



U.S. Department of Justice

Jessie K. Liu
United States Attorney

District of Columbia

January 31, 2020

Daniel W. Lucas
Inspector General
District of Columbia Office of the Inspector General
717 14th Street, NW, Fifth Floor
Washington, D.C. 20005

Re: Referral of Fraud and Public Corruption Section's Department of Forensic Sciences
Investigative Findings

Dear Inspector General Lucas:

As you know, in September 2019, the U.S. Attorney's Office (USAO) became aware of misconduct allegations, which previously had not been brought to our attention, against members of the District of Columbia Department of Forensic Sciences (DFS) Firearms Examination Unit (FEU) and Metropolitan Police Department (MPD). The allegations were relayed to the USAO by Deion Christophe, a former FEU firearms examiner. Specifically, Christophe alleged that, shortly before his July 2017 departure from the agency, he reported to a superior that another firearms examiner committed forgery and engaged in unethical conduct, and that DFS and MPD officials whitewashed the allegation and hid it from my Office. Christophe also alleged that "dry labbing"—*i.e.*, fabricating firearms examinations—occurred within FEU and that officials covered it up.

Because Christophe's allegations, if true, could constitute criminal obstruction of justice or false statements, I referred the allegations to the USAO's Fraud and Public Corruption Section (FPC). FPC comprises career prosecutors with experience investigating criminal allegations involving local and federal government officials and agencies, including police officials. Unlike other sections within my Office, FPC does not work on a regular basis with FEU or DFS and was therefore well-situated to conduct a thorough independent inquiry of Christophe's allegations.

On October 8, 2019, in partnership with your office, the District of Columbia Office of the Inspector General (DC-OIG), and the Federal Bureau of Investigation (FBI), FPC initiated an investigation, which was limited to determining whether Christophe's allegations could be corroborated and whether DFS or MPD officials committed criminal violations. DFS and MPD, along with the Mayor's Office of Legal Counsel, cooperated fully with the investigation, including making documents and other information available to the investigative team upon request. FPC

has completed its investigation and analysis, reported its findings to me, and recommended that the investigation be closed without prosecution. The investigation did not uncover evidence substantiating the full extent of Christophe's allegations or that would support a criminal prosecution. To bring a criminal prosecution for false statements or obstructing justice, prosecutors must establish that a person engaged in an intentional falsehood or acted with corrupt intent—that is, prosecutors must prove that a person acted with the improper motive to interfere with an investigation or other administrative proceeding. FPC's investigation uncovered no such criminal intent by any of the officials involved. Rather, the investigation revealed mismanagement, poor judgment, and failures of communication, all of which call into question the integrity and competence of FEU leadership, but do not constitute criminal culpability. Importantly, FPC's investigation did not uncover any evidence that criminal cases related to the 2017 conduct that we reviewed were adversely affected or compromised.

I have accepted FPC's recommendation and directed that it close its investigation. As you and I have discussed, however, the information uncovered in the course of FPC's investigation warrants further administrative scrutiny by DC-OIG. Although poor judgment, communicative failures, and mismanagement may not be crimes, they are cause for concern when uncovered within an agency with responsibilities as important as those assigned to DFS. I know that you share my concern and that your administrative review of DFS will extend beyond the closure of FPC's investigation. My Office is committed to ensuring that you have all the available information and documentation derived during FPC's investigation so that you can take whatever administrative action you deem appropriate.

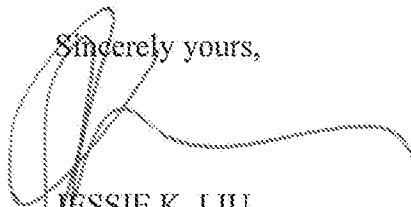
To that end, even though you possess the same information my Office does by virtue of your partnership in FPC's investigation, I directed FPC to prepare a referral of its findings and analysis for consideration in your ongoing administrative review. The referral, a copy of which is attached, details the allegations that Christophe made in his interview with the investigative team, sets forth the facts uncovered by the investigation, explains why those facts do not support a criminal prosecution, and identifies areas of concern that FPC recommends DC-OIG incorporate into its administrative inquiry. Attached to the referral is an index of the primary source material on which FPC's findings and analysis rely, which my Office will provide to you to ensure that you have everything we possess.

I am also providing a copy of this letter and the referral to the Deputy Mayor for Public Safety, DFS, MPD, and FBI so that those agencies are aware of FPC's findings and analysis and the attendant concerns. To ensure that my Office does not interfere with your administrative inquiry, however, I will refrain from disclosing the primary source material identified in the attached index to the Deputy Mayor, DFS, and MPD. I defer to your judgment as to whether any of those materials should be provided to those agencies. Much if not all of the primary source material has and will continue to be disclosed under a protective order in ongoing criminal cases pursuant to my Office's discovery obligations. I also expect to disclose this letter and referral in ongoing criminal cases.

Please do not hesitate to contact my Office should you have any questions or if there is any way we can support your review. Please also contact my Office should you uncover new information that prompts concern that a criminal violation may have occurred. Although FPC's investigation is now closed, my referral of FPC's findings and analysis to you does not confer immunity on any person or prohibit my Office from acting upon new allegations or information.

I am grateful for DC-OIG's and FBI's partnership in this matter and for your office's continued work to ensure integrity in District government and law enforcement. Upholding that integrity is vital to maintaining confidence in the District's criminal justice system.

Sincerely yours,



JESSIE K. LIU
United States Attorney
District of Columbia

cc: Kevin Donahue
Deputy Mayor for Public Safety and Justice
District of Columbia

Dr. Jenifer Smith
Director
Department of Forensic Sciences
District of Columbia

Peter Newsham
Chief
Metropolitan Police Department
District of Columbia

Timothy R. Slater
Assistant Director in Charge
Washington Field Office
Federal Bureau of Investigation



U.S. Department of Justice

Jessie K. Liu
United States Attorney

District of Columbia

**REPORT OF REFERRAL
TO THE DISTRICT OF COLUMBIA OFFICE OF THE INSPECTOR GENERAL**

*Findings of the Fraud and Public Corruption Section's Investigation of Allegations
Regarding the District of Columbia Department of Forensic Sciences*

January 31, 2020

TABLE OF CONTENTS

I. SUMMARY 1

II. CHRISTOPHE’S ALLEGATIONS 2

 A. The Chase Incident 3

 B. “Dry Labbing” 10

III. FACTUAL FINDINGS..... 11

 A. The Chase Incident 11

 1. The Case File 12

 2. Emails 15

 3. The MPD Report..... 17

 4. Interviews of Key Personnel 20

 Steven Chase 21

 Jonathaniel Pope 21

 Karen Wiggins 24

 Jessica Beyer 24

 Rashee Raj 25

 B. “Dry Labbing” 26

 1. Cases Entered into LIMS as Complete Without Underlying Documentation 26

 2. Unopened Evidence 27

IV. ANALYSIS 28

 A. Chase’s Alleged Falsification 28

 B. The Alleged Concealment of Chase’s Falsification..... 29

 C. Jonathaniel Pope’s Recent Statements..... 29

V. RECOMMENDATIONS FOR ADMINISTRATIVE ACTION 30

I. SUMMARY

On October 8, 2019, the Fraud and Public Corruption Section (FPC), along with the District of Columbia Office of the Inspector General (DC-OIG) and Federal Bureau of Investigation (FBI), initiated an investigation into whether officials at the District of Columbia Department of Forensic Sciences (DFS) and Metropolitan Police Department (MPD) violated any federal criminal laws in connection with their handling of a May 2017 misconduct allegation leveled by Deion Christophe, an examiner in the Firearms Examination Unit (FEU). Christophe reported to FEU Chief Jonathaniel Pope that another examiner, Steven Chase, had forged the verification of a firearms examination and engaged in unethical conduct—a complaint that led to Chase being required to review applicable policies in lieu of discipline. More than two years later, in September 2019, Christophe repeated this allegation to the United States Attorney’s Office (USAO), claiming that his allegation had been whitewashed by DFS and hidden from the USAO. Christophe also alleged that FEU had engaged in other instances of “dry labbing” (*i.e.*, falsely claiming to have performed examinations). Christophe claimed that DFS officials covered up this activity to protect its own reputation and Chase’s career.

Our investigation had a narrow focus: to determine whether Christophe’s allegations could be corroborated and whether DFS or MPD officials committed criminal violations. Specifically, FPC investigated: (1) whether Chase willfully attested falsely that Christophe had verified three of Chase’s comparisons in a firearms examination, when Christophe had not in fact done so, by entering Christophe’s initials in a computer system without authorization; (2) whether Pope or any other DFS or MPD official corruptly influenced an internal investigation of Chase; and (3) whether dry labbing occurred in FEU and was covered up as Chase alleged. We also examined whether Pope, when interviewed, made criminally false statements to DC-OIG and FBI.

Although we found Christophe to be earnest, our investigation did not uncover evidence substantiating the extent of his allegations or that would support a criminal prosecution. To bring a prosecution for false statements or obstruction related offenses, the government must prove that a person engaged in an intentional falsehood or acted with corrupt intent—that is, the government must prove that a person acted with the improper motive to interfere with an investigation. Our investigation uncovered no such criminal intent by any of the officials involved. Rather, it revealed mismanagement, poor judgment, and failures of communication, all of which call into question the integrity and competence of FEU leadership, but do not give rise to criminal culpability. In particular, our investigation raised severe concerns about Pope’s judgment and candor, including in his statements to FBI and DC-OIG during our investigation. However, we did not develop evidence sufficient to establish that he engaged in criminal concealment in 2017 or that he intentionally lied or willfully misled investigators when interviewed more than two years later.

This report refers the findings of our investigation to DC-OIG to support whatever administrative action it deems appropriate. The referral details Christophe’s allegations, sets forth the facts uncovered by the investigation, explains why those facts do not support a criminal prosecution, and recommends areas for additional administrative inquiry. Attached is an index of the primary source material on which our findings rely.

II. CHRISTOPHE'S ALLEGATIONS

In September 2019, Mike Ambrosino, USAO Special Counsel for DNA and Forensic Evidence Litigation, was handling firearms forensic litigation in the District of Columbia Superior Court. Following an adverse decision for the government in the litigation, Ambrosino reached out to DFS contract firearms examiner Chris Coleman, who had performed the firearms analysis in the case. Ambrosino flagged for Coleman that Karen Wiggins, the DFS Deputy Director who oversaw FEU, was upset about the decision and might also reach out to Coleman regarding his firearms analysis. Coleman, in turn, informed Ambrosino that he believed that Deion Christophe, a firearms examiner who had worked briefly in FEU, had information calling into question the integrity of Wiggins and Jonathaniel Pope, the FEU Chief. Ambrosino immediately followed up with Christophe, who currently lives in Texas.

