



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

FLASH BRIEF

NOVEMBER 2020

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.

CFSO Board of Directors

Matthew Gamette, MS
Chair Representing ASCLD
matthew.gamette@gmail.com

Ken Martin, MS
Vice Chair Representing IAI
kenneth.martin@thecfso.org

Jonathan Arden, MD
Secretary Representing NAME
jardenmd@ardenforensics.com

Timothy P. Rohrig, PhD
Representing SOFT/ABFT
DrTRohrig@aol.com

Ken Melson, JD
Representing AAFS
kmelson01@aol.com

Yale Caplan, PhD
Representing ABFT
fortox@aol.com

Christopher "Kip" Thompson MD
Representing AAPL
CHThompson@mednet.ucla.edu

Beth Lavach,
Legislative Liaison
bethlavach@elsandassociates.com

Newsletter Legislative Corner

Fall 2020 has brought a great deal of movement on the legislative front. We are working hard with the Members of Congress to move toward passage on all of the proposed bills, but many will require re-introduction next year. While an election year typically brings its own set of issues to DC, this year has had the additional distractions from normal business from COVID and the Supreme Court nomination. Despite this, however, several pieces of legislation are in the works. Below is a summary of the most active pieces of legislation with a note about their status. As always if you have any questions or need help don't hesitate to ask your CFSO Representative.

APPROPRIATIONS

The House has completed all their appropriations bills, but the Senate has not. As a result, a continuing resolution (CR) has been put in place to keep the government running. This CR will expire on December 11, 2020. At this time, it is expected that a budget will pass during the lame duck session after the election. For details on the budget please see the CFSO [July 2020 Newsletter](#).

LEGISLATION

S. 4568 and HR 8239, the Forensic Science Research and Standards Act of 2020

The Act reflects the Organization of Scientific Area Committees for Forensic Science's structural change to OSAC 2.0 and adds funding to the budget annually for OSAC standards development and grants for standard development organizations. The Act also creates an Interagency Working Group to recommend a federal research agenda for forensic science. This legislation has been reported out of the Senate Science Committee. The legislation closely mirrors the updated [OSAC changes](#). All of the CFSO member organizations support the legislation. See the CFSO Organizations [Letter of Support](#) on the CFSO website or on the last page of this newsletter. Click here to view the [House](#) and [Senate](#) version of the bill.

S. 2174, the Missing Persons and Unidentified Remains Act of 2019

This legislation has been introduced by Senator Cornyn, Senator Harris, Senator Tillis and Senator Udall. Its goal is to alleviate the cost of forensic examinations on unidentified remains as well as improve reporting and recording of information on missing persons in the NamUs. This Bill will also address the challenges of identifying remains by allowing CODIS data to be cross referenced in order to provide much needed closure to the families. Finally, the Bill will also allow for the Customs and Border Protection (CBP) to expand rescue beacons. CFSO has been working on this Bill for quite some time to ensure that it helps labs and medical examiner offices to secure essential instrumentation and reagents to work these cases.

H.R. 2271 and S. 1130, the "Scarlett's Sunshine on Unexpected Death Act"

Scarlets Sunshine Act was introduced in the House on April 10, 2019 and passed by voice vote on September 21, 2020. HR. 2271, however, was rewritten prior to passage and it is significantly different than the original bill. 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 investigations (foster the training of MEs, coroners, death scene investigators, law enforcement and health investigators). Significant changes have been made to the legislation since its introduction in April 2019 based on significant feedback from our medical examiner community. A summary and the legislation is posted on our website under the Advocacy page.

S. Res. 320 and H. Res. 1126, a Resolution recognizing and supporting the goals and ideals of "National Forensic Science Week"

This legislation is worked on by the CFSO annually to coincide with Forensic Science Week. We are pleased that it was put forward and passed in the Senate ([Senate Version](#)) again this year from Senator Crapo and Senator Feinstein. [House Resolution 1126](#) was introduced in the House by Representatives Fulcher and Simpson and was referred to the House Science Committee. With all of this legislation you can help us by writing your Member of Congress and asking them to push these bills past the finish line every year. We would love to identify co-sponsors early for next year.

GRANTS

Since 2004, the Office of Justice Programs has received an annual budget that is to be used toward DNA and other forensic science activities. According to a document released October 13, 2020, the Justice Department has awarded \$192 million this year to advance forensic science. These appropriations come in the form of BJA and NIJ Grants, and are from the FY20 budget. View the press release [here](#). See the full DOJ fact sheet of awards [here](#).

