



**Department of Forensic Sciences
Science Advisory Board WebEx Meeting Minutes
July 16, 2021**

The Department of Forensic Sciences (DFS) Science Advisory Board (SAB) WebEx meeting was called to order by Board Chairperson Dr. Jeanne Jordan at 9:01 a.m. Roll call of Board members present, in addition to Chairperson. Jordan, included: Mr. John P. Jones II, Dr. LaKeisha McClary, Dr. Michael Pentella, Mr. Henry Swofford and Mr. Robert Thompson. A quorum was established to conduct board business.

Motion to Approve Minutes: Board Member Pentella

Seconded: Board Member Thompson

Motion to Approve Minutes Passes

During the delivery of introductory remarks to the Science Advisory Board (SAB), DFS Interim Director Anthony Crispino stated that Mayor Bowser appointed him to assist with obtaining reaccreditation of DFS laboratories and also tasked him with addressing other issues that may arise in any of the department's forensic disciplines while under his leadership. The interim director reported having spent two tours of his career as a prosecutor with the Office of the Attorney General, served as a sworn officer of the Metropolitan Police Department (MPD) and served in a legal capacity in the department's Office of the General Counsel. He has served as attorney advisor for the District's Homeland Security and Emergency Management Agency (HSEMA) and most recently served as Chief Administrative Officer (Executive Level Management) with the District's Department of Public Works.

Interim Director Crispino reported that the services of SNA International, led by the Chief Science Officer, Dr. Amanda Sozier, and an assembled panel of renowned and experienced scientists and subject matter experts, had been enlisted to perform broad range, top to bottom administrative and operational review of all DFS units and divisions, senior level management and human resource practices. The work of SNA will not be limited to DFS Firearms Examination Unit (FEU) issues raised by both the Office of the Attorney General for the District of Columbia and the United States Attorneys' Office for the District of Columbia.

SNA has been authorized to conduct a deep dive, as necessary, into the Department of Forensic Sciences to facilitate a root cause analysis uncovering underlying issues both identified and unidentified. Having provided in excess of six thousand documents to SNA to date, phase one of this project is underway with desk audits of Standard Operating Procedures (SOPs), Departmental Operations Manuals (DOMs) and Laboratory Operations Manuals (LOMs) already in progress. On-site observations of staff at work and potential case studies are expected prior to the commencement of phase two which includes structured interviews with the SAB. The next phase in the interview process is designed to allow engagement of external stakeholders. Phase three interviews will include all DFS staff and will be conducted via Microsoft TEAMS conferencing, as well as in person, absent of anyone from the DFS executive management team.



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An anonymous survey to be completed by DFS employees and the issuance of a review report by SNA is expected at the conclusion of interviews, at which time the development of a corrective action plan is expected to begin.

Among Interim Director Crispino's executive team is Ms. Hillary Hoffman-Peak, formerly of the Office of the State Superintendent, who replaces Mr. Todd Smith as interim General Counsel. Mr. Smith has been detailed to another District agency. Ms. Hoffman-Peak has been assisting with personnel matters and has initiated review of discovery and other legal processes conducted by the department. Mr. Wayne Arendse has voluntarily resigned as director of the Forensic Science Laboratory (FSL) director. Ms. Brandy Cramer has been temporarily promoted to acting FSL director. Even though FSL casework is presently contracted outside the laboratory, there are administrative functions requiring management coordination. Mr. Jonathan Pope, former Firearms Examination Unit (FEU) manager and Mr. Lyndon Watkins, former Quality Assurance manager have both been separated from employment, although not for cause but for service efficiency and in the best interest of the agency. Presently, it's uncertain whether there will be additional personnel moves.

The executive leadership team has met with a few of the department's stakeholders. Included among them is the U.S. Attorney's Office, the Public Defender Service of the District of Columbia, the Federal Defender Service and Special Counsel. In addition, a meeting was held with ANAB executives and based on procedural clarification regarding the appeal, a determination was made to withdraw the appeal and to focus on the reaccreditation process which is projected to take approximately six months. However, units presenting no major issues (Cyber Operations Unit, Forensic Biology Unit, Forensic Chemistry Unit) may apply for accreditation sooner than other units. SNA will work with DFS to expedite the reaccreditation project to quickly restore testing within the three units.

In response to SAB member Jones' inquiry regarding when, during prior full accreditation, did the laboratory's last assessment occur, Senior Deputy Director Abdel Maliky reported that the assessment and subsequent accreditation occurred in September, two months after the Firearms Examination Unit's July assessment. Board member Jones further indicated that having the laboratory present the same protocols for review for reaccreditation as previously presented and reviewed in the September assessment would again result in the laboratory receiving accreditation. According to his observation, the only change appears to be within management. Interim Director Crispino recognized the rationale of the board member's assessment while also asserting that there is not a science problem at DFS, there was a people problem. This insight was underscored in the letter withdrawing accreditation and further supported by the ANAB vice president during a meeting with the accrediting body. The interim director agreed that current protocols are expected to be reviewed with the assurance that DFS will take the necessary action steps if changes are required.