After gathering more information from Christophe, Ambrosino referred Christophe's complaints to FPC, and on October 10, 2019, we interviewed Christophe in person in his hometown in Texas. Christophe presented as earnest and credible, and described broad concerns that he developed about FEU's integrity and effectiveness when he worked there from December 2016 to approximately July 2017.

Christophe began in his role at FEU in the immediate aftermath of FEU examiner Daniel Barrett's failed proficiency examination,¹ and Christophe and Coleman were charged with reviewing a sample of Barrett's firearms examinations to ensure that he had made no errors in his casework; after Christophe and Coleman discovered errors within their initial sample, they ultimately reworked all of Barrett's active caseload. At the time, DFS informed both the USAO and its accrediting entity, the American National Standards Institute, National Accreditation Board (ANAB), of Barrett's failure and the subsequent rework of his casework.²

¹ In December 2016, DFS learned that an FEU examiner, Daniel Barrett, had failed a proficiency test. DFS then began to review Barrett's casework and found that Barrett had made additional errors. Consequently, DFS and the USAO re-worked all of Barrett's pending casework, as well as the pending casework of the other examiners who had incorrectly verified Barrett's erroneous examinations, Luciano Morales and Kevin Webster. The USAO was required to disclose the Barrett incident and these remedial measures in scores of affected firearms cases. Barrett, Morales, and Webster no longer work at DFS.

² In the aftermath of the Barrett incident, Wiggins stated to the USAO and ANAB that FEU's policy had long been 100 percent verification in every firearms examination, rather than to rely on sampling (*i.e.*, when a verifier examines only a portion of the evidence that the original examiner analyzed). Wiggins stated that Barrett's errors had not been caught by the examiners verifying his results because the verifiers had violated DFS policy and sampled, rather than verifying all of Barrett's examinations. Christophe and others question whether Wiggins was accurate and truthful when she claimed that 100 percent verification had long been DFS policy

In his October interview with us, Christophe described some additional incidents that he witnessed while at FEU that call into question whether FEU employees were conducting accurate and complete firearms examinations in compliance with FEU policy and scientific standards. DFS did not disclose these incidents to the USAO in a full and forthright manner in 2017, when they occurred. Our investigation focused primarily on these allegations by Christophe, which are set forth below as Christophe described them.

A. The Chase Incident

According to Christophe, on April 25, 2017, firearms examiner Steven Chase intentionally made a false statement in an entry in DFS's Laboratory Information Management System (LIMS), claiming that in a particular case, Christophe had verified three of Chase's comparisons when in fact Chase knew that Christophe had verified only one of the three. It was also against FEU policy for an examiner to enter another examiner's initials into LIMS.

The case in question, DFS Case No. 16-8354, involved four different cartridge case comparison photographs. On April 25, 2017, Chase submitted the case file in LIMS. In so doing, Christophe told us, Chase represented that on March 2, 2017, Chase had conducted three of the four comparisons, and that on the same day, Christophe had verified those three comparisons. Chase also represented, by submitting the case file in LIMS, that on April 25, 2017, Chase had conducted the fourth comparison, and FEU examiner Cody Elder had verified the comparison on the same day. At the time of Elder's purported verification—but not at the time of Christophe's earlier purported three verifications—FEU had in place a temporary additional requirement that a third examiner witness the verification (meaning that while no witness was required for verifications on March 2, 2017, a witness was required for any verification on April 25, 2017).

Christophe attended an out-of-office training on April 25, 2017, but when he returned to FEU on May 2, 2017, FEU examiner trainee Elizabeth Bustamonte told him that the previous week Chase had brought her a case file with multiple errors that she repeatedly had to ask Chase to fix before the case could be entered into LIMS properly. In particular, Bustamonte said, Chase had brought her the file for DFS Case No. 16-8354, initially claiming that Christophe had verified Chase's examinations on March 2, 2017. Bustamonte noted that the file bore the initials "DFC," which Bustamonte knew was incorrect, since Christophe's initials are DPC.³ Bustamonte also had to remind Chase that there was a policy in place at the time that the April 25, 2017, verification had to be witnessed by a third examiner, which Chase's paperwork did not reflect. Chase took the file and returned it, having corrected Christophe's initials and reporting that the witness had been

prior to the Barrett controversy, or that such policy was widely known and practiced, but that question is beyond the scope of our investigation.

³ As is evident from the photographs below, when Christophe writes his initials, the "P" looks like an "F." This could indicate that Chase was looking at one or more casings photographs that had been initialed by Christophe when he entered Christophe's initials into LIMS.

“C. Colman”—an apparent misspelled reference to examiner Chris Coleman. Bustamonte directed Chase to correct the file again. Chase did, and Bustamonte accepted the file.

Christophe considered Chase’s actions regarding the case file to be a serious breach of protocol and ethics. Christophe was adamant that before leaving for the training he was attending on April 25, 2017, Christophe had verified only one of the three Chase comparisons conducted on March 2, 2017, for the particular case file in question, and that Chase knew it because Christophe and Chase had a conversation about how Christophe still had to complete the other two verifications before the case could be submitted as complete. Christophe recalled that he informed Pope of the incident as soon as he heard about it from Bustamonte on May 2, 2017. Christophe said that he made clear to Pope in that initial conversation that his allegation was not just that Chase entered his initials into LIMS without permission and against policy, but more importantly, that Christophe performed only one of the three verifications that Chase claimed Christophe had performed.

As Christophe gathered information about the incident, he asked Bustamonte to draft an email detailing her interaction with Chase, and she did so in a May 3, 2018 email:⁴

Last week on Tuesday April 25th, Steve gave me the case file for NIBIN Verification DFS16-8354 for TR/AR. In reviewing the file I noticed several errors, which I pointed out to Steve for correction. Two of the errors involved the verification in the NIBIN worksheet: one of the verifier’s initials listed was incorrect and the witness information was missing.

The verifications had been completed on different dates, one by Deion on 3/2/17 and one by Cody on 4/25/17, but as I pointed out to Steve, Deion’s initials were spelled incorrectly in all three blocks on the worksheet; they were listed as DFC. The handwritten initials on the photograph page did appear to be genuine.

When I pointed out that the witness was missing, Steve said he didn’t think that applied to NIBIN verification, and asked me to show him on the witness verification memo where it says so, because he claimed Jonathan had told him it didn’t apply. I did show him and he said he would make the correction.

He came back that same afternoon with Deion’s initials fixed and the witness information filled in as “C. Colman”. I told him that Chris’ last name is spelled Coleman, and he brought the case jacket back again that same afternoon with the error corrected.

⁴ All emails, text messages, and other quotations contained in this report are quoted verbatim. Spelling and syntax errors are neither corrected nor identified.

Also on May 3, Christophe wrote an email to Pope to follow up on the incident he had reported orally the previous day. After summarizing Bustamonte's email above, Christophe wrote:

As discussed this incident, presents an extreme concern. From a personnel standpoint, Officer Chase demonstrated a lack of ethical judgment in the presence of another examiner in the FEU. In addition, Officer Chase clearly violated multiple policies by *potentially* inserting another examiners name in the LIMS verification block, inserting another examiners initials in the LIMS verification block ultimately forging an official laboratory document to push a case file through the Administrative/Technical Review process, and also not following the Witness Verification Policy as established by the Unit Manager.

Pope in turn forwarded Christophe's email to Jessica Beyer, DFS's quality assurance officer, and scheduled a same-day meeting to discuss a Quality Corrective Action Report (Q-CAR). In the meeting, Christophe told us, Beyer presented a Q-CAR based on Christophe's emails, which Pope then signed. Christophe recalled that after Beyer left the meeting, Pope disclosed to him for the first time that Chase had been the examiner who had incorrectly verified Barrett's erroneous proficiency test the previous year. Christophe said he found this to be an alarming revelation, because incorrectly verifying an erroneous proficiency test had the same implications for Chase's reliability that it had for Barrett's.⁵

Later the same afternoon, on May 3, 2017, Christophe received from an information technology specialist an "audit" Excel sheet purporting to show that the only FEU examiner to access case file No. 16-8354 electronically on April 25, 2017, had been Chase—thus supporting the claim that Chase had entered Christophe's (and Elder's and Coleman's) names/initials into LIMS in violation of policy.⁶ He forwarded the audit to Pope and asked to meet and discuss it.

Christophe told us that that afternoon, when he was meeting with Pope to discuss the audit, Alesia Wheeler-Moore, an MPD lieutenant in the Crime Scene Investigations Division (CSID) tasked with reviewing the Chase allegation, entered Pope's office. DFS had referred the inquiry of the Chase incident to MPD because Chase was, at the time, an MPD employee detailed to DFS. Christophe claimed that Wheeler-Moore told Pope that if DFS referred the matter to MPD using the language from Christophe's complaint—including the phrases "lack of ethical judgment" and

⁵ Our investigation did not reveal evidence that DFS notified the USAO that Chase was the examiner who had verified Barrett's erroneous proficiency test. Had this information been provided to the USAO, the USAO likely would have requested a review of Chase's casework, like that of Morales and Webster, to ensure he had made no errors.

⁶ As described later, we requested a similar audit trail from DFS regarding eight other case files. DFS's current information technology executive reviewed the audit generated for Christophe in 2017 and expressed her doubts about its accuracy and completeness. DFS is unable to verify the audit trail or to easily generate similar audit trails for other files.

“forging an official laboratory document”—the repercussions for Chase would be serious, including potential suspension or termination. According to Christophe, Wheeler-Moore understood that, to the contrary, Pope and Wiggins wanted Chase to continue working at DFS. Christophe said to us that Pope seemed uncomfortable discussing the issue with Wheeler-Moore in front of Christophe and that he believed that Pope, Wheeler-Moore, and Wiggins may have met subsequently to further discuss the issue.

Christophe said that later that evening, he and Pope had the following text message exchange:⁷

Pope: Karen does not want to kill his (Steve’s) career. So the Q-CAR will be revised to just the facts, not opinions of him being unethical or forgery...etc. MPD has different levels of discipline, LT will let me know what she decides.

...

Copy?

