MEMORANDUM

Date: December 28, 2021

To: The Honorable Chair and Members
    Pima County Board of Supervisors

From: Jan Lesher
    Acting County Administrator

Re: Office of the Medical Examiner Grant Conclusions and Outcomes

Attached please find a report from Pima County’s Chief Medical Examiner Dr. Gregory Hess, which summarizes the outcomes of work conducted under a federal grant made possible through the Missing Persons and Unidentified Remains Act (MPURA) of 2019. MPURA is bipartisan legislation that provided funding to Pima County to identified missing persons and unidentified remains.

Dr. Hess reports that as a result of this grant, 66 unidentified individuals were exhumed from the Pima County Cemetery, allowing the Medical Examiner’s Office to attempt DNA analysis and identification. This work furthered stalled death investigations and brought closure to families in search of missing loved ones.

JL/anc

Attachment

c: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
    Dr. Gregory Hess, Chief Medical Examiner
MEMORANDUM

Date: December 21, 2021

To: Jan Lesher
   Acting County Administrator

From: Gregory Hess, M.D.
   Chief Medical Examiner

Re: FY19 Paul Coverdell Forensic Science Improvement Grant – Elimination of the Legacy Casework Backlog at the Pima County Office of the Medical Examiner (PCOME) & Future Grant Opportunities

I want to make you aware of the conclusion and outcomes of our most recent grant as well as draw your attention to upcoming grant funding opportunities for the PCOME. These grant topics are known to the County and Deputy County Administrator from prior verbal conversations and I had indicated, during those conversations, that I would memorialize some summarized thoughts upon the conclusion of FY19 Coverdell grant.

Conclusion of most recent grant – Elimination of the Legacy Casework Backlog at the Pima County Office of the Medical Examiner (PCOME)

In short, this was a $175,359 federal grant, authored by our Forensic Anthropologists, awarded to the PCOME in September 2019, starting January 2020 and concluding in September 2021 (pandemic extensions) for exhuming unidentified remains from the Pima County Cemetery (PCC) for DNA sampling. The attached 2019-CD-BX-0063 Final Report details the outcomes that I will summarize here:

- 66 unidentified were individuals exhumed from the PCC, 62 of which had no DNA profile available prior to exhumation, one had a partial DNA profile (mitochondrial only) and three had complete DNA profiles but remained unidentified. The exhumed remains were not re-interred and are in long-term storage at the PCOME.
- 10 DNA samples were released to the Pima County Sheriff’s Office Cold Case Unit to further their investigations while the remaining samples await shipping and analysis delayed by the pandemic and the designated testing laboratory.

The PCOME was interested in pursuing this funding primarily for two reasons. Firstly, DNA testing will most certainly lead to an identification(s) for some of these exhumed unidentified remains, furthering stalled death investigations, bringing closure to families in search of missing loved ones, or both. Secondly, the exhumation project freed 36 burial plots, which could be used if future burial space is needed at the plot challenged PCC.

[Signature]
Gregory L. Hess, M.D. Chief Medical Examiner
To: Jan Lesher  
Re: FY19 Paul Coverdell Forensic Science Improvement Grant – Elimination of the Legacy Casework Backlog at the Pima County Office of the Medical Examiner (PCOME) & Future Grant Opportunities  
Date: December 21, 2021  
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**Future Grant Funding Opportunities**  
The Missing Persons and Unidentified Remains Act is Federal Legislation passed in January 2021. The first two sections of this act describes grant-funding opportunities for which the PCOME would be very competitive. The other sections (3-5) deal mainly with documenting unidentified remains using the appropriate database (NAMUS), and enhanced reporting criteria for rescue beacons and migrant deaths by U.S. Customs and Border Protection. Our opportunities lie mainly in (1) and (4) copied from the Act below:

**SEC. 205. USE OF FUNDS.**  
"An applicant receiving a grant award under this title may use such funds to—  
"(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;  
"(2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b);  
"(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and  
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"(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment."