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Questions asked of DFS leadership by SAB member Swofford:

- Will documents define the minimum requirements, best practices and standard protocols and guidance to help ensure forensic results are reliable or are producible across the nation? As part of the efforts to re-establish accreditation, does the laboratory intend to voluntarily adopt the published and proposed national standards recognized by the OSACs? Board member Swofford noted that after his review of documents, during his brief SAB tenure, he is not convinced that this has occurred.
- The National Academies of Science recommended that all personnel involved in testing and interpretation be certified. Is this a mandate the laboratory has made in the past or are there personnel regulations that may prevent such a mandate to be made?
- Are the recommendations from SNA audit going to be made public?
- Is there an intent in maintaining the public posting of procedures and available for public access?
- Does the Laboratory have pre-established criteria to cover the broad range of issues that may or may not rise to the level of investigation of QCAR and are those criteria publicly accessible? What will the SAB be exposed to?
- Does the Laboratory intend to publish the results of accreditation audit report? On the department's website it appears that only the final certificate demonstrating accreditation is posted. The full audit report is not published and accessible.
- Is there an opportunity for stakeholders to connect with SAB?

Director Crispino pointed out that given his chiefly management charge of the department that he could not respond to all the concerns raised by the Board member but would obtain the answers, as “nothing’s hidden, everything is on the table.” The interim director further encouraged Board member Swofford to present his suggestions to SNA International, during SAB interviews, for consideration of adoption and the inclusion in the consultant’s report of recommendations.

Recognizing the recent loss of key DFS personnel, SAB Chairperson Jordan inquired about DFS management’s plans to fill vacant positions. Director Crispino reported that the department’s HR operations are currently understaffed. However, recruitment efforts are underway to increase the staff size and fill a broader number of existing vacancies across the department’s divisions. The SAB was extended an opportunity to participate in the department’s HR staffing and recruitment activities.

Senior Deputy Director briefly provided an update about the current process and procedure for responding to QCARS and QPARS. Board member Swofford recommended for management’s consideration a year-end publishing of issues presented to the SAB at the body’s quarterly meetings and made available to stakeholders. A recommendation to also publish QCARS online was made by SAB member Jones. The interim director agreed to consider the board members’ recommendations.



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In response to Board member Swofford's recommendation that the SAB connect with stakeholders, interim director Crispino reminded the body that SAB meetings are public and that stakeholders are welcome to attend board meetings and to present to the SAB information or issues of interest. Board member McClary encouraged that a recurring item involving stakeholders be included on the SAB's quarterly meeting agenda.

Board member Jones sought DFS leadership's perspective on the mitigation of recurring operational controversies and its impact on the capability to recruit top talent.

In response to Board member Swofford's inquiry regarding whether DFS leadership has a plan or intends to have a plan to work with stakeholders to identify which cases, for which convictions have relied upon, that may have gone undetected, the interim director stated that accreditation has to be the priority. The interim director also reported that there have been conversations concerning case review and that DFS is committed to help stakeholders when it has been determined that cases have relied on the Laboratory's forensic work.

Ms. Nikia Johnson, DFS Supervisory Instructional Specialist (Training Manager) conducted a review of the DFS training program, reporting that training manuals for all testing units had been undergoing revision for the past year and a half. To date, all previously ISO- accredited unit manuals, including the Crime Scene Units' manuals, have been revised and published. The Central Evidence Unit (CEU) training manual and training manuals within the Public Health Laboratory (PHL) are currently under revision. Ms. Johnson further provided an overview of the training program module and related process, training competency, proficiency, support, and supplemental training.

Responding to an inquiry from Board member Swofford, Senior Deputy Director Maliky confirmed that to the exclusion of contractors, the Laboratory maintains competency records for everyone. Contracting companies are relied upon to maintain competency records for laboratory contractors and must fulfill the Laboratory's competency requirements. Board member Thompson recounted having engaged in discussion about advising and instituting an on-boarding experience for employees as well as contractors to be spearheaded by the Quality Manager and Training Manager. The on-boarding process was thought to be in place. Training Manager Nikia Johnson informed the Board that part of the Training unit's strategic initiative this year is to revamp the 'onboarding' and expects to roll-out that process soon. However, a contractor or full-time employee who has received competency in an area at another lab would be required to take a DFS competency test based on the SOPs and procedures of the assigned unit prior to being authorized in doing the work of the unit.

There were recommendations of laboratory best practices prior to the meeting adjourning at 10:48 a.m. The next SAB meeting convenes in person Friday, October 22 at the Consolidated Forensic Laboratory.

An audio recording of the meeting is available upon request.