Christophe: This is not right

Pope: Call me

Christophe: I’m at an event, We can talk tomorrow

Pope: In training tomorrow. But ok

On May 4, 2017, Christophe met with Pope in person and discussed his concern that Pope and Wiggins were prioritizing Chase’s career over lab integrity. Christophe recorded this conversation. He sent the recording to the USAO more than two years later, in September 2019, when Ambrosino sought Christophe out at Coleman’s suggestion. As soon as Ambrosino received the tape, he referred this matter to FPC for further investigation. We had the recording transcribed. The most pertinent parts of the conversation corroborate Christophe’s claims: (1) that Pope directed Christophe to remove specific language (“unethical” and “forgery”) from his complaint (*i.e.*, his emails to Pope that were turned into a Q-CAR); and (2) that Pope was concerned—and at

⁷ Christophe did not preserve this exchange and we were unable to obtain a copy. The substance of the exchange is based on notes that Christophe took and provided to our investigative team. A recorded conversation between Christophe and Pope the following day, May 4, 2017, discussed below, corroborates Christophe’s description of its content.

least that Pope believed Wiggins was concerned—about the effect of an inquiry on Chase’s career and DFS. That corroboration includes the following excerpts:⁸

- After Pope says, “I sent you two texts,” and Christophe says, “the first one you sent me you said that, that Karen doesn’t feel—or doesn’t wanna kill his—”, Pope stating, “Well, that’s, that’s consistent between Lieutenant Wheeler and Karen” (FPC00145);
- Pope telling Christophe that he needs to pare back his complaint to “the facts” and not his opinion (such as “unethical” or “forgery”) (FPC00147);
- Pope agreeing with Christophe that it was “wrong that [Chase] took it upon himself to put [Christophe’s] name, Cody’s name, and Chris’s name into a document without us knowing and without us being here” (FPC00151);
- Pope stating that “We revised the Q-CAR to take out the judgments and opinions about what [Chase] did. Deion, listen, it was an emotional statement and it was a valid statement to me and to all those who need to see it. The statement stands. Whether it goes in the Q-CAR is another situation” (FPC00152);
- Pope stating, “You don’t understand anything that’s written on paper and you don’t want to kill his career, can kill his career...So it isn’t on paper...to get to the U.S. Attorney’s Office. It can get to his officials. It can go over to the Chief of Police, so if you don’t wanna kill his career, then you will understand the line of thinking to revise what’s written in a written document. However, it still stands that he will be reprimanded or whatever the punishment that MPD decides because of what are the facts that he did. And that’s what the focus should be. The focus should be that he did something that was egregious and it was a, a deviation of policy, and therefore he will—there will be a Q-CAR executed, and MPD will discipline him. That’s it. You having an, you having this, this ax to grind on how it’s written...is really irrelevant” (FPC00153-54);
- Christophe stating that he understood that it was “a judgment call that was made outside of [Pope’s] purview,” and Pope confirming, “that’s right,” that “the revisal” was outside of his purview (FPC00155);
- Pope stating, “But now as more people have got involved, and it has been pushed up a little bit more, and now people are saying, now the way I read this, people

⁸ The excerpts are cited to the transcript page and the Bates number in the index of primary source material attached to this report.

above me, this could kill his career... We've got to revise the document so it doesn't kill his career" (FPC00158);

- When Christophe asks Pope "what are the action steps that will be imposed in order for us to ensure that this does not happen again in the future," Pope responding, "We can't ensure it. It was a deviation in policy. It's just like what happened with Danny [Barrett] and Mo and Kevin [Barrett's reviewers who sampled]... We have a policy in place" (FPC00160);
- Pope stating that he resisted moving to an electronic system because he liked paper records with ink signatures, but he had been pushed into the "honor policy" of electronic records by Christophe and others (FPC00161);
- Pope saying, "[Chase] deviated from what we already have... as a policy. Another person has to go in and log in. Now, what I will do, and maybe I didn't say this, is I will have a conversation with him and say this cannot happen again or you will be outta here. You will be outta here. Right now I'm saying I don't want to kill his career. If he does it again, I'm gonna kill his career" (FPC00162);
- In the context of explaining one of his proposed reforms in light of the incident (to remove low-level employees' ability to return submitted LIMS cases to examiners to correct mistakes, as Chase had caused), Pope criticizing Chase and calling his intent into question: "He was all the way in the wrong from the beginning. But he, he made it seem like to [low-level employee] that it was just a honest mistake, and it wasn't a honest mistake" (FPC00165) and agreeing with Christophe that Chase had been "intentionally evasive" (FPC00167);
- Pope saying, "I control what I can control... I signed it [the Q-CAR] because I was locking stuff with you. So that's why I'm saying, it didn't change until it got above me. So don't vilify me, bro" (FPC00173);
- Pope saying, "[T]he narrative specifically from MPD was that the way this was written, he will be fired. One, he will be fired. Two, it will be—whenever you pull IS numbers, it will go to the U.S. Attorney's Office. It will be a black eye on MPD and a black, another black eye on DFS. So it would be—we could potentially be shut down. We could potentially be shut down just because of the way it was written... Whether it goes into the Q-CAR or not your statement still stands. But now we are in the phase of whether we're gonna fire this guy and kill his career. He's two years from retirement. He's got a family, just like everybody else. So do you want to kill his career? The whole prevailing thought was not. At this point, I think this was a deviation from policy and if he does it again then that's a different ballgame. But this is a deviation from policy. He will be written up from DFS for quality, then on the MPD side he will be written up or whatever, whatever she deems. She's supposed to let me know today or tomorrow, whatever they deem is

sufficient short of killing his career. So that was the call up. The only thing I agreed and I admit was I didn't want to kill his career...So I, I just—maybe you don't agree that putting forgery and unethical on a document can kill a guy's career, but I'm telling you, it can" (FPC00174-75);

- Pope using an analogy to suggest that if an employee lied to him, that would be a "deviation in policy" that would call for a Q-CAR, but not killing her career (FPC00188); and
- Regarding Christophe's view that Chase should be removed from FEU, Pope stating, "I can get your perspective in terms of the industry and the oath that we all take, and the ethics that we all need to uphold. I get it...But fundamentally I disagree in this particular situation that I don't think at this point in his career, you look at his individual situation where it, it's advantageous for all of us, and for him, to go the route that we was gonna go yesterday and kill his career. That's all. And I, you're allowed to disagree with it" (FPC00197).

According to Christophe, at some point shortly after this recorded conversation, he retroactively verified the two of Chase's comparisons that he had not completed on March 2, 2017. Christophe found that Chase's comparisons had been sound. But rather than date and initial those verifications with the May 2017 date on which he actually performed them, Christophe told us that he backdated them to March 2, 2017. He explained that he did so because otherwise the entire case would have had to be recalled and re-entered into the system, and doing so would be arduous and disruptive (especially because Christophe had found that Chase's comparisons were accurate). He also felt that he had already been outspoken about his feelings about the incident and Pope had made the decision about how to proceed, and re-calling the case file would not have changed anything.

On May 10, 2017, at Pope's direction, Christophe sent MPD a revised PD-119—a police form used to complete a witness statement—about the Chase incident that described only what he had been told by Bustamonte and the fact that FEU's policy, as of April 14, 2017, was that examiners verifying an examination should enter their own initials into LIMS. Christophe confirmed to us in his interview that the facts contained in the PD-119 were correct.

Christophe told us that shortly after the incident, Chase apologized to him and claimed that he had put Christophe's initials into LIMS without authorization and did not wait for Christophe's return because Pope had put pressure on him to move examinations along expeditiously for MPD.

Christophe left DFS shortly thereafter and is unaware of what ultimately happened with respect to the Chase incident. He does know that Chase remains in FEU and expressed concern to us that Chase, because of his experience and seniority, now trains more junior firearms examiners.

B. “Dry Labbing”

Christophe also noted two other potential incidents of “dry labbing”—instances where FEU employees claimed to have performed examinations without actually doing so—of which he saw signs: (1) Christophe told us that there were some cases that had been entered as complete into LIMS but for which Christophe was unable to find the underlying documentation and which he had to re-examine; and (2) Christophe claimed that in their overall review of Barrett’s cases, he and Coleman had once seen a case file in which the evidence bag had not been opened at all but an opinion had been rendered as to the evidence inside (as Christophe recalled and described to us, it was a case file allegedly examined by Barrett; for reasons described below, we believe that Christophe was actually remembering a case file that had allegedly been examined by FEU examiner Kevin Webster).

It appears that these two claims were also reported by Christophe to the USAO back in 2017, when Christophe was leaving DFS and met with Ambrosino to describe some of his concerns with DFS.⁹ Ambrosino then met with DFS, including Pope, and raised the claims in person before sending a lengthy email on July 26, 2017, setting forth Christophe’s complaints. A copy of Ambrosino’s email (and DFS’s response) is contained among the primary source materials indexed in the attachment to this report (FPC00226). In particular, Question 4 of Ambrosino’s email asked about eight specific cases that were allegedly examined by FEU examiner Kevin Webster and were entered into LIMS, but for which there were insufficient underlying records (*i.e.*, inadequate evidence that Webster actually performed the examinations). We believe that Ambrosino’s Question 4 in the July 2017 email reflected the same complaint that Christophe expressed to us in

⁹ During our October 2019 interview with Christophe, he stated that he believed he had also reported the Chase incident to Ambrosino back at the time that Christophe left DFS in July 2017. Our investigation has not uncovered evidence that he did so, and we believe that Christophe is mistaken on this front. First, there are no emails in Christophe’s DFS account reporting the Chase incident to Ambrosino, and Ambrosino’s USAO account does not contain any emails from Christophe’s personal email account regarding the incident. Second, the Chase incident does not appear in the long list of allegations that Ambrosino sent in an email to DFS in July 2017 based on a lengthy meeting with Christophe. It seems likely that if Christophe had raised it then, Ambrosino would have asked DFS about it (and would not have been surprised to learn of it—and especially to receive the tape of the recorded conversation—in 2019, which he promptly referred for investigation). In addition, on January 28, 2020, we interviewed Ben Kagan-Guthrie, a former USAO employee who worked closely with Ambrosino and met with Ambrosino and Christophe in 2017 when Christophe provided Ambrosino with a list of concerns about DFS. Kagan-Guthrie told us that Ambrosino’s 2017 email to DFS was a comprehensive list of the concerns that Christophe had raised at the time, and that Kagan-Guthrie could not remember any other complaint by Christophe in 2017 like the one Christophe made to Ambrosino in September 2019 regarding Chase.

#1 above—*i.e.*, that there were some cases that had been designated as complete in LIMS but for which sufficient underlying documentation could not be located.

In addition, Question 6 of Ambrosino’s email asked about another case of Webster’s in which Coleman discovered that an evidence bag had never been opened. We believe that Ambrosino’s Question 6 reflected the same complaint that Christophe expressed to us in #2 above—*i.e.*, that Coleman and Christophe had located an evidence bag that had never been opened when reviewing Webster’s examinations—and that with the passage of time Christophe has conflated his review of Barrett’s files with a dry labbing complaint about Webster.

On August 1, 2017, Ambrosino received DFS’s official response to his enumerated questions, sent by then-General Counsel Rashee Raj, in the form of responses interposed in Ambrosino’s original email. DFS’s responses to Ambrosino’s questions were generally abstruse and defensive. With respect to the issue of Webster’s eight specific cases in Question 4, DFS conceded that “not all physical case files contained the proper administrative and technical review and the hard copies of these cases inconsistently retained all required documents.” It then blamed the issue on Christophe, claiming that he had led a review of Webster’s files and thus was responsible for taking action regarding any inconsistencies. With respect to the unopened evidence in a specific case, as described in Question 6, DFS responded similarly, stating that Pope, Wiggins, and others were unaware of the issue before Ambrosino’s inquiry and blaming Christophe for failing to generate a Q-CAR.

