

May 19, 2020

Dear Members of the Texas Congressional Delegation:

The forensic science community has long struggled to acquire adequate resources to provide the quality results the justice system needs to function properly. Over the years, many crime laboratories, including those in Texas, have created lean operations in response to a general lack of resources. In recent years, this lack of resources has been identified as a cause of crime laboratory errors and problems, some of which have been so significant they have led to wrongful convictions and failures to convict.

A recent Department of Justice report to Congress entitled “Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices” identified a \$640 million funding gap between demand for forensic services and available resources. Requests for crime laboratory services have been increasing for years while funding has remained largely stagnant. The opioid crisis followed by the current coronavirus pandemic have contributed to the problem. The repercussions of the pandemic will be felt for many years as crime laboratories have decreased production to protect staff health and safety. Crime laboratories have little redundancy so a virus outbreak among staff could entirely halt operations. Recovering from this loss of production takes years, especially in a tight fiscal environment.

Over the years, the federal government has been the main source of grant funding for crime laboratories nationwide. The funding has largely helped laboratories, including those in Texas, address sexual assault kit backlogs. However, the funding has been almost exclusively focused on this problem and resources for some other major backlogs and issues have been almost nonexistent. It is crucial in fiscal year 2021 not only to continue some of the funding mechanisms that have long existed, but also to increase the spending and create resources for other important disciplines.

I have attached a letter from the Consortium of Forensic Science Organizations and The Texas Association of Crime Lab Directors, of which I am the president, asks that you support funding in the following areas:

- 1) The Paul Coverdell Forensic Sciences Improvement Grants at minimally the authorized level of \$23 million, along with an additional \$33 million for drug policy funding. This grant is the main, and often the only, source of funds for disciplines outside of DNA, such as firearms, latent prints and toxicology. The money is crucial for crime laboratories to continue this work, to update equipment and to train staff. We also ask that the authorization for the drug dollars be for “drugs of abuse” rather than just opioids due to a growing problem with myriad drugs.
- 2) NIST’s Organization of Scientific Area Committees (OSAC) at \$4 million and an additional \$1 million to assist with the creation of consensus quality standards for the forensic sciences. OSAC has overseen the efforts to create a registry of quality standards for all forensic disciplines, addressing some of the weaknesses uncovered in both the 2009 National Academy of Sciences



**HOUSTON FORENSIC
SCIENCE CENTER**
500 Jefferson Street, 13th Floor
Houston, Texas 77002
(713) 929-6760

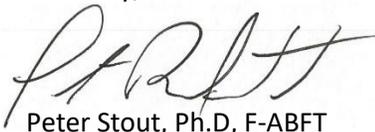
(NAS) report on the state of forensic sciences in the United States and a 2016 report by the President's Council of Advisors on Science and Technology (PCAST.) OSAC and those working with it have made great strides in creating these universal quality standards and it is crucial their work continue.

- 3) All DNA grants at minimally the existing, authorized levels.
- 4) The forensic sciences are exquisitely reliant on powerful, secure IT systems. At their very foundation, the forensic sciences are information services, yet there is no funding available to assist with information technology. As the justice system relies more on science as the objective point in the system, the more crucial it becomes for crime laboratories to have reliable, up-to-date, state-of-the-art technology available both to store sensitive information and to share that data with stakeholders who need to receive it reliably and efficiently. Creating a grant mechanism dedicated to forensic IT systems would help laboratories not only get a better grasp of their backlogs but also more easily identify potential efficiencies and improve information sharing. Additionally, improved IT systems are critical to be resilient to disasters such as COVID-19. Recent hacks and ransom ware attacks of Texas courts and agencies demonstrate the potential impacts these attacks would have on vulnerable lab systems. An initial federal grant of \$50 million would help put this system in place.
- 5) For years now, dollars have been largely geared toward DNA services, especially those associated with sexual assault cases. That focus has been justified and needed. However, other forensic disciplines, such as seized drugs and toxicology, which provide crucial scientific services for drug testing and alcohol analysis used to prosecute intoxicated driving cases, have suffered from a lack of funding for much-needed equipment, training and personnel. Research to bolster firearms and latent print units, often relied on in homicide cases, is greatly needed to address weaknesses identified in the NAS and PCAST reports. Backlogs in these areas are enormous in Texas and nationwide, leading to bottlenecks and delays in the justice system, which all contribute to prison overcrowding and other long-standing issues. This is a large part of the \$650 million budget gap identified in the recent needs' assessment.

The Texas Association of Crime Lab Directors hopes you will support these and other efforts to improve, bolster and strengthen the forensic sciences. Texas has become a model of criminal justice reform. Supporting these programs would further put Texas on the map as a state that leads the way on these important issues.

For further information, please contact me at pstout@houstonforensicscience.org.

