

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

May 12, 2021

The Honorable Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Re: Leadership of the Department of Forensic Sciences

Dear Mayor Bowser:

Recently, the Council of the District of Columbia held a Public Oversight Roundtable on the operations of the Department of Forensic Sciences (DFS). As the chief legal officer for the District of Columbia, I articulated my grave concerns about the quality of scientific testing at the lab, as well as the reliability of information provided by the lab. Unfortunately, the Office of the Attorney General for the District of Columbia (OAG) has since learned of additional information that further undermines our confidence in the lab and OAG's ability to comply with our ethical and constitutional obligations. I do not believe that DFS can be rehabilitated under its current leadership and write to request that you take immediate action to remove DFS leadership.

First, during an April 30 Science Advisory Board meeting, DFS managers disclosed information regarding the case work of a senior analyst from the Latent Fingerprint Unit (LFU) who made scientific errors in determinations related to fingerprint evidence in a criminal case. DFS leadership explained that the errors triggered a review of the analyst's cases since 2019 and that, so far, at least 20 of this analyst's 147 cases have been called into question and are being outsourced for re-examination. Second, on May 7, 2021, DFS provided written notice that it is opening an internal investigation of ten members of the Crime Scene Sciences Division due to their "recording of report distribution dates."

It is now clear that the issues at DFS are deep and broad and require a change in leadership to repair. DFS is not currently accredited, in part because its accrediting body received credible evidence that DFS concealed information and engaged in misrepresentations and fraudulent behavior during the accreditation process. DFS leaders are under criminal investigation. And, as detailed at the Roundtable, we have received information that that DFS leaders concealed from prosecutors exculpatory evidence in a homicide case in an apparent attempt to paper over its own mistaken testing. It no longer is credible that DFS can conduct an internal investigation of the latest quality and integrity issues that will have the confidence of stakeholders and the public.

These matters are extremely serious. The lab's actions undermine the integrity of scientific evidence in the District's most serious criminal cases, faith in the validity of criminal convictions, and public safety in the District of Columbia. We must begin the process of restoring confidence in the District's crime lab. The Office of the Attorney General stands ready to work with you and our law enforcement partners to help chart a path forward. But the process must begin with a change in DFS leadership.

Please feel free to contact me if you have any questions or wish to discuss this matter.

Sincerely,



Karl A. Racine
Attorney General for the District of Columbia

Cc:

Deputy Mayor Geldart
Executive Office of the Mayor
District of Columbia

Councilmember Charles Allen
Chairperson, Committee on the Judiciary and Public Safety
District of Columbia

Eugene Adams
Mayor's Office of Legal Counsel
Executive Office of the Mayor
District of Columbia