



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

FLASH BRIEF

SPECIAL EDITION JULY 2020

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

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Federal Forensic Science Budget

APPROPRIATIONS UPDATE JULY 20, 2020

The House bill has been marked up by the appropriations committee "remotely". Below you will find the language and the figures for forensic science in the bill. The bill must next go to the House floor. The Senate has not put the appropriations bills on the calendar yet.

NOTE: In the House bill there is SIGNIFICANT language regarding law enforcement. While it does NOT say forensic science service providers, we believe it could apply to our community for those forensic science service providers that are a part of law enforcement agencies. This will need to be clarified and will likely be a conference issue in the final bill.

FORENSIC SCIENCE FY21 BUDGET

| PROGRAM | REQUEST | FY20 | HOUSE | SENATE | FINAL |
|---|--------------|---------------|----------------------------|--------|-------|
| DOJ | | | | | |
| Byrne JAG | \$411,700,00 | \$547,200,000 | \$525,000,000 | | |
| OJP: National Center on Forensics | 0 | \$3,000,000 | \$3,000,000 | | |
| STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE | | | | | |
| Drug Field Testing and Training Initiative | 0 | 0 | \$2,000,000 | | |
| Collaborative mental health and anti-recidivism initiative | 0 | 0 | \$1,500,000 | | |
| Competitive grant for training students in computer forensics and digital investigation | 0 | 0 | \$2,000,000 | | |
| Paul Coverdell Forensic Science | \$10,000,000 | \$30,000,000 | \$30,500,000 | | |
| DNA Initiative | \$15,000,000 | \$132,000,000 | \$142,000,000 | | |
| Debbie Smith: DNA Analysis Backlog | \$97,000,000 | \$102,000,000 | \$108,000,000 ¹ | | |
| Kirk Bloodsworth Post-Conviction DNA Testing Grants | \$4,000,000 | \$7,000,000 | \$9,000,000 | | |
| Sexual Assault Forensic Exam Program Grants | \$4,000,000 | \$4,000,000 | \$6,000,000 | | |
| Other State and Local Forensic Activities | 0 | \$17,000,000 | \$19,000,000 | | |
| Sexual Assault Response Reform (community based) | \$47,500,000 | \$48,000,000 | \$49,000,000 | | |
| NIST | | | | | |

¹ *4% for DNA Training and Education for Law Enforcement PL 108-405 sec 303

| PROGRAM | REQUEST | FY20 | HOUSE | SENATE | FINAL |
|--------------------------------|---------|-------------|--------------|--------|-------|
| Forensic Science Research | 0 | | \$22,500,000 | | |
| OSAC | 0 | \$3,150,000 | \$3,150,000 | | |
| Forensic Technical Evaluations | 0 | \$1,000,000 | \$1,200,000 | | |

FORENSIC SCIENCE LANGUAGE IN THE HOUSE APPROPRIATIONS COMMITTEE

DNA LANGUAGE

1. ***DNA Initiative.*** —The Committee continues its strong support for DNA backlog and crime lab improvements by recommending \$142,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within funds provided, \$108,000,000 is for Debbie Smith DNA Backlog Reduction grants, \$9,000,000 is for Kirk Bloodsworth Post-Conviction DNA Testing grants, and \$6,000,000 is for Sexual Assault Forensic Exam Program grants. The Committee expects that OJP will make funding for DNA analysis and capacity enhancement a priority in order to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit to the Committee, as part of the Department’s spending plan for State and Local Law Enforcement Activities, a plan with respect to funds appropriated for DNA-related and forensic programs, including the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program.
2. ***DNA Sample Collections from immigration detainees.*** —The Committee is concerned about the potential adverse impact of the final rule issued by DOJ on March 6, 2020, entitled, DNA Sample Collection from Immigration Detainees (Docket Number OAG 164; AG Order No. 4646 2020) and directs the Attorney General to provide the following information to the Committee not later than 90 days after enactment of this Act: the fiscal and administrative costs of expanding DNA collection requirements to the Department of Homeland Security (DHS); the FBI’s role in the collection, use, and retention of DNA samples and profiles on the basis of this policy, and the estimated impact of this policy on the backlog in FBI DNA sample testing; information regarding the storage and security of DNA kits received from DHS; any DOJ policies and protocols governing how DNA profiles are used and shared; and whether familial searches are permitted by any Federal agency or any State entity with access to the profiles.
3. ***RAPID DNA.***—The Committee understands that under certain conditions, Rapid DNA technology can help law enforcement agencies quickly compare DNA samples against profiles in the Combined DNA Index System (CODIS) and determine possible connections between a suspect and known criminal activity or facilitate exoneration of innocent suspects. The Committee encourages DOJ to consider supporting broad deployment of Rapid DNA technology that meets FBI quality assurance standards to help local, State, and Federal law enforcement agencies meet their mission requirements, improve the efficacy and efficiency of investigations, and protect and bring justice to the innocent.
4. ***Rapid DNA Initiative.*** —The Committee recognizes the growing importance of Rapid DNA technology in federal, state, local and tribal law enforcement operations. The Committee supports broad deployment of Rapid DNA technology that meets FBI quality assurance standards to help local, state and federal law enforcement agencies meet their mission requirements, improve the efficacy and efficiency of investigations, and protect and bring

