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CSI WASHINGTON: DOES THE DISTRICT NEED ITS OWN CRIME LAB?

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
Hearing held on September 22, 2006	1
Statement of:	
Wainstein, Ken, U.S. attorney, District of Columbia; Joseph A. DiZinno, D.D.S., Director, Federal Bureau of Investigation Laboratory, Federal Bureau of Investigation; Charles H. Ramsey, chief of police, Metropolitan Police Department; Edward D. Reiskin, D.C. deputy mayor for public safety and justice; and Valencia Mohammed, District of Columbia resident	11
DiZinno, Joseph A.	18
Mohammed, Valencia	41
Ramsey, Charles H.	25
Reiskin, Edward D.	32
Wainstein, Ken	11
Letters, statements, etc., submitted for the record by:	
Cummings, Hon. Elijah E., a Representative in Congress from the State of Maryland, prepared statement of	62
Davis, Chairman Tom, a Representative in Congress from the State of Virginia, prepared statement of	3
DiZinno, Joseph A., D.D.S., Director, Federal Bureau of Investigation Laboratory, Federal Bureau of Investigation, prepared statement of	20
Mohammed, Valencia, District of Columbia resident, prepared statement of	44
Norton, Hon. Eleanor Holmes, a Delegate in Congress from the District of Columbia, prepared statement of	8
Ramsey, Charles H., chief of police, Metropolitan Police Department, prepared statement of	28
Reiskin, Edward D., D.C. deputy mayor for public safety and justice, prepared statement of	35
Ruppersberger, Hon. C.A. Dutch, a Representative in Congress from the State of Maryland, prepared statement of	64
Wainstein, Ken, U.S. attorney, District of Columbia, prepared statement of	14

CSI WASHINGTON: DOES THE DISTRICT NEED ITS OWN CRIME LAB?

FRIDAY, SEPTEMBER 22, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Tom Davis (chairman of the committee) presiding.

Present: Representatives Davis, Cummings, and Norton.

Staff present: David Marin, staff director; Larry Halloran, deputy staff director; Keith Ausbrook, chief counsel; Anne Marie Turner and Steve Castor, counsels; Victoria Proctor, senior professional staff member; Michael Galindo and Benjamin Chance, clerks; Michael Sazonov, research assistant; Brian McNicoll, communicatiions director; Kim Trinca, minority counsel; Earley Green, minority chief clerk; and Jean Gosa, minority assistant clerk.

Chairman TOM DAVIS. Good morning and welcome. Today's hearing will consider the creation of a full service forensics lab in the District of Columbia. Today the District of Columbia relies on the Federal Bureau of Investigation's crime lab to handle all of its forensic capabilities with the exception of fingerprints and firearms. The sharing of resources by the Metropolitan Police Department and the FBI has shown both progress and promise. But over time technological developments in DNA testing, new and old case needs and shifting priorities caused by terrorism and homeland security concerns have strained the ability to satisfy the interests of all parties. The relationship between MPD and the FBI has been strong and beneficial, but perhaps the time has come for D.C. to have its own forensic resources. According to the Metropolitan Police Department Web site as of September 21st, the total number of murders for this year is 124. Since January of this year, homicides are down 11 percent due in large part to the crime emergency declared 73 days ago, but violent crime is up 4 percent with the increase mostly in robberies and sexual assaults. In fact, it's my understanding that if a woman is raped in D.C. and there is no suspect, the MPD will complete a rape kit but will not perform DNA testing on the evidence collected from the kit. Additionally, there's no data base in which to handle the DNA collected which other jurisdictions have found instrumental in solving crimes, in identifying serial murders and rapists. As a father of two daughters, I find this alarming. If D.C. had the resources for such a data base, would MPD have been able to find the killer of Valencia Mohammed's

son? Ms. Mohammed is here today to talk about her personal experience as a mother of two sons who were killed by gun violence in D.C. and to give us her perspective of the need for a D.C. crime lab.

In 2003, the FBI crime lab moved from FBI headquarters in downtown Washington to Quantico, VA, out in my area, where it currently provides forensic services free of charge for the FBI, including terrorism and counterintelligence cases; any duly constituted law enforcement agency in the United States and even international cases. FBI Laboratory personnel provide forensic examinations, technical support, expert witness testimony and training to Federal, State and local law enforcement agencies. FBI lab officials estimate that 30 percent of their overall caseload is from D.C. To help ease this burden on the FBI lab, MPD and FBI signed a memorandum of understanding in 2004. The MOU permits MPD employees to work in the FBI lab and test evidence from D.C. cases. The FBI provides those MPD employees with training, laboratory space, equipment, quality assurance measurements and supplies. So far the results of the memorandum of understanding are promising. It helps relieve the burden on the FBI caseload caused by D.C. cases, specifically in DNA testing. Turnaround time for non-D.C. cases has been reduced slightly. The process time for trace evidence has been reduced by half for non-D.C. cases. The results suggest that if D.C. had its own full service crime lab for processing DNA and trace evidence, both D.C. and FBI evidence would be processed faster. If the District does get its own lab, the unit handling MPD cases may be able to relocate to the new D.C. lab.

Thus far, $11.5 million has been approved by the D.C. Council for architectural and engineering designs for a new DNA lab. The new lab would include forensic and DNA testing functions, the city morgue and the Department of Health. In addition, the facility would also include a biosafety laboratory to address homeland security threats. The final estimated price tag for the facility is $253 million. Over the next 4 years, that's almost $175,000 a day.

In fiscal years 2005 and 2006 Congress appropriated $13 million for bioterrorism and a forensics lab in D.C. Slated to open in 2010, city leaders are hoping the Federal Government will take on 37 percent of the total cost while leaving the District with the remaining 63 percent.

It must be difficult for a detective to tell a family member whose loved one was just murdered that we have no leads, no suspects and no evidence. But it's undoubtedly a dismal affair for that same directive to tell a family, we'll have to wait. We have all the evidence, we might have a suspect but we just have to wait for evidence testing. If the District had its own full service forensics lab, would these conversations still occur? Would the crime statistics in D.C. go down? Would there be a reduction in the number of cold cases?

Today's hearing will help determine the need, the means, and the way to hopefully turn a cold case into a case closed.

I would now recognize the member from the District of Columbia, Ms. Norton, for her opening statement.

[The prepared statement of Chairman Tom Davis follows:]

Oversight Hearing

"CSI Washington: Does the District Columbia Need Its Own Crime Lab?"

Friday, September 22, 2006
10:00 a.m.
Room 2154 Rayburn House Office Building

Opening Statement of Chairman Tom Davis

Good morning and welcome. Today's hearing will consider the creation of a full-service forensics lab in the District of Columbia. Today, the District of Columbia relies on the Federal Bureau of Investigation's crime lab to handle all of its forensic capabilities, with the exception of fingerprints and firearms. The sharing of resources by the Metropolitan Police Department and the FBI has shown both progress and promise. But over time, technological developments in DNA testing, new and old case needs, and shifting priorities caused by terrorism and homeland security concerns have strained the ability to satisfy the interests of all parties. The relationship between MPD and FBI has been strong and beneficial. But perhaps the time has come for DC to have its own forensic resources.

According to the MPD website, as of September 21, the total number of murders for this year is 124. Since January of this year, homicides are down 11 percent – due in large part to the crime emergency declared 73 days ago – but violent crime is up four percent, with the increase mostly in robberies and sexual assaults. In fact, it's my understanding that if a woman is raped in DC and there is *no* suspect, the MPD will complete a rape kit, but will not perform DNA testing on the evidence collected from the kit. Additionally, there is no database in which to enter the DNA collected, which other jurisdictions have found instrumental in solving crimes and identifying serial murders and rapists. As a father of two daughters, I find this alarming. If DC had the resources for such a database, would MPD have been able to find the killer of Valencia Mohammed's son? Ms. Mohammed is here today to talk about her personal experiences as a mother of two sons who were killed by gun violence in DC and to give us her perspective on the need for a DC crime lab.

In 2003, the FBI crime lab moved from FBI headquarters in downtown Washington to Quantico, Virginia where it currently provides forensic services free of charge for the FBI, including terrorism and counter-intelligence cases; any duly constituted law enforcement agency in the United States; and international cases. FBI Laboratory personnel provide forensic examinations, technical support, expert witness testimony, and training to federal, state, and local law enforcement agencies.

FBI lab officials estimate that 30 percent of their overall caseload is from DC. To help ease this burden on the FBI lab, MPD and FBI signed a Memorandum of Understanding in 2004. The MOU permits MPD employees to work in the FBI lab and test evidence

from DC cases. The FBI provides those MPD employees with training, laboratory space, equipment, quality assurance measurements, and supplies. So far, the results of the MOU are promising. It helps relieve the burden on the FBI caseload caused by DC cases. Specifically in DNA testing, turn-around time for non-DC cases has been reduced slightly. The process time for trace evidence has been reduced by half for non-DC cases. The results suggest that if DC had its own full service crime lab for processing DNA and trace evidence, both DC and FBI evidence would be processed faster. If the District does get its own lab, the unit handling MPD cases may be able to relocate to the new DC lab.

Thus far, $11.5 million has been approved by the DC Council for the architectural and engineering designs for a new DNA lab. The new lab would include: forensic and DNA testing functions, the city morgue, and the Department of Health. In addition, the facility would also include a Bio-Safety laboratory to address homeland security threats. The final estimated price tag for the facility is $253 million. Over the next four years, that's about $175,000 a day.

In Fiscal Years 2005 and 2006, Congress appropriated $13 million for bioterrorism and a forensics laboratory in DC. Slated to open in 2010, city leaders are hoping the Federal government will take on 37 percent of the total cost while the District will fund the remaining 63 percent.

It must be difficult for a detective to tell a family member whose loved-one was just murdered that, "We have no leads, no suspect, and no evidence." But it is undoubtedly a dismal affair for that same detective to tell a family, "We'll have to wait – we have all the evidence, we might have a suspect, but we just have to wait for evidence testing." If the District had its own full-service forensics lab, would these conversations still occur? Would the crime statistics in DC go down? Would there be a reduction in the number of cold cases?

Today's hearing will help determine the need, the means, and the way to hopefully turn a "cold case" into a "case closed."

Ms. NORTON. Thank you very much, Chairman Davis. I suspect that Chairman Davis always selects these eye-catching names for his hearings to create an impression that he is not having another boring congressional hearing, hence today's hearing entitled, "CSI Washington: Does D.C. Need Its Own Crime Lab?" Unlike CSI Miami or New York, all those other CSI cities, I believe that this morning's hearing concerning the seldom discussed but vital anti-crime forensic tool will show that the question is rhetorical. Seriously, Chairman Davis knows that I've been looking forward to this hearing in particular, which I requested to be held this session, and he has my personal gratitude for calling this hearing today.

The District declared a crime emergency shortly after experiencing a crime spike this summer as crime began to significantly increase nationwide. Although there never are any quick fixes to achieve an immediate reduction in crime, Mayor Williams and the City Council acted quickly to use several tools at hand, including increased funds for police overtime. I commend the city for apparently quelling the increase in violent crime before it got out of hand.

Reducing local crime is always a local issue in our country, and here is also a home rule issue as well. However, there are natural and appropriate synergies between local and Federal police work, and they were apparent long before the advent of terrorism made these connections impossible to ignore.

In 1992, Congress passed Public Law 102–397, a bill I sponsored to permit the Capitol Police to patrol the neighborhoods near the Capitol to stave off crime before it makes its way here. The bill represented a new departure. By permitting the Capitol Police to patrol outside the grounds and the first few blocks around the Capitol, the legislation provides for greater utilization of the well-trained police force that protects Members of Congress and visitors by assuring they are not victims of crime from surrounding neighborhoods as they visit or leave the congressional campus. Simultaneously, sections of the Capitol Hill community where crime is typically higher than in similar neighborhoods also received some protection in addition to the hard-pressed Metropolitan Police Department officers who must also take calls from throughout the neighborhood.

What I learned from the Capitol Police bill led me to do the same in order to improve utilization of Federal police officers around Federal facilities, I discovered that there were 30 Federal law enforcement agencies here, Federal enforcement agencies here attached to Federal agencies, with authority to carry weapons and make arrests but unable to perform typical police duties. Even traffic control in the areas surrounding their immediate locations were necessary. Federal agency police often called MPD or even 911 to report crimes or to handle traffic accidents that occurred just outside their Federal agency.

Federal police officers who made an occasional arrest merely handed over the suspects to the MPD and did not even do the paperwork, leaving the beleaguered MPD with hours of processing that kept officers off our high-crime neighborhood streets. As a result, I wrote the D.C. Police Coordination Act, patterned on my earlier bill to expand Capitol Police jurisdiction. The larger police co-

ordination legislation allows Federal agency police officers to assist MPD in crime prevention and law enforcement activities in the District. By patrolling areas surrounding their respective agencies, sharing and donating equipment and supplies, sharing radio frequencies and streamlining the processing of suspects. Policing by these Federal officers does not involve going outside their Federal mandate because crime prevention from the neighborhoods surrounding the agency simultaneously serves both the Federal Government and the District of Columbia.

I had these experiences in mind when I asked the Capitol Police Board and the Capitol Police to temporarily assist the Park Police, although both are Federal police, after five muggings and assaults on the National Mall this summer. I believe that this assistance was a natural extension of the Capitol Police mission to protect Members of Congress and visitors to the Capitol. I was particularly concerned when the underfunded Park Police, which unlike the Capitol Police had not grown, were meeting Park Police needs after the Mall assaults by barring Park Police from Federal parks in the District, Maryland and Virginia that are more dangerous than the Mall. It made little sense to protect the Mall at the expense of parks like Anacostia Park and Rock Creek Park. I very much appreciate the decision of the Capitol Police Board to allow this temporary assistance. I congratulate the Park Police and all who assisted them for quickly cracking the Mall cases. All of the perpetrators have pled guilty and are incarcerated.

These experiences suggest that further analysis would reveal similar cooperation between Federal and D.C. crime efforts can be found. As to police, the District of Columbia has more Federal and local police combined per capita than any jurisdiction in the United States. The Nation's Capital is saturated with Federal and local police, but historically has had one of the highest crime rates in the United States. I should have thought that would have gotten everybody to think whether or not more police was the answer to our problems, if I may say so.

