enforcement training, the agreement recognizes that training regarding the use of force, racial profiling, implicit bias, procedural justice, efforts to gain accreditation, development of uniform standards, implementation of innovative law enforcement and non-law enforcement strategies, and the establishment of crisis intervention teams can be among the permissible uses of Byrne JAG funding.

**National Center on Forensics.** -The agreement includes \$4,000,000 for a National Center on Forensics. The National Center on Forensics shall be housed at an accredited university of higher education, with medical and law schools affiliated within the same university system, and work in partnership with a full-service and independent State department of forensic science with a medical examiner function, that is located in the same State as the partner accredited university. The Center is to provide medico-legal learning opportunities for medical students to train as deputy medical examiners/coroners in underserved rural areas; provide forensic

science and legal training to district attorneys, judges, and law enforcement; and develop opportunities as appropriate among the designated partners to benefit current and future practitioners in the field.

**Paul Coverdell Forensic Science.** -The agreement provides a total of \$33,000,000, of which \$17,000,000 is to specifically target the challenges the opioid and synthetic drug epidemic has brought to the forensics community, as required by the explanatory statement accompanying Public Law 116—93.

**Sexual Assault Kit Initiative (SAKI).** -Within the amounts provided in this agreement, OJP shall provide competitively awarded grants with a comprehensive community-based approach to assist with the reduction of the backlog of untested rape kits at law enforcement agencies. OJP is further directed to provide a report, no later than 90 days after enactment of this statute on testing kits, training law enforcement, and supporting victims throughout the process as required by Public Law 113-235.

**Internet of Things Device Capabilities.** -Currently, no database exists of capabilities of Internet of Things devices for training on options and best practices for handling of evidence to meet judicial standards and privacy concerns. To meet this need, \$2,000,000 shall be dedicated for a separate competitive grant program in order to provide four awards of not less than \$500,000 each for institutions of higher learning that provide training in computer forensics and digital investigation to develop a database on Internet of Things device capabilities and to build and execute training modules for law enforcement.

#### **NEW COMMERCE LANGUAGE (NIST)**

**Forensic Sciences.** -The agreement provides an increase of \$1,000,000 above the fiscal year 2020 level for forensic sciences, including no less than \$3,150,000 to support the Organization of Scientific Area Committees, and no less than \$1,200,000 to support technical merit evaluations.

**Training Officers of the Court.** -No later than 90 days after enactment of this Act, NIST is directed to submit a plan for how to implement training to help officers of the court understand the science and concepts underlying the professional analyses of forensic experts. The plan should include staffing needs, necessary funding required, and possible topics of instruction.