

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Forensic Sciences



Fiscal Year 2018 Budget Oversight Hearing

Testimony of
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Director

Before the
Committee on the Judiciary
Council of the District of Columbia

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Good Morning Chairperson Allen, members and staff of the Committee. I am Dr. Jenifer Smith, the Director of the Department of Forensic Sciences (DFS). I am pleased to testify before you today in support of Mayor Muriel Bowser’s Fiscal Year 2018 (FY18) Budget, entitled “DC Values in Action: A Roadmap to Inclusive Prosperity.” As Mayor Bowser recently testified before the Council, key investments in her proposed budget are geared to promote and defend DC Values and to aim for inclusive prosperity. This budget provides historic investments in public education, in job training, second chances for returning citizens, and ensuring our families have a safe, affordable place to call home; this budget prioritizes DC residents by standing steadfast to our DC values. Ensuring the safety of DC residents and visitors requires the collective efforts of several key agencies to include the Department of Forensic Sciences. The ability to provide accurate and timely forensic results to employees of the Public Defenders Service, Metropolitan Police Department, United States Attorney’s Office, or the District’s Attorney General’s Office is a key ingredient for these critical stakeholders to perform their duties to ensure a safer and stronger DC. At DFS, we believe that stronger science brings safer streets.

Today, I am pleased to share that Mayor Bower’s FY18 Budget submission for the Department of Forensic Sciences includes additional resources that will help achieve a safer, stronger DC. This budget will allow me to:

- Appropriately address the multiple statutory mandates, within the legislation that established the Department of Forensic Sciences;
- Provide high-quality, timely, accurate and reliable forensic science services with the use of best practices and best available technology;
- Maintain continued accreditation;



- Ensure a qualified workforce through efficient hiring and continual training;
- Provide discovery documentation to critical stakeholders for court procedures; and
- Finalize the civilianization of crime scene specialists and complete the return of sworn officers to their street duties.

For the record, the Mayor's FY18 budget for the Department of Forensic Sciences is \$28,677,231, and funds 224.15 Full Time Employees (FTEs). The budget has three components: local, intra-district, and federal grant funds. The local budget represents \$26,363,133 and funds 212 FTEs. The intra-district budget represents \$1,791,596, and funds 7.15 FTEs. The federal grant budget represents \$522,502, and funds 5 FTEs. The budget supports DFS' four Divisions:

- Forensic Science Laboratory, representing a total of 62.15 FTEs, including the Forensic Biology Unit, Latent Fingerprints Unit, Firearms Examination Unit, Forensic Intelligence Unit, and the Digital Evidence Unit.
- Public Health Laboratory, representing a total of 23 FTEs, including the Microbiology Unit, Biomonitoring and Analytical Chemistry Unit, Virology Unit, Molecular Diagnostics Unit and our new Forensic Chemistry Unit.
- Crime Scene Sciences, representing a total of 104 FTEs, including the Crime Scene Sciences Unit, and the Central Evidence Unit;
- Agency Management Division, representing a total of 35 FTEs – consisting of quality assurance, training and development, legal affairs, performance management, human resources, resource allocation, health and safety, and our information technology support.

Before delving into specifics, I would like to briefly discuss current activities supported by our Fiscal Year 2017 (FY17) budget that helped shape FY18 budget decisions. Our FY17 budget allows for critical growth and support in two major areas: civilianization of the District's crime scene collection capability and analysis of firearm, fingerprint and DNA evidence.



Additionally, our budget was structured to allow streamlined distribution, management, and oversight of FY17 spending. Within the three major operational divisions, “unit activities” were combined into two activities in FY17. Specifically, the two activities for the Forensic Science Laboratory and Public Health Laboratory Divisions are Administrative/Support Services and Laboratory Services and the Crime Scene Sciences Division’s activities are Administrative/Support Services and Evidence Handling. Upon reviewing the management structure I inherited and acting on recommendations from the internal review of DFS concerning oversight of quality and training, I designed and completed an overhaul of the DFS organizational structure during this fiscal year. Working closely with the DC Department of Human Resources, I realigned and repurposed positions to restructure or to create new functional units. You will see evidence of this effort reflected in the movement of full time equivalent (FTE) positions with the FY18 budget.

Now, speaking specifically to the Mayor’s proposed FY18 budget for the Department, this budget reflects her commitment to stronger science and safer streets by continuing to support operational needs and improvements at DFS. This year, the Forensic Science Laboratory Division (FSL) dramatically increased productivity in the Forensic Biology, Latent Fingerprint (LFU), and the Firearms Examination (FEU) units. FSL scientists have reduced case backlogs, increased entries and verifications associated with intelligence databases, and ensured efficient turn-around times. The streamlining of processes, addition of new technology, and funding for DNA outsourcing enabled DFS to increase the amount of DNA testing, decrease backlogs, and provide timely results. Currently, the FBU has no backlog of sexual assault kits. Unlike other cities such as New York, Detroit, Memphis, or Cleveland who currently report DNA backlogs in the thousands, the FBU at DFS has eliminated the District’s backlog. FBU’s current turnaround time (TAT) to process these sexual assault kits is 66 days, well below the SAVRAA requirement



of 90 days. Using local, federal and intra-district funds in FY18, the FBU will continue this trend while also ensuring that DNA testing, in support of other violent crimes, will be equally efficient and effective. The FEU and LFU also strategically utilized funding for contractors to ensure efficient turn-around times in both units. Currently LFU is reporting out 100 percent of their homicide cases and 96 percent of their priority cases within 60 days. FEU is reporting out 97 percent of their homicide cases and 100 percent of their priority cases within 60 days.