Our focus on the crime lab today is about the closest connection between Federal and D.C. crime-fighting efforts. I'm enormously grateful to the Federal Bureau of Investigation to allow the District to use its forensics crime lab at Quantico, VA and particularly for the 2004 agreement that increases this cooperation by permitting the Metropolitan Police Department to perform some of the work at the lab. Today's witnesses will testify concerning the benefits and sacrifices to both agencies.

I must say, however, that my concern to help the District quickly get its own crime lab is deeper than the need for bricks, mortar and expertise. A forensic lab of one's own for a city with a chronically high crime rate is a no-brainer. This year I've been able to get $4.5 million to assist the District now pending in the Appropriation Committee and last year got almost $5 million in Federal funds to assist the District. And that's not the first Federal funds that the District has gotten for this effort.

I'm also, however, fascinated by the riddle of it all, and my hypothesis that the forensic lab may be the key to further reduction in final crime and violent crime in the District. And I cannot put aside the crack epidemic of the early 1990's when the homicide rate

here was over 400—400 annually. These crime highs were reflected throughout the entire country, but D.C.'s crime rate topped that of most similar cities. Most disturbing was the fact that when crime began to go down in virtually every other big city, it remained high, very high here for years, not months, but years longer. Moreover, the District's crime rate has been among the highest in the country for decades. The city's response typically has been to add more officers. And consequently, we have long had the highest number of local police per capita in the country.

Other typical recommendations include more community policing and more police out of their cars, out of their offices and on patrol. However, I must wonder whether better crime fighting and prevention results in other cities are all a matter of better policing. I doubt it. I'm interested in the role that inadequate forensics in the past and delays in getting to forensic evidence today may play in D.C.'s persistently high crime rate.

When a vital anti-crime tool is inadequate or delayed for decades, is there a significant effect on deterrence and prevention? I do not know whether the effect of quick and expert forensics on crime rates or convictions has been investigated. However, I refuse to believe that the District of Columbia is inherently a city with a greater propensity to violent crime than New York, Chicago, Los Angeles, and other big cities. We have never found a satisfactory explanation for the District's persistently high rate of violent crime, and I don't believe we have ever looked beyond the surface. A new forensic lab is certain not to be yet another quick fix. However, today's hearing will help clarify how improved forensics can help in the search for answers that must be found to this city's persistently high violent crime rate.

I am particularly grateful to today's witnesses for their work in crime prevention in the District of Columbia, and very much look forward to their testimony. I particularly welcome my good friend Valencia Mohammed, who has not only suffered directly from the absence of a crime lab and outstanding forensics here, but also has helped educate and raise consciousness among residents about the importance of forensics to crime prevention.

Thank you very much.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

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Congress of the United States
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CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Statement of Congresswoman Eleanor Holmes Norton at the Government Reform Full Committee Hearing: CSI Washington-Does the District Need Its Own Crime Lab?

Friday, September 22, 2006

I suspect that Chairman Davis always selects these eye-catching names for his hearings to create the impression that he is not having another boring congressional hearing, hence today's hearing titled "CSI Washington: Does D.C. Need it's own Crime Lab?" Unlike CSI: Miami or New York and all those other CSI cities, I believe that this morning's important hearing concerning the seldom discussed but vital anti-crime forensics tool will show that the question is rhetorical. Seriously, Chairman Davis knows that I have been looking forward to this hearing, in particular, which I requested to be held this session, and he has my personal gratitude for calling this hearing today.

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Reducing local crime is always a local issue in our country, and here, and is a Home Rule issue as well. However, there are natural and appropriate synergies between local and federal police work, and they were apparent long before the advent of terrorism made these connections impossible to ignore.

In 1992, Congress passed P.L. 102-397, a bill I sponsored, to permit the Capitol Police to patrol in neighborhoods near the Capitol to stave off crime before it makes its way here. The bill represented a new departure, by permitting the Capitol Police to patrol outside grounds and the first few blocks around the Capitol. This legislation provides for greater utilization of the well-trained police force that protects Members of Congress and visitors by assuring they are not victims of crime from the surrounding neighborhoods as they visit or leave the congressional campus. Simultaneously, sections of the Capitol Hill community, where crime is typically higher than in similar neighborhoods, also received

529 14TH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20045-1928
(202) 783-5065
(202) 783-5211 (FAX)

2136 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-5101
(202) 225-8050
(202) 225-3002 (FAX)
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2041 MARTIN L. KING AVENUE, S.E
SUITE 300
WASHINGTON, D.C. 20020-5734
(202) 678-8900
(202) 678-8844 (FAX)

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some protection in addition to the hard pressed Metropolitan Police Department (MPD) officers, who must also take calls from throughout the neighborhood.

What I learned from the Capitol Police bill led me to do the same in order to improve utilization of federal police officers around other federal facilities. I discovered that there were 30 federal law enforcement agencies here, attached to federal agencies, with authority to carry weapons and make arrests, but unable to perform typical police duties, even traffic control, in the areas surrounding their immediate locations when necessary. Federal agency police often called MPD or even 911 to report crimes or to handle traffic accidents that occurred just outside their federal agency. Federal police officers who made an occasional arrest merely handed over the suspect to the MPD and did not even do the paperwork, leaving the beleaguered MPD with hours of processing that kept officers off our high-crime neighborhood streets. As a result, I later wrote the D.C. Police Coordination Act patterned on my earlier bill to expand Capitol Police jurisdiction. The larger police coordination legislation allows federal agency police officers to assist the MPD in crime prevention and law enforcement activities in the District by patrolling areas surrounding their respective agencies, sharing and donating equipment and supplies, sharing radio frequencies, and streamlining the processing of suspects. Policing by these federal officers does not involve going outside their federal mandate because crime prevention from the neighborhoods surrounding agencies simultaneously serves both the federal government and the District of Columbia.

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These experiences suggest that further analysis would reveal similar cooperation between federal and D.C. crime efforts can be found. The District of Columbia has more federal and local police combined per capital than any jurisdiction in the United States. The nation's capital is saturated with federal and local police, but historically has had one of the highest crime rates in the United States.

Our focus on the crime lab today, however, is about the closest connection between federal and D.C. crime fighting efforts. I am enormously grateful to the Federal Bureau of Investigation (FBI) for allowing the District to use its forensics lab at Quantico, Virginia, and particularly for the 2004 agreement that increases this cooperation by permitting the Metropolitan Police Department to perform some of the

work at the lab. Today's witnesses will testify concerning the benefits and the sacrifices to both agencies.

I must say, however, that my concern to help the District quickly get its own crime lab is deeper than the need for bricks, mortar and expertise. A forensics lab of one's own for a city with a chronically high crime rate is a no-brainer. I am also fascinated by the riddle of it all and my own hypothesis that the forensics lab may be the key to further reduction in violent crime in the District.

I cannot put aside the crack epidemic of the early 1990s when the homicide rate here was over 400 annually. These crime highs were reflected throughout the country, but D.C.'s crime rate topped that of most similar large cities. Most disturbing was the fact that when crime began to go down in virtually every big American city, it remained high here for years longer. Moreover, the District's crime rate has been among the highest in the country for decades. The city's response typically has been to add more officers, and consequently, we have long had the highest number of local police per capita in the country. Other typical recommendations include more community policing and more police out of their cars, out of their offices and on patrol.

However, I must wonder whether better crime fighting and prevention results in other cities are all a matter of better policing. I doubt it. I am interested in the role that inadequate forensics in the past and delays in getting to forensic evidence today may play in D.C.'s high crime rate. When a vital crime tool is inadequate or delayed for decades, is there a significant effect on deterrence and prevention? I do not know whether the effect of quick and expert forensics on crime rates or convictions has been investigated. However, I refuse to believe that the District of Columbia is inherently a city with a greater propensity to violent crime than New York, Chicago, Los Angeles and other big cities.

We have never found a satisfactory explanation for the District's persistently high rate of violent crime and a new forensics lab is certain not to be yet another quick fix, However, today's hearing will help clarify how improved forensics can help in the search for answers that must be found to this city's persistently high violent crime rate. I am particularly grateful to today's witnesses for their work in crime prevention in the District of Columbia and very much look forward to their testimony.

Chairman TOM DAVIS. Ms. Norton, thank you very much too. Members will have 7 days to submit opening statements for the record.

Before we recognize our very distinguished panel, I want to congratulate Mr. Wainstein on his recent confirmation as the assistant U.S. attorney for the National Security Division and Dr. DiZinno on his promotion to the Director of the FBI Investigation Laboratory. We'll now recognize our panel.

Ken Wainstein, the U.S. attorney from the District of Columbia; Joseph A. DiZinno, who is the Director of the Federal Bureau of Investigation Laboratory at the FBI. Chief Charles Ramsey is no stranger to this committee; he's the chief of police at the Metropolitan Police Department. Chief, welcome back, and thanks for the job you're doing. And Edward Reiskin, the D.C. deputy mayor for public safety and justice. Thank you for being with us. And Ms. Valencia Mohammed, who was referred to in both of our lists. Thank you for being with us also.

We'll do this in one panel. It's our policy that we swear in all witnesses before you testify. So if you could rise and raise your right hands.

[Witnesses sworn.]

Chairman TOM DAVIS. Thank you. Now your entire statements are in the record. We have a light in front of you. It turns green when you start. It turns yellow after 4 minutes, red after 5. If when you see that yellow light on you can start to wind down and try to stay close to 5 minutes, we'd appreciate it, but you know your testimony is important and we appreciate your being here.

Ken, thank you.

STATEMENTS OF KEN WAINSTEIN, U.S. ATTORNEY, DISTRICT OF COLUMBIA; JOSEPH A. DiZINNO, D.D.S., DIRECTOR, FEDERAL BUREAU OF INVESTIGATION LABORATORY, FEDERAL BUREAU OF INVESTIGATION; CHARLES H. RAMSEY, CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT; EDWARD D. REISKIN, D.C. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE; AND VALENCIA MOHAMMED, DISTRICT OF COLUMBIA RESIDENT

STATEMENT OF KEN WAINSTEIN

Mr. WAINSTEIN. Morning, Chairman Davis, Congresswoman Norton. I want to thank you for inviting me to testify today about the very important topic of the idea of building a forensic laboratory for the District of Columbia.

I testified here today about the idea of building a laboratory from the perspective of the chief prosecutor of the District of Columbia whose office is a primary consumer of the forensics examinations that will be conducted by that laboratory. I want to preface my remarks by saying that I express no opinion on the source of any funding for such a laboratory, but instead I would like to focus my comments on the law enforcement benefits we would derive from having such a laboratory dedicated to working on criminal cases in the District of Columbia.

As you know, the U.S. Attorney's Office here in D.C. is unique among all 94 such offices in that it serves as both the Federal pros-

ecutor as well as the local prosecutor or the local D.A. for the Nation's Capital. In addition to our Federal caseload, we initiate approximately 22,000 criminal cases each year for prosecution in the Superior Court. Particularly in the most serious cases or the more serious of those cases such as homicides, nonfatal shootings, rapes, other sex offenses, drug crimes, carjackings and the like, our prosecutors and their law enforcement partners rely heavily on forensics evidence and forensics examinations and analyses to solve those crimes and to prove our cases beyond a reasonable doubt.

Currently these forensic analyses are conducted in several places. Testing and fingerprint analysis are routinely conducted by the MPD. The FBI tests DNA samples, hair and fiber evidence and other trace evidence, and the DEA performs chemical analysis on suspected drugs. These agencies have done a tremendous job, I want to underscore that, they've done a tremendous job doing these analyses. But this dispersed system of evidence analysis can and does have an adverse impact on our prosecution efforts.

For example, with regard to the DNA analysis conducted by the FBI, our Superior Court cases go into the mix with the FBI's own cases and those State cases from around the country that are sent to the FBI. As a result, the processing of our Superior Court cases by necessity has to be prioritized against the competing needs of these other cases from around the country. In addition, these workload realities mean that the FBI can generally conduct DNA analysis in a case only after an arrest has been made and a trial date is set. Thus, it's the relatively rare occasion when we're able to make use of DNA analysis in the investigative prearrest stages of our cases.

From my perspective, a forensics laboratory in the District of Columbia should go a long way toward addressing these concerns. I believe the establishment of a laboratory would benefit our law enforcement efforts in the following ways: First, it would give us more control of the prioritization of our cases. Without the competing demands of cases from other jurisdictions, we'd be better able to schedule and prioritize our forensics analyses to meet the needs of our investigations and our trial schedules.

Second, it would give us an opportunity to tackle the backlog of DNA samples collected in D.C. and then give us the opportunity to enter them into appropriate data bases to be used in D.C. and throughout the Nation.

It would also permit closer coordination among investigators, the prosecutors and the forensic analysts that would help us solve crimes and bring more criminals to justice.

It would expand our ability to use DNA analysis and other forensic testing in the investigative prearrest stages of our cases.

It would be an opportunity to upgrade our forensics facilities and equipment which are lacking in some respects.

It would allow us to enhance the management and operations of the medical examiner's office whose work is vitally critical to the successful prosecution of our homicide cases. It would allow us the ability to do our own drug analysis on suspected drugs. And finally, the development of a state-of-the-art facility would help to attract and retain high caliber staff and managers to run a high quality forensics program here in D.C.

Now one doesn't need to watch CSI every week to appreciate the critical role of forensics work in our criminal investigations and our prosecutions. As technology progresses and as jurors increasingly expect to see sophisticated forensics evidence at trial, we are becoming more and more reliant on effective evidence collection and analysis to develop cases and to secure convictions in our violent crime prosecutions.

There is no better example of this phenomenon than our neighboring jurisdiction to the west. The Commonwealth of Virginia has shown how enormously valuable DNA data bases can be in the effort to solve crimes. Since the creation of this data bank in 1992, Virginia has entered over 250,000 samples taken from convicted felons. The data base has produced 3,451 hits which have solved 338 murders, 610 sex crimes, and 2,163 burglaries. That is over 3,000 very serious crimes, most of which would not have been solved without that DNA technology and data bases.

The District of Columbia needs to catch up. It needs to be able to analyze cases in which there is no identified suspect. This means that both crime scene samples and offender samples have to be entered into the system to try to make a match. As helpful as the FBI lab has been and it's been tremendously helpful in making sure we have analyses for trial when there's an identified suspect, it simply can't process all of the District's no suspect samples and all the offenders for the data base and still do all of its other very important work.

While a D.C. forensic laboratory will not solve all of our law enforcement challenges, it will go a long way toward making sure that those crimes that can be solved, are solved. For the victims of these crimes, their families and the community as a whole, this should be a high priority.