—Bureau of Justice Assistance (\$165.4 million)

DNA Capacity Enhancement and Backlog Reduction Program (\$80.7 million)

This award assists with augmenting the capacity for DNA analysis and the number of DNA samples, while decreasing system backlog and turnaround time for DNA analysis. Recipients may use funding to upgrade lab equipment and purchase supplies.

Paul Coverdell Forensic Science Improvement Grants Program (\$26.5 million)

The program helps improve forensic science services rendered by medical examiners and coroners, including services provided by laboratories operated by states and local government. Funds from this program can be used to eliminate or alleviate backlogs in the analysis of forensic evidence, and to train and employ forensic laboratory personnel. The Coverdell Act requires that 15% of program funds be awarded competitively and remaining funds awarded to states based on the state population and made to all applicants that apply.

Prosecuting Cold Cases Using DNA and other Forensic Technologies (\$4.7 million)

The program focuses on the prosecution of violent crime cold cases where DNA from a suspect has been identified and can now be analyzed due to the advances in forensics, thereby decreasing the number of unresolved violent crime cold cases. In some cases, successful analysis leads to providing probative information for the resolution of the case.

Postconviction Testing of DNA Evidence (\$6.2 million)

The program provides funding for additional personnel, overtime, testing supplies and services specific to defraying the cost of postconviction DNA testing in order to make the practice more widely affordable.

Strengthening the Medical Examiner-Coroner System Program (\$1.7 million)

This grant focuses on strengthening the system through increasing the number and quality of board certified forensic pathologists, in addition to helping medical examiners/coroners improve the quality of forensic death investigations.

National Sexual Assault Kit Initiative (\$43.4 million)

The program promotes a comprehensive approach to addressing unsubmitted sexual assault kits by using a multi-disciplinary team to support investigation, prosecution and victim advocacy. The program also helps law enforcement agencies and crime labs to process sexual assault evidence and increase the number of sexual assault kits submitted to crime labs in order to solve more crimes, including cold cases.

Sexual Assault Forensic Evidence – Inventory, Tracking and Reporting (\$2.2 million)

Funding through the SAFE-ITR program enables agencies to document their unanalyzed sexual assault kits, efficiently process sexual assault evidence and upload DNA profiles to CODIS.

—National Institute of Justice (\$26.3 million)

Research and Development in Forensic Science for Criminal Justice Purposes (\$15.4 million)

Funds basic and applied R&D that leads to more accurate, reliable, rapid, and cost-effective methods of analyzing physical evidence.

Research and Evaluation for the Testing and Interpretation of Physical Evidence in Publicly Funded Forensic Laboratories (\$1 million)

The program funds projects that will identify and inform the forensic community of best practices through evaluating existing lab protocols and practices. Grantees will pursue projects that have a direct and immediate impact on laboratory efficiency and assist scientists make laboratory policy decisions.

Graduate Research Fellowship Program (\$1.9 million)

Under its Graduate Research Fellowship solicitation, NIJ is awarding grants to 16 new fellows whose dissertation research is relevant to advancing forensic science, for a total of \$1.9 million. This program supports the development of new researchers engaged in bringing science to problems of crime and justice.

National Missing and Unidentified Persons System (NamUS) (\$4.3 million)

The program provides funding and support for the management of NamUS, a centralized database for missing persons and unidentified persons' information for law enforcement, medical examiners, coroners, and the public. In addition, the grantee provides stakeholders with a number of forensic services, such as forensic odontology, fingerprint examination, mitochondrial and nuclear DNA analyses, and connects them with artists who can perform facial reconstructions of unidentified decedents.

Forensic Technology Center of Excellence (\$1.6 million)

The Center acts as NIJ's forensic science research and development program. Through a number of activities, the center implements forensic technology and best practices, evaluates research and technology, and builds relationships with the forensic community.

National Center on Forensics (\$2 million)

The National Center on Forensics will provide medico-legal educational opportunities for medical students training as deputy medical examiners/coroners in rural areas. It will also offer forensic science and legal training to district attorneys, judges, and law enforcement officials.

OTHER NEWS

FLN-TWG Update

The Forensic Laboratory Needs-Technology Working Group met virtually on October 27-28, 2020. Discussions included updates on Federal Rule 16 and Federal Rule 702. Changes have been proposed for **Federal Criminal Rule 16** that are now open for [public comment](#) through February. The group also discussed the OSAC bill referenced earlier in the newsletter. Presentations were given by Heather Seubert from the FBI about 3D imaging in the firearms discipline and the 3D-Topography Working Group (3DTWG) at the FBI that is working on best practices/standards for 3D imaging instruments and training sets. Catherine Grgicak presented on the validation of "NOClt" (a DNA mixture interpretation tool). More information and a free download can be found at their [website](#). Heidi Eldridge presented on a Black Box study on the accuracy and reliability of palmar friction ridge comparisons. The publication can be found [here](#). Reyna Shelton from the US Secret Service provided an update on their "skimmer" (devices used by criminals to illegally obtain electronic information from ATMs, point of sale, and gas pumps) DNA program. Thanks to the FTCoe for supporting the FLN-TWG and to NIJ for providing leadership for the group.

