

2011 CFSO Update



**BETH LAVACH,
BETHLAVACH@ELSANDASSOCIATES.COM**

Washington in Chaos!



- Budgets are in a State of flux!
- House wants to cut, cut, cut! Senate not so sure.
- Only the House of Representatives has addressed the individual agency budgets.
- An Omnibus is being planned but a Continuing Resolution is possible for FY12.
- The Senate has passed very few bills
- Elections may not be until 2012 but they have already begun the “campaign”.
- It is important to be creative in your funding.

FY12 Budget: Themes in House Bill



- Law enforcement plays a key role in national security.
- America needs to focus on innovation and competitiveness:
 - \$6.9 billion for the National Science Foundation, for basic scientific research
 - \$701 million for research and standards work at the National Institute of Standards and Technology, including \$128 million for Manufacturing Extension Partnerships to increase the competitiveness of the Nation's manufacturers.
 - over \$1 billion for (STEM) education programs across NSF
- Enhancing trade opportunities while ensuring national security.

FY12 Budget Information: times are lean



House of Representatives Budget

- **State and Local Law Enforcement assistance:**
 - \$1,05 b in the House bill
 - \$68m below FY11
 - \$124m below Presidents Request
- **Office of Justice Programs Research, Evaluation and Statistics:**
 - \$182,585,000 for Research, Evaluation and Statistics
 - \$51,945,000 below fiscal year 2011
 - \$4,085,000 above the request

FY12 Budget Information: What does this mean to Forensics?



- DNA "Initiative": \$133m (\$23m above President Request)
 - Includes:
 - Debbie Smith DNA Backlog Grants
 - Post Conviction DNA Testing Grants
 - Sexual Assault Forensic Exam Program Grants
- BYRNE Memorial Justice Grants: \$357m
- BYRNE Competitive Grants: \$15m
- COPS: Not funded
- COVERDELL: Not funded.

FY12 Budget Information: Budget Policy!



- The Committee directs the Department to include in the Department's fiscal year **2012 spending plan**, a plan for the use of all funding administered by the National Institute of Justice.
- Evidence-based programs.—The Committee strongly urges the Department to ensure that, to the greatest extent practicable, **competitive grants are used for evidence-based programs and activities.**

FY12 Budget Information: DNA Policy!



- *DNA backlog elimination.*—The Committee recommendation includes \$133,630,000 for DNA-related and **forensic programs** and activities, which is **\$23,630,000 above the request.**

DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. Spending plan is directed for funds appropriated for DNA-related and forensic programs accompanied by report on how it meets authorized use of Debbie Smith Act

- *DNA programs.*—*The Committee encourages the FBI to undertake* activities to facilitate familial DNA searches of the National DNA Index System (NDIS) database of convicted offenders, and work with the NDIS Procedures Board to consider the establishment of procedures allowing familial searches only for serious violent and sexual crimes where other investigative leads have been exhausted. The procedures should provide appropriate protections for the privacy rights of those in the NDIS database.

FY12 Budget Information: Forensic Policy!



- *Advances in forensic sciences.*—*The Committee is aware of research efforts that have provided new tools to law enforcement agencies by using unique skin pigmentation patterns and unique vein patterns to positively identify suspects from photographs. There is a need to develop new and promising methods of identification like this and validate the methods' findings for broader use in law enforcement and homeland security. As the National Academy of Sciences found in the 2009 report entitled, *Strengthening Forensic Science in the United States*, there is a need for ongoing research and testing to ensure the improvement and success of our forensic sciences. Accordingly, the Committee urges the Department to promote rigorous standards and best practices for the forensic sciences and to support innovative technologies that may offer valuable new tools for public safety agencies.*

Policy: Forensic Reform-Senate

S132, Criminal Justice and Forensic Science Reform Act of 2011



- **STRUCTURE**

- Establishes an Office of Forensic Science within the Office of the Deputy Attorney General
 - ✦ 1) establish, implement, and enforce standards for **forensic** science laboratory accreditation and **forensic** science personnel certification;
 - ✦ 2) establish a comprehensive strategy for research in the **forensic** sciences;
 - ✦ 3) establish and implement standards and best practices for **forensic** science disciplines;
 - ✦ 4) define "**forensic** science discipline" and "**forensic** science laboratory";

S132, Criminal Justice and Forensic Science Reform Act of 2011



- **STRUCTURE (continued)**
 - ✦ 5) establish and maintain a list of **forensic** science disciplines;
 - ✦ 6) establish committees to examine research needs, standards, best practices, and certification standards for the **forensic** science disciplines.
- Establishes a **Forensic** Science Board to promote confidence in the criminal justice system through standards and best practices and ensuring consistency, scientific validity, and accuracy regarding **forensic** testing, analysis, identification, and comparisons

Policy: Forensic Reform-Senate



- ACCREDITATION/CERTIFICATION
 - Prohibits a forensic science laboratory or covered entity (an entity that is not a forensic science laboratory and that conducts forensic testing) from receiving federal funds unless:
 - ✦ 1) the laboratory has been accredited in accordance with the standards and procedures established under this Act;
 - ✦ 2) all relevant personnel (individuals who conduct **forensic** testing or testify about evidence prepared by such individuals) of the laboratory or covered entity are certified under this Act.
 - Requires the Director to establish standards for the certification of personnel and determine whether a laboratory or entity is eligible for federal funds and make grants and provide technical assistance to laboratories and entities seeking accreditation.