All of the FSL units dramatically improved participation in three critical national intelligence databases: National Integrated Ballistic Information Network (NIBIN), Automated Fingerprint Identification System (AFIS) and Combined DNA Index System (CODIS). Their results provided invaluable leads to stakeholders. This fiscal year there have been 5153 AFIS entries resulting in 785 hits, 349 CODIS entries resulting in 104 hits and 2352 NIBIN entries resulting in 73 hits.

The Mayor's FY18 Budget also continues to support our Public Health Laboratory (PHL) Division that conducts testing of public health significance such as influenza subtyping, norovirus and rabies testing. PHL tests bacterial isolates submitted from hospitals, and samples from suspected outbreaks of foodborne pathogens. This past Friday, we received our first set of mosquitoes from the D.C. Department of Health, beginning this season's mosquito surveillance program for West Nile, dengue, chikungunya, and Zika viruses. The FY18 budget also reflects additional federal support that DFS actively sought for laboratory improvements. Teaming with DOH epidemiologists, DFS applied for an Enhanced Laboratory Capacity for Infectious Diseases grant and received an award of \$488,738, representing the highest award to date for DFS. This funding allows DFS to pay for laboratory supplies for the Advanced Molecular Detection project and fund three contractors to support expanding our current laboratory arbovirus testing and influenza surveillance and diagnostics.



PHL is a member of the National Laboratory Response Network (LRN) for the detection of bio and chemical terrorism. As a Tier I Laboratory, PHL has both the competency and capacity to test for Category A biological terrorism (BT) agents, as well as detection of any emerging diseases. We have cross-trained three scientists to perform testing for select agents and we are the single point of testing, for suspected BT agents, in our region. This team has also analyzed clinical samples to rule out the presence of select agents, testing that cannot be done at local hospitals.

As you are aware, the US Drug Enforcement Administration (DEA) has previously analyzed all suspected illegal narcotics collected within the District. Last year, the DEA, citing unprecedented backlogs (nearly 37,000 exhibits awaiting analysis) at their laboratories and insufficient resources to keep up with demand, informed the Mayor that they would no longer support analysis of the District's samples beginning calendar year 2018. DFS has demonstrated technical competence to analyze illicit narcotics utilizing DFS chemists within the Public Health Lab's Biomonitoring and Analytical Chemistry Unit (PHL/BACU). This unit provides clinical diagnostic testing, emergency response support, applied research, laboratory training, and other essential services, and is a critical player in the CDC's Chemical Terrorism Laboratory Response Network (CT-LRN). CDC is supportive of this "dual use" approach and has allowed our staff to be cross trained and utilize CDC funded equipment. A recent article, published by the Association of Public Health Laboratories, highlighted the District's forensic chemistry program. Recently DFS joined with the Office of the Chief Medical Examiner (OCME) to assist in finding the correlation(s) between syringes and post mortem. For the past month, DFS has been collecting syringes, found on the scene with potential opioid overdosed decedents, and has been testing them with our new capability. As new synthetic drugs emerge, this novel form of testing, gives the District an opportunity to see if a drug is present in a syringe and how that drug that has



been metabolized within the body of the decedent. In essence, it provides Dr. Mitchell additional information concerning the potential cause of death. In the Mayor's FY18 budget, DFS receives an additional \$382,719 and two (2) FTES to firmly establish the Forensic Chemistry Unit within PHL. These additional chemists will ensure that DFS will be able to analyze, not only samples provided by the Department of Corrections or the OCME, but will be address the anticipated forensic chemistry casework (200 cases/month) submitted by MPD. The FCU will seek ISO17025 accreditation within FY18.

The Crime Scene Sciences Division (CSS) initiated a major effort to civilianize crime scene response in the District following the Mayor's decision to return MPD officers to street duties. Working closely with the Chief of Police, MPD and DFS merged crime scene operations in August 2016, allowing some MPD officers to return to assignments in MPD Districts. The Mayor's FY18 budget provides resources and supplies to support necessary operations and completes civilianization of the District's crime scene response. An enhancement of \$2,907,840 funds 22 permanent FTEs and their equipment. Upon completion of hiring and training of these civilians, DFS will fully assume responsibility for District-wide crime scene evidence response and collection; allowing the return of all CSID/MPD officers to regular police duties.