MDI-DATA-WG Update

The MDI Data Working Group met virtually on September 30 and October 1, 2020. Three subcommittees of forensic science experts were established. This is at least a two year commitment from NIJ/CDC. We are extremely pleased that representatives from CFSO member organizations chair each subcommittee and make up a large contingent of the committee. NIJ and the CDC have put together an impressive group of very qualified experts to work on this committee. Thanks to the FTCoe for their leadership and organization of this initiative.

Subcommittee 1: Commonly Exchanged Data for Death Investigations will focus on ways to improve the exchange of data and information among stakeholders that need to know mortality trends, drug trends, intelligence, and general knowledge.

Subcommittee 2: Drug Taxonomy will focus on the methods of capturing and disseminating information on the types of drugs involved in deaths, including drug toxicology taxonomy and other categorizations and classification needs around drug naming, drug terms, drug mappings, and drug classification to all relevant stakeholders to facilitate information exchange of data related to drug overdose mortality.

Subcommittee 3: Forensic Science Data Integration will focus on gathering information of the integration, analysis, and reporting process of public safety/public health/forensic science data, including information concerning initial response calls, police incident data, lab testing results, and information from first responders. This group will also identify data commonly exchanged across the forensic science disciplines collection.

FY 2020 Academic-based Drug Field Testing and Training Initiative

Indiana University and Tom Busey are seeking participants for NIJ funded research on Footwear, Toolmarks, and Fingerprints. The goal of the grant is to determine which conclusion scales best represent the strength of the evidence in Fingerprint, Footwear and Toolmark disciplines. Examiners could qualify for a \$30.00 Amazon gift card for participation. They are requesting examiners to participate in the research so they can finish the studies that have been delayed due to COVID-19. They are looking for about 30 participants in each discipline, although footwear is the most challenging due to small number of examiners in the country. The study takes about 3-5 hours to complete, and the only inclusion criteria is that the examiners must be qualified to testify in the US in the discipline in which they are participating. Contact Tom to obtain further information. busey@indiana.edu

FY 2020 Academic-based Drug Field Testing and Training Initiative

Congratulations to Florida International University (NFSTC). They have been awarded 1.8 million dollars by BJA to develop a national training model on current rapid drug identification technology and scientifically sound field collection and testing methods that can be used when drugs are discovered in the field.

National Center on Forensics

Congratulations to Montana Department of Justice's Forensic Science Division, the University of Washington, George Mason University, the National Association of Attorneys General, and the American Society for Clinical Pathology that received the \$2 million Center on Forensics grant. Read the press release [here](#). Grant funds will be used to establish the National Forensic Center, which will:

- Provide additional medical examiners/coroners in underserved rural areas;
- Provide forensic science and legal training to district attorneys, judges, and law enforcement; and
- Develop opportunities to benefit current/future practitioners in the fields of forensic pathology, forensic science, law enforcement, and criminal justice.

Drug Scheduling

On August 7, 2020, the U.S. Food and Drug Administration approved a new drug application for oliceridine, chemically known as N-[(3- methoxythiophen-2-yl)methyl] (2- [(9R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl]ethyl)amine fumarate. The Department of Health and Human Services provided the Drug Enforcement Administration (DEA) with a scheduling recommendation to place oliceridine in schedule II of the Controlled Substances Act (CSA). In accordance with the CSA, as revised by the Improving Regulatory Transparency for New Medical Therapies Act, DEA is issuing an interim final rule placing oliceridine, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of

such isomers, esters, ethers and salts is possible, in schedule II of the CSA. The effective date of this rulemaking is October 30, 2020.

UCR Data Tool

The [Uniform Crime Reporting \(UCR\) data tool](#) has been replaced by the FBI's Crime Data Explorer (CDE). Effective Friday, November 6, 2020, the UCR data tool will no longer be available and visitors will be automatically forwarded to the CDE. Please update your bookmarks accordingly. The CDE is an interactive tool that presents charts and graphs that break down data in a variety of ways. The CDE also offers an Application Programming Interface (API) that allows developers to make interactive applications to share large amounts of data in meaningful ways. Users of the API will be able to access UCR data from 1979 to the current publication. UCR data can also be found in the [Crime in the United States publications](#).