(1) Is open ended and the PCOME is heavily involved in all the described (1) functions. This may also present an opportunity to review pieces of the new PCOME facility, currently under programing and design, and how those capital and operational expenses serve these missing and unidentified persons functions.

(4) Lends itself to the dire need for rapid DNA processing capability at the PCOME for both interskeletal matches and one-to-one comparisons between postmortem DNA profiles and potential next-of-kin. The opportunities that rapid DNA could open for us far exceed that listed in the previous sentence and are beyond the scope of this short summary.

Although the Act passed and was signed in January 2021, I have yet to see any solicitations for grant applications. We will remain watchful.
To: Jan Lesher  
Re: FY19 Paul Coverdell Forensic Science Improvement Grant – Elimination of the Legacy Casework Backlog at the Pima County Office of the Medical Examiner (PCOME) & Future Grant Opportunities  
Date: December 21, 2021  
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GLH
Attachments:
- Missing Persons and Unidentified Remains Act

Concur:

[Signature]

Francisco Garcia, Deputy County Administrator & Chief Medical Officer

[Signature]  22 December 2021  
Date

c: Regina Kelly, Director, Grants Management & Innovation
Elimination of the Legacy Casework Backlog at the Pima County Office of the Medical Examiner (PCOME)
Coverdell Award 2019-CD-BX-0063

Final Report

Pre-grant Legacy Casework
Prior to 2000, DNA sampling of unidentified decedents was not standard practice at the Pima County Office of the Medical Examiner (PCOME). Therefore, upon release and interment at the Pima County cemetery, the prospects for future investigations into the identities of these individuals was limited. All of the unidentified individuals examined at the PCOME have been entered into the National Missing and Unidentified Persons System (NamUs); however, these cases have been mostly at a standstill since publicized. New methods to aid in the elimination of the legacy casework backlog were deemed necessary, as over 50 individuals had no record of successful DNA profiling.

Coverdell-funded Legacy Casework
The 2019 Coverdell funding provided the necessary financial support to open 36 plots and exhume 66 individuals buried between 1967 and 1999 (Figure 1). Of these 66, 62 had no DNA profile available, one had only a partial mtDNA profile, and three had complete DNA profiles but were still unidentified. An additional identified individual was disinterred in order to access the unidentified individual in the plot below, but they were subsequently reburied.

The exhumations occurred between 15 October 2020 and 16 September 2021 as a grant extension was awarded through 30 September 2021 due to various factors outlined in that application. At the end of the final grant period, a total of $5,367.50 was unspent as expenses were less than originally budgeted.

![Figure 1. Exhumation totals by case year](image-url)
Post-grant Legacy Casework
As of the end of the 2019 Coverdell award period, all outstanding legacy cases with incomplete genetic profiles interred in the Pima County Cemetery have been exhumed. Due to a moratorium imposed at the planned laboratory for DNA analysis following the Covid-19 pandemic, the majority of the samples are still in-house. Ten of the samples were released to the Pima County Sheriff’s Office (PCSO) Cold Case investigator for separate, departmental funded testing at a private laboratory. At the writing of this report six (6) samples have been submitted by the PCSO and two (2) were deemed suitable for further testing.

Coverdell Funded Forensic Anthropology Post-Doctoral Fellow
The Forensic Anthropology Postdoctoral Fellow position originally created using the 2018 Coverdell award (CD-BX-0066) was maintained using these funds with part-time project management responsibilities during the original award period (01/01/2020 – 12/31/2020). These duties included coordinating with several individuals, including the local health department to ensure proper permitting, the local funeral home director for exhumation planning, scheduling, and execution, and PCOME personnel for transport, storage, and examination.