The Mayor's FY18 budget fully funds programs that ensure quality driven results and that the DFS workforce is highly trained and skilled in delivering appropriate forensic and public health programs. This year, our training program has delivered over 2,849 hours of instruction, covering issues such as cognitive bias, quality assurance, as well as discipline-specific topics for DNA, firearms, fingerprint examiners and public health lab scientists. This budget ensures that our Quality Team will lead the Department through internal inspections and external audits needed to maintain ISO/IEC 17025:2005 accreditation in critical forensic and compliance with the Centers for Medicare & Medicaid Services' Clinical Laboratory Improvement Amendments



(CLIA) regulatory guidelines as well as CDC's Division of Select Agents and Toxins (DSAT) within our PHL.

The Mayor's FY18 budget ensures continuation of critical employee health and safety programs, such as our medical surveillance program, which systematically assesses employees that may have been exposed to biological pathogens while performing work duties. This assessment monitors individuals for adverse health effects and determines the effectiveness of biosafety and exposure prevention strategies. Additionally, DFS will continue the Vicarious Trauma program for employees dealing with post-traumatic stress disorder (PTSD).

The Mayor's FY18 budget also ensures that DFS will be able to implement critical technologies that generate a large amount of digital information. DFS has deployed several new, cutting-edge technologies that create large amounts of digital information. For example, our crime scene teams are now using high resolution cameras for crime scene photography and high resolution 3D Laser (LIDAR) scanners for crime scene mapping. Special software is being implemented for digital analysis of firearms, tool marks, and latent fingerprints to streamline evidence examination workflows and allow for a complete electronic case jacket approach. Forensic firearms and latent analyses, as well as accreditation related reviews, will be recorded and tracked to ensure accuracy, completeness and verify work product quality. Next generation DNA sequencing will be implemented within the Public Health Lab, and STRmix has also been implemented within the FBU to assist with interpretation of complex mixtures. Implementation of these systems is required by federal stakeholders, like the FBI and CDC. All of these systems generate high volumes of digital data. DFS estimates, at minimum, two (2) to four (4) terabytes of additional storage per day to provide active storage during analysis. The Mayor's FY18 budget provides \$1 million dollars in Capital Funds and \$340,000 in Local non-personal services funds to provide critical infrastructure and software to increase digital storage capacity.



DFS is also seeking special purpose revenue fund authority that will allow the department to directly recoup funding from external entities seeking our services. For example, the Department of Homeland Security provides annual funding to DFS for participating in the BioWatch Laboratory. BioWatch program is part of the nationwide bio-surveillance system designed to detect the intentional release of select aerosolized biological agents. DHS BioWatch Funds are to be used by host agencies for laboratory supplies, reagents, maintenance of equipment, etc. However, without our own non-lapsing O-Type authority, the annual Department of Homeland Security funds (which tend to arrive at the end of the fiscal year) go to the General Fund, leaving a very short turnaround for DFS procurement process if we receive the reprogrammed funding. Other sources of funding may be through research projects with universities, fee revenue for testing for environmental toxins, and fee revenue for expert witness testimony. Additionally, DFS would like to establish the ability to collect fees in order to allow the DFS Public Health Laboratory the capability to meaningfully test samples for environmental toxins. The DFS Public Health Laboratory currently has the capability to test, but does not have the funds or manpower to be able to perform these tests regularly or meaningfully. The ability to generate revenue and collect it into a special purpose fund will allow the DFS Public Health Laboratory to pursue environmental testing further and provide this service to the District of Columbia. For Expert Witness Fees, establishing a fee structure will allow DFS the capability to assume a fee structure when DFS scientists are asked to testify outside their normal course of business. This will not change current practice - DFS scientists who collect or analyze evidence on a particular case submitted by the agencies statutorily designated as “customers” will always be available, free of charge, to discuss their evidence with whomever wants to talk to them to include investigators, prosecutors, or defense attorneys. On the rare occasion that an agency (USAO, PDS, or prosecutors from another jurisdiction) wants to use a DFS scientist on a case



that DFS has not worked any evidence, then we would ask that the agency pay a witness fee to cover travel and time away from duty. The ability to generate some revenue and collect it into a special purpose fund will allow DFS to support and pursue greater opportunities to testify with expertise and provide this service to other entities within the District of Columbia and in other jurisdictions.

In conclusion, I would like to thank the Mayor and her staff for the generous support given to the Department. I would like to acknowledge the public and our stakeholders. I am very grateful for their patience and support in the Department's actions over the past 12 months. I would like to recognize and thank all of the employees of the Department for their untiring efforts to make the District a safer city. Finally, the Council and this Committee, led by you, Chairperson Allen, have been key allies, and I appreciate your continued efforts to ensure our agency is appropriately staffed and adequately funded to support our mission to provide high-quality, timely, accurate, and reliable forensic science services with the use of best practices and best available technology.

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

