

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Forensic Sciences**



**Proposed Resolution 21-0324**  
“Director of the Department of Forensic Sciences  
Jenifer Smith Confirmation Resolution of 2015”

Testimony of  
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Acting Director

Before the

**Committee on the Judiciary**

**Council of the District of Columbia**

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Room 120  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Good afternoon Chairperson McDuffie, Councilmembers and guests. I am honored to sit before you to discuss my plans for the District's Department of Forensic Sciences also known to many as our "Crime Lab". I would like to take this opportunity to thank Retired Federal Bureau of Investigation Special Agent Linda Harrison for her supportive comments this morning. We have been colleagues and friends since she was my mentor at the FBI Laboratory over 25 years ago. I would also like to thank Dr. Roger Mitchell not only for his remarks today but for the three months he spent decisively leading the Department of Forensic Sciences while also serving as the District's Chief Medical Examiner. His astute observations formed recommendations that provided a firm foundation to which I anchored my initial goals for the Department of Forensic Sciences.

As you will recall, last April, Mayor Bowser, following recommendations from the ANSI-ASQ National Accreditation Board, moved swiftly to suspend DNA testing within the Department's Forensic Biology Unit. I was hired shortly thereafter as a consultant to review the situation and to develop a path to re-open the Unit. I was thrilled to be able to tap into my thirty years of experience in forensic DNA testing as well as tactical and strategic program management to lend assistance to the District. I was no stranger to tackling similar challenges that faced the Department.

My career as a forensic scientist began following receipt of my undergraduate and graduate degrees in Biochemistry when I was hired by the FBI as their first female Special Agent with a doctoral degree. Initially assigned to the Baltimore Field Office, I worked a wide variety of investigations to include bank robberies, kidnappings and white collar crimes. These initial years, gave me an enduring appreciation of what police professionals are charged with doing: gathering information and evidence to crack cases, often possessing little lead information and

carrying large caseloads. So, to our MPD colleagues, officers and detectives, I not only understand. I can relate.

My second assignment was as an examiner within the Serology Unit of the FBI Laboratory. There I analyzed hundreds of DNA cases to include numerous serial rapes and murders, and high profile cases such as the Unabomber and the Oklahoma City bombing investigations. I testified in hundreds of trials and admissibility hearings throughout the United States concerning DNA methods and results. Eventually, as Unit Chief, I implemented several new DNA methods; established quality assurance and control standards for the forensic DNA community and led the DNA Unit through their first successful ASCLD-LAB accreditation.

Following the tragedies of 9/11, the FBI determined that closer collaboration with other national security agencies was vital; and as such, I became one of the first FBI detailees to the CIA where I served as Chief of the Biological Technology Center. This experience exposed me to the methodologies utilized to analyze potential threats associated with biological warfare and terrorism. I returned to the FBI for my final management assignment: I was selected into the Department of Justice's Senior Executive Service to serve as Section Chief of the Intelligence and Analysis Section in the FBI's Weapons of Mass Destruction Directorate. Throughout all of these management experiences, I not only had to direct, guide and manage my units and sections through change and adversity but had to produce sound test results to inform critical decisions affecting public safety and national security.

Following my retirement from the FBI, I returned to my alma mater, Penn State, as a professor and research scientist within the forensic science program.

Last May, Dr. Mitchell contacted me to see if I would be available to act as a DNA consultant following the self-suspension of DNA testing in the Forensic Biology Unit. I

immediately agreed to take on this task. I was asked to determine the cause of the issues within the unit and to develop an aggressive plan that would not only ensure that DNA testing was brought back online, but that the unit had a strong foundation, sound leadership and state-of-the-art tools to interpret complex DNA mixtures. An Internal Review Team was formed consisting of DFS Deputy Director of Training Brittany Graham, DFS Deputy Director of Quality Karen Wiggins and outside consultant, Dr. Kate Theisen. A root cause analysis was conducted and the following management recommendations were implemented:

1. Split the management responsibility between a Unit Manager and a Technical Leader
2. Create an intensive six month training program to provide foundational knowledge and build competency required for successful implementation of improved DNA profile interpretation practices
3. Engage outside experts as faculty; Dr. John Buckleton, Dr. Bruce Budowle, Dr. Fred Bieber and Dr. Simone Gittleson were my recommendations.
4. Implement STRmix, a software tool that can help resolve difficult mixed DNA profiles that would be considered too complex to interpret manually.
5. Empower the FBU analysts to conduct their own validation studies, write new SOPs and implement a DNA specific laboratory information management system.

The position for Director of the Department was posted and I decided to apply for three reasons: supportive executive management, the opportunity to work with the forensic scientists at DFS, and the fact that I would be facing familiar challenges. I observed Mayor Bowser's determination to support critical changes in the Department by making decisive personnel actions and providing necessary contingency funding to address and mitigate the initial DNA lab problems --- critical ingredients for successful organizational change. My initial experience

working with the dedicated professionals of the remaining DFS management team convinced me that leading this organization, through change, would be rewarding. Finally, turning an organization around, ensuring that the Department lived up to its statutory mission; to produce high quality, timely, accurate and unbiased forensic science using the best technology and practices with the overall goal of enhancing public health and safety, was a familiar task that I could embrace.

On July 17, I was announced as acting director and immediately convened an All Staff Meeting to share my 30-day plan to: Strengthen communication and collaboration between the Department and key agencies – while maintaining our scientific integrity and independence; emphasize strong management and fiscal responsibility; and conduct and deliver the highest quality testing and results.