Improvements in Quality and Timeliness of Forensic Science Services at the PCOME
The funding provided through the 2019 Coverdell grant resulted in the complete elimination of the pre-grant legacy casework. As the project progressed, additional unidentified cases were discovered and exhumed as the budget allowed for it. Once the hold on submitting samples for DNA analysis is lifted, the backlog of legacy casework will be complete. In some cases, these individuals have remained unanalyzed for almost 25 years. Without the funding provided by this grant, the possibility of learning their identities would be all but impossible.

Accreditation
No portion of the Coverdell award went to accrediting the PCOME. The Pima County Office of the Medical Examiner was fully accredited by the National Association of Medical Examiners (NAME) after two days of inspection in October 2011 and was re-inspected in January 2017 receiving a continued full accreditation until October 2021.

Special Condition 36.
No allegations of serious negligence or misconduct were made that may have affected the integrity of results received during this award period.
One Hundred Sixteenth Congress of the United States of America

AT THE SECOND SESSION

Began and held at the City of Washington on Friday, the third day of January, two thousand and twenty

An Act

To the extent provided in advance in appropriations Act, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Missing Persons and Unidentified Remains Act of 2019”.

SEC. 2. USE OF GRANT FUNDS.

(a) JENNIFER'S LAW.—Jennifer's Law (34 U.S.C. 40501 et seq.) is amended—

(1) by striking section 202 (34 U.S.C. 40501) and inserting the following:

“SEC. 202. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—

“(1) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities described in paragraph (2) to enable the eligible entities to improve the transportation, processing, identification, and repatriation of missing persons and unidentified remains, including migrants.

“(2) ELIGIBLE ENTITIES.—Eligible entities described in this paragraph are the following:

“(A) States and units of local government.

“(B) Accredited, publicly funded, Combined DNA Index System (commonly known as ‘CODIS’) forensic laboratories, which demonstrate the grant funds will be used for DNA typing and uploading biological family DNA reference samples, including samples from foreign nationals, into CODIS, subject to the protocols for inclusion of such forensic DNA profiles into CODIS, and the privacy protections required under section 209(c).

“(C) Medical examiners offices.

“(D) Accredited, publicly funded toxicology laboratories.

“(E) Accredited, publicly funded crime laboratories.

“(F) Publicly funded university forensic anthropology laboratories.

“(G) Nonprofit organizations that have working collaborative agreements with State and county forensic offices, including medical examiners, coroners, and justices of the peace, for entry of data into CODIS or the National Missing
and Unidentified Persons System (commonly known as 'NamUs'), or both.

(2) in section 203 (34 U.S.C. 40502)—

(A) in subsection (a), by striking "a State" and inserting "an entity described in section 202";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "State" and inserting "applicant";

(ii) by striking paragraph (1) and inserting the following:

"(1) report to the National Crime Information Center and, when possible, to law enforcement authorities throughout the applicant's jurisdiction regarding every deceased unidentified person, regardless of age, found in the applicant's jurisdiction;"

(iii) in paragraph (3), by striking "and" at the end;

(iv) in paragraph (4), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following:

"(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains."; and

(C) by adding at the end the following:

"(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAMILY REFERENCE SAMPLES.—

(1) IN GENERAL.—Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as 'CODIS') by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

(2) LIMITATION ON USE.—Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes."; and

(3) by striking section 204 (34 U.S.C. 40503) and inserting the following:

"SEC. 205. USE OF FUNDS.

An applicant receiving a grant award under this title may use such funds to—

(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;

(2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b);

(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and
"(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.".
(b) KRISTEN'S ACT.—Section 102 of Kristen's Act (34 U.S.C. 40504 note) is amended to read as follows:

"SEC. 102. AUTHORIZATION OF FUNDING.

"To the extent provided in advance in appropriations Acts, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act".

SEC. 3. RESCUE BEACONS.

Section 411(a) of the Homeland Security Act of 2002 (6 U.S.C. 211(a)) is amended by adding at the end the following:

"(3) RESCUE BEACONS.—Beginning in fiscal year 2019, in carrying out subsection (c)(6), the Commissioner shall purchase, deploy, and maintain not more than 170 self-powering, 911 cellular relay rescue beacons along the southern border of the United States at locations determined appropriate by the Commissioner to mitigate migrant deaths.".

