

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

December 8, 2021

Mr. Christopher Geldart
Deputy Mayor for Public Safety and Justice
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Ste. 533
Washington, DC 20004
Via email: chris.geldart@dc.gov

Re: Report of Assessment of DFS

Dear Deputy Mayor Geldart:

In response to concerns about the reliability of scientific testing and other information provided by the Department of Forensic Sciences (DFS), the Mayor retained SNA International (SNA) to assess DFS and issue a report and recommendations for reform. I understand that, last week, SNA provided to the Executive Office of the Mayor its final report. The Office of the Attorney General for the District of Columbia (OAG) must review the report to meet our obligations in our ongoing juvenile and criminal proceedings. Although we have requested it, we have not received it. Please immediately provide the report to OAG, or we will invoke legal processes to obtain it. I also urge you to publicly release the report as part of the important process of restoring public confidence in the lab.

Because of our serious concerns about the integrity of information provided by DFS, my office ceased relying on DFS for any of its scientific testing. Thereafter, 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 lost its accreditation and therefore cannot currently act as the District's crime lab. However, before OAG stopped using DFS, DFS tested or otherwise had possession of evidence that is relevant in many of our ongoing criminal and juvenile matters. Moreover, DFS continues to collect evidence from crime scenes. To comply with our constitutional and ethical obligations in matters involving DFS, including our obligations pursuant to District of Columbia Superior Court Criminal Rule 16 and *Brady v. Maryland*, 373 U.S. 83 (1963), we must review, and likely provide to defense counsel, any reports issued by SNA. Additionally, because DFS refused to cooperate with the independent auditors we hired to assess the lab, OAG still does not have an adequate accounting of the nature and scope of the deficiencies at DFS. SNA's report is therefore critical to OAG's development of the conviction integrity review necessitated by DFS's failures.

Report of Assessment of DFS – Deputy Mayor Geldart

December 8, 2021

Page 2

Finally, public release of the report is necessary to begin building back confidence in DFS. I have repeatedly stated that my goal is to work with you, the Council, and DFS to develop a path forward so that OAG can begin using DFS again. A critical component of that, however, is ensuring that OAG, other stakeholders, and the public have confidence that an adequate and independent review of DFS was conducted and that necessary reforms have been implemented. Failure to provide SNA's report to the public will undermine these efforts. Indeed, at the Public Oversight Roundtable on the Operations of DFS held in October, DFS Interim Director Anthony Crispino committed to publicly releasing SNA's report. I therefore urge you to immediately make SNA's report publicly available.

At the public oversight roundtable in October, my office testified that we were heartened by DFS's commitments to ensuring transparency and implementing important reforms. Providing the report to OAG and the public is a necessary first step in abiding by these commitments. I look forward to receiving the report and engaging with you and other stakeholders to discuss its contents. Please contact me if you have any questions or wish to discuss this matter.

Sincerely,

Karl A. Racine by V.S.
KARL A. RACINE
Attorney General for the District of Columbia

cc: Eugene Adams
Director, Mayor's Office of Legal Counsel

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

The Honorable Muriel Bowser
Mayor of the District of Columbia

Anthony Crispino
Interim Director, Department of Forensic Sciences

Kevin Donahue
City Administrator

Matthew Graves
United States Attorney for the District of Columbia

Chairman Phil Mendelson
Council of the District of Columbia