

*CONSORTIUM OF FORENSIC SCIENCE
ORGANIZATIONS (CFSO)*

FLASH BRIEF

DECEMBER 2023

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, and local policymakers, as well as the United States Congress.

*UNITED STATES SUPREME COURT
CASE PRESENTATION*

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The United States Supreme Court has recently accepted a case that will decide whether the Confrontation Clause of the Sixth Amendment permits the prosecution in a criminal trial to present testimony by a substitute expert conveying the testimonial statements of a non-testifying forensic analyst, on the grounds that (a) the testifying expert offers some independent opinion and the analyst's statements are offered not for their truth but to explain the expert's opinion and (b) the defendant did not independently seek to subpoena the analyst. This case will have an enormous impact on the practice of forensic science. As such, many of the CFSO member organizations have combined their resources to submit an "Amicus Brief" regarding the interests of forensic science practitioners. Case information:

[22-899 SMITH V. ARIZONA](#)

DECISION BELOW: [STATE v. SMITH :: 2022 :: Arizona Court of Appeals, Division One - Unpublished Opinions Decisions :: Arizona Case Law :: Arizona Law :: US Law :: Justia](#)

Oral argument scheduled in Supreme Court on January 10, 2024

The National Institute of Justice Forensic Technology Center of Excellence (FTCoE) provided this [briefing](#) on the topic.

FORENSIC GENEALOGY

Forensic Genetic Genealogical DNA Analysis and Searching (FGGS)

FGGS has been front and center in the news and our community has increasingly made use of this technology, also known as Forensic Investigative Genetic Genealogy (FIGG). DOJ has published an [interim policy](#) that lays out critical requirements for the use of FGGS by law enforcement, including the collaborative interdisciplinary use of the technique, the criteria a case must meet in order to use FIGG, and how the practice is used to generate leads for unsolved crimes. In addition, the community has created the [National Technology Validation and Implementation Collaborative](#) in 2022 to collaborate nationally on forensic science validation, method development, and implementation in the public sector.

Proposed legislation at the State and Federal level is also increasing and funding has been included in the draft House budget for DOJ. Federal legislation is being developed to create dedicated grants to labs and other government entities for procurement of FIGG capability. This legislative activity is an ongoing effort in which CFSO and its Members are participating, including at both the Federal and State level. Maryland and Utah have passed legislation and the NTVIC has provided model legislation at the request of CFSO (see links below).

- [Maryland Legislation](#)
- [Utah Legislation](#)
- [Model Legislation](#)
- [Utah and Maryland Bill Comparison and Considerations](#)

GINA

Genetic Information Nondiscrimination Act (GINA) and Validation Samples

Many laboratories are struggling with obtaining sufficient validation samples due to the Genetic Information Nondiscrimination Act (GINA) of 2008 ([The Genetic Information Nondiscrimination Act of 2008 | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)). In addition, GINA has made it difficult in some states for the laboratories to obtain elimination DNA samples from their employees. Several states have worked with their legal counsel to develop waivers, and other states have developed and passed specific legislation allowing for employee samples to be used for elimination purposes. CFSO is discussing with NIST how laboratories can obtain appropriate DNA samples for validation studies. CFSO has also gathered information regarding how labs are navigating GINA considerations for employee DNA elimination databases and validation studies. This information can be obtained from CFSO Chair [Matthew Gamette](#).

NATIONAL CENTERS ON FORENSICS (UPDATE)

In December of 2019, The National Institute of Justice released the [*Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner's Offices*](#) report to Congress, which provided the first comprehensive evaluation of the entire forensic science community, including medical examiner and coroner (ME/C) offices. After careful review of the report, three key initiatives arose as particularly salient to the need for the development of The National Centers on Forensics:

- **Addressing the national shortage of Board-Certified Forensic Pathologists.**
- **Improving the current legal system related to forensics, including, but not limited to, current rules governing the admissibility of forensic evidence, as well as the lack of scientific/subject expertise among judges and attorneys.**
- **Developing collaborative, systems-based training opportunities that are needed for forensic laboratories, ME/C offices, law enforcement, legal professionals and other stakeholders.**

CFSO has proactively engaged with both National Centers on Forensics. CFSO actively discusses initiatives, training events, and other opportunities with these centers.

ALABAMA CENTER

The University of Alabama, which includes the Schools of Medicine and Law, as well as the Alabama Department of Forensic Science have come together to develop programs that promote increased access to justice, support crime victims, and build trust between law enforcement and the community. They seek to do this through the provision of medico-legal learning opportunities for medical students, family medicine residents, and rural primary care practitioners to train as deputy medical examiners/coroners, with a special emphasis for those who live or plan to live and work in underserved rural areas; provide forensic science and legal training to district attorneys, defense attorneys, judges, law enforcement, and forensic scientists; and develop opportunities to benefit current and future practitioners in the field. To accomplish these activities, they are conducting in-person, and online workshops, classes, and seminars, as well as shadowing and internship opportunities. Please visit <https://forensicscenter.ua.edu> for more information.