Sincerely,



Peter Stout, Ph.D, F-ABFT
Houston Forensic Science Center, CEO and president
Texas Association of Crime Lab Directors, president



*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*

The Honorable Jerry Moran
Chairman
Senate Appropriations Subcommittee on
Commerce, Justice, Science & Related Agencies
United States Senate
521 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jeanne Shaheen
Ranking Member
Senate Appropriations Subcommittee on
Commerce, Justice, Science & Related Agencies
United States Senate
506 Hart Senate Office Building
Washington, DC 20510

The Honorable José Serrano
Chairman
House Appropriations Subcommittee on
Commerce, Justice, Science & Related Agencies
States House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert Aderholt
Ranking Member
House Appropriations Subcommittee on
Commerce, Justice, Science & Related Agencies United
States House of Representatives
1203 Longworth House Office Building
Washington, DC 20515

Dear Chairman Moran, Ranking Member Shaheen, Chairman Serrano and Ranking Member Aderholt:

We are writing today to request your support for the needs of the forensic science community in the FY21 budget. Specifically, please fully fund:

- 1) The Paul Coverdell Forensic Sciences Improvement Grants at the authorized level of \$23 million, combined with the funds for drug policy to equal \$33 million. Importantly, we ask that the funding above the authorization level should be for “drugs of abuse” rather than just “opioids” due to emerging drugs and evolving drug problems;
- 2) A NIST grant program in the Special Programs Office in the amount of \$1 million for accredited Forensic Science Standards Developing Organizations;
- 3) NIST’s Organization of Scientific Area Committees (OSAC) at \$4 million;
- 4) The DNA grants at existing, authorized levels.

The tools in forensic science have become invaluable to our nation’s criminal justice system to both identify and convict the guilty as well as exonerate the innocent. The recent Department of Justice report to Congress entitled “Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices” states that a 2017 analysis of a subset of publicly funded, accredited laboratories estimates that forensic laboratories nationwide would require an additional \$640 million annually to reach an optimal balance between incoming laboratory requests and casework reported. It further stated that in 2015 there was an estimated additional shortage of \$270 million needed by Medical Examiners/Coroner offices as a result of the opioid crisis that has only grown and continues to increase since then. Now, of course, the Covid-19 pandemic is adding additional needs on the Medical Examiner/Coroner offices across the country that are performing the autopsies and temporarily storing decedents. They require the same virus diagnostic and protective equipment as other first responders and medical personnel.

The above-mentioned programs are critically important in assisting forensic science service providers, including Medical Examiners and Coroners, to meet present demands while coping with the increasing demands for their services in supporting our criminal justice system.

The Paul Coverdell Forensic Sciences Grants are the primary source of non-DNA grants to publicly funded forensic science service providers. With the increasing introduction of new technologies, in addition to the ever-increasing demands for services, laboratories must purchase new equipment or at a minimum update present equipment, hire and train new examiners, train existing examiners on new equipment and technologies, and validate the new equipment. In order to meet the needs of the law enforcement and legal communities and be responsive to the needs and concerns of victims of crime and their families, adequate funding is crucial.

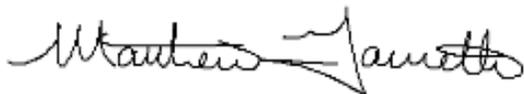
The NIST Organization of Scientific Area Committees (OSAC) is directly the result of the 2009 National Academy's study concerning the validity and reliability of forensic science. Standards for methods of examination in forensic science provider laboratories are essential for the validity and reliability of analyses carried out in crime laboratories and Medical Examiner/Coroner offices. The standards placed on the OSAC registry are thoroughly vetted through the entire stakeholder community. The standards are not only important for reliability and validity, but for consistency in the application of scientific methods around the country.

Standards Developing Organizations (SDOs) are an integral part of the standards setting process that begins in many instances with the OSAC membership. 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. The universal adoption and maximum impact of these standards is only achieved if they are available to all stakeholders at no cost. To support such a process, non-profit forensic science SDOs require federal funding to achieve and maintain their accreditation and generate forensic science standards without the revenue from the sale of the standards. Grants for these accredited forensic science SDOs are essential to accomplish this task.

Thank you for your attention to this critical issue plaguing our criminal justice system and the stakeholder community it serves. If you should have any questions, please do not hesitate to call Beth Lavach at 703-622-8752.

Sincerely,

The Consortium of Forensic Science Organizations



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



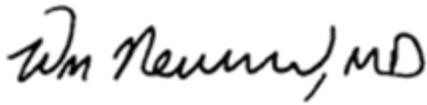
Dr. Bruce A. Goldberger PhD, F-ABFT
President,
American Board of Forensic Toxicology



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



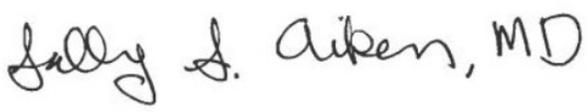
Dr. Sumandeep Rana
President,
Society of Forensic Toxicologists



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



Kenneth B. Zercie
President,
International Association for Identification



Brooke D. Arnone
President,
American Society of Crime Laboratory Directors

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