Footwear Reliability Studies Published

Title: Forensic Footwear Reliability: Part I—Participant Demographics and Examiner Agreement

Authors: Jacqueline A. Speir Ph.D., Nicole Richetelli M.S., Lesley Hammer M.S.

Journal: *Journal of Forensic Sciences*

Posted Online: September 8, 2020

Summary Link: <http://www.ncjrs.gov/App/publications/abstract.aspx?ID=279586>

Grant Number: 2016-DN-BX-0152

Title: Forensic Footwear Reliability: Part II—Range of Conclusions, Accuracy, and Consensus

Authors: Nicole Richetelli M.S., Lesley Hammer M.S., Jacqueline A. Speir Ph.D.

Journal: *Journal of Forensic Sciences*

Posted Online: September 17, 2020

Summary Link: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=279587>

Grant Number: 2016-DN-BX-0152

Title: Forensic Footwear Reliability: Part III—Positive Predictive Value, Error Rates, and Inter-Rater Reliability

Authors: Nicole Richetelli M.S., Lesley Hammer M.S., Jacqueline A. Speir Ph.D.

Journal: *Journal of Forensic Sciences*

Posted Online: September 22, 2020

Summary Link: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=279588>

Grant Number: 2016-DN-BX-0152



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

Chairman Roger Wicker
Senate Committee on Commerce,
Science and Transportation
512 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Maria Cantwell
Senate Committee on Commerce,
Science and Transportation
512 Dirksen Senate Office Building
Washington, DC 20510

Chairwoman Eddie Bernice Johnson
House Committee on Science,
Space and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Ranking Member Frank Lucas
House Committee on Science,
Space and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Wicker, Ranking Member Cantwell, Chairwoman Johnson and Ranking Member Lucas:

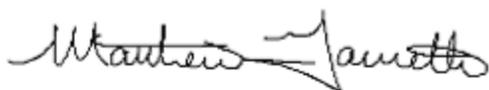
We are writing in support of the Forensic Science Research and Standards Act of 2020. The Consortium of Forensic Science Organizations applauds the introduction of this legislation and looks forward to its passage. Forensic Science is a critical tool and has become invaluable to our nation's criminal justice system to both identify and convict the guilty as well as exonerate the innocent. Standards setting is critical to ensuring the reliability, validity and consistency in the application of scientific methods. Consistent and steady research is also important as science advances and the science of forensics must continue to move forward. This legislation ensures that we will have the infrastructure in place to continue advancing the reliability of scientific conclusions.

As you know, the NIST Organization of Scientific Area Committees (OSAC) is directly the result of the 2009 National Academy's study concerning the validity and reliability of forensic science. Standards for methods of analysis by forensic science service providers are essential for the validity and reliability of analyses carried out in crime laboratories and Medical Examiner/Coroner offices. Equally important are the Standards Developing Organizations (SDOs). Accredited SDOs open the review process to all stakeholders in the forensic community and are essential for the creation of standards for placement on the OSAC registry. Further, foundational research by NIST is important to confirm the validity of forensic disciplines, identify potential limitations, and develop avenues for advancement of the sciences.

The Consortium of Forensic Science Organizations (CFSO) is an association of six forensic science professional organizations: American Academy of Forensic Sciences; American Society of Crime Lab Directors; International Association for Identification; American Academy of Psychiatry and the Law; National Association of Medical Examiners; and the Society of Forensic Toxicologists-American Board of Forensic Toxicology. The professional organizations together represent more than 21,000 forensic science professionals across the United States. On behalf of those Members, we thank you for your attention to this critical issue in our criminal justice system and the stakeholder community it serves.

Sincerely,

The Consortium of Forensic Science Organizations



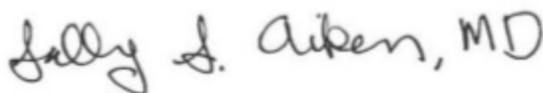
Matthew Gamette M.S., C.P.M.
Chair,
Consortium of Forensic Science Organizations



Kenneth B. Zercie
President,
International Association for Identification



Dr. Jeri D. Roper-Miller
President,
American Academy of Forensic Sciences



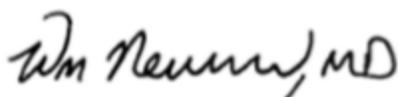
Dr. Sally S. Aiken
President,
National Association of Medical Examiners



Dr. Bruce A. Goldberger PhD, F-ABFT
President,
American Board of Forensic Toxicology



Dr. Sumandeep Rana
President,
Society of Forensic Toxicologists



William J. Newman, M.D.
President,
American Academy of Psychiatry and the Law



Erin Forry
President,
American Society of Crime Laboratory Directors