SEC. 4. REPORTING ON NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM (NAMUS) PROGRAM.

Not later than 18 months after the date of enactment of this act, and every year thereafter, the Attorney General shall submit a report to the appropriate committees of Congress regarding—

(1) the number of unidentified person cases processed;
(2) CODIS associations and identifications;
(3) the number of anthropology cases processed;
(4) the number of suspected border crossing cases and associations made;
(5) the number of trials supported with expert testimony;
(6) the number of students trained and professions of those students; and
(7) the turnaround time and backlog.

SEC. 5. OTHER REPORTING REQUIREMENTS.

(a) UNIDENTIFIED REMAINS.—

(1) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding all unidentified remains discovered, during the reporting period, on or near the border between the United States and Mexico, including—

(A) for each deceased person—
(i) the cause and manner of death, if known;
(ii) the sex, age (at time of death), and country of origin (if such information is determinable); and
(iii) the location of each unidentified remain;
(B) the total number of deceased people whose unidentified remains were discovered by U.S. Customs and Border Protection during the reporting period;
(C) to the extent such information is available to U.S. Customs and Border Protection, the total number of
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decesed people whose unidentified remains were discovered by Federal, State, local or Tribal law enforcement officers, military personnel, or medical examiners offices;

(D) the efforts of U.S. Customs and Border Protection to engage with nongovernmental organizations, institutions of higher education, medical examiners and coroners, and law enforcement agencies—
(i) to identify and map the locations at which migrant deaths occur; and
(ii) to count the number of deaths that occur at such locations; and

(E) a detailed description of U.S. Customs and Border Protection's Missing Migrant Program, including how the program helps mitigate migrant deaths while maintaining border security.

(2) PUBLIC DISCLOSURE.—Not later than 30 days after each report required under paragraph (1) is submitted, the Commissioner of U.S. Customs and Border Protection shall publish on the website of the agency the information described in subparagraphs (A), (B), and (C) of paragraph (1) during each reporting period.

(b) RESCUE BEACONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding the use of rescue beacons along the border between the United States and Mexico, including, for the reporting period—

(1) the number of rescue beacons in each border patrol sector;

(2) the specific location of each rescue beacon;

(3) the frequency with which each rescue beacon was activated by a person in distress;

(4) a description of the nature of the distress that resulted in each rescue beacon activation (if such information is determinable); and

(5) an assessment, in consultation with local stakeholders, including elected officials, nongovernmental organizations, and landowners, of necessary additional rescue beacons and recommendations for locations for deployment to reduce migrant deaths.

(c) GAO REPORT.—Not later than 6 months after the report required under subsection (a) is submitted to the appropriate committees of Congress, the Comptroller General of the United States shall submit a report to the same committees that describes—

(1) how U.S. Customs and Border Protection collects and records border-crossing death data;

(2) the differences (if any) in U.S. Customs and Border Protection border-crossing death data collection methodology across its sectors;

(3) how U.S. Customs and Border Protection's data and statistical analysis on trends in the numbers, locations, causes, and characteristics of border-crossing deaths compare to other sources of data on these deaths, including border county medical examiners and coroners and the Centers for Disease Control and Prevention;
(4) how U.S. Customs and Border Protection measures the effectiveness of its programs to mitigate migrant deaths; and
(5) the extent to which U.S. Customs and Border Protection engages Federal, State, local, and Tribal governments, foreign diplomatic and consular posts, and nongovernmental organizations—
(A) to accurately identify deceased individuals;
(B) to resolve cases involving unidentified remains;
(C) to resolve cases involving unidentified persons; and
(D) to share information on missing persons and unidentified remains, specifically with the National Missing and Unidentified Persons System (NamUs).

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.