GEORGE MASON CENTER

George Mason University partnered with the National Association of Attorneys General, the American Society of Clinical Pathology, the Montana Department of Forensic Science, the University of Washington Schools of Medicine and Law, and the Montana County Attorneys Association to form their National Center on Forensics. This center conducted a needs assessment, an interest survey, focus groups, and a large survey. Data from these activities are being used to inform and create tools and resources targeting the needs identified and in the areas that will have the most impact. The Center recently hosted a conference at the George Mason University Dulles Virginia Campus. CFSO had several members attend and present at the conference. More information about the conference can be found at the following link: [NCF Conference](#)

IN CASE YOU MISSED IT

[2017–2019 Uniform Crime Reporting Program data](#)

BJS has released 14 datasets from the Uniform Crime Reporting (UCR) Program data series through the National Archive of Criminal Justice Data (NACJD). The UCR Program data are collected by the FBI's Criminal Justice Information Services Division and serve as several of the preeminent sources of information on crimes and arrests recorded by participating law enforcement agencies. BJS supports the archiving of these files through NACJD to facilitate access to the data by researchers, academics, students, and the public.



The following data are now available:

- Arrests by age, sex, and race for 2017-2019
- Arrests by age, sex, and race, summarized yearly, for 2017-2019
- Arson for 2019
- Hate crime for 2019
- Offenses known and clearances by arrest for 2019
- Police employees (law enforcement officers killed or assaulted) for 2019
- Property stolen and recovered for 2017, 2018, and 2019
- Supplementary homicide reports for 2019.

[FY23 OJP Grant Awards](#)

Interactive tool organized by solicitation, filtered by state, city, congressional district, and program office. See, [FY 23 OJP Grant Awards | Office of Justice Programs](#)

As Of 11/4/2023



Total Awards: 3,757

Total Award Amount: \$4,401M

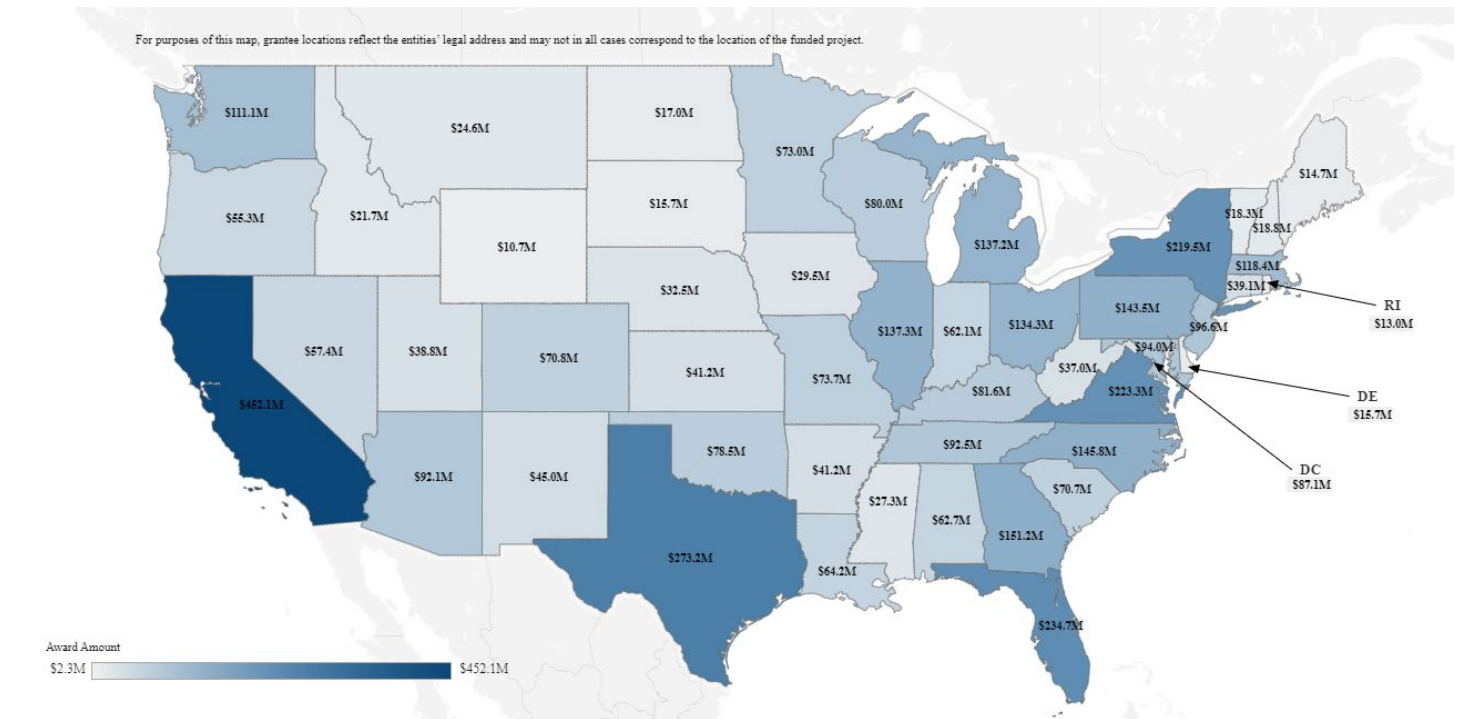
[OJP Press Release on FY23 Awards](#)

September 28, 2023

Office of Justice Programs awards \$4.4 billion to support community safety with more than 3,700 grants awarded this fiscal year supporting state, local, and community-based efforts.

[OJP State and Local Grants Interactive map](#)

Allows users to search all OJP state and local grants by state, city, program name, program office and congressional district.



GRANT RESOURCES

[Grantee Toolkit](#)

Tools to assist grant-funded programs in sharing their work on social media and with the press. See, [Grants 101 | Toolkit | Office of Justice Programs \(ojp.gov\)](#)