Policy: Forensic Reform-Senate



- RESEARCH

- Requires the Board to recommend and the Director to establish: (1) a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines; and (2) a list of priorities for forensic science research funding.
- Directs:
 - ✦ 1) the Board to submit to the Director a plan for encouraging to develop and perform cost-effective and reliable research in the **forensic** sciences;
 - ✦ 2) the Director to establish and disseminate uniform standards and best practices for the **forensic** science discipline with grants from NIST

Policy: Forensic Reform-Senate



- **TRAINING/EDUCATION**

- Requires the Board to submit and the Director to implement:

- ✦ 1) a plan for supporting, and a standardized curriculum for, the education and training of judges, attorneys, and law enforcement personnel in the **forensic** sciences and fundamental scientific principles;
- ✦ 2) a plan for supporting the development of undergraduate and graduate educational programs in the **forensic** science disciplines and related fields, if deemed appropriate;
- ✦ 3) a plan to encourage the federal government and state and local governments to implement systems to ensure that qualified individuals perform medical-legal death examinations and to encourage qualified individuals to enter the field.

Policy: Forensic Reform-Senate



- OTHER
 - Directs the Board and the Director to regularly coordinate with:
 - ✦ 1) relevant federal agencies to make efficient and appropriate use of research expertise and funding;
 - ✦ 2) the Department of Homeland Security (DHS) and other relevant federal agencies to determine ways in which the **forensic** science disciplines may assist in homeland security and emergency preparedness.
 - Requires the Director to develop a system for any individual to provide information regarding lack of compliance with standards established under this Act.
 - Requires the Board to submit and the Director to implement:
 - ✦ 1) a plan to require interoperability among databases and technologies in each of the **forensic** science disciplines among all levels of government, in all states, and with the private sector
 - ✦ 2) a recommended code of ethics for the **forensic** science disciplines.

Policy: Forensic Reform-Senate



Medical Examiners

Recommends: Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director—

- (1) a plan to encourage the Federal, State and local governments to implement systems to ensure that qualified individuals perform medical-legal death examinations and to encourage qualified individuals to enter the field of medical-legal death examination
- (2) recommendations on whether and how the requirements, standards and regulations established under this Act should apply to individuals who perform medical-legal death examinations and whether new ones should be developed.

Policy: Forensic Reform-Status of Senate



- The Senate is committed to the passage of the bill and is working on Republican support
- New interest groups have emerged with concerns
- Latest version can be found on CFSO website.
- Senate planning to move toward marking up legislation with recommended changes from interested parties.

Policy: Forensic Reform-House



- CFSO has had continual dialogue with the House of Representatives: Interested Members and Committee staff
- Status continues to evolve: at this time the House will wait to see if the Senate passes a bill.
- House is focused on budget issues and the cost of Forensic Reform but recognizes the need for change
- Working with various Members on verbiage for language.

What has the CFSO Done? EDUCATE



- **REFORM:**

- Compiled Membership positions and worked with staff to ensure they are educated on “providers positions”.
- Regular meetings with House and Senate to present positions and work with staff to modify legislation and assist in moving forward.
- Embark on grassroots effort to get Members to labs and provide first hand knowledge of what a “lab” does.

- **FUNDING:**

- Work to get funding that is needed for capacity building.

NAME Recommendations



- Add Centers for Disease Control and Prevention (CDC) Liaison within Office of Forensic Science and specify the National Institutes of Health (NIH) as “relevant Federal agencies”
- Change: “conducts forensic testing, analysis, identification, or comparisons, **or reaches forensic conclusions or interpretations from forensic testing, analysis, identification, or comparisons,** the results which can be used during the course of a criminal or **forensic** investigation or prosecution.” (Coroners do not independently conduct forensic testing, analysis, identification or comparisons but they do reach forensic conclusions and interpretations from such processes that are used for a variety of investigations and prosecutions.)
- Recognize the specific extant medical certification system conducted by the American Board of Medical Specialities
- Broaden grants to allow input from CDC/NIH/NIJ/SAMHSA
- Expand research collaboration to include Education and Training
- Expand the scope to include “physicians who treat live victims of violent acts”
- Create a Division/Office of Medicolegal Death Investigation within CDC that could be based on the old CDC Medical Examiner/Coroner Information Sharing Program (MECSIP) described below

A Call To Action!!!!



- **CONTACT YOUR MEMBER OF CONGRESS**
 - Draft letter will be on the CFSO website asking for support.
 - ✦ Send letter to Member of Congress with cover letter
 - Call your Senator asking for Coverdell to be funded
 - Link to find your Member of Congress will be on the website:
insert your zip code
 - Send your CFSO Representative (Ken Martin) information you have received or provided to Congress.