III. FACTUAL FINDINGS

Our investigation focused primarily on determining what DFS did in response to the Chase incident, but we also considered Christophe’s “dry labbing” concerns as articulated in Ambrosino’s 2017 email to DFS, as well as DFS’s response to Ambrosino.

A. The Chase Incident

The crux of the matter with respect to the Chase incident is whether Pope, Wiggins, and the MPD officials who investigated the incident understood that Christophe was alleging not just that Chase had entered initials into LIMS in violation of policy, but more seriously, that Christophe was claiming that Chase had lied about whether Christophe had verified Chase’s comparisons at all; and whether Pope, Wiggins, and those MPD officials endeavored to cover up that allegation. Although we found Christophe to be earnest, we were unable to find corroboration that he made clear to Pope or anyone else at DFS or MPD that he believed Chase’s violation went further than entering Christophe’s initials into LIMS without authorization, and included Chase’s false claim that Christophe had verified comparisons that Chase knew Christophe had not verified. That is, neither Christophe’s initial complaint email, nor his written statement to MPD, nor anything Christophe or Pope said in their recorded conversation on May 3, 2017, states in clear and unequivocal terms that Christophe completed only one of the three verifications on March 2, 2017. Additionally, Christophe did not report the Chase incident to Ambrosino along with his other concerns about FEU in July 2017. And while we found Christophe sincere, we also found him to

be an ineffective communicator—raising the question of whether his difficulty crystalizing and articulating concerns could have contributed to a miscommunication within DFS in 2017.

Moreover, even if it were true that Christophe had clearly communicated his allegation to Pope, Wiggins, or others, our investigation revealed no records or other information establishing that Chase understood that Christophe had completed only one of three verifications, as opposed to being simply confused or mistaken; in other words, we uncovered no evidence that Chase actually committed a forgery of any kind.

At the same time, it appears that Pope and the MPD personnel assigned to investigate the incident pre-determined the outcome of MPD's inquiry because Pope and Wiggins did not want Chase to be removed from FEU or for DFS, which was still dealing with Barrett's errors, to suffer further embarrassment. MPD's investigation consisted of only one in-person interview with Pope—who was not actually involved in the underlying incident—and written statements from all others involved. Ultimately, it appears that after receiving Pope's summary of what had occurred, and with a mandate from DFS not to remove Chase, MPD investigators conducted a cursory inquiry that arrived at a pre-determined conclusion.

1. The Case File

As part of our investigation, we requested from DFS the file for the case that formed the basis of the incident in which Christophe complained about Chase's actions, DFS Case No. 16-8354. DFS was unable to locate the hard-copy file for the case, but provided us with a scanned, full color PDF of the physical file. Separately, Christophe provided us with a PDF that he had maintained in his personal files. The two PDFs were substantively identical (Christophe's had duplicates of two pages of the file). The file can be found at FPC00275, within the primary source materials indexed in the attachment to this report.

The file is a 21-page long PDF. Chase's Report of Examination in the file reflects that he compared spent cartridge cases found at two different crime scenes—one associated with Criminal Complaint Number (CCN) 16-211-267, and one associated with CCN 15-008-108—with a spent cartridge case from a DFS test fire from a Glock caliber .40 S&W semi-automatic pistol that had been recovered from a crime scene. Chase concluded, based on his microscopic examination, that both cartridge cases recovered from crime scenes had been fired from the Glock "based on firing pin impression and firing pin aperture shear." FPC00287.

Chase's comparisons of the two cartridge cases recovered from crime scenes occurred on two separate days: the comparisons of the cartridge case associated with CCN 16-211-267 occurred on March 2, 2017, and the comparison of the cartridge case associated with CCN 15-008-108 occurred on April 25, 2017.

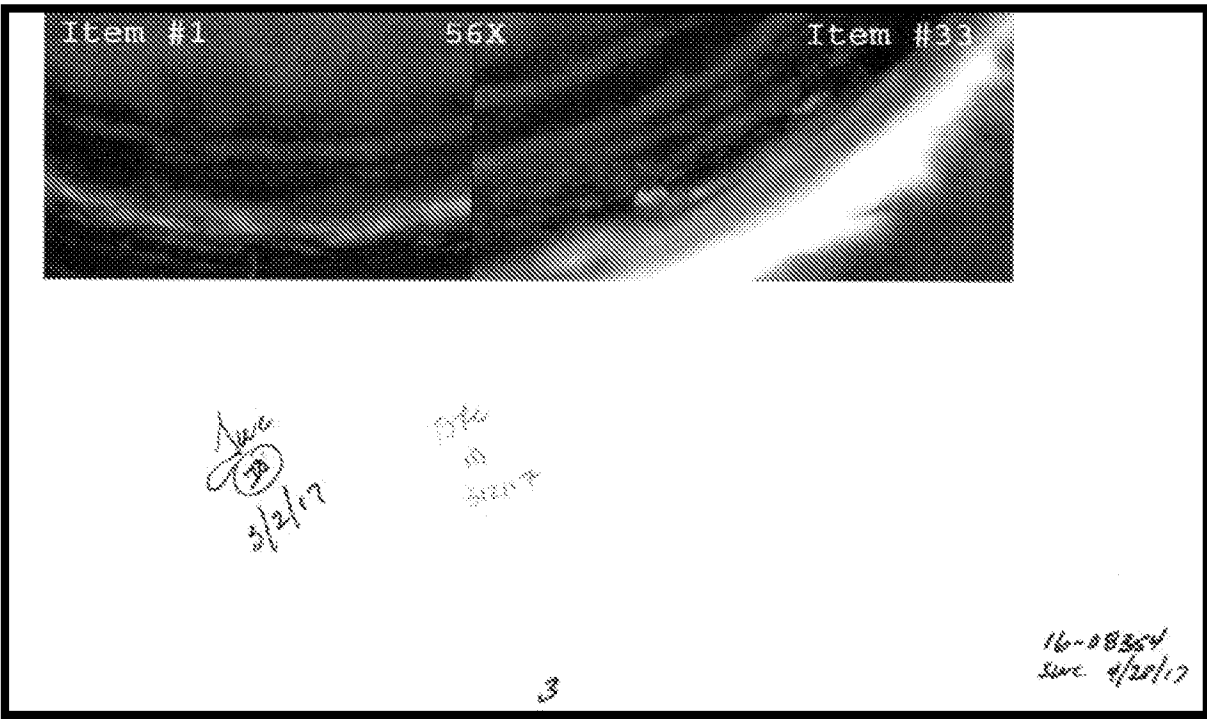
Christophe's complaint primarily concerned the March 2, 2017, comparison, as that is the examination that Chase claimed that Christophe fully verified. For the purposes of his examination, Chase took three photographs of comparisons between the cartridge case recovered

at a crime scene and the test fire, each at different magnifications (28X, 56X, and 36X, respectively), and each appearing to focus on different attributes of the comparisons. These photographs bear Chase's initials (SWC) and the date of 3/2/17 in black ink. All three of these also bear Christophe's initials (DPC) and the date of 3/2/17 in blue ink (consistent with Christophe's admission to us that he back-dated two of these photographs when he later verified Chase's comparisons after reporting the incident). There is nothing about Christophe's initials that would establish, from the face of the file, that he did not verify all of Chase's comparisons on March 2, 2017.

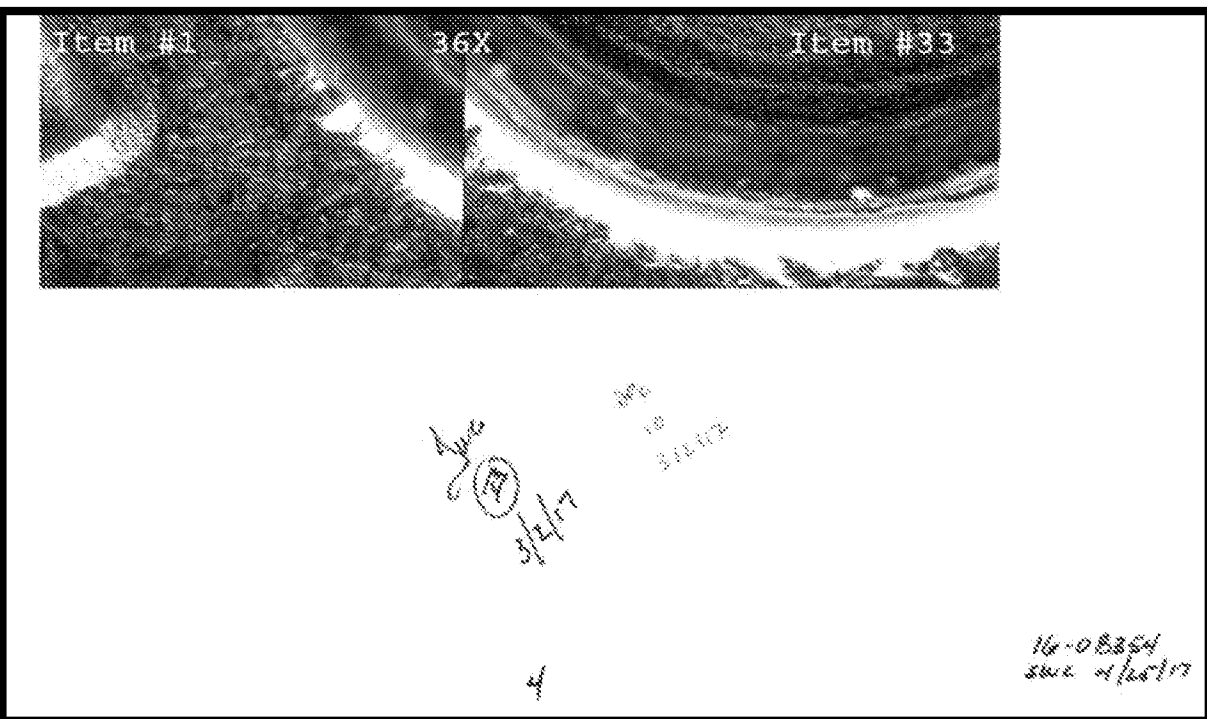
Initials on p. 2:



Initials on p. 3:



Initials on p. 4:



There is also a fourth comparison photograph that establishes that on April 25, 2017, Chase completed the examination related to CCN 15-008-108, which was verified by Cody Elder. As part of his complaint, Christophe suggested to us that Elder was away for his wedding on the date in question and thus this was another example that Chase committed forgery. Elder told us he could not recall exactly when he left for his ceremony, which occurred the weekend following Tuesday, April 25. For clarification, we gathered Elder's time and attendance records for the pertinent period, which show that Elder worked on April 25 and 26 before taking leaving on April 27 and 28 (the Thursday and Friday before his wedding). We also showed Elder the page from the DFS file with the photograph purporting to bear his initials, and Elder confirmed that the initials were his own, made by him.