justice to the innocent. The Committee acknowledges that deployment of Rapid DNA has been shown to be a critical law enforcement tool for combatting human trafficking, suppressing gang activity, supporting drug interdiction and counter-drug activities, and disrupting transnational criminal organization activities. It has also helped improve disaster response and victim identification. The Committee has repeatedly expressed concern with the nationwide backlog of sexual assault kits and believes that in some jurisdictions the unfortunate and long-standing backlog of sexual assault kits could be addressed with rapid DNA technology. The Committee further believes that Rapid DNA technology should be deployed early in sexual assault investigations to prevent backlogs from forming in the first place. The Committee therefore directs the Department to ensure that recipients of all existing grant programs that help Federal, state, local and tribal agencies build capacity for DNA analysis, address the sexual assault kit backlog, enhance investigative methods, and adopt innovative criminal justice strategies are made aware that Rapid DNA implementation and sustainment are permissible uses of grant funds. The Committee directs the Department to provide a report to the Committee no later than 60 days after enactment of this Act that describes how Rapid DNA technology is being deployed to prevent violence against women, support illicit opioid interdiction, improve criminal investigations, prevent human trafficking, combat transnational criminal activities, and prevent sexual assault kit backlog creation.

5. Cold Case Investigations.—The bill includes not less than \$13,500,000, the same as the fiscal year 2020 enacted level, for the Criminal Section of the Civil Rights Division, the Civil Rights Unit of the Federal Bureau of Investigation, the Community Relations Service, and in grant assistance, as authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114 325), to investigate and prosecute previously unresolved civil rights era “cold case” murders suspected of having been racially motivated. The Department of Justice (DOJ) shall include, as part of the annual spending plan required under section 507 of this Act, details on actual and projected spending, by agency and appropriation, to carry out the Emmett Till Act. The Committee directs the National Institute of Justice, the Bureau of Justice Assistance, and the Office for Victims of Crime to continue providing grants for cold case DNA investigations to aid State and local law enforcement agencies in their investigation and prosecution of unsolved civil rights cold cases. In addition, the Attorney General is directed to make full use of his authority to support and carry out the objectives of Public Law 115–426, the Civil Rights Cold Case Records Collection Act of 2018.

OPIOID LANGUAGE

- 1. Byrne JAG.**—The Committee encourages the Byrne JAG program to provide additional resources to those communities that are taking part in programs that seek to lower homicide rates through data and performance measurement analysis. The Committee advises that some Byrne JAG funds be directed to provide newer, more efficient forensics testing tools for rural jurisdictions. The Committee requests additional consideration be given to applicants who seek to hire service-connected disabled veterans. The Committee encourages the Department to support the use of these grant funds for the purchase of fentanyl detection equipment. The Committee is concerned about the growing epidemic of prescription drug and heroin abuse and its impact on law enforcement, and notes that funds within this account may be used for the implementation of medication-assisted treatment to help maintain abstinence from all opioids and heroin.
- 2. DEA.**—Up to \$10,000,000 may be used to reimburse States, unites of local government, Indian tribal governments, other public entities, and multijurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories, conversion and extractions operations, or laboratories and processing operations for fentanyl and fentanyl-related substances which may present a danger to public health or environment.

OTHER FORENSIC SPECIFIC LANGUAGE

National Integrated Ballistic Information Network (NIBIN).—The Committee is encouraged by the promise of improved crime gun intelligence and information sharing, and expects funding provided in this bill will aid in interdicting crime guns and preventing gun trafficking through the NIBIN. The Committee continues to support efforts to expand the use of NIBIN and to ensure all law enforcement agencies have access to NIBIN’s correlation services and appreciates the investments being made by state and local partners to collect and share ballistics evidence across geographically separated law enforcement jurisdictions, and encourages ATF to continue to build on these investments. The Committee supports efforts to include both cartridge casings and bullets in the NIBIN program and encourages the Department to promote NIBIN as a critical forensic science tool and to identify opportunities to build partnerships with criminal justice training programs. Finally, the Committee encourages ATF to continue establishing a NIBIN presence on the Southwest border and looks forward to receiving the update on its efforts as described in House Report 115–704.

NATIONAL CENTER ON FORENSICS.—The Committee supports the National Center on Forensics, through which NIJ partners with a State department of forensic science, an accredited university, and a State district attorneys association for the purpose of providing opportunities for medical students to train as deputy medical examiners/coroners in underserved rural areas; provides forensic science and legal training to district attorneys, judges, and law enforcement; and benefits current and future practitioners in the field.

NIST

Forensic Sciences.—The Committee provides \$22,500,000 for forensic science research, \$3,700,000 above the fiscal year 2020 level. Within these funds, the Committee provides no less than \$3,150,000 to support the Organization of 22 Scientific Area Committees, and no less than \$1,200,000 to support technical merit evaluations previously funded by transfer from the Department.

