



MURIEL BOWSER  
MAYOR

May 28, 2021

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

The Honorable Charles Allen, Ward 6  
Chair, Committee on the Judiciary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman Mendelson and Councilmember Allen:

I am writing to update you on our thinking regarding the Department of Forensic Sciences (DFS). During my tenure as Mayor, we have had the shared goal of making the necessary investments in DFS to not only have a state-of-the-art facility, but to recruit and retain top-level scientists, utilize accredited scientific procedures, and provide robust funding to operate an outstanding forensics and public health laboratory. I am proud of these investments and the facility's role in supporting our city's public health and public safety needs.

The Chairman's work as then-Chairperson of the Committee on the Judiciary was the driving force behind the Department of Forensic Sciences Establishment Act of 2011 (D.C. Law 19-18), which created DFS. In enacting this legislation, the Council was responding to a broader national discourse, initiated by a 2009 report from the National Academy of Sciences, called *Strengthening Forensic Science in the United States: A Path Forward* ([ojp.gov](http://ojp.gov)), on creating a new system for forensic sciences.

As a result, the District established an independent forensics laboratory on October 1, 2012, with the goal of making forensic science transparent, science-driven, and free from prosecutorial or law enforcement influence or politics. This was a significant change from the traditional system where administrative and/or financial control over the forensics laboratory was maintained by law enforcement or prosecutors.

We proudly note that, notwithstanding the current tension among DFS and some of its clients, the Department has met its mission: Leading much of the city's COVID-19 testing through the Public Health Laboratory and providing 7-days-a-week coverage throughout the pandemic; eliminating the sexual assault kit testing backlog and maintaining zero-backlog for several consecutive years; discovering new synthetic drugs; tracking the emerging "ghost gun" threat; and providing expert analysis of thousands of pieces of evidence collected at crime scenes throughout the city.

Despite these successes, this markedly different relationship between law enforcement and prosecutors on one side and the forensic scientists on the other side created institutional tensions that have led to stalemates, miscommunications, and questionable demands on DFS staff about methodology, testing priorities, resource allocation, and even personnel. These strains run counter to both the spirit and letter of DFS's founding legislation, which puts these decisions within the control of trained scientists and technicians, driven only by their expertise and forensic science.

As in other scientific fields, it is not uncommon to have disagreements in forensics. That is why the agency's enabling legislation clearly lays out a process for dispute resolution when disagreements occur, specifically by taking complaints and concerns to the Science Advisory Board, the Stakeholder Council, and the accrediting agency. We regret that both DFS and local prosecutors failed to follow these processes – DFS which failed to follow a well-documented internal review, and prosecutors who eschewed the established review process in favor of their own audit.

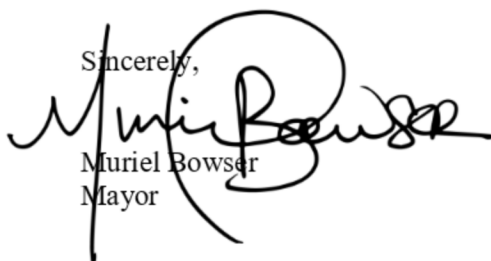
Unfortunately, this series of events is bigger than management, personnel issues, or even the personalities involved. It speaks to the viability of an independent crime lab model when one of its stakeholders has an outsized impact on the lab's workload and accreditation. I am concerned this will be a repeated cycle, having experienced a nearly identical disruption that began on the first day of my Administration in 2015 and is now occurring again. These disruptions are not only costly but call into question the administration of justice in the District which none of us can abide. That is why I am implementing not only a transition plan for agency leadership and operations, but also recommending an in-depth review of the DFS enabling statute.

To address short-term concerns that have arisen, we will:

- Appoint Anthony Crispino as Interim Director, effective today, to oversee our internal reviews, including workplace culture and operations;
- Contract with SNA International, an independent firm with extensive forensic sciences laboratories experience, to conduct a complete assessment of the agency and to support its current functions;
- Reassign the Crime Scene Sciences Unit to the Metropolitan Police Department and the Public Health Laboratory to the Office of the Chief Medical Examiner while the assessment of the agency is being done; and
- Continue to outsource all forensic testing to federal and private labs, including ballistics, DNA, drugs, and electronic evidence, to ensure no interruption in criminal investigations and cases, and that these analyses are free from law enforcement, prosecutorial, or political influence.

On the future of DFS, the underlying statute provides a solid foundation for evolution and growth. The Science Advisory Board should remain central to the functioning of the agency, and perhaps be strengthened. The Stakeholder Council, when properly used, provides DFS customers a forum to address any concerns regarding the review and analysis done by the agency.

We look forward to beginning these conversations with you immediately.

Sincerely,  
  
Muriel Bowser  
Mayor