Regarding this comparison, in his interview with us, FEU contractor Chris Coleman suggested that Elder was not yet qualified to perform verifications on April 25, 2017. We reviewed emails and memoranda that support Coleman's claim—it appears that in this case, Elder was improperly permitted to verify Chase's examination during his training period, when he was qualified to witness, but not verify, examinations.

2. Emails

We pulled emails for Chase, Christophe, Pope, Beyer, and Wiggins for the pertinent time period. They generally demonstrate that after Christophe informed Pope of the incident, Pope informed Wiggins, and both Wiggins and Pope then appear to have communicated with MPD to relay the outcome DFS desired: that Chase stay at FEU.

For instance, after Christophe sent his complaint email to Pope at 6:08 a.m. on May 3, 2017, Pope responded within 20 minutes and assured Christophe he was "taking this situation very serious." He then forwarded Christophe's email to Wiggins, writing: "FYI. Situational Awareness. I will meet with Chase today along with QA Jessica [Beyer] for the path forward." Wiggins responded within a half hour, copying then-General Counsel Rashee Raj and writing, "At first glance, not good. May need to draw MPD IS numbers.^[10] Please update me after FSL Exec meeting today." It appears that Pope's meeting with Christophe and Beyer, in which Pope signed the Q-CAR, occurred at 1 p.m. that afternoon.

After the meeting with Christophe and Beyer, Pope reached out to Wheeler-Moore, the MPD-CSID lieutenant responsible for reviewing Christophe's allegation against Chase. At 2:55 p.m., Pope emailed Wheeler-Moore and wrote, "I stopped by your office and didn't see you, can we have a meeting when you return to discuss one of the officers in my unit?" It appears Wiggins was also trying to reach Wheeler-Moore around the same time, as she emailed another DFS employee at 3:09 p.m., stating that she had just spoken with Wheeler-Moore. At 3:32 p.m., Pope emailed Wheeler-Moore several documents, including: the April 14, 2017, policy that required

¹⁰ Witnesses clarified that drawing IS numbers refers to opening an internal MPD investigation, as MPD ultimately did regarding the Chase incident.

verifiers to enter his/her own initials into LIMS, and for a third examiner to witness the verification; the email in which Pope had sent the policy to all FEU staff on April 14, 2017 (and which stated that it was the verifier's responsibility to enter the witness's name into LIMS); Christophe's complaint email (which included the phrases "lack of ethical judgment" and "forging an official laboratory document"); and Bustamonte's email detailing her interaction with Chase on April 25, 2017.

Separately, at 3:39 p.m., Christophe sent Pope the audit trail document that purported to establish that Chase had been the only examiner to access the file in question in LIMS. At 4:11 p.m., Pope forwarded it to Wiggins and wrote, "FYI..coming up now to discuss."

At 5:25 p.m., Pope wrote an email to Wheeler-Moore stating, "Lt Moore, after speaking again with Karen Wiggins and some more thought, I've decided that I'm good with the counseling option that you suggested for Officer Chase. My understanding is that it would be an official counseling that will go in his jacket. I still want Chase to be a part of the Firearms Unit." At 5:53 p.m., Wiggins wrote to Pope, Raj, and Brittany Graham (then the DFS deputy director overseeing quality assurance), as well as Wheeler-Moore: "Per our conversation, FEU has forwarded observations to MPD Lt. Wheeler Moore for further investigative action. Please advise if any additional steps needed."

On May 5, 2017, Pope emailed Beyer, copying Graham and Wiggins, and asked her if she had revised the Q-CAR relating to the Chase incident yet (presumably to remove the language Christophe had used regarding ethics and forgery). Wiggins copied Wheeler-Moore and asked Pope to ensure that Wheeler-Moore received the revised version of the document.

Within a week, DFS recognized the potential Giglio¹¹ implications of the incident. On May 10, 2017, Raj emailed Wheeler-Moore by responding to Wiggins's original May 3 message informing Raj, Pope, Graham, and Wheeler-Moore that the incident had been referred to Wheeler-Moore for investigation. Raj, who as DFS General Counsel was responsible for responding to Giglio requests from the USAO and the D.C. Attorney General's office, asked Wheeler-Moore, "Would you keep the Agency informed of when the investigation is completed? We get Giglio requests for Officer Chase routinely and we need to know what to respond." Wiggins replied all and interceded, "Hi Rashee, Please advise what Giglio disclosures consists of? Are these only provided when Discovery is requested for testimony? Would this be the same process at MPD? Want to ensure no FOP concerns."

Raj replied, among other things, that "[f]or our other employees from MPD, we do not respond on what we do not know. In this instance, we would only respond with what we know. That would be that Officer Chase is under investigation for something that falls within the 4 categories listed on the attached letter – nothing more. Any further information would have to

¹¹ The term "Giglio" refers to the Supreme Court case *Giglio v. United States*, 405 U.S. 150 (1972), which addresses the government's criminal discovery obligations related to certain impeachment information for its witnesses.

come from MPD, as we don't have access to their personnel files (nor do we want it!).” Raj attached an incoming Giglio request from the USAO as an example.

In turn, Wiggins asked Wheeler-Moore, again replying all, whether Chase would “be made aware of this DFS notification?” The following morning, on May 11, 2017, Wheeler-Moore responded only to Wiggins, writing, “Yes.” Within three minutes of that email, Wheeler-Moore emailed Wiggins again and wrote, “Can we talk about this?” Wiggins replied affirmatively but suggested that they speak the following Tuesday (May 11 being a Thursday). Later on May 11, Wheeler-Moore wrote Wiggins and Pope: “Update. At this time Officer Chase’s investigation is at the beginning stage. Once the investigation is turned in to ISB and the corrective action (level of discipline) is recommended I will inform you guys.”

3. The MPD Report

On June 27, 2017, Wheeler-Moore issued her final investigative report on the incident to MPD’s Internal Affairs Bureau, a copy of which is included at FPC00200, within the primary source materials indexed in the attachment to this report. Wheeler-Moore’s report, without attachments, was approximately six pages long, and recounted the substance of Wheeler-Moore’s investigation, which consisted of: the incoming oral complaint from Pope and Pope’s overview of FEU; written statements from Chase, Bustamonte, Christophe, and Pope; and a review of DFS policies. Based only on Pope’s description of what occurred and the written record, Wheeler-Moore concluded that on March 2, 2017, Christophe had “performed ‘blind verification’ on this case and corroborated Officer Chase’s findings,” but that Chase had violated DFS policy by entering Christophe’s initials into LIMS without Christophe’s permission. *Id.* at 5. Wheeler-Moore’s recommended discipline was that Chase receive a Letter of Prejudice. Consistent with MPD’s collective bargaining agreement, Chase requested a conference with his commanding officer. At the end of the disciplinary process, on June 30, 2017, MPD instead directed that Chase receive education on the policy he had violated.

The attachments to the report reflect that the investigation was conducted by Wheeler-Moore and MPD Sergeant Wayne Rimel, who worked with Wheeler-Moore at CSID, and that it consisted almost entirely of taking written statements from individuals on PD-119s. For instance, Rimel took a PD-119 written statement from Chase on May 18, 2017, in which Chase stated that he had placed Christophe’s initials into LIMS on April 25, 2017, because Christophe “had already documented his conclusions in writing on the supporting photo documentation concurring with my conclusions on March 2, 2017.” Rimel also allowed Chase to answer a follow-up question (why Chase had not just waited for Christophe to return) in writing on a separate PD-119; Chase responded that he had entered Christophe’s initials “[i]n the interest of providing the detective handling this case with a timely response....”

Emails from the time reflect that in addition to shaping the conclusion of the report from the outset, Pope also controlled the way MPD collected Christophe’s and Bustamonte’s statements. For instance, Pope emailed these employees and directed them to fill out their PD-119s, copying

Wheeler-Moore and Wiggins, and return them to Pope. Pope then passed them on to Wheeler-Moore and Rimel.

Similarly, Rimel took Bustamonte's and Christophe's statements by PD-119. Christophe's statement appeared in the watered-down form directed by Pope, which did not include the phrases "lack of ethical judgment" and "forging an official laboratory document" that had been in his original email complaint. Nor did Christophe's official statement to MPD state clearly that Christophe asserted that he had not completed the three verifications of Chase's work on March 2, 2017; rather, its wording gives the impression that Christophe was concerned about the violation of policy Chase committed by entering Christophe's initials into LIMS:

14. STATEMENT
I was informed by another examiner (who asked to be kept anonymous) in the FEU on 5/2/17 that while admin/tech reviewing the case file for 16-08354 for Officer Steven Chase that they noticed my initials to be wrong in 3 separate locations in the Verification block. The examiner stated that this was conveyed to Officer Chase and he indicated he should fix this. When returning the case file to this examiner Officer Chase was informed that there was also no "witness" listed as verifying the verification on the file. Officer Chase responded that he thought that had nothing to do with him since he was part of NISIN. The examiner informed Officer Chase per the memo dated April 14, 2017 the policy stated all microscopic examinations would be under this new policy. Officer Chase took the case file back and when it was returned to the examiner it was noted that the name of Contractor Chris Coleman was inserted into the Verifier Conclusion block.

As a follow up to this discussion, I requested a meeting with both you and Officer Chase to discuss the issues that were passed on, however I chose to request an audit trail prior to speaking with Officer Chase

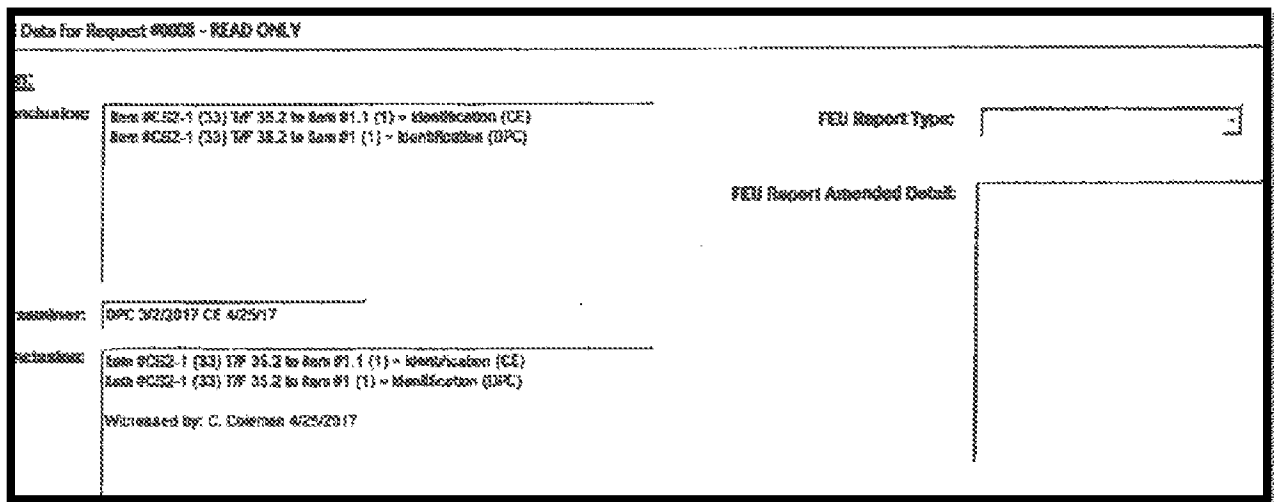
The policy dated April 14, 2017 states that only the examiner(s) conducting the verification should insert their name in the verification block in LIMS from their computer.