Thank you for inviting me to testify today, and I would be pleased to answer any questions you might have.

[The prepared statement of Mr. Wainstein follows:]

STATEMENT OF KENNETH L. WAINSTEIN
UNITED STATES ATTORNEY
FOR THE DISTRICT OF COLUMBIA

ON

A FORENSIC LABORATORY FOR THE DISTRICT OF COLUMBIA

SEPTEMBER 22, 2006

Good morning, Chairman Davis, and other members of the Government Reform Committee. Thank you for inviting me to testify today about a forensic laboratory for the District of Columbia.

I am happy to discuss the idea of building a laboratory from the perspective of the chief prosecutor in the District of Columbia, whose office is a primary consumer of the forensics examinations that would be conducted by that laboratory. I want to preface my remarks by saying that I express no opinion on the source of funding for such a laboratory, but instead wish to focus on the law enforcement benefits we would derive from having a forensics laboratory dedicated to working on criminal cases in the District of Columbia.

As you know, the U.S. Attorney's Office for the District of Columbia is unique among all 94 such offices in that it serves as both the federal prosecutor as well as the "local D.A." for the Nation's Capital. In addition to our federal case load, we initiate approximately 22,000 criminal cases each year for prosecution in the Superior Court of the District of Columbia. Particularly in the more serious of those cases — such as homicides, non-fatal shootings, rapes and other sexual offenses, drug crimes, carjackings, and armed robberies — our prosecutors and their law enforcement partners rely heavily on forensics evidence to solve these crimes and to prove our cases beyond a reasonable doubt at trial. That forensic evidence includes hair and fiber analysis,

ballistics testing, fingerprint and handwriting comparison, blood spatter analysis and, perhaps most significantly, DNA analysis.

Currently, these forensic analyses are conducted in several places. Ballistics testing and fingerprint analysis are routinely conducted by the Metropolitan Police Department; the Federal Bureau of Investigation tests DNA samples, hair and fiber evidence, and other trace evidence; and the Drug Enforcement Administration performs chemical analysis on suspected drugs. These agencies have done a tremendous job, but this dispersed system of evidence analysis can and does have an adverse impact on our prosecution efforts.

For example, with regard to the DNA analysis conducted by the FBI, our Superior Court cases go into the mix with the FBI's own cases and those particularly difficult state cases from around the country that have been sent to the FBI. The workload well exceeds the FBI's finite resources, and as a result the processing of our cases by necessity has to be prioritized against the competing needs of these other cases from around the country. In addition, these workload realities mean that the FBI can generally conduct DNA analysis in a case only after an arrest has been made and a trial date is set. Thus, it is the relatively rare occasion when we are able to make use of DNA analysis in the investigative stages of our cases.

From my perspective, a dedicated forensics laboratory in the District of Columbia should go a long way toward addressing these concerns. I believe the establishment of a laboratory would benefit our law enforcement efforts in the following ways:

- It would give us more control over the prioritization of our cases. Without the competing demands of cases from other jurisdictions, we would be better able to schedule and prioritize our forensics analyses to meet the needs of our investigations and trial schedules.

- It would give us the opportunity to tackle the backlog of DNA samples collected in the District of Columbia, and to enter them into appropriate databases for use in the District of Columbia and nationwide.
- It would permit closer coordination among investigators, prosecutors and forensic analysts to solve crimes and bring criminals to justice.
- It would expand our ability to use DNA analysis and other forensic testing in the investigative, pre-arrest stages of our cases.
- It would be an opportunity to upgrade our forensics facilities and equipment, which are lacking in some areas.
- It would allow us to enhance the management and operations of the Medical Examiner's Office, whose work is so critical to the successful prosecution of our homicide cases.
- It would allow us the ability to do our own drug analysis on suspected drugs, which is critical to the successful prosecution of drug related cases.
- Finally, the development of a state-of-the-art facility would help to attract and retain high-caliber staff and managers to run a high-quality forensics program in the District of Columbia.

One doesn't need to watch CSI every week to appreciate the critical role of forensics work in our criminal investigations and prosecutions. As technology progresses — and as jurors increasingly expect to see sophisticated forensics evidence at trial — we are becoming more and more reliant on effective evidence collection and analysis to develop cases and secure convictions in our violent crime prosecutions.

There is no better example of this phenomenon than our neighboring jurisdiction to the west. The Commonwealth of Virginia has shown how enormously valuable DNA databases can

be in crime-solving. Since the creation of its databank in 1992,Virginia has entered over 250,000 samples taken from felons who committed all kinds of crimes. The databank has produced 3,451 "hits," which have solved 338 murders, 610 sex crimes, and 2,163 burglaries. That is over 3000 very serious crimes, most of which would not have been solved without the DNA technology and databases.

The District needs to catch up. It needs to be able to analyze cases in which there is no identified suspect. This means that both crime scene samples and the offender samples have to be entered into the system to try to make a match. As helpful as the FBI lab has been in making sure we have analyses for trial when there is an identified suspect, it cannot process all of the District's no-suspect cases and all of the samples for the offender database and still do all of its other work.

While a District of Columbia forensic laboratory will not solve all of our law enforcement challenges, it will go a long way toward making sure that those crimes that can be solved are solved. For the victims of these crimes, their families and the community as a whole, this should be a high priority.

Thank you for inviting me to testify today. I would be pleased to answer any questions you may have.

Chairman TOM DAVIS. Thank you very much.

Mr. DiZinno. Thank you.

STATEMENT OF JOSEPH A. DiZINNO

Mr. DIZINNO. Good morning, Mr. Chairman, Congresswoman Norton and members of the committee, I am pleased to be here today to discuss the FBI's continued commitment to assist the Washington, DC Metropolitan Police Department in the development of their own forensic laboratory assets.

During 2002 and 2003, the FBI Laboratory initiated discussions with the MPD to explore the development of an MOU between both agencies regarding issues affecting MPD forensic case examinations. The FBI Laboratory has historically provided laboratory testing services to MPD. Since September 11, 2001, the mission of the FBI Laboratory has focused primarily on providing forensic services to support counterterrorism and counterintelligence investigations. The support to MPD investigations could continue but not at the priority level previously received.

Since approximately 30 percent of all submissions received by the FBI Laboratory nuclear DNA analysis unit and a significant number of trace evidence examinations involve MPD investigations, the FBI Laboratory recommended the formation of an MPD laboratory that would replace the trace evidence and DNA services being performed by the FBI Laboratory. The FBI Laboratory and MPD then developed an MOU to document this partnership.

As part of the MOU, the FBI has provided MPD laboratory space, equipment and supplies and training for MPD personnel to perform examinations within the FBI Laboratory. Additionally, laboratory operational manuals, quality assurance procedures and all materials necessary to pursue laboratory accreditation within the scope of the FBI Laboratory's accreditation agency, the American Association of Crime Laboratory Directors, Laboratory Accreditation Board, or ASCLD/LAB, have been provided.

In the spring of 2004, the MOU was formally agreed upon by both agencies and the FBI Laboratory immediately began supporting this initiative. Based upon the 2002 workload submitted to the FBI Laboratory by the MPD, it was recommended that three serology/DNA examination teams, each consisting of one examiner and one biologist, be established as well as two trace evidence examination teams, each consisting of one examiner and one technician. Narrative position descriptions, academic and experience requirements, salary ranges and employment postings were provided by the FBI Laboratory to MPD in April 2004. Subsequent to the signing of the MOU, the FBI Laboratory assisted in the advertisement, recruitment and interview process to select prospective candidates from June to October 2004.

Currently two MPD trace evidence examiners and one MPD trace evidence technician are working on MPD casework in FBI Laboratory. A second trace evidence technician resigned before completing her training and a replacement was hired and is expected to be qualified by the end of September 2006. The incorporation of the MPD trace evidence teams in the FBI Laboratory has had significant positive results for the MPD and the FBI. For example, between 2003 and 2005, average turnaround time for MPD trace evi-

dence cases was reduced from 142 to 50 days with the incorporation of the MPD trace evidence teams. Incidentally in that same time period, the non-MPD trace evidence examination turnaround time for the FBI Laboratory decreased from 127 days in 2003 to 61 days in 2005. For DNA analysis currently two MPD DNA biologists are performing pre-DNA serology examinations on MPD casework in the FBI Laboratory and are expected to be qualified to perform DNA biologist work in spring 2007. The third MPD biologist is currently training in the FBI Laboratory. In addition, two MPD DNA examiners have been hired and both should be qualified to perform DNA examinations on MPD casework by the fall of 2007. The FBI will continue to assist MPD to recruit a third DNA examiner.

It should be noted that since the inception of this program, an additional five DNA personnel have been hired and have left the program for a variety of reasons. Overall, it is anticipated that two DNA examiners and three qualified DNA biologists will be working MPD casework by October 2007.

In 2003, the FBI Laboratory received 194 MPD DNA cases and 159 MPD submissions were reported with DNA results. In 2005, the FBI Laboratory received 255 MPD DNA cases and reported 232 MPD DNA submissions—results. It should be noted that a portion of the MPD DNA cases were outsourced for DNA analysis work at a cost of $1.1 million paid by the FBI Laboratory. The current backlog for nuclear DNA casework in the FBI Laboratory consists of 329 MPD cases and 1,323 non-MPD cases. The average turnaround time for a nuclear DNA case in the FBI Laboratory has increased to almost 1 year for nonexpedited cases. It is anticipated that once the MPD DNA personnel are qualified and working MPD cases, the turnaround time for MPD DNA cases as well as the FBI non-MPD DNA cases will significantly be reduced.

As far as the national DNA data base, FBI lab personnel have uploaded 2,325 DNA samples from Court Services and Offender Supervision Agency [CSOSA], and 23,756 Federal convicted offender samples, some of those samples of convicted offenders from Washington, DC as well as 250 to 300 forensic or unknown samples into the national data base. As a result of FBI personnel uploading Washington, DC DNA data into the national DNA index, 14 CSOSA offender hits have occurred as well as 70 national DNA index hits to forensic samples of MPD profiles.

Overall, it is anticipated in the first quarter of 2008 the MPD laboratory could potentially achieve ASCLD/LAB accreditation.

Once again, I appreciate the opportunity to come before you today and share the work that the FBI Laboratory is doing in cooperation with MPD to address the need to support the development of a dedicated MPD laboratory. The FBI will continue its efforts and will keep this committee informed of our progress in protecting the people of this Nation's Capital.

Mr. Chairman, Ms. Norton, members of the committee, thank you for your time and your continued support of the FBI and MPD laboratory's continued efforts to address the timely analysis of forensic evidence in the Nation's Capital. I am happy to answer any questions.

[The prepared statement of Mr. DiZinno follows:]

Testimony of Dr. Joseph A. DiZinno,
Federal Bureau of Investigation Laboratory Director
Before the House Government Reform Committee
September 22, 2006

Good morning Mr. Chairman, Congressman Waxman, and members of the committee. I am pleased to be here today to discuss the FBI's continued commitment to assist the Washington, DC Metropolitan Police Department (MPD) in the development of their own forensic laboratory assets.

During 2002 - 2003, the FBI Laboratory initiated discussions with the Metropolitan Police Department to explore the development of a Memorandum of Understanding (MOU) between both agencies regarding issues affecting forensic case examinations. The FBI Laboratory has historically provided laboratory testing services to MPD, largely based upon the convenient location of the laboratory within the District of Columbia. However, at that time, the FBI Laboratory was planning to re-locate to a new facility in Quantico, VA, approximately 45 miles south of Washington, D.C., which necessitated adjustments on behalf of MPD. More importantly, since September 11, 2001, the mission of the FBI Laboratory has focused primarily upon providing forensic services to support counterterrorism and counterintelligence investigations. The support to MPD investigations can continue, but not at the priority level previously received.

Since approximately 30% of all submissions received by the DNA Analysis Unit I (DNAUI) of the FBI Laboratory involve MPD investigations, the FBI Laboratory recommended the formation of an MPD Laboratory that would replace the technical examinations currently being performed by the DNAUI (specifically, serological examinations for the detection human bodily fluids and nuclear DNA testing). During FY 2002, approximately 300 cases were submitted by MPD to the FBI Laboratory involving the disciplines of Trace Evidence examinations and nuclear DNA testing. Based upon this information, the FBI Laboratory recommended that Trace Evidence and DNA examinations be included in the proposed MPD laboratory.

As part of the MOU, the FBI would provide MPD laboratory space, equipment, and supplies to perform examinations within the FBI Laboratory. This arrangement would also include comprehensive training in the Serology-DNA and Trace-Evidence disciplines, at both the Biologist/Technician and Examiner levels. Additionally, laboratory operational manuals, quality assurance procedures, and all materials necessary to pursue laboratory accreditation -- within the

scope of the FBI Laboratory's accreditation agency, the American Association of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) -- would be provided.

In the spring of 2004, the MOU was formally agreed upon by both agencies and the FBI Laboratory immediately implemented this initiative. Based upon the FY2002 workload submitted by MPD to the FBI Laboratory, it was recommended that three serology / DNA examination teams, each consisting of one examiner and one biologist, be established, as well as two trace evidence examination teams, each consisting of one examiner and one technician. Narrative position descriptions, academic and experience requirements, salary ranges, and employment postings were provided by the FBI Laboratory to MPD in April 2004. The FBI Laboratory assisted in the advertisement, recruitment, and interview process to select prospective candidates from June to October 2004.

Current status of MPD Trace Evidence Program

Two retired FBI trace evidence examiners began working at the FBI Laboratory as part of the MPD Laboratory, one in August 2004 and the other in September 2004. One MPD trace evidence technician started at the FBI Laboratory in March 2005 and was qualified in June 2005. The second trace evidence technician started training at the FBI Laboratory in April 2005, but resigned before completing her training in June 2005. A replacement for this technician was hired by MPD in October 2005 and began training at the FBI Laboratory in July 2006. This technician is expected to be qualified by the end of September 2006.

Prior to reporting to the FBI Laboratory, the three MPD Trace Evidence technicians worked on a variety of projects at the MPD facility at V street, including file organization; updating the MPD sexual assault database, which included reviewing and capturing all information in the files; assisting in the development of a lab file system; and assisting in the outsourcing of MPD DNA cases. Two of these technicians are the two current Trace Evidence technicians in this program.