NON-FORENSIC SPECIFIC LANGUAGE

BYRNE JAG LANGUAGE

The bill Prohibits any State or unit of local government from receiving any Byrne JAG program funds or COPS program funds, unless the United States Attorney General certifies that the jurisdiction satisfies all of the following requirements:

1. Maintains adequate policies and procedures designed to eliminate racial profiling in law enforcement, and has eliminated any existing practices that permit or encourage racial profiling in law enforcement;
2. Requires each law enforcement officer in the State or unit of local government to complete training programs on racial profiling, implicit bias, de-escalation, use of force and a duty to intervene in cases where another law enforcement officer is using excessive force against a civilian, and procedural justice;
3. Has in effect a law that prohibits law enforcement officers from using a chokehold or carotid hold, consistent with the requirements as described in section 363 of H.R. 7120, The George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020;
4. Has in effect a law that prohibits law enforcement officers from using less lethal force, consistent with the requirements as described in section 364 of H.R. 7120;
5. Has in effect a law that prohibits law enforcement officers from using deadly force, consistent with the requirements as described in section 364 of H.R. 7120;

6. Has in effect a law that prohibits the issuance of a “no- knock warrant” in a drug case, consistent with the requirements as described in section 362 of H.R. 7120;

7. Has provided the United States Attorney General a law enforcement practice report that includes information on the race, ethnicity, age, and gender of the officers and employees of the law enforcement agency and of members of the public involved in:

- (a) traffic violation stops;
- (b) pedestrian stops;
- (c) frisk and body searches; and
- (d) instances where officers or employees of the law enforcement agency used deadly force, including detailed information on such instances.

8. Has not entered into or renewed any contractual arrangement, including a collective bargaining agreement with a labor organization, that:

- (a) would prevent the Attorney General from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in a pattern or practice of unconstitutional misconduct, or
- (b) conflicts with any terms or conditions contained in a consent decree.

The bill also

*Prohibits any State or unit of local government from receiving any Byrne JAG program funds or COPS program funds, unless the United States Attorney General certifies that the jurisdiction (including all members of multi-jurisdictional or regional consortia applying for COPS funds) has in effect a law that makes it a criminal offense for any person acting under color of law to engage in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer.

- Requires ten percent of each applicant’s Byrne JAG formula funds to be spent to develop and implement best practice devices and systems to eliminate racial profiling, including training to prevent racial profiling and to encourage more respectful interaction with the public, the acquisition and use of technology to facilitate the accurate collection and analysis of data, the development and acquisition of feedback systems and technologies that identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, and the establishment and maintenance of an administrative complaint procedure or independent auditor program.
- Requires five percent of each applicant’s Byrne JAG formula funds to be spent to assist law enforcement agencies of the applicant, including campus public safety departments, gain or maintain accreditation from certified law enforcement accreditation organizations.
- Requires five percent of each applicant’s Byrne JAG formula funds to be used to study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem-solving strategies for law enforcement agencies.
- Requires five percent of each applicant’s Byrne JAG formula funds to be used to purchase or lease body-worn cameras for use by State, local, and tribal law enforcement officers; for expenses related to the implementation of a body-worn camera program in order to deter excessive force, improve accountability and transparency of use of force by law enforcement officers, and improve evidence collection; or to implement policies or

procedures to be consistent with requirements as described in section 382 of H.R. 7120, as passed by the House of Representatives on June 25, 2020. The recommendation additionally includes \$27,500,000 for the competitive matching grant program for purchases of body-worn cameras for State, local and Tribal law enforcement.

ACCREDITATION/STANDARDS/TRAINING.—(GENERAL LE)

The Bill directs the Attorney General to take the lead in developing and implementing strong and uniform accreditation standards for Federal, State, Tribal, County, and local law enforcement, based on an analysis of existing accreditation standards and methodology development by law enforcement accreditation organizations nationwide, as well as the May 2015 recommendations of the President’s Task Force on 21st Century Policing.

- Prohibits Justice Department funds from being made available for any law enforcement agency of any State or unit of local government unless the Attorney General has certified that such agency has begun or completed the process of obtaining accreditation from a certified law enforcement accreditation organization.
- Directs the Attorney General to establish a program to improve training for all Federal, State, and local law enforcement officers, including the development of standards that can be applied in hiring and performance assessments, specifically aimed at racial profiling, implicit bias, and procedural justice, as well as the use of force and the duty for officers to intervene when witnessing the use of excessive force against civilians. The recommendation further directs the Attorney General to establish standards for such training to be adopted nationwide.

First Step Act and Second Chance Act.—The recommendation includes not less than \$165,000,000, an increase of \$90,000,000 above fiscal year 2020, for programs authorized under the First Step Act of 2018, to expand and develop opportunities for incarcerated individuals to participate in evidence-based, recidivism-reducing programming and productive activities. The recommendation also includes \$100,000,000 for Second Chance Act grants, an increase of \$10,000,000 above fiscal year 2020.