Rimel followed up with Christophe as he had with Chase, but again conducted the inquiry through a PD-119, through which Christophe still did not clearly communicate that he believed he had not conducted two of the three verifications at the time that Chase entered Christophe's initials into LIMS. For instance, Rimel asked whether it was true that Christophe had been assigned to verify Chase's examination in DFS Case No. 16-8354. Christophe responded, "I was asked to verify one of many comparisons, yes." Rimel wrote, "Did you agree with Officer Chase's findings?" Christophe responded, "Yes." The other follow-up questions concerned whether Christophe had authorized Chase to enter his initials into LIMS. At the end of this follow-up PD-119, in response to Rimel's question, "Is there anything you would like to add to this statement?" Christophe wrote, "No."

Neither Rimel nor Wheeler-Moore appear to have noticed that Christophe suggested that he had verified only one of many comparisons; they also did not request or review the underlying case file, which may have led them to ask Christophe more questions about the number of

verifications he performed.¹² Furthermore, Bustamonte’s written complaint, which Pope sent to Wheeler-Moore on May 3, 2017, suggested that there was only one Christophe verification at issue; she wrote that the “verifications had been completed on different dates, *one by Deion on 3/2/17* and one by Cody on 4/25/17, but as I pointed out to Steve, Deion’s initials were spelled incorrectly in all three blocks on the worksheet; they were listed as DFC. The handwritten initials *on the photograph page* did appear to be genuine” (emphasis added). Wheeler-Moore and Rimel did review the LIMS entry related to the case, which would not have caused them to question the number of verifications performed by Christophe (one versus three), as the March 2, 2017, entry documents generally the comparison of the crime scene cartridge case and the test fire, and does not delve into the fact that Chase photographed three different magnifications and attributes of this comparison, which Christophe then verified.

Separately of note, Christophe’s complaint to us included that Chase had falsely claimed that FEU contractor Chris Coleman had witnessed Christophe’s verifications of Chase’s examinations. But the screenshot below of Chase’s LIMS entry makes clear that Chase claimed that Coleman witnessed Elder’s verification, not Christophe’s.



Indeed, the third-party witness policy (which would have required an examiner to witness a verification) was not in place at FEU on March 2, 2017. It was issued on April 14, 2017, and would have applied only to Elder’s April 25, 2017, verification. In their interviews with us, both Christophe and Coleman were clear that Coleman did not witness Christophe’s March 2, 2017, verification—but they do not appear to realize that the LIMS entry does not suggest that, but rather that Coleman witnessed Elder’s verification in April 2017. Because Coleman is an independent

¹² Notably, it appears from Christophe’s initial email to Pope that the physical case file was missing as of the time of his complaint, meaning that it was difficult for anyone to consult it as part of an investigation. It is also unclear when the file was recovered and when Christophe then back-dated two of three verifications, as he states.

contractor with FEU and not an employee, there were not time and attendance records available to us to establish whether he was working on April 25.

Based on our review of the record and interviews with Wheeler-Moore and Rimel about their investigation of the Chase incident, we believe that they never understood that Christophe claimed that he had not performed all of the verifications that Chase attributed to him by entering his initials in the LIMS system. They began their investigation with a summary from Pope of what had occurred, and an awareness that DFS did not view the violation as serious enough to expel Chase from FEU. Indeed, both Wheeler-Moore and Rimel told us during their interviews that as they conducted the investigation, they came to view the violation as less serious than they thought it was when it was first reported to them.

In her interview with us, Wheeler-Moore recalled that Pope initially relayed the complaint, and Wheeler-Moore recalled notifying Wiggins that she was conducting an investigation of an individual in FEU, but did not remember the details of the conversation. These statements are consistent with the emails that we reviewed, which reflect that Pope first reported the incident to Wheeler-Moore and that she spoke with Wiggins.

Rimel explained to us in his interview that he simply took written statements from the witnesses and conducted an interview with Pope to understand how FEU operated.

Neither Wheeler-Moore nor Rimel thought it was unusual or inappropriate for them to have conducted their investigation primarily by soliciting written statements, and they both thought the written statements and written clarifications were sufficient for them to write their report. Neither Wheeler-Moore nor Rimel knew Chase well or felt strongly about any repercussions of the investigation for him.

In short, it appears that through a combination of factors—including Pope’s shaping the narrative and desired result at the outset, and the nature of their own investigation—MPD investigators never understood Christophe’s allegations to be what he now tells us he meant to convey. Their report reflects as much.

4. Interviews of Key Personnel

In the course of our effort to corroborate Christophe’s allegations, we conducted more than a dozen interviews. None of these interviews revealed information that supported criminal intent by anyone involved. Indeed, they cast further doubt on whether Christophe effectively communicated the claim that he expressed to us (*i.e.*, that he did not perform all of the verifications that Chase claimed Christophe had by entering Christophe’s initials in LIMS). All DFS employees we interviewed executed forms acknowledging their understanding that their interview was voluntary and that they could exercise their Fifth Amendment right against self-incrimination without fear of termination. No DFS employee refused our request for an interview or declined to answer specific questions we posed. Interviews of personnel essential to the investigation are summarized below.

Steven Chase

We interviewed Chase on two occasions; the first, at his home on October 18, 2019, was cut short by Chase's familial obligations. We interviewed him again on November 26, 2019. In both interviews, Chase was adamant that for the case in question, Christophe verified all of the evidence Chase had examined before Chase entered Christophe's initials into LIMS.

Chase was also forthcoming about the fact that it was he who erroneously verified Daniel Barrett's failed proficiency test. Chase described additional testing that he was then required to undertake to demonstrate his proficiency.

Jonathaniel Pope

After he initially turned down our request for an interview at his home on October 17, 2019, we interviewed Pope three times: on October 21 and 22, 2019, and again on January 16, 2020. Unfortunately, we did not find Pope to be entirely candid with us in his interviews.

October 21, 2019

On October 21, 2019, agents interviewed Pope at DFS at a prearranged time. Pope told us that he has known Chase since 1999, when Pope and Chase worked at MPD together.

Regarding DFS Case No. 16-8354, Pope told us that he believed Christophe had looked at all of the evidence items in the case as second examiner, but did not document his verifications in LIMS and then was out of the office. As a result, Pope said, Chase had entered Christophe's initials into LIMS. After Christophe informed him of the incident, Pope informed Wiggins, who told him that MPD would need to conduct an inquiry; Pope then spoke with Rimel and Wheeler-Moore.

Pope then claimed that although he told Christophe to make sure that his written complaint was objective, he never directed Christophe to modify his statements in order to avoid hurting Chase's career. Pope told us that he never mentioned anything to Christophe or anyone else, in any way, to avoid hurting Chase's career, and he never expressed or heard anyone else express such concerns. When agents pressed Pope on this repeatedly to give him an opportunity to correct his statement, and asked what he would say if others had said Pope was concerned about Chase's career, Pope said such a statement would be "categorically false" and the burden would be on them to prove it.

In the same interview, Pope also claimed that he could not remember who conducted the verification of Barrett's failed proficiency test. We find it unlikely that Pope—the head of FEU—would not remember that it had been Chase, especially since Wiggins, further removed from the incident and with broader responsibilities, recalled it (see below). Furthermore, according to Christophe, Christophe learned the fact from Pope in connection with the Chase incident in question.

October 22, 2019

On October 22, 2019, agents returned to DFS to confront Pope with the recording of his conversation with Christophe. He requested that then-DFS General Counsel Rashee Raj sit in on the interview, which she did.

At the outset, Pope presented agents with some emails he exchanged with Christophe in May 2017. Pope then said that he had a preliminary conversation with Wheeler-Moore in which he told her that Chase's punishment should consist of counseling. Pope suggested that he had this conversation with Wheeler-Moore after Wiggins asked him to speak with Wheeler-Moore, and because it was the first time he had to deal with an MPD employee violating DFS policy. With respect to his communications with Christophe, Pope stated that he had a conversation with Christophe to tell Christophe to keep his statement "to only the facts," but Pope reiterated that he did not discuss a concern for Chase's career in the conversation with Christophe.

Agents then played portions of the recorded conversation between Pope and Christophe for Pope. Pope initially tried to suggest that it was not Pope on the tape. He then said he did not remember making the statements to Christophe. He suggested perhaps he was "toeing a party line" when he made the statements, but again said he could not remember anything about it. He then claimed he had not been lying in his previous interview and said he has a bad memory.

Nonetheless, Pope was adamant that Christophe never alleged that he had not verified all of Chase's work, but that the allegation was limited to Chase's entering Christophe's initials into LIMS.

January 16, 2020

We returned to DFS and interviewed Pope a third time on January 16, 2020. At the beginning of the interview, we played the entire 45-minute recording of Pope's May 4, 2017, conversation with Christophe and provided him with the draft transcript to review while we did so. We also showed him his emails from May 3, 2017, regarding the Chase incident, including when Pope notified Wiggins of Christophe's complaint and Pope's email to Wheeler-Moore informing her that Pope and Wiggins did not want Chase to be removed from FEU as a result.

We then asked Pope detailed questions based on the transcript and emails. He claimed that, after listening to the recording in its entirety and reviewing the emails, he recalled that he had spoken with Wheeler-Moore and Wiggins and that Pope and Wiggins had agreed that the incident did not warrant Chase's firing. Pope again insisted that Christophe had not reported that he had not performed all three verifications—just that Chase had entered Christophe's initials into LIMS while Christophe was out of the office. With respect to his own statements in the recorded conversation to the effect that, if reported to MPD or the USAO, the Chase incident could shut DFS down, Pope had several explanations, including that: he was a fairly new supervisor and did not know whether such an incident could shut DFS down; he was exaggerating because in his

view, Christophe was also exaggerating the issue; and, in the wake of the Barrett incident, Pope did not know what additional incidents could shut DFS down.

Pope also claimed that he had never understood Christophe's complaint to include that Chase had improperly entered Elder's initials into LIMS. When we confronted him with the portion of the recorded conversation in which Christophe stated that Chase had improperly entered Elder's initials, Pope's only response was that Christophe had not included this in his written complaint email on May 3, 2017. Pope maintained that Elder was qualified, as of April 25, 2017, to perform verifications; when we confronted him with documentation to the contrary, Pope suggested he would try to find other documentation supporting his contention. He also suggested that because one of the emails stating that Elder was not yet qualified to perform verifications (as of early May 2017) was authored by Christophe (and copied Pope), it could be wrong or a lie. Pope repeatedly expressed his strongly-held belief that Christophe is a liar and cannot be trusted.