Since reporting to the FBI Laboratory, the two MPD Trace Evidence examiners have, in addition to working cases, been involved in the restructuring the MPD evidence program, assisting and planning in the renovation of building space, purchasing equipment for a new laboratory, working with MPD personnel office to define job descriptions, reviewing applicants, and assisting in the outsourcing of DNA cases.

For the two years prior to the establishment of this program, the Trace Evidence Unit of the FBI Laboratory received, on average, 162 MPD cases comprised of 1993 specimens. During that same time frame, the Trace Evidence Unit of the FBI Laboratory completed, on average, 162 cases comprised of 2032 specimens. These were completed, on average, in 130 calendar days. On August 2, 2004, the MPD Trace Evidence Unit began working cases and was primarily responsible for all MPD Trace Evidence cases. For the year beginning on that date, the MPD Trace Evidence Unit received 194 cases comprised of 2211 specimens, and closed 240 cases comprised of 2504 specimens. These cases were completed with an average turnaround time of 72 days. For the year

beginning on August 2, 2005, the MPD Trace Evidence Unit received 175 cases comprised of 1418 specimens and closed 171 cases comprised of 1504 specimens. These cases were completed with an average turnaround time of 50 days. The reduction in the number of cases submitted to the laboratory was due in part to MPD Trace Evidence personnel being involved in the review of cases prior to submission to the laboratory. This also resulted in a reduced number of cases being processed by the MPD Trace Evidence Unit. However, due to the efforts of MPD Trace Evidence Unit personnel, the number of cases closed per year has increased and the average turnaround time has decreased dramatically.

MPD Trace Evidence cases examined by FBI Laboratory and MPD Laboratory

Year	Laboratory responsible for exam	Cases assigned	Specimens assigned	Cases completed	Specimens processed	Average turnaround time
2002-2003	FBI	139	1873	144	1783	142 days
2003-2004	FBI	185	2113	180	2281	117 days
2004-2005	MPD	194	2211	240	2504	72 days
2005-2006	MPD	175	1418	171	1504	50 days

When you examine the impact of this program on the FBI Laboratory's Trace Evidence Unit, you see a remarkable change in the ability to address non-MPD casework. For the same two year period prior to the inception of the MPD Trace Evidence program, the FBI Laboratory's Trace Evidence Unit completed examinations on 1807 cases comprised of 11,926 specimens. These were completed with an average turnaround time of 115 days. For the year beginning on August 2, 2004, the FBI Laboratory's Trace Evidence Unit completed examinations on 1069 cases comprised of 8737 specimens. These were completed with an average turnaround time of 65 days. For the year beginning on August 2, 2005, the FBI Laboratory's Trace Evidence Unit completed examinations on 918 cases comprised of 7261 specimens. These were completed with an average turnaround time of 61 days.

Non-MPD Trace Evidence cases examined by FBI Laboratory

Year	Cases completed	Specimens completed	Turnaround time
2002-2003	968	11287	127
2003-2004	1206	12566	103
2004-2005	1069	8737	65
2005-2006	918	7261	61

Over the past three years, the FBI Trace Evidence Unit has dedicated $13,200 to support forensic examinations by MPD Trace Evidence personnel. In addition, four microscopes were purchased for use by MPD personnel at a cost of $18,000. The current case backlog in the Trace

Evidence Unit of the FBI Laboratory consists of 51 MPD cases and 167 FBI cases.

Current status of MPD DNA Program

The MPD DNA program has undergone significant turnover in the past two years. Two examiners and three biologists were originally selected for the MPD DNA Laboratory. Of the original biologists selected, one resigned in February 2005 and was replaced by an alternate candidate. In March 2005, one MPD DNA Examiner and the two of the three DNA Biologists reported to the DNAUI for training. The remaining Biologist continued to perform administrative functions in Washington, D.C., at the direction of MPD but resigned in the summer of 2005. The remaining MPD DNA Examiner did not report to the FBI Laboratory for training, but at the direction of MPD continued to perform administrative functions in Washington D.C. During the fall of 2005, MPD independently selected a third DNA Examiner, as well as a third Biologist.

In September 2005, two DNA Biologists successfully completed serology training and began performing casework examinations as part of DNAUI. The scientists have gained one year of specialized casework experience in this discipline and have met all performance expectations. Both DNA Biologists are scheduled to begin DNA training in October, with an anticipated completion date in the spring of 2007.

The FBI Laboratory then assisted MPD in the recruitment, interviews, and hiring of two additional examiners in the spring of 2006 and the FBI will continue to assist MPD recruit a third DNA Examiner. The overall training approach is anticipated to produce two qualified DNA Examiners and three fully qualified DNA Biologists by October 2007.

Following two to three months of independent casework, the MPD program will be expected to submit its application to ASCLD/LAB for accreditation. An external DNA audit may also be scheduled in this timeframe to precede the inspection. During the first quarter of 2008, the MPD program could undergo and potentially receive ASCLD/LAB accreditation. At that time, the necessary requirement for independent access to CODIS and the NDIS may be satisfied. The MPD DNA program could then be in a position to independently enter and search DNA profiles by spring 2008.

The FBI Laboratory will continue to assist the MPD program in the recruitment, hiring, training, and ultimate qualification of two more DNA examination teams (with two Examiners and two Biologists) in this timeframe, potentially achieving a staffing level of ten DNA scientists.

Until the MPD can assume primary responsibility for its DNA testing, the FBI, MPD and the United States Attorney for the District of Columbia have agreed to outsource MPD's DNA testing. The FBI would bear all of the expenses and responsibilities for managing the outsourcing of selected MPD cases. The following summarizes the volume of cases worked internally by the DNAUI and outsourced externally over this time period:

	Cases Received	

Year	(internal/outsourced)	Submissions Reported
2003	194 (161/33)	159
2004	287 (143/144)	235
2005	255 (218/36)	232
2006 Through 8/31/06	234 (229/5)	55

The current case backlog in DNAU1 consists of 329 MPD cases and 1323 non-MPD cases. The average turnaround time for a case in DNAU1 has increased to almost one year on a non-expedited case. In addition, the DNAU1 can no longer accept MPD 100 day hold cases that are submitted with less than 70 days remaining. From 2003 to the present, the FBI Laboratory has spent $1.1 million on the outsourcing contract for MPD cases.

Conclusion

Once again, I appreciate the opportunity to come before you today and share the work that the FBI Laboratory is doing in cooperation with the Metropolitan Police Department to address the need to support the development of a dedicated MPD Laboratory. The FBI will continue its efforts, and we will keep this committee informed of our progress in protecting the people of Washington, D.C. Mr. Chairman, Mr. Waxman, and members of the Committee: Thank you for your time and your continued support of the FBI's and MPD Laboratory's continued efforts to address the timely analysis of forensic evidence in our Nation's capital. I am happy to answer any questions.

Chairman TOM DAVIS. Thank you very much.

Chief Ramsey, thanks for being with us.

STATEMENT OF CHARLES H. RAMSEY

Chief RAMSEY. Thank you, sir. Mr. Chairman and members of the committee, staff and guests, thank you for the opportunity to testify this morning concerning the District of Columbia consolidated laboratory facility and what the lab will do for crime fighting and crime prevention in our Nation's Capital.

Deputy Mayor Reiskin will provide you with a detailed update on the planning and implementation of the proposed lab and he will articulate quite clearly and convincingly why such a facility dedicated to the needs and priorities of the Metropolitan Police Department and other D.C. Government agencies is so crucial to the health and safety of our city. I won't try to repeat what the deputy mayor will lay out for the committee. However, I would like to amplify a few key points that he will make, especially as they relate to the Metropolitan Police Department's mission of crime solving and crime prevention.

Over the years advancements in DNA analysis and other forensics technology has provided law enforcement with tremendous benefits in the short term as well as amazing promise and potential for the future. While television has certainly popularized the importance of DNA in modern crime fighting, law enforcement agencies across the country can point to any number of real-life cases that have been solved through the use of DNA analysis. Earlier this year here in the District of Columbia we closed a 23-year-old murder case based largely on DNA evidence.

The entertainment programs such as CSI and Law and Order gloss over one very important reality, to take full advantage of DNA technology agencies need the resources, bricks and mortar, specialized equipment and highly trained staff to do the job. Unfortunately, the District of Columbia has been behind the curve, far behind the curve for a long period of time when it comes to harnessing the power of DNA technology.

During the 1970's, 1980's and 1990's when other jurisdictions were investing in building or expanding the capacity of their crime labs, the District continued to rely on the Federal Government to handle most of our lab operations. In recent years, it has become clear to everyone, the Mayor, the D.C. Council, Metropolitan Police, other health and safety agencies and certainly our residents that this situation is no longer tenable. To support our crime fighting efforts, the District needs its own dedicated crime laboratory and we need a laboratory that's capable of taking full advantage of the latest in DNA and other forensics technologies.

As you will hear from the deputy mayor, we're finally moving in that direction with plans underway to construct a consolidated laboratory that will include a fully functional crime lab to support the MPD and other agencies.

The Metropolitan Police Department appreciates the crime lab's support and resources provided by the FBI and other Federal agencies over the years. The FBI in particular has been a gracious and steady partner in analyzing evidence for our department and, more recently, in providing space and resources for a small number of

dedicated MPD technicians to work on District cases at the FBI lab, but I understand that the FBI has its own needs and its own priorities when it comes to allocating the finite resources of its crime lab and since the terrorist attacks of September 11, 2001, the demands on the FBI crime lab have certainly expanded and their priorities have necessarily shifted.

I know it can be difficult and frustrating for a crime victim in D.C. or the survivor of a homicide victim to be told that forensic analysis on their case may be delayed because the FBI crime lab is focusing on other priorities that come first. But that's the reality we face under the current situation.

A dedicated D.C. crime lab is essential for both day-to-day crime fighting as well as homeland security in the National Capital Region. The reality is should there be a future terrorist strike in the District of Columbia we would need not only the FBI crime lab but other forensic facilities to be involved in the myriad tasks associated with such a catastrophic event. In this scenario a dedicated D.C. crime lab would promote much needed coordination among police, health officials in the medical examiner's office, while continuing to ensure evidence from local crimes—sexual assaults, robberies, and others—is still being analyzed in a timely fashion.

In your invitation letter, Mr. Chairman, you asked about the relationship between forensic testing and the MPD's ability to refer cases for prosecution. That is a somewhat difficult question to assess. There are very few cases in which DNA or other forensic evidence is the sole basis for prosecution. Typically forensics represents one element of the total evidentiary package in any particular case. That said, there are certainly cases where DNA, for example, is the foundation for a case and moving forward depends on the forensic evidence. Our inability to analyze this evidence in a timely manner can delay our ability to move forward on some cases.

Perhaps a larger technical limitation involves our inability under the current arrangement to take full advantage of the CODIS system, the repository of DNA samples that has been so beneficial in identifying offenders and solving cases nationally. Currently in many of our cases the FBI crime lab is able to conduct DNA analysis only when we have a suspect in a case. As such, the DNA test is largely to confirm the involvement of an already identified suspect. That is certainly beneficial in fact essential in these types of cases. However, if our department had its own fully functional crime lab, we would be able to conduct many more cold hit analyses in which DNA recovery at the crime scene is tested against the national repository. If the experiences of Virginia and other jurisdictions are any guide, I am quite confident this would result in more offenders being arrested and more cases being solved. In addition to being a benefactor of CODIS, the District of Columbia could also become a more frequent contributor to the national system, something that would benefit others, particularly neighboring jurisdictions as well.

Unnecessary delays or missed opportunities in moving forward with criminal prosecutions can harm not only the victims or the survivors, who are seeking justice and some measure of closure. They can also endanger the community at large as offenders con-

tinue to commit crimes while the earlier case against them is being built. That's why I so strongly believe that we need to have our own dedicated crime lab, and it has implications not only for investigating and solving crimes but just as importantly for preventing crime if we're making our community safer.

In many respects, our department is performing remarkably well, given the limitations we face with our crime lab resources. According to the FBI's 2005 crime statistics that were released earlier this week, the District's clearance rates for homicide, rape, aggravated assault and burglary are well above average when compared with comparably sized cities having populations of 500,000 to 1 million, and while I'm certainly pleased that our clearance rates were higher than the norm, I will never be satisfied with just being above average. This is our Nation's Capital, and we should be setting the standard when it comes to criminal investigations, crime solving and crime prevention. We can't possibly meet that goal if we don't have our own dedicated crime lab facility.

The good news is that our city is united in our commitment to build a state-of-the-art crime lab facility. Our elected leaders, the business community, the police department and other safety and health agencies and, most importantly, our residents all recognize the need for this facility and the benefits it would bring. So moving forward with this project is not a matter of consensus or commitment but a matter of resources. By working together, the District Government and our partners in the Federal Government, I am confident that we can find the resources necessary to create a facility that is fitting and appropriate for our Nation's Capital and one that will help us continue to make this great city even safer and more secure.

Thank you.

[The prepared statement of Chief Ramsey follows:]

Government of the District of Columbia

Metropolitan Police Department

Testimony of
Charles H. Ramsey
Chief of Police

District of Columbia Consolidated Laboratory Facility

United States House of Representatives
Committee on Government Reform
Representative Tom Davis, Chair
Representative Henry Waxman, Ranking Member

September 22, 2006

Room 2154
Rayburn House Office Building
Washington, DC

Mr. Chairman, members of the Committee, staff and guests. Thank you for the opportunity to testify this morning concerning the District of Columbia Consolidated Laboratory Facility and what the lab will mean for crime fighting and crime prevention in our nation's capital. Deputy Mayor Reiskin has provided you with a detailed update on the planning and implementation of the proposed lab, and he has articulated, quite clearly and convincingly, why such a facility – dedicated to the needs and priorities of the Metropolitan Police Department and other DC government agencies – is so crucial to the health and safety of our city. I will not repeat what the Deputy Mayor has already laid out for the Committee. However, I would like to amplify a few key points, especially as they relate to the Metropolitan Police Department's mission of crime solving and crime prevention.

Over the years, advancements in DNA analysis and other forensics technology have provided law enforcement with tremendous benefits in the short-term, as well as amazing promise and potential for the future. While television has certainly popularized the importance of DNA to modern crime fighting, law enforcement agencies across the country can point to any number of real-life cases that have been solved through the use of DNA analysis. Earlier this year here in the District, we closed a 23-year-old murder case based largely on DNA evidence.