In the first 100 days following my appointment, members of the DFS staff have rolled up their sleeves, pitched in and made significant progress on several of my initial goals. We have accomplished nearly all of the tasks outlined in the DNA corrective action plan. We created and filled two key positions; our new DNA Technical Leader started last week and the new Unit Manager begins next week. The analysts have completed their training and have entered the assessment phase of the program consisting of written and oral examinations to be followed by moot court testing. In December, ANAB will return to conduct an external audit of our validation studies and our new protocols and procedures.

We have proactively addressed both external and internal communication issues. We have openly engaged several of our external stakeholders and improved utilization of our laboratory facilities and staffing assignments. Over the past weeks, I have met with the Dr. LaQuandra Nesbitt, Director of the Department of Health; Channing Phillips, United States

Attorney; Avis Buchanan, Director of the Public Defender Service.; Karl Racine, Attorney General for the District; Chief Cathy Lanier of the Metropolitan Police Department; and several other Department customers and partners. We now hold weekly case review meetings, with our stakeholders, to ensure case needs are met in a timely fashion and analysts are encouraged to discuss case status with critical customers. I have also improved internal communications by holding weekly manager meetings and monthly All Staff meetings. These have assisted with tactical and strategic budget and performance planning.

I have met with the Science Advisory Board on two occasions, most recently on October 2<sup>nd</sup>. I have stressed that the Department will be transparent in our communication with the Board, our stakeholders and the public. We have launched a new procedure for handling complaints and inquiries; whether they are lodged by either internal or external sources. We have also conducted internal training concerning establishment of a quality culture. DFS employees have participated in training related to awareness and appreciation for the quality assurance requirements of ISO 17025, Root Cause Analysis and determination of appropriate measures needed to address corrective actions.

We have successfully launched a Laboratory Information Management System, or “LIMS”. This electronic repository and tracking system is an essential tool to capture meaningful metrics concerning laboratory efficiency and effectiveness. When the laboratory opened DFS scientists were using Excel spreadsheets and Microsoft Access products to track evidence submissions and test results. These programs did not provide the seamless, real-time, robust data and effective evidence tracking that a lab of our size demands. Upon my arrival and only due to the help of a dedicated team of IT savvy scientists our LIMS was effectively

launched on October 1<sup>st</sup>. I intend to use this system to provide meaningful insight concerning the productivity of all units within the laboratory.

Over the last few months, I worked closely with Kevin Donahue, Deputy Mayor for Public Safety and Justice, to identify additional resource needs for the Department to effectively take part in the Safer DC Streets campaign. Through the Mayor's leadership, the Department will receive \$8 million dollars in additional funding for FY16. Approximately half of the Mayor's supplemental budget that was proposed to and approved by the Council will be used to alleviate backlogs in the Forensic Laboratory Division, and the other half will provide 31 term positions for crime scene scientists for the Crime Scene Science Division.

The third division of the Department of Forensic Sciences is the Public Health Laboratory that conducts a variety of testing in support of public health decision makers. Capabilities within this laboratory include West Nile surveillance, influenza monitoring and select agent and toxin testing that includes anthrax, plaque and nerve agents. Most recently our Public Health laboratory worked with officials from the Department of Health concerning a Salmonella outbreak at the Fig and Olive restaurant. It was our public health laboratory's work that provided the CDC and FDA with the information that led to determination of a national Fig and Olive outbreak.

I am committed to doing everything I can to restore the public's trust and confidence in the Department and improve upon our work. My vision for the Department is to:

- Be independent, but not detached, ensuring transparency concerning issues raised by all stakeholders.
- Have foresight with insight concerning both productivity and quality.
- Deliver exceptional forensic science to inform public safety and health decision making.

- Have fiscally responsible leaders who engage, empower and inspire using best management practices.
- Provide superior training, infrastructure, tools and resources to ensure all employees successfully accomplish the DFS Mission.
- Maintain a diverse workforce; collegially blending youthful enthusiasm with experiential wisdom.

I am not alone in fulfilling this mission. Three women, Yi-Ru Chen - Chief Operating Officer, Brittany Graham - Deputy Director for Training and Development, and Karen Wiggins - Deputy Director for Quality, have worked tirelessly since April to guide and advise me during this critical transition. They remain from the original management team and their perspectives have been invaluable, shaping much of the information presented today. They continue to shoulder additional management responsibilities while I strive to fill critical divisional leadership positions. I must also recognize the efforts of my General Counsel, Rob Hildum who has been a constant guide for me. His legal savvy and consummate professionalism has successfully closed communication gaps between critical customers. I am also fortunate to have enlisted the assistance of Dr. Kate Theisen as the Deputy Director. She is fully utilizing her years of experience in Quality Assurance at the FBI Laboratory as she leads the effort to enhance and strengthen the department's quality culture. The image of the Department has been greatly improved by the tireless work of LaShon Beamon, our Director of Communications. Her efforts have dramatically improved our external image and internal morale. Finally, I wish to end with my personal thanks to the women and men who choose to come to work every day at the Department of Forensic Sciences. The work they provide directly impacts public safety and



public health, yet they act anonymously, not seeking public attention. They experienced tremendous uncertainty this summer but this did not deter them from their critical mission. Their support and commitment have been steadfast and unwavering. By working with them, I believe our mission is within reach and attainable. The statute mandates it. The Mayor expects it, and our stakeholders and crime victims deserve it. I am here to ensure that the District's crime lab is a world-class laboratory.

The Council and this Committee, led by you, Chairperson McDuffie, have been key allies in this endeavor, and I appreciate your continued efforts to ensure our agency operates efficiently and effectively.

Thank you for the opportunity to testify today and I look forward to answering any questions the Committee may have.