Pope told us that he never received or reviewed MPD's final report on the Chase incident.

We also asked Pope about the portion of the recorded conversation in which he described another recent laboratory incident that might constitute a deviation from policy (Transcript_Recorded_Conversation-000045-46). Pope told Christophe about an employee who had just told him that she had dropped a firearm, which was picked up immediately, in her presence, and returned to her.¹³ Pope told Christophe, "if I found out that she dropped it, didn't know, went somewhere else and then this guy found it, it's a problem. But it's a deviation of policy. I'm not gonna kill her career over that." When pressed, Pope agreed that such an incident would be more than a deviation from policy—it would be a false statement by an employee. Pope stated that lying would warrant "progressive discipline," but he was then unable to articulate what that meant in this context or what DFS leadership would do. He also claimed that he did not believe that any employee had ever lied to him.¹⁴

We pointed out to Pope that the impact of the Chase incident on Chase's career loomed large in the recorded conversation with Christophe and in emails and conversations with Wiggins and Wheeler-Moore, and pressed him on how it was possible that he had not remembered this at all in his initial interview with agents, even when given multiple opportunities to revise or qualify his statements. Pope simply claimed he really had not remembered.

¹³ It is important to note that when we asked Pope about this, he stated that video of the event ultimately proved that the employee's account to Pope had been truthful.

¹⁴ This contention is hard to square with the fact that Pope also told us that when he spoke to Chase about the incident (at some point between Christophe's initial complaint and the May 4, 2017, recorded conversation), Chase attempted to minimize what he had done and Pope had not found him to be forthright. It is also difficult to reconcile with Pope's claim that Christophe was a liar who could not be trusted.

Our assessment of Pope's three interviews was that he was not entirely forthcoming or candid. Both the recording provided to us by Christophe and Pope's contemporaneous emails with Wheeler-Moore—requesting a specific outcome for the Chase investigation—make clear that Pope and Wiggins were concerned for Chase's career and wanted him to remain at FEU. It does not seem credible that Pope could not remember any of these details when he was significantly involved and when agents gave him multiple opportunities to revise or qualify his answers.

Karen Wiggins

Regarding the Chase incident, Wiggins told us that she recalled a complaint in which Chase input Christophe's initials into LIMS after Christophe had verified Chase's examination and initialed the paper file, but had not entered his initials into LIMS. Wiggins said she believes the allegation should have been investigated by Raj and by Graham for the DFS quality aspect, and that Wiggins suggested MPD be contacted since Chase was an MPD employee. Wiggins did not recall the outcome of MPD's investigation and said she could not remember who at MPD conducted the investigation. Wiggins did not remember discussing the matter with Wheeler-Moore. Wiggins also stated that if she had believed that Chase entered Christophe's initials into LIMS when Christophe had not verified the evidence, she would have sent Chase back to MPD.

We also asked Wiggins about the verification of Barrett's failed proficiency test. She remembered that Chase had done so and believed that corrective action was taken.

Wiggins is now retired from DFS.

Jessica Beyer

At the time of the Chase incident, Beyer was DFS's Quality Assurance Specialist. Beyer generally remembered the allegation that Chase had put another examiner's initials into LIMS, but does not recall Christophe telling her that he had not actually performed the verifications that Chase had entered into LIMS. Because there are not accreditation requirements regarding putting initials into electronic systems, Beyer believes that DFS management handled the issue. She believes that, at most, she would have created a Q-CAR. She cannot remember whether she did.¹⁵

More generally, Beyer suggested to us that DFS management (Director Jenifer Smith, Wiggins, and Pope) made efforts to keep DFS's quality team uninformed regarding issues within

¹⁵ We found in the course of our investigation that the initial Q-CAR related to the Chase incident was never completed. DFS provided us with a Q-CAR Part D (the verification of the Q-CAR), dated October 11, 2019, which stated that the "nonconformance" of "the verification stage of an FEU analyst's case" "was turned over to the Metropolitan Police Department, and the situation was handled under their quality/investigative system. No additional actions were completed by the DFS-FSL."

the agency. At the same time, she said that the quality team was referred a fair share of issues by management, and that she thought that DFS generally did things correctly.

Rashee Raj

We interviewed Raj shortly after she left her position as DFS General Counsel. We nonetheless made clear to her that the interview was entirely voluntary, and we allowed George Valentine, Deputy Director, Mayor's Office of Legal Counsel, to sit in on the interview to ensure that we did not ask any questions that would call for Raj to provide us with information protected by the attorney-client privilege. Valentine did not interrupt our questioning and never directed Raj not to answer a question.

We asked Raj about the enumerated responses that she had provided Mike Ambrosino by email in August 2017. Raj stated that she developed the responses to the USAO with DFS Director Jenifer Smith, Wiggins, Graham, Pope, and Beyer. In particular, regarding Ambrosino's Question 4 (about the eight CCNs entered into LIMS but for which there were not sufficient underlying files), Raj said she thought she had gotten this information from Wiggins and Pope. She did not have any additional information outside of the answer in the email. Raj also did not have any additional information about Question 6 (regarding the allegation of an unopened evidence bag).

With respect to the Chase incident, Raj recalled first hearing that Chase had put Christophe's initials into LIMS possibly from Pope or Wiggins. Raj recalled thinking that it was potentially a Giglio issue—that is, an incident that could impact Chase's ability to testify in court. Raj recalled that the matter was referred to MPD because Chase was employed by MPD. Raj could not remember seeing the outcome of MPD's investigation. She also could not recall if she reported the incident and its referral to the USAO.

More generally, Raj told us that after an incident in which a DFS crime scene investigator was put on the "Lewis List"¹⁶ for lying but was not fired by DFS, Raj felt pressure from DFS Director Smith to frame DFS disciplinary issues when conveying them to the USAO so as to prevent DFS employees from ending up on the Lewis List. In particular, Raj described that in an internal investigation of Crime Scene Investigations Division employee D.M., Raj determined that D.M. had been untruthful. As a result, Smith disciplined D.M. but did not, as Raj had recommended, terminate her. When the determination that D.M. had been untruthful was communicated to the USAO, however, the USAO put D.M. on the Lewis List and declined to sponsor her testimony. Raj told us that Smith was extremely frustrated to have to continue

¹⁶ The "Lewis List" is a confidential list maintained by the USAO of law enforcement personnel against whom there have been integrity allegations, which may trigger credibility concerns or discovery obligations. The moniker "Lewis List" was derived from the case *Lewis v. United States*, 408 A.2d 303 (D.C. 1979), which, like the case *Giglio v. United States*, 405 U.S. 170 (1972), addresses the government's criminal discovery obligations related to certain impeachment information for its witnesses.

employing D.M. at DFS when she was unable to testify, and would occasionally remark to Raj about disciplinary issues that “we don’t want another [D.M.]” Raj said that she understood such remarks to signal that Raj should describe incidents at DFS in a way to avoid employees being put on the Lewis List. At the same time, Raj stated that she did not find Smith’s actions or requests to be unethical, and Raj was clear with us that Raj would never change or misrepresent the facts of an internal investigation to the USAO. She also was unable to identify any specific incident in which Smith exerted pressure over a particular disciplinary matter.

B. “Dry Labbing”

To the extent possible in the course of our focused investigation, we also made a limited inquiry into Christophe’s complaints of other “dry labbing”—that is, his claims: (1) that he saw cases that were entered into LIMS as complete even though there was insufficient underlying documentation; and (2) that in one case, he saw a bag of evidence that had allegedly been examined but could not have been because it was never opened.

1. Cases Entered into LIMS as Complete Without Underlying Documentation

In order to investigate this complaint, we requested that DFS provide us with the underlying physical files for each of the eight CCNs identified in Ambrosino’s July 26, 2017, email. DFS did so, and some of these appear to have been re-examined by Christophe consistent with his allegation that he was required to do so after discovering the deficiencies in the underlying files. We next asked DFS to provide us with LIMS audits in Excel format, in the same way that Christophe was able to have one generated for the Chase incident (and which purported to show when various login names took certain actions with respect to the file). DFS was unable to do so and expressed concern about the reliability of the Excel audit report that Christophe provided us from 2017. In any event, we believe that the other information we gathered about these files is sufficient.

Regarding this allegation, DFS’s August 1, 2017, email response to the USAO was vague and unhelpful. For instance, Raj’s response to Ambrosino stated generally that regarding the eight CCNs, “it was determined that there were electronic data entries within the DFS Laboratory Information Management System (LIMS). However, not all physical case files contained the proper administrative and technical review and the hard copies of these cases inconsistently retained all required documents.” In contrast, in an email only to Wiggins on July 27, 2017, Pope answered Ambrosino’s question in a specific and detailed fashion, as follows:

Response to #4

-The casefile for DFS #15-1108, CCN 15-203-615 was located, however, found to not be in compliance with current DFS policy and procedure. The casefile lacked the proper structure, proper signatures or administrative and technical review. However, I completed an administrative and technical review in the LIMS system on July 28, 2016.

-The casefile for DFS #16-2550, CCN 16-058-508 was physically located. This casefile was found to be complete and in compliance with DFS policy and procedures.

-All other cases listed were not completed in full by Mr. Webster. Mr. Webster completed these cases within the LIMS system, however he did not generate a physical casefile for these cases. The administrative and technical review for these cases were completed in LIMS, however the physical casefiles were never generated, therefore, never received.

In this email, Pope was candid and detailed in his explanation to Wiggins. Pope admitted that he had completed an administrative and technical review of a file that lacked structure and signatures; conceded that only one of the eight files about which the USAO inquired through Ambrosino was in compliance with policy and procedures; and acknowledged that Webster had not generated physical case files documenting his examinations. Those important details, however, were not communicated by DFS back to the USAO in response to Ambrosino's inquiry.

Furthermore, in an internal DFS email on July 31, 2017, Raj wrote, "Jonathan, on inquiry #4 about Kevin Webster's 8 cases, were you made aware of that before this inquiry from USAO?" Within minutes, Pope responded, "I was made aware before the USAO request." That is, Pope was aware of Webster's extensively flawed work, and Pope's own approval of such work, but did not report it to the USAO until the USAO asked about it when prompted by Christophe.

In our January 16, 2020 interview with Pope, we asked him about the disparity between the external and internal DFS responses to the USAO's questions. Pope stated that he was not responsible for DFS's external response. We also asked him how it was possible that he had performed a quality and corrective review of Webster files for which there was insufficient documentation. He explained that he had performed the review only in LIMS, without reviewing the physical file, and suggested that there was sufficient information in LIMS to complete the electronic review. We also asked whether DFS had proactively disclosed to the USAO that Webster had, in at least seven cases, submitted cases as complete without supporting documentation. Pope responded that DFS had not done so and seemed puzzled as to why it would be necessary.