But entertainment programs such as "CSI" and "Law and Order" gloss over one very important reality: to take full advantage of DNA technology, agencies need the resources – bricks-and-mortar, specialized equipment and highly trained staff – to do the job. Unfortunately, the District of Columbia has been behind the curve – far behind the curve, for a long period of time – when it comes to harnessing the power of DNA technology. During the 1970s, 80s and 90s, when other jurisdictions were investing in building or expanding the capacity of their crime labs, the District continued to rely on the federal government to handle most of our lab operations. In recent years, it has become clear to everyone – the Mayor, the DC Council, the MPD, other health and safety agencies, and certainly our residents – that this situation is no longer tenable.

To support our crime fighting efforts, the District needs its own dedicated crime laboratory, and we need a laboratory that is capable of taking full advantage of the latest in DNA and other forensics technologies. As you heard from the Deputy Mayor, we are finally moving in that direction, with plans under way to construct a consolidated laboratory that will include a fully functional crime lab to support the MPD and other agencies.

The Metropolitan Police Department appreciates the crime lab support and resources provided by the FBI and other federal agencies over the years. The FBI, in particular, has been a gracious and steady partner in analyzing evidence for our Department and, more recently, in providing space and resources for a small number of dedicated MPD technicians to work on District cases at the FBI lab. But I understand that the FBI has its own needs and its own priorities when it comes to allocating the finite resources of its crime lab. And since the terrorist attacks of September 11th, 2001, the demands on the FBI Crime Lab have certainly expanded and their priorities have necessarily shifted. I know it can be difficult and frustrating for a crime victim in DC, or the survivor of a homicide victim, to be told that forensic analysis on their case may be delayed because the FBI Crime Lab is focusing on other priorities that come first. But that's the reality we face under the current situation.

A dedicated DC crime lab is essential for both day-to-day crime fighting, as well as homeland security in the National Capital Region. The reality is that, should there be a future terrorist strike in the District of Columbia, we would need not only the FBI Crime Lab, but other forensic facilities to be involved in the myriad tasks associated with such a catastrophic event. In this scenario, a dedicated DC crime lab would promote much-needed coordination among police investigators, local health officials and the medical examiner's office, while continuing to ensure that evidence from local crimes – homicides, sexual assaults, robberies and others – is still being analyzed in a timely fashion.

In your invitation letter, Mr. Chairman, you asked about the relationship between forensic testing and the MPD's ability to refer cases for prosecution. That is a somewhat difficult question to assess. There are very few cases in which DNA or other forensic evidence is the sole basis for prosecution. Typically, forensics represents one element of the total evidentiary package in any particular case. That said, there are certainly cases where DNA, for example, is the foundation for a case, and moving forward depends on the forensic evidence. Our inability to analyze this evidence in a timely manner can delay our ability to move forward on some cases.

Perhaps the larger technical limitation involves our inability under the current arrangement to take full advantage of the CODIS system – the repository of DNA samples that has been so beneficial in identifying offenders and solving cases nationally. Currently, in many of our cases, the FBI Crime Lab is able to conduct DNA analyses only when we have a suspect in a case. As such, the DNA test is used largely to confirm the involvement of an already identified suspect. That is certainly beneficial – in fact, essential – in these types of cases. However, if our department had our own, fully functional crime lab, we would be able to conduct many more "cold-hit" analyses, in which DNA recovered at a crime scene is tested against the national repository. If the experiences of Virginia and other jurisdictions are any guide, I am quite confident that this would result is more offenders being arrested and more cases being solved. In addition to being a benefactor of CODIS, the District of Columbia could also become a more frequent contributor to the national system – something that would benefit other, particularly neighboring jurisdictions as well.

Unnecessary delays or missed opportunities in moving forward with criminal prosecutions can harm not only the victims or the survivors, who are seeking justice and some measure of "closure." They can also endanger the community at large, as offenders continue to commit crimes while the earlier case against them is being built. That is why I believe so strongly that having our own dedicated crime lab has implications not only for investigating and solving crimes, but just as importantly, for preventing crime and making our communities safer.

In many respects, our Department is performing remarkably well, given the limitations we face with our crime lab resources. According to the FBI's 2005 crime statistics, which were released earlier this week, the District's clearance rates for homicide, rape, aggravated assault and burglary were all above average when compared with comparably sized cities having populations of 500,000 to 1 million. And while I am certainly pleased that our clearance rates were higher than the norm, I will never be satisfied with being just "above average." This is the nation's capital, and we should be setting the standard when it comes to criminal investigations, crime solving and crime prevention. We cannot possibly meet that goal if we do not have our own dedicated crime lab facility.

The good news is that our city is united in our commitment to build, equip and staff a start-of-the-art crime lab facility. Our elected leaders, the business community, the Police Department, other safety and health agencies and, most importantly, our residents all recognize the need for this facility and the benefits it would bring. So moving forward with this project is not a matter of consensus or commitment, but a matter of resources. By working together – the District government and our partners in the Federal government – I am confident that we can find the resources necessary to create a facility that is fitting and appropriate for our nation's capital, and one that will help us continue to make this great city even safer and more secure. Thank you.

Chairman TOM DAVIS. Thank you very much.

Mr. Reiskin, thanks for being with us.

STATEMENT OF EDWARD D. REISKIN

Mr. REISKIN. Thank you, Mr. Chairman. Good morning. My name is Ed Reiskin. I am the deputy mayor for public safety and justice. And I do want to thank you, Mr. Chairman, and you, Congresswoman Norton, for your continued leadership on many issues that are of vital interest to the District and this is most certainly one of them.

I am happy to be here on behalf of Mayor Williams to discuss this topic that's of vital importance not just to District of Columbia residents but also to our Federal stakeholders and the other folks that are involved in the District's complex criminal justice system.

The reason Mayor Williams and the Council has championed this issue, both through his request for Federal support and through his commitment of significant local capital resources, is that this facility will have a greater impact on reducing crime and preparing the city for disasters than perhaps any other single investment we can make.

There's been a lot of discussion about the crime lab aspects of this facility, but this is a consolidated laboratory facility that we're building. It will house the Metropolitan Police Department's forensics crime laboratory, the entire operations of our chief medical examiner, the Department of Health's public health laboratory, and the forensic toxicology drug testing lab of the Pretrial Services Agency, which is a Federal agency.

You've heard much about the benefits of the crime lab which include not only enhanced capability to solve crimes but improve expedited detection of and response to biological or chemical agents and communicable diseases, state-of-the-art facilities to support death investigations and greater coordination, communication and standardization among the agencies, and these synergies are not and cannot be achieved through the current work of outmoded facilities, outsourced responsibilities and outspaced capacity.

The distinguished panel here has spoke quite a bit to the criminal aspects of this. So I'll just highlight that we have tens of thousands of items of evidence collected at the scenes of crimes every day throughout the District, but because of the lack of facilities, many of those pieces of evidence go unanalyzed. They're certainly unanalyzed quickly, sometimes languishing for years, leaving criminals on the loose, victims' families suffering and of course justice not served.

The Chief has spoken to the fact and all of them have spoken to the fact that we have lagged behind in terms of DNA analysis and processing and, as you refer to, Mr. Chairman, one of the more striking statistics is that we have roughly 1,500 sexual assault cases awaiting analysis. The sexual assault case backlog is shameful and an injustice to the many victims who would find peace only through the capture of their assailants.

Beyond DNA analysis, the lab will support firearms, fingerprint, document and cyber analysis, all critical to the successful closure and prosecution of crime in the District. The Office of the Chief Medical Examiner, also a part of this lab, has the responsibility for

identifying decedents but no viable means of using DNA analysis which would be particularly helpful on unidentifiable or decomposed decedents.

This facility is small and old which can strain staff size and effectiveness, and the fact that they have to outsource functions can delay certification of the cause and manner of death, which cannot only hamper a criminal investigation, as the U.S. Attorney referred to, but also leaves families waiting longer than they should to have closure.

The lab will also contain a public health lab, and I don't have to tell you that we remain one of the top targets in the country for terrorism, and in fact we were struck with a bioterrorism attack here in this complex shortly after September 11th. The District's Department of Health partnered with many others in the response, and while 5 years later our response capabilities have improved quite a bit, there's been relatively little improvement in our ability to detect and prevent.

The new public health laboratory as part of the consolidated lab would be able to provide laboratory response, network approved rapid identification of bioterrorism agents, and clinical diagnostic support for hospitals with potential victims of biological, chemical or toxin exposures. In order to safely handle these types of agents, we need a biosafety level 3 containment facility.

Our current public health lab, which is 64 years old and collocated in an office environment, actually in the police department headquarters building, that cannot be upgraded to that level.

With the proper containment facilities, we'll be allowed to safely process various agents of bioterrorism such as anthrax, tularemia and ricin. These types of facilities are also required by conventional forensic disciplines to conduct forensic examinations on biologically contaminated evidence that are part of criminal investigations.

So to bring you up to where we are with this facility, to date over $23 million has been committed through District and Federal funding. We have an expert team in place on this project. We've completed a program analysis which has identified a need for a roughly 300 square foot, 5 story facility that would house roughly 500 employees. Site analysis is complete. Having reviewed location, accessibility ownership, zoning and other factors, we are currently completing a process mapping exercise, which will help define our staffing analysis as well as help us be able to exploit synergies between the different functions. And just last month we executed a design contract so the design for the facility is now underway with the program site and process mapping work in hand.

Finally, we have $150 million proposed in local capital budget funding over the next—over the two following fiscal years for construction, the balance of construction dollars to be requested from the Federal Government.

So in closing we're very grateful for the opportunity to raise this issue. As I said, the Mayor and the Council have committed significant effort and resources to this project. There are many benefits which I think the other speakers have already touched upon, benefits that will serve not only our residents and businesses but the members of our Federal family in the city and the 20 or 25 million visitors who come here each year.

So I thank you for this opportunity and look forward to questions.

[The prepared statement of Mr. Reiskin follows:]

Government of the District of Columbia

Office of the Deputy Mayor for Public Safety and Justice

Testimony of

Edward D. Reiskin

Deputy Mayor for Public Safety and Justice

District of Columbia Consolidated Laboratory Facility

United States House of Representatives
Committee on Government Reform
Representative Tom Davis, Chair
Representative Henry Waxman, Ranking Member

September 22, 2006

Room 2154
Rayburn House Office Building
Washington, DC
10:00 A.M.

Testimony of Edward D. Reiskin
Committee on Government Reform
Hearing on the District of Columbia's Consolidated Laboratory Facility
September 22, 2006

Good morning Chairperson Davis, Ranking member Waxman and members of the Committee. I am Ed Reiskin, Deputy Mayor for Public Safety and Justice in the District of Columbia. On behalf of Mayor Anthony Williams, I would like to thank you for the opportunity to provide a brief statement on the subject of the District's Consolidated Laboratory Facility, a topic that is of vital importance to the District of Columbia and all of the state and federal stakeholders that comprise the District's criminal justice system.

The Consolidated Laboratory Facility will be a state-of-the art facility that will house the Metropolitan Police Department Forensics Crime Laboratory, the entire operations of the Office of the Chief Medical Examiner, the Department of Health Public Health Laboratory, and the Pretrial Services Agency forensic toxicology drug testing laboratory, and will serve a wide range of District forensics and other criminal investigative needs. This facility will provide the District a major opportunity to enhance and expand existing agency functions and create new capabilities and expertise in areas currently unavailable in the District.

Among the significant benefits of the Consolidated Lab are: the enhanced capability to solve crimes through expedited, in-house forensics analysis and direct access to police and medical examiner investigations; improved and expedited detection of and response to biological or chemical agents and communicable diseases; state-of-the-art facilities to support death investigations; and greater coordination, communication, and standardization among the three agencies both day-to-day and in the event of major crimes and emergencies. This project also will address the inadequacy of the existing facilities that serve these critical functions. Currently these agency functions are either housed in outmoded facilities with limited space or lack their own laboratory facilities.

There is strong federal interest for this Consolidated Lab in the District. The federal benefit stems from having a safer nation's capital since the District of Columbia is the seat of the federal government, and from an enhanced bioterror response. Although, the majority of daily functions the Consolidated Lab will perform are local government public health and public safety in nature, due to the core public safety dimension of the new facility, federal agencies ranging from the US Park Police, the US Capitol Police, the US Marshals, and the US Attorney, will all utilize the services of the new laboratory on a daily basis. As such, the District has formally proposed a local federal cost sharing plan for the consolidated laboratory construction in which the District funds 63% of the overall design and construction, and the federal government bears 37% of the total project costs.

Crime Investigation Needs

Forensic laboratory functions are crucial to the timely investigation and successful prosecution of various types of crime including many deaths in the District of Columbia. While literally tens of thousands of items of evidence are collected at the scenes of violent crimes in the District of Columbia each year, the forensic analysis of this evidence must be prioritized because of the lack of resources. This prioritization

although necessary, means some cases that could benefit from forensic analysis languish for extended periods of time, leaving these cases unsolved and justice not served.

While many States have enjoyed significant success in closing violent crimes as a result of advancements in DNA and the creation of DNA databases, the District of Columbia has lagged far behind due to a lack of an adequate state/local forensic laboratory. As other jurisdictions are eliminating their DNA backlog and are looking to begin DNA analysis on more than just violent crimes, the District has about 1,500 sexual assault cases backlogged and is also expecting the violent crime backlog to grow between 100-200 cases a year, until the new Consolidated Lab is operational. In fact, the District of Columbia is among the worst jurisdictions in the country in terms of DNA profile contributions to the National DNA Database (CODIS), a statistic that further hampers DC law enforcement's ability to contribute to criminal investigations throughout the DC Metropolitan area. Yet, the District cannot provide these services, and the turn-around time for analyses by our federal partners is often a year or longer. In rare instances due to deadlines, the attorneys' offices may test their evidence privately at higher costs. There are many times when DNA analyses are simply unavailable to support prosecutions.

For the Metropolitan Police Department, the lab will provide in-house capacity for performing analysis of DNA evidence, trace evidence, questioned documents, computer crimes, and drug tests. Currently, the District relies on a number of other agencies (e.g., FBI, DEA, ATF, and U.S. Secret Service) for these forensic laboratory functions. However, in relying on these agencies to perform evidence analysis, receipt of test results is often not as fast as desired, which can negatively impact prosecution of criminal cases. It is essential that the Metropolitan Police Department be more self-reliant so that the District can employ forensic analysis on a greater variety and number of cases with a faster turnaround, thereby enhancing its capacity to solve crimes.

FBI lab officials estimate that 30 percent of its overall caseload is from the District. Beginning in FY 2007, the District will increase by $400,000 the current commitment of $800,000 for the hiring of a total of 20 lab technicians and examiners to work on District criminal investigations within the FBI lab. Through an MOU with the FBI, these technicians and examiners will be provided the space, equipment and supplies on a limited basis by the FBI. Under the MOU, the FBI decides which cases will be worked and to what extent, though the Bureau has been a very good partner in working with the District on prioritization and related issues. Backlogged cases are not part of the MOU. The FBI has committed to help the District coordinate the audit and assessment of the District's new lab in accordance with best practices. The FBI processes evidence from District cases only from a portion of the most violent crimes – homicides, sexual assaults, and – on occasion and at the request of the Metropolitan Police Department – very violent assaults or robberies. Other robbery and burglary cases that could be helpful in closing other cases are not accepted by the FBI for processing.

The pivotal shifting role of the federal justice agencies in local law enforcement forensic analysis for the District of Columbia and other jurisdictions across the country bears particular note. Historically many smaller law enforcement departments across the US enjoyed ready access to the FBI laboratory for evidence analysis. For many years because of the Metropolitan Police Department's key law enforcement role in the nation's capital, it and other local justice system agencies in the District enjoyed especially strong, timely and professional forensic laboratory support by the Bureau. The FBI's mission and resource priorities changed on September 11, 2001 and since that time, entirely understandably, the Bureau has steadily reduced resources available for DC cases.

The Office of the Chief Medical Examiner investigates and certifies all deaths in the District of Columbia that occur as the result of violence (injury) as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health. The Office of the Chief Medical Examiner will transfer to the new state-of-the-art facility existing functions that are now performed at their current facility located at the DC General Hospital campus. Toxicology and Serology lab capabilities will be enhanced by increasing the size of testing facilities and improved efficiencies and response times.

Public Health and Bioterrorism needs

The District's public health laboratory facilities lack the space and capabilities that the District's bioterrorism response demands. The new Public Health Laboratory will be able to provide Laboratory Response Network (LRN) approved rapid identification of bioterrorism agents and clinical diagnostic support for hospitals with potential victims of biological, chemical or toxin exposures. To safely handle terrorism agents, Bio-Safety Level 3 (BSL-3) containment facilities are required. Our current facilities, which are 64 years old and co-located in an office environment, cannot be upgraded beyond our current BSL-2 containment level due to lack of space and facility location. A new facility with proper BSL-3 containment facilities will permit various agents of bioterrorism (including anthrax, tularemia, ricin and others) to be safely processed in our laboratory. BSL facilities also are required by conventional forensic disciplines to conduct forensic examinations on biologically-contaminated evidence to determine who perpetrated the act. The importance of Metropolitan Police Department forensic sections lending forensic support to Public Health in the investigation of criminal terrorist acts is therefore very significant. Co-locating these laboratory functions will facilitate this effort.

In addition, the Public Health Lab will be able to provide clinical diagnostic support for routine and emerging infections such as Influenza, tuberculosis, West Nile Virus, SARS and other viruses. The new facility would also provide the necessary environment for secure storage of select biological and chemical agents. Finally, agents of chemical terrorism likely to be added to food, medications, water, etc. would also be screened within the security of this new laboratory.

The Benefits of a Combined Facility

The District will benefit considerably from having a single lab with forensics, medical examination, and public health facilities available in close proximity. Coordination between clinical diagnostics, post mortem examinations and forensic investigations are essential to a rapid agent identifications and consequence management. Initial capital outlay for the construction of one laboratory facility equipped with one BSL-3 facility for use by multiple services is substantially lower than constructing three separate laboratories with one of them as a single BSL-3 facility. And lastly, maintenance and operation of a shared facility will be significantly lower than the maintenance of three facilities. For example, one waste contract could be executed along with one contract for engineering and maintenance of the facility. Also, security costs could be shared.

Furthermore, the routine transportation of evidence introduces risks of contamination or degradation, and incurs burdens of logistical use of resources and maintaining a documented chain of custody. The risks of contamination and degradation are accelerated much more by the improper long-term storage of all of the backlogged evidence that is not processed. Biological evidence is currently maintained at ambient temperature; rising to over 100 degrees for days on end in the summer and lowering to below zero in the winter time. This constant cycling of hot and cold destroys biological evidence and counteracts the hard fought legislation (*i.e.* Millicent Allewelt act) designed to preserve it. Proper laboratory analysis permits thorough investigation of public safety and public health concerns, and has become the "industry standard" for such pursuits. Regrettably, the District is not meeting that standard uniformly.

Locating the D.C. Pretrial Services Agency forensic toxicology drug testing lab in the new laboratory building will provide Pretrial Services with state-of-the-art facilities for performing drug tests, resulting in increased operating efficiency, shorter turn-around times of its drug testing, and improved assessment of offenders. Pretrial Services and the Office of Chief Medical Examiner utilize similar toxicology testing equipment and have the potential to share training, equipment, and material support.

Costs of a State-of-the-Art Lab

We have made significant progress in programming and other planning for the Consolidated Lab. During FY 2005 we completed a Site Selection Study as well as a Program Study that calls for a 300,000 SF facility. We are close to selecting the final site for the Lab. During this fiscal year we are continuing to refine our plans for the Lab's operations, and just last month awarded a design contract. We plan to initiate construction in the fall/winter of 2007, with completion expected by 2010. The Mayor has dedicated a total of $10.3 million in District capital funds for the Consolidated Lab since FY 2005, supplemented by a total of $13 million in federal funding. The Mayor has also proposed $75 million in local funds both in FY 2008 and FY 2009 to finance the

bulk of the construction costs, the balance of which are proposed for federal funding. The total amount is currently estimated at $253 million.

The single most significant federal support we need in the District at this time to continue the reduction in crime is continued federal funding for the construction of the lab to supplement the considerable local resources the District is committing. There will be significant federal benefits, both in terms of enhanced capability for the District government agencies that provide for the response to incidents that may occur on federal property in the District and in terms of freeing capacity of federal agencies that currently perform District laboratory work.

To support our crime fighting efforts, the District needs its own crime laboratory and one that is capable of taking full advantage of the latest in DNA and other forensics technology. This state-of-the-art Consolidated Forensic Lab can be used to solve many crimes including murder, rape, robbery, and any other crime where biological material from the criminal was left behind at the scene, and its use must be maximized to achieve the true potential of the technology. The District is confident that bringing this capability in-house will result in significantly increased clearance rates for homicides and rape cases.

Thank you again for the opportunity to testify on the District's progress in implementing the Consolidated Laboratory Facility project. I am available to answer the Committee's questions on this important and exciting project.

Chairman TOM DAVIS. Well, thank you very much as well. Ms. Mohammed, thank you for being with us.

STATEMENT OF VALENCIA MOHAMMED

Ms. MOHAMMED. Thank you very much. Now it's time to hear from the mamas. Thank you very much, Congressman Davis and Congressman Norton, for having me here today.

In the spirit of the tens of thousands of families who have lost a loved one to street wars in the black community plagued with drugs and gun violence, I come before you today in peace in support of the thousands of mothers like myself who have endured the pain of losing our children to violence in the streets of the District of Columbia while others look down on us as if street violence only comes to bad people or those people who deserved it.

I am Valencia Mohammed, the mother of six children. I have lost two sons to gun violence in the Nation's Capital. In 1999, my 14-year-old son Said Raqib was found murdered in my own home while I attended a weekend sorority conference in Philadelphia. I aged 10 years in a week from crying and begging God to bring him back alive. I have never spoken with the original detective in that case. I was in shock and could not work for the first 2 years following his death. The murder tore my family apart. One child became mentally ill, going in and out of mental institutions.

Another child, Imtiaz Mohammed, who I believed had a bright future, dropped out of high school with only seven credits left to complete his secondary education. Imtiaz seemed to be on the path of destruction after the death of his brother.

On the D.C. streets, if you know who killed someone, you don't tell, you take revenge, you wait until the police solve a case, you take the information to your grave. In fact, you don't even tell your mother, your snitching mother. I waited and waited for years to hear some good news about my son's case. The stream rumor was that he was accidentally killed by one of his friends while they were examining a gun they rented with their allowance. I kept this in my heart. My family told the police we never heard from them again. I always thought I was due some official investigation and detailed explanation about what happened.

On October 28, 2004, I received another call, the news about my son Imtiaz Mohammed being shot brutally in front of a home where we first lived in the District. The house is only four blocks from the police precinct. The murder happened around 4 p.m. while I was on my way to computer class. I was hysterical when I heard it because, like Said, I knew there was nothing I could do to bring him back. At this time I got two responsible police detectives. However, they were so efficient in their duties, they also had a very heavy caseload. As a reporter, many times I would see them in Federal court. How could they be working on my son's case when they were in court, I said to myself.

I was already determined to become an activist for grieving mothers and an advocate for our loved ones who were killed in the District after Imtiaz was killed. I told the Chief, I would galvanize mothers to help the police department get whatever they needed to make our community safe. I don't know how many others accepted the charge to pound the streets, grocery stores, churches, schools,

Metro stations, radio shows, television stations, corridors of the D.C. politicians or the halls and corridors of the Senate, but I knew what was my calling at that point. The Chief said, if you could just help me get a forensics lab. I said, is that all you need? He said, please, just help me get that. I accepted the challenge.

Solemnly, I swore with the blood of my two sons that I would not stop until this matter received the attention on Capitol Hill that it deserved, along with the appropriate funds to erect a fully operational, adequately staffed forensics crime lab. I took to the streets with the newsletter showing a few photos of murder victims. Hundreds of parents began to call me. We began to organize our efforts on several fronts to stop crime because we began to analyze many of the programs that were in place, that were serving a small segment of our community. We analyzed organizations that received lots of attention but did not produce adequate results.

Thank God, we ran into Paul Wagner, who's a reporter from WTTG Fox TV, who had been a lone soldier out in the community for over 7 years, crying for a forensics lab, but his cries went on deaf ears. We also contacted about a dozen jurisdictions with crime labs, obtained blueprints and information about funding sources.

As we near the possibility of the District's own forensics lab, the cost is our concern. We have been told that the only way Congress would fund the forensics lab is for it to include a bioterrorist lab component. That's not fair. For decades we have relied on the FBI to assist us. We almost had 5,000 unsolved murders on the books. Does anyone hear our plea? It's really not fair. We want our own stand-alone forensics crime lab. Take the bioterrorist component where it belongs, with the military or the FBI. Bioterrorism is a national issue. We need and deserve our own state-of-the-art, fully operational, adequately staffed and fully operational forensics lab.

Congressman Davis, many of the mothers whose children were killed in the District come from Fairfax County. They believe their children's murders are not solved because they reside in your county. Some of their children came to D.C. for a date, others going home from work. I want to go back and tell them also, Congressman Davis, that you are fighting on their behalf. I want to give all mothers who have lost their children to the streets in D.C. some hope that they can finally rely on their officials and that you are listening.

Once the Congress decides to provide funding for the lab, we do not want it redirected in any way by the Mayor or the Council of the District of Columbia.

Please hear our plea. We have planned in the near future for dozens of mothers to begin our lobbying efforts after the first of the year. We will walk the halls of Congress and the Senate. The discussions in this meeting will determine our direction. For mothers who have lost their direction due to street violence, the pain is quite different from mothers who have lost their children to foreign wars. We mean no harm. At least a mother of a war casualty may give her child a kiss goodbye or a hug before they shipped them off to fight for freedom in a foreign country. There might be a big celebration. Then there's a big send-off with hundreds of fellow enlistees to serve this country. These parents are fully aware that they have sent their children to kill or be killed in a war sanc-

tioned by this country. If their child kills dozens of people in the war, the act is hailed as a victory. If they got killed in the act, they are hailed as heroes. With street violence, mothers don't know that the last spoken word to their child, hug or kiss with their children would be the last. There is no big send-off party. After they have been killed, no one hails them as a hero but a victim.

Sometimes society and police have preconceived concepts that the child may have caused his or her own demise. Many mothers don't fight for their right for closure. They endure the pain and slowly die inside spiritually and until the pain takes them over physically and they pass away. But for those of us who have sworn with the blood of our children, we will continue to fight for our police department to get whatever it needs to keep our community safe.

We will leave you in peace until we meet again. Thank you again, Congressman Davis and Congressman Eleanor Holmes Norton, and we truly believe that this matter could have been resolved a long time ago if our Congressperson had a voice in Congress. Thank you very much.

[The prepared statement of Ms. Mohammed follows:]

moms

In the spirit of the tens of thousands of family members who have lost a loved one to street wars in the Black community plagued with drugs and gun violence, I come before you today in peace.

In support of the thousands of mothers, like myself, who have endured the pain of losing our children to violence on the streets in the District of Columbia, while others look down on us as if street violence only comes to bad people or "those" people deserved it – I ask for your undivided attention.

I am Valencia Mohammed, the mother of six children. I have lost two sons to gun violence in the nation's capital. In 1999, my 14-year old son, Said Raqib was found murdered in my own home while I attended a weekend sorority conference in Philadelphia. I aged 10 years in a week from crying and begging God to bring him back alive! I have never spoken with the original detective in that case. I was in shock and could not work for the first two years following his death.

The murder tore my family apart. One child became mentally ill, going in and out of mental institutions. Another child, Imtiaz Mohammed, who I believed had a bright future, dropped out of high school with only seven credits left to complete his secondary education. Imtiaz seemed to be on a path of self destruction after the death of his brother. I truly believe Imtiaz found out what exactly happened but he refused to tell me.

On D.C. streets if you know who killed someone - you don't tell – you take revenge - you wait until the police solve the case or you take the information to your grave! In fact, you don't even tell your "snitching" mother.

I waited and waited for years to hear some good news about Said's case. The street rumor was that he was accidentally killed by one of his friends while they were examining a gun they rented with their allowance. I kept that in my heart. My family told the police. But that was the street rumor. We never heard from them again. I always thought I was "due" some official investigation and detailed explanation about Said's case.

And then it happened again. On October 28, 2004, I received some disturbing news about Imtiaz being shot brutally in front of the home where we first lived in the District. The house is only four blocks from the police precinct. The murder happened around 4 p.m. while I was on my way to computer class. I was hysterical when I heard it because, like Said, I knew there was nothing I could do to bring him back.

I lucked up this time and got two responsible police detectives. However, because they were so efficient at their duties, they also had a heavy caseload. As a reporter many times I would see them in federal court. I kept thinking, how could they be working on my son's case when they are in court?

I already was determined to become an activist for grieving mothers and an advocate for our loved ones who were killed in the District after Imtiaz was killed.

But what turned me into a 365-day advocate was when I met with the police chief on Imtiaz's birthday. I learned that we had thousands of unsolved homicides on the books since 1969. I also learned that a large majority of those could be solved if we had our own forensics lab.

I told the chief that I would galvanize mothers to help the police department get whatever it needed to make our communities safe. I don't know how many others accepted the charge to pound the streets, grocery stores, churches, schools, metro stations, radio shows, television stations, corridors of D.C. politicians, or the halls of the Congress and Senate – but I knew what my calling was at that point.

"If you could just help me get a forensics lab," said the chief. "I asked, "Is that all?" "He said, "Please help me with that." I accepted the challenge. Silently, I swore with the blood of my two sons that I would not stop until this matter received attention on Capitol Hill along with the appropriate funding to erect a fully operational/adequately staffed forensics crime lab.

I took to the streets with a newsletter showing photos of murdered victims. Hundreds of parents called me. We began to organize our efforts on several fronts to stop crime. We began to analyze many of the programs in place that were serving a small segment of our community. We analyzed organizations that received lots of attention but did not produce adequate results.

We also contacted about a dozen jurisdictions with a crime lab, obtained blue prints and information about funding sources. As we near the possibility of the District's own forensics lab, the cost is our concern.

We have been told that the only way Congress would fund the forensics lab is for it to include a bio-terrorist lab component. That's not fair. For decades, we have relied on the FBI to assist us. We have almost 5,000 unsolved murders on the books. Does anyone hear our plea? It's not fair.

We want our own stand alone forensics crime lab! Take the bio-terrorist component where it belongs – with the military or the FBI. Bio-terrorism is a national issue. We need and deserve our own state-of-the-art, full-funded, adequately-staffed, and fully operational forensics lab. Once it has been built, we will need adequate funds to keep it running smoothly.

Cong. Davis, many of the mothers who children were killed in the District come from Fairfax County. They believe that their children's murders are not solved because they reside in your county and not the District. Some of their children came to D.C. for a date, others were just going home from work. And because they may have looked like

someone else, their lives were taken. I want to go back and tell these mothers that Cong. Tom Davis is fighting on our behalf.

I want to give all mothers who have lost children to the streets of D.C. some hope that finally the officials are listening.

Once the Congress decides to provide funding for the lab, we do not want it redirected in any way by the mayor or council of the District. Please hear our plea.

We have planned for dozens of mothers to begin our lobbying efforts after the first of next year. The discussions in this meeting will determine our direction.

For mothers who have lost their children to street violence, the pain is quite different from a mother who has lost her child in a foreign war. We mean no disrespect.

At least the mother of a war casualty gave her child a big kiss goodbye or a hug before they were shipped off to fight for freedom in a foreign country. There might be a big celebration. Then there is the big send off with hundreds of fellow enlistees ready to serve this country.

These parents are fully aware that they have sent their children to "kill or be killed" in a war sanctioned by Americans and the U.S. government.

If their children kill dozens of people in the war, the act is hailed as a victory. If they get killed in the act, they are hailed as heroes!

With street violence, mothers don't know that the last word spoken, hug or kiss with their children would be the last. There is no big send off party. After they have been killed, no one hails them as a hero, but a victim. Sometimes society and police have preconceived concepts that the child may have caused the demise themselves!

Many mothers don't fight for their right for closure. They just endure the pain and slowly die inside spiritually until the pain takes over physically and they pass away.

But for those of us who have sworn with the blood of our children, we will continue to fight for our police department to get whatever it needs to keep our communities safe – we will not stop. We have nothing to lose. We have already lost our children.

We leave you in peace until we meet again.

Thank you, Cong. Tom Davis, Del. Eleanor Holmes Norton, other congressional leaders and their staff that are here today for allowing mothers of unsolved murdered victims in the District to voice their support for the forensics lab.

Chairman TOM DAVIS. Thank you. I'm trying to get her a voice in Congress.

Ms. MOHAMMED. Thank you. I know.

Chairman TOM DAVIS. And I'm working on it. Thank you very much for being here and sharing that tragic story, and hopefully it won't be repeated if we can get some action. Your testimony has been very, very helpful.

I'm going to start the questioning with Ms. Norton and then I'll conclude it. Ms. Norton, you're recognized.

Ms. NORTON. Thank you very much, Mr. Davis. Ms. Mohammed, I have a voice. The problem is I don't have a vote, but I know exactly what you mean. And Chairman Davis is doing all—he and his staff are doing all they can to help. And we're trying to get this done this term. It's been a long time.

Your testimony, the testimony of all of you has been very enlightening to me. Let me begin with a few questions. This question comes from the testimony of Mr. DiZinno. I'm a member of the Homeland Security Committee, so is the chairman. And I noted that your testimony virtually began with what we all know, and you say on page one indeed that the FBI Laboratory has focused primarily on providing forensic services for counterterrorism and counterintelligence. What does that mean in terms of your support for ordinary criminal investigations that you assist in the District of Columbia and, for that matter, in the other States, and how does—and I would like some sense of before and after on that question, before terrorism and after terrorism.

Mr. DIZINNO. Yes. Thank you. I think to answer your question the way the FBI addresses its caseload in the laboratory is based on the FBI priorities. Since September 11th those priorities——

Ms. NORTON. So forensically that would mean what? Does that mean that you fill in the blanks?

Mr. DIZINNO. That would mean that if there was evidence submitted that has to do with preventing a terrorist attack or evidence submitted that would have to do with preventing the United States against foreign intelligence operations or espionage in line with the FBI priorities, those cases would be worked prior to cases of violent crime.

Ms. NORTON. It's hard for me to know. Therefore, how often or how—what this means in terms of numbers or delays for local jurisdictions like the District of Columbia.

Mr. DIZINNO. Yes.

Ms. NORTON. The District now pays for much of its own staff and maybe we can understand that the District is paying for this service in the FBI, is it not?

Mr. DIZINNO. The District is currently funding the personnel in our lab—to work in our laboratory. All the reagent supplies, quality assurance, quality control measures, training, that is provided by the FBI laboratory.

As far as the priority for the District of Columbia cases, we ask the MPD to prioritize their cases that they submit to us prior to them being submitted.

Ms. NORTON. Do you have so many cases that it means that—when you say "cases" that may prevent a terrorist attack, we hope that you're not—we hope that there are not thousands and thou-

sands of cases that have to do with preventing a terrorist attack. So I'm trying get some sense of how much work you do for local jurisdictions today as compared with, let us say, before September 11th, just in rough percentage terms.

Mr. DIZINNO. Well, certainly the percent varies in the laboratory depending on what examination we are speaking about, whether it be DNA, latent print exams, and those percentages vary from unit to unit depending on the area of expertise of examination desired in that case. Certainly, since September 11th, the number of terrorism cases submitted to our laboratory has greatly increased. If you would like, I can get back to you with numbers for each——

Ms. NORTON. That would be very helpful.

Mr. DIZINNO [continuing]. Specific area if that would be helpful.

Ms. NORTON. That would be very helpful and not only for our work on this committee, but in my other work on other committees having to do with antiterrorism efforts.

This MOU idea is a very good idea. I'm trying to understand it and the greater efficiency that it has brought.

Could I ask Mr. Reiskin, you say in your testimony that backlogged cases are not part of the MOU, which leads me to wonder if they're orphans or what happens to them.

Mr. REISKIN. As Dr. DiZinno said, MPD has the ability to prioritize the cases that go to the FBI lab. The FBI lab has a constrained capacity, understandably, because of the priorities that they have as the Federal law enforcement agency to be able to handle D.C. cases, and largely, I think they've been very accommodating in working with us, working with MPD, to prioritize what cases are submitted for analysis and which are not. It's the——

Ms. NORTON. No. I'm asking you another question. I understand that. Backlogged cases are not part of the MOU. Where are they? Who handles them? The more backlogged a case gets, the less likely it is to do any good even if you do get to it. So I'm trying to figure out, if they're not a part of the MOU, which means that you have to do at least with some of the processing, then what happens to that group of cases, and how many such cases are there?

Mr. REISKIN. We have attempted to work down that backlog. We've received some grant funds from the Department of Justice.

Ms. NORTON. So you all do those cases yourselves?

Mr. REISKIN. What we've done most recently is we've contracted with a private laboratory. We have a contract that will enable something on the order of 250 cases to be processed, but the private laboratory is not accredited by the FBI, so it can't do the CODIS data base entry, so we're——

Ms. NORTON. Well, does that mean the particular one you're using, or no private laboratories are accredited by the FBI?

Mr. REISKIN. I don't believe any type of laboratories are accredited.

Mr. DIZINNO. The FBI is not an accrediting agency. Most labs are accredited by an organization called the American Society of Crime Laboratory Directors, Laboratory Accreditation Board [ASCLD/LAB].

Ms. NORTON. Now, is this lab accredited or not?

Mr. REISKIN. The private lab we've contracted with is not. What we have done is we've reached out to the accredited crime labs in

the region, and we are in the process of working with one of them on an MOU that would enable them to take the results of the analysis that we have had done and get it entered into the data base. But we clearly have more backlog than we can handle.

Ms. NORTON. I've got to stop you there because, you know, I'm not a defense lawyer, but you've already given me something to go back at the U.S. attorney when the matter comes. Whether it matters or not to be accredited, the fact that the jury hears that it's not accredited is not something that I would want to have happen if I were a victim of a crime.

So would you please tell me what the effect of giving it to an unaccredited lab is?

Chief RAMSEY. If I may, Ms. Norton, the lab that we're contracted with, the private lab, it is accredited. The problem is that because it's—they can't enter into CODIS. They're not a law enforcement agency.

Ms. NORTON. I see.

Chief RAMSEY. So another agency has to then review the results, like the FBI, like Baltimore City, for an example, that can enter directly into CODIS. So you really don't—I mean that—it's still got a backlog because they not only have to deal with their cases; I mean, quite frankly, they probably may as well have done the analysis themselves if they've got to go over someone else's work, in a sense. It's a little easier, but it still takes more time. So it just makes it difficult. So we are working with Baltimore City now to try to get some of our cases handled through their lab, as well as continuing to try to get some of the cases through the private labs, but that's 266 cases. I mean, we have almost 1,500 sex cases that are backlogged, so you're barely putting a dent into the backlog.

Ms. NORTON. That's 266——

Chief RAMSEY. Like we've got money for it right now to be able to try to get to the backlog at that pace, and then if you add on that the new cases that you're constantly getting, you aren't really putting any kind of meaningful dent into the backlog. So until we have our own lab and we're able to establish priorities, we're able to be more proactive and not just deal with those cases where there's a suspect known or in custody, then——

Ms. NORTON. What is the suspect number in custody? Is that——

Chief RAMSEY. Well, right now—because you've got a limited amount of resources, so you're going to do those first——

Ms. NORTON. Yeah, I see.

Chief RAMSEY [continuing]. But you have to get at those unknowns——

Ms. NORTON. Oh, God.

Chief RAMSEY [continuing]. So you can identify those people. Many of those suspects are already in a data base, but unless you actually work the DNA, you won't know it, so they're free to commit additional crimes or they're picked up by another jurisdiction, and they're in custody for a crime, but you can't tie them to the D.C. crime because that evidence has not been worked. So they're already out of circulation when they could have been charged additionally here, in some cases, had we known or had that information been in a data base.

Ms. NORTON. Does this explain why there's so many sex, sex assault cases in——

Chief RAMSEY. Well——

Ms. NORTON. I mean, why are there so many of the backlogged cases that are sex assault cases?

Chief RAMSEY. Many of the sex assault cases that we have in the District are known offenders. There's some relationship between victim and offender—date rape, some kind of casual acquaintance or whatever. We do have stranger rapes that take place as well.

Ms. NORTON. Well, just a moment. If it's an acquaintance, you still—is there still the same kind of need for——

Chief RAMSEY. No, not often.

Ms. NORTON. OK.

Chief RAMSEY. Sometimes there's not.

Ms. NORTON. But the sexual assault cases that are in the backlog are cases where the assailant is not known?

Chief RAMSEY. Some are. Some are not. We do send them, but they're a lower priority because there's an unknown—there's no name to it. So with many of our cases, there is evidence there, but because you don't know who a suspect is, you don't have a named offender, it's a low priority——

Ms. NORTON. And this is one of the most——

Chief RAMSEY [continuing]. But we do send it.

Ms. NORTON. Yeah. The word is out. You're not in court for rape—and now I understand the problem—because it may be, perhaps, the best example of what forensic could do—forensics could do, given the pileup of sexes—sexual assault cases.

Mr. Wainstein, congratulations on your new appointment. We can still call upon you when you're off dealing with terrorism?

Mr. WAINSTEIN. Please do.

Ms. NORTON. Let me ask you about a concern of mine.

Some years ago, I was able to get very few criminal investigators for your office when I learned—it was some years ago. I was—maybe I had been in Congress half as long as I am now when I learned that your office didn't have criminal investigators.

What particularly concerned me was to know that they did have some, and they found that they simply used MPD officers because they've got to use somebody to investigate cases, and these officers, of course, have to be in court anyway when their case may be called; and in addition, apparently, they also are investigating cases that, in comparable jurisdictions, are being investigated by dedicated criminal investigators.

What is the ratio of investigators to attorneys, and, let us say, typical jurisdictions with criminal—with a criminal jurisdiction like you have, and what is the ratio in the District of Columbia of criminal investigators to attorneys?

Mr. WAINSTEIN. Well, first, if I may, Congresswoman Norton, thank you for the congratulations, and let me reiterate, please do call on me for anything. I look forward to continuing working with the District of Columbia in any way I can, and I—second, let me thank you, Congresswoman Norton, for your efforts in this area over the years. This has been a big issue for D.C., for the U.S. Attorney's Office here for many years because we are—as I said earlier, we are the D.A.'s Office in many respects.

Ms. NORTON. Indeed. Let me ask you: What percentage of your cases are typical criminal jurisdiction cases, and what percentage of your cases are typical Federal jurisdiction cases?