2. Unopened Evidence

DFS appears to have conceded this allegation at the time of Raj's response to Ambrosino's email on August 1, 2017. In particular, Raj's response (which, as she said, would have been provided to her by others at DFS) stated that upon discovering the problem, Christophe should have ensured that a Q-CAR be generated, and that no one in DFS leadership knew of the issue before the USAO inquired.

Our interview with Coleman calls into question the assertion that Pope was unaware of this incident before Ambrosino's email inquiring about it. In his interview with us, Coleman told us

about what we believe is this same occurrence. Coleman stated that as part of the review he and Christophe were conducting because of Barrett's errors, Coleman found an unopened evidence bag in a case of Webster's. Coleman took photographs of the unopened bag and informed Christophe and Pope. Pope asked Coleman to send Pope the pictures that Coleman had taken and assured Coleman that he would look into the issue. A few days after Coleman emailed the pictures to Pope, Pope told Coleman that Coleman could get rid of the pictures because Pope was handling the matter. Coleman also told us that Pope tried to make excuses for Webster, including by suggesting that Webster could have repackaged the evidence.

Our review of DFS's internal emails showed that Pope was also more candid about the answer to this question internally than DFS was in response to Ambrosino and the USAO's inquiry. In his July 27, 2017, email to Wiggins, he wrote, "It appears that Mr. Webster viewed bullet fragments thru a clear zip lock bag and determined a conclusion without opening the bags. This was a deviation of DFS policy and procedure." Here, Pope essentially confirmed to Wiggins that Webster had "dry labbed" a case—information that DFS never disclosed to the USAO.

In our January 16, 2020 interview, we confronted Pope with this internal email and pointed out that in his prior interviews, he had told investigators that he was unaware of any "dry labbing" at DFS. Incredibly, he responded that he was unfamiliar with the term "dry labbing" and that he had not understood what he was being asked previously.

IV. ANALYSIS

In order to proceed with criminal charges against any individual involved in the conduct under investigation—charges such as false statements or obstructing justice—we would need to prove that the individual acted with intent to deceive or had corrupt intent. Our investigation has uncovered no such evidence. To the contrary, the evidence developed suggests that DFS and MPD personnel communicated ineffectively, acted based on misunderstandings, and exercised poor judgment. Poor judgment and incompetence are not crimes, but they are serious problems that we recommend be addressed through swift and decisive administrative action.

A. Chase's Alleged Falsification

We found no evidence to support criminal charges against Chase for his underlying conduct in this matter. At this point—nearly three years after the events in question—it is impossible to establish conclusively what occurred between Chase and Christophe regarding the three March 2, 2017, comparisons that Chase performed in DFS Case No. 16-8354. We cannot, for instance, corroborate Christophe's claim that he verified only one of the three comparisons on that date. First, Christophe has admitted initialing and signing all three comparison photographs with the same date—March 2, 2017—even though he claims that two of these are back-dated and were actually performed later (when, and which, Christophe cannot recall). Second, there is no other documentation or record (no emails, documents, notes, or even statements in the recorded Pope/Christophe conversation) that Christophe made this specific claim in May 2017. Finally, even if we accept Christophe's claim that he verified only one of the three comparisons, we have

no basis to prove that Chase understood that to be the case, rather than proceeding mistakenly under the belief that Christophe had fully verified his work. Indeed, we found it difficult to efficiently elicit from Christophe the most important information for the purposes of our investigation; it is not a stretch, then, to believe that Chase also could have misunderstood what Christophe told him. For his part, Chase continues to insist that he believes that Christophe verified all of the evidence from his March 2, 2017, examination, and we have no hard evidence to the contrary. In sum, there is no basis on which to proceed criminally against Chase if we cannot prove that he knew Christophe had not verified his comparisons and willfully made a false statement to the contrary on a laboratory system.

B. The Alleged Concealment of Chase's Falsification

Similarly, we are also unable to prove that Pope, Wiggins, Wheeler-Moore, Rimel, or anyone else at DFS or MPD understood that Christophe was alleging that Chase had willfully made a false statement in LIMS, and sought to conceal the truth rather than uncover it. Consequently, we cannot prove that any of these individuals acted with the requisite corrupt intent for a criminal charge for obstructing the MPD internal investigation of the Chase allegation. Although Christophe says he clearly communicated his complaint to Pope in an oral conversation on May 2, 2017, there is no record of that conversation, and neither the contemporaneous emails or statements, nor the Pope/Christophe recorded conversation, clearly corroborate Christophe's claim. And the fact that there is no evidence that Christophe communicated this claim to Ambrosino until more than two years after the occurrence, despite providing Ambrosino with a thorough list of other complaints about DFS, supports Pope's contention that it was never clearly communicated to him. We thus cannot know whether Pope understood Christophe to be saying, in 2017, that Christophe had not completed verification of Chase's work. If Pope did not understand that allegation, then the primary sentiment that Pope expressed during the recorded conversation between Pope and Christophe—that it was not appropriate for Chase to be fired for a policy violation—is a question of professional judgment, not obstruction. Furthermore, because we are unable to determine whether Pope understood Christophe's core complaint, we cannot prove that anyone else at DFS or MPD did either—because Wiggins, Wheeler-Moore, Rimel, and others received their information from Pope and from Christophe's written complaint, which does not articulate what he now tells us about completing only one of three verifications.

C. Jonathaniel Pope's Recent Statements

Although we believe Pope lacked candor in three interviews with us in the course of our investigation, we did not discover evidence to support criminal false statement charges against him. In his first interview, Pope unequivocally denied that he or anyone else at DFS considered the implications of Christophe's complaint for Chase's career, and challenged the agents to provide evidence otherwise. In his second interview, when the agents did just that, Pope claimed that he could not remember what they were asking him about. In his third interview, Pope remembered considering Chase's career in the wake of Christophe's complaint, but could not explain why he had been unable to remember it before. While we do not believe that Pope was being forthright with us, there is insufficient proof to charge him with false statements. Most importantly, given

that more than two years have passed since the Chase incident and the recorded conversation between Christophe and Pope, we cannot prove beyond a reasonable doubt that Pope simply did not forget what he thought or said about the Chase incident at the time. It also bears noting that any prosecution against Pope—for false statements or any other offense arising from these occurrences, for that matter—would rely heavily on Christophe’s testimony. As described above, Christophe is a flawed communicator who has represented that after he made his complaint to Pope in 2017, he backdated his own work.

V. RECOMMENDATIONS FOR ADMINISTRATIVE ACTION

As noted, our criminal investigation was narrowly focused on: (1) whether Chase made false statements or obstructed justice by entering Christophe’s initials into LIMS; (2) whether Pope or any other DFS or MPD official obstructed the internal investigation of Chase; and (3) whether dry labbing occurred in FEU and was covered up as Christophe alleged. We also considered whether Pope made false statements to DC-OIG and FBI during the investigation. Although we concluded that no criminal violations occurred, our investigation revealed concerns beyond our investigation’s scope that we recommend DC-OIG incorporate into its administrative inquiry.

With respect to the underlying Chase issue, neither Pope nor MPD investigators reacted in an ideal way. Pope’s actions regarding the complaint suggest poor judgment and a desire to avoid careful examination of potentially serious issues. Pope directed Christophe to remove language from Christophe’s complaint that could have caused MPD to look deeper at its underlying circumstances. In effect, Pope pre-determined the outcome of MPD’s inquiry by shaping the narrative that was initially provided to Wheeler-Moore and making clear that he wanted Chase to stay at work within FEU. Moreover, Pope chose to serve as an intermediary between his own employees and the MPD investigators, assigning Bustamonte and Christophe their written statements and passing them on to MPD, which could have had a chilling effect on witnesses. Additionally, the record before us raises concerns about the adequacy and thoroughness of the MPD investigation into the incident, including MPD’s decision not to conduct in-person interviews or to contact Coleman as part of its investigation.

On a more general scale, we are concerned about Pope’s judgment and leadership of FEU, because he does not seem to understand the difference between deviations in policy and larger issues of integrity and credibility. One example of this was the portion of the recorded conversation with Christophe in which Pope suggested that lying would be a deviation from policy. Another example is that even after Pope reviewed and approved at least one of Webster’s files that contained insufficient supporting documentation, and even though Pope admitted internally to Wiggins that Webster’s work was substandard, he and Wiggins either failed to recognize the seriousness of these issues or elected to conceal them from the USAO even when asked about them.

Regarding such incidents, we recognize that we are not in a position to make determinations about whether some of the issues that we uncovered—issues such as insufficient supporting documentation for cases filed electronically; the discovery that an examiner had not

opened a bag of evidence before rendering findings; and the fact that an examiner was permitted to verify an examination before completing his training period—are in-keeping with firearms examination best practices and applicable scientific standards. Accordingly, we recommend that DC-OIG consider whether an independent review of FEU’s practices and standards should be conducted.

Our concern over the judgment of FEU’s leadership extends more broadly to all of DFS by virtue of Raj’s and Beyer’s remarks to us about DFS management’s handling of internal discipline and frustration over Giglio issues. Raj alleged during her interview that she felt pressure to shape disciplinary matters within DFS to avoid Giglio issues. Although Raj was unable to identify a particular instance where she was instructed to do this, and maintained that she would never change facts to shape disciplinary matters, her allegation warrants follow up in light of the judgment and mismanagement issues our investigation revealed related to the Chase allegation, as does Beyer’s belief that DFS management kept quality assurance personnel in the dark about issues within the agency. Raj and Beyer’s statements, coupled with the specific concerns raised by the Chase incident, indicate broader confusion about the important distinction between policy deviations and integrity issues—a distinction that must be made clear.¹⁷

Accordingly, we recommend that DC-OIG undertake a broader review of DFS’s institutional grasp of the importance of integrity issues to its work; how integrity issues are addressed internally and in conjunction with law enforcement partners like MPD and the USAO; and how DFS monitors and enforces its Giglio obligations, including how DFS complies with reporting obligations to the USAO. In addition, we ask that DC-OIG consider an independent review of whether FEU’s practices are in-keeping with applicable scientific standards. Such an inquiry will, we believe, improve the agency’s approach to and practices regarding integrity issues and promote respect for the agency’s work within the criminal justice system.

¹⁷ While outside of the scope of our investigation, we note that the USAO is aware of related information that is potentially relevant to this issue, and upon which the USAO is willing to elaborate for purposes of DC-OIG’s administrative review. In particular, in 2017, at the time of the controversy related to the USAO’s decision to put D.M. on the Lewis List: (1) Raj confided in Ambrosino that she was concerned that DFS was nonetheless considering continuing to use D.M. in active casework, and that Raj feared she was being asked to act in a way that might jeopardize her bar license; and (2) Smith, on two separate occasions, asked the USAO to reconsider its decision not to sponsor D.M.’s testimony, and was frustrated when the USAO declined to reverse its decision. In addition, since Raj left DFS on or about November 1, 2019, DFS notified the USAO of many disciplinary matters that were not previously disclosed in response to requests for Giglio information by the USAO.