Mr. WAINSTEIN. Well, I don't know the exact percentage, but we have about 22,000 cases that we bring in D.C. Superior Court, which are the cases——

Ms. NORTON. How many cases do you bring in Federal court?

Mr. WAINSTEIN. I don't know the exact number but somewhere, maybe, up to 1,000 or so. So it's derived by the the number of cases within——

Ms. NORTON. This is why the District of Columbia feels it has to have it. It has nothing to do with you, Mr. Wainstein, but imagine that you have another home rule anomaly that the U.S. attorney for the District of Columbia has no caseload to speak of, except our own local caseload, and we're very grateful for his work, but the Federal cases here are a pittance compared to the lion's share of his caseload, which are typical robbery, murder and other State offenses. Go ahead, sir.

Mr. WAINSTEIN. Yes. Well—but our Federal side is quite active. We have, I think, somewhere in—80 to 90 assistant U.S. attorneys working on the Federal side and about 160–170 working on superior court. So in terms of the allocation, the manpower, and the amount of work we do on either side, it is significant in both areas.

Also, there's quite a bit of crossover. As you know, we do a lot of Federal cases which take on violent crime in the streets of D.C. in our Federal prosecutions. But as to the investigators, you were very helpful, and we spearheaded the effort to get us investigators initially. We had a couple of investigators along the way who helped here and there, but we didn't have a cadre of investigators we could call on on the superior court side of our operation to go out and help——

Ms. NORTON. How many investigators do you have on the superior court side?

Mr. WAINSTEIN. We have about 10 now, and that's thanks to your efforts. And the problem that you've identified is that if you look at most D.A.'s offices, they have a huge number of investigators that the prosecutors rely on to help build the cases in the grand jury stage post-arrest, pretrial, so they don't have to rely exclusively on the local police department or the Federal agencies for that matter. We don't, so we really rely on the Metropolitan Police Department. It does very high-caliber investigative work.

Ms. NORTON. Yeah. Our detectives and our police, but of course, they have to be taken from work that would otherwise go—would be typical police work. But I'm not criticizing you; I just think Congress has not been very much aware of this.

I do want to say for the record that, when my good friend from Virginia, Mr. Wolf, indicated a concern about crime here, I brought this matter to his attention. He has been concerned about crime, and has been—we were talking, chairman, and he and I have been talking on and on about crime even before the crime emergency. He happens to be the chair of the subcommittee with jurisdiction over U.S. attorneys in the United States, and I have asked him to try to include in your appropriation at a conference more investigators.

Imagine what this would mean at a time when the—when D.C. has appropriated, yet again, more money. Keep throwing money and somehow crime will go down. How long? Do you have to be born in the District of Columbia to know that's never worked? Keep throwing more money at the police department, and that will take care of it.

The problem with that is the chief, justifying before the council, is that these police have to be trained—how long does it take, Mr. Ramsey, to train?

Chief RAMSEY. Six months in the academy, another year on the street.

Ms. NORTON. So—but what it would mean if we could get the Federal Government to do for our U.S. Attorney's Office, what it does for every U.S. attorney in the country, would be immediately freeing up police to go back to spend more hours on the District of Columbia. So I am interested in this. I'm particularly interested in this issue, and I'm grateful that my good friend from Virginia is also interested, and I do believe he's going to help us.

Mr. WAINSTEIN. Yes. Congresswoman Norton, I appreciate your efforts and Chairman Wolf's efforts in that regard. Of course, the sticking point always ends up coming down to dollars, and the concern that I have, while I would love to have a large number of investigators who would help our AUSAs out tremendously, the problem is, right now, the whole U.S. attorney community is in a very difficult budget situation. We have vacancies. I have 11-percent vacancies in my office because we don't have the budget to fill those vacancies. Those are prosecutors. We have 40 prosecutors down now because of the budget situation. So the problem would be, while I'd love to have investigators, if it was a zero sum situation where we'd have to actually take money out of what is already a tight budget to pay for those investigators, it would possibly——

Ms. NORTON. Mr. Wainstein, I don't care where the money comes from. You're taking—let me be clear.

You may need your U.S. attorneys and other parts of your budget, but we just had a crime emergency in this city. It's very hard for me to hear testimony that the present situation should continue, where police are taken off the street to investigate cases, and so I don't care where it comes from. Although, I think that Frank Wolf will do all that he can to leave you whole, but I don't appreciate testimony that says, you know, we've got vacancies in our office, so we should continue to take from MPD when they—when you just heard testimony that it will be 18 months or so before they'll get one cop on the street pursuant to a crime emergency that was this summer. So I'm going to press—I have one more question on these investigators.

Is it not true that typically an office with your kind of jurisdiction has—large cities, for example—has about one attorney—sorry—one investigator for every four attorneys? I—and your office doesn't even come close to that——

Mr. WAINSTEIN. No. That's absolutely right, Congresswoman Norton.

Ms. NORTON [continuing]. And it's also true that you fill out—you fill out this need with MPD officers.

Mr. WAINSTEIN. Absolutely. MPD officers, they do the bulk part of our investigations, and——

Ms. NORTON. That's not even a Hobson's choice for us. I want you to know, Mr. Wainstein, that's not even a Hobson's choice. That's the wrong choice, and we've got to stop that choice from happening, and that is my job.

Mr. Chairman, then I'll come back.

Chairman TOM DAVIS. Thank you, Ms. Norton.

You know, as I said in my opening statement, I understand that, if a woman is raped in the District and there is no suspect, that the MPD will complete a rape kit but will not perform DNA testing on the evidence collected from the kit.

Is that an accurate understanding, Chief?

Chief RAMSEY. It will be sent for testing, but it's a very low priority, so it essentially doesn't get tested. The ones that really get tested are the ones that are ready for prosecution, if there's a known offender or if there's someone who's awaiting trial, and those are the ones that get the priority. So, if there's a known suspect, the odds are great. If it's not, even though it's submitted, the odds of it ever getting tested, unless we start really making serious inroads into this backlog, is pretty low.

So, basically, you're doing the work with the MPD, but you're sending them out, and we just don't have the capacity to rush that, and generally we can do it now for the backlog; but it's when we try to take the cold cases, if you will, and start running them to see whether or not we have a suspect that's in the data base, and then we can identify them.

Chairman TOM DAVIS. Is that essentially correct, Mr. DiZinno, given your resources?

Mr. DIZINNO. Yes, that's correct. We rely on MPD to prioritize their cases as far as their submissions to us, and we address the priority from the order that they're sent in.

Chairman TOM DAVIS. I mean, if you were able to get—if you had the capacity to do everything, you could probably increase your data base. You could find out—I mean, who knows what you could match? You could probably close a lot more cases, couldn't you?

Mr. DIZINNO. Certainly the uploading of that data into the data base would facilitate the investigations.

Chairman TOM DAVIS. Mr. Wainstein, we titled this hearing—and Ms. Norton mentioned it in her opening—"CSI Washington," and for a reason. We used to hear about the Perry Mason effect in the murder trials when the defense needed to have a specific alternative suspect. Now we all see the crime scene shows on TV, but do we have a CSI effect where the prosecution now must have DNA or trace evidence analysis to prove the case?

Mr. WAINSTEIN. Absolutely. It's amazing to see the impact, I'd say, maybe the last 6 or 7 years as these shows of—television shows have gained popularity, and people see things acted out over half an hour or an hour, where the police solve the crime. And then, abracadabra, there's this tremendous forensic evidence—DNA, fingerprints, gunshot residue, whatever it is—and it always is the key to solving the crime. They see it on TV, and they expect to see it in the courtroom. And we see this and hear this from jurors all the time.

Chairman TOM DAVIS. Even if you have a case in every other way but you don't have the DNA, this makes it tough?

Mr. WAINSTEIN. Absolutely. And of course, you know, a juror is instructed that if he or she has a reasonable doubt, then that person must acquit; and often they see the lack of DNA, the lack of fingerprints. Even in a situation where you might not, based on the facts of the case, expect to find a fingerprint or expect to find DNA, they ask "Why isn't there any DNA? We see that on TV all the time." So there's absolutely been an impact on our cases.

Chairman TOM DAVIS. Then if you don't have the—if you don't have the DNA data base, how can you go about identifying and tracking serial rapists and murderers?

Mr. WAINSTEIN. Well, that's a huge problem, and of course, that problem arises even more in the investigative stage where, you know, you've got a lot of rapists who are serial rapists. They don't just do one rape, they do many rapes; and they do them throughout various jurisdictions, and unless we can get our samples into those data bases and have them match to samples from other jurisdictions through CODIS, we're losing the opportunity to find out who these serial rapists are and to get them off the streets and prevent further crime.

Chairman TOM DAVIS. Mr. Reiskin and Chief, I gather, then, if you had the new forensics lab, it would eliminate the need for such a restrictive policy, and we'd be able to follow through on these cases.

Chief RAMSEY. Yes, sir. It would certainly go a long way toward certainly eliminating the backlog and also giving us the ability, especially when you start to see patterns emerge. One of the things that Mr. Wainstein was talking about with serial rapists, you may not know who they are, but you certainly can recognize the pattern, and you want to be able to put that together as quickly as you can to try to identify the person responsible and—and those are the cases that need to really get bumped up and could be worked a lot quicker than they are now.

Chairman TOM DAVIS. Mr. Reiskin, I understand that the city's been working with Federal officials to help secure funding for the consolidated lab facility.

Can you elaborate a little bit on the city's effort to date and what additional congressional appropriations you think would be—need to be to make this happen?

Mr. REISKIN. Yeah. We have submitted requests to the President with our annual appropriations, first in 2005 and again in 2006. In 2005, we were appropriated, through the D.C. Appropriations Subcommittee, $8 million; subsequently in 2006, an additional $5 million through D.C. Appropriations. As the Congresswoman mentioned, we're awaiting the outcome for 2007. There's potentially another $4 million or so.

In the requests that we will be making to OMB for the President's 2008 budget, we will be seeking—and this is roughly consistent with what we've projected in the past—$25 million in fiscal year 2008, $30 million in fiscal 2009 and $25 million in fiscal 2010. And from our standpoint, we're indifferent to the source, whether it's D.C. Appropriations, Justice Appropriations. That's the need that we've identified.

Chairman TOM DAVIS. Thank you. Let me—I mean, this doesn't just serve the needs of D.C. residents, but people from around the world who come to this city every day who could become victims, certainly my constituents, you know, hundreds of thousands who work in this city and who are coming to this city every day as well. So this is a national concern. This isn't just local, and I think the fact that we have funded it—and we can be sure that Mr. Wolf, who couldn't be here today, and Ms. Norton and myself will continue to push to at least make sure that the Federal part of this continues to be a priority.

And Ms. Mohammed, we appreciate what you've done organizing the other mothers of murder victims to draw attention on the unsolved crimes in the city. You put a face on it, and that's one of the reasons we're here today.

Ms. MOHAMMED. Sir, what I'm trying to ascertain for the mothers is the money that's been appropriated is $25 million, and exactly how far do we get up to that data? Are we at first base or are we just hitting the ball?

Chairman TOM DAVIS. Let me just ask Mr. Reiskin.

From the city's perspective, it's not going to be all Federal. There's going to be a city component to this obviously, and there's an agreement to fulfill our responsibilities, and I'm just asking what that equation is so that——

Mr. REISKIN. Yeah. The overall proposal that we're putting forth is roughly two-thirds funding from the District, one-third from the Federal Government. To date, there's been roughly $23 million committed. It's $13 from the Federal side, $10 from the District side. That's through fiscal year 2007. That may grow depending on how the——

Chairman TOM DAVIS. But you're looking at about 80–85 million from the Federal Government over time, about a third of what it's going to cost to——

Mr. REISKIN. The overall cost of the project is roughly $250 million. What we've received to date is allowing us—it allowed us to get through the program design—the program analysis, the site analysis, the process mapping, and now the design contract. The design contract alone is on the order of $12 to $15 million. So, with the funds to date, we will have the design complete. The construction is really the balance of what we——

Chairman TOM DAVIS. And that'll be in a larger chunk from——

Mr. REISKIN. Right. The construction would start in fiscal year 2008.

Chairman TOM DAVIS. Would the city do a bond issue for this or would they just pay it out of operating capital or——

Mr. REISKIN. Right now, it's projected to come out of general obligation bonds, but how that would be funded will depend on how that capital budget is developed over the next 5 years.

Ms. MOHAMMED. That's the issue. That's the issue for the parents, Congressman Davis and Congressman Norton. They can filibuster all they want. I've got to go back and tell the mothers that we're going to have an erected building, fully staffed, and something by what year? Are we talking 2020 or what? That's what we want to know. I mean, I want to be alive.

Chairman TOM DAVIS. Let me ask that, and then I have a follow-up question to that.

What's the time period here where we can expect this to be up and operating if everything proceeds on time?

Mr. REISKIN. We've just executed the design contract that's a, roughly, 14-month process. Construction would be roughly 2 years. So it's the end of calendar year 2009 when the facility is projected to open.

Chairman TOM DAVIS. Let me ask this question. We have a backlog of which, I think, Ms. Mohammed and the people she's working with are concerned about. What would it take in an additional Federal expenditure, let's say, over the next year to add personnel or resources at the current FBI crime lab to clear up this backlog?

Mr. DIZINNO. I don't know the exact number of the backlog, so once we have that exact number, we certainly could make a better——

Chairman TOM DAVIS. Chief, do you have any idea what the backlog is?

Chief RAMSEY. It's roughly about 1,500 sex cases, I'm told, and we have identified about 100 old homicide cases, to date, that we think could yield some DNA. And certainly there are more, but we have a team that's going back in time, looking at all these cases, so that could actually——

Chairman TOM DAVIS. I appreciate that. That gives me a ballpark. I think what our concern and I think what your concern would be is, by the time you build this in 2009, some of this stuff gets stale, DNA evidence. I mean it's always there, but if we could just put forward just maybe an extra million or something like that and get it in and clear up this backlog, maybe we close some cases and put some people away and prevent some other cases from coming up.

Does that sound reasonable?

Mr. DIZINNO. That's absolutely true, Mr. Chairman.

Chairman TOM DAVIS. What I'm asking is, given what the Chief has said the backlog may be—you don't have to do the math here today——

Mr. DIZINNO. Right.

Chairman TOM DAVIS [continuing]. Because—but if you could get back to the committee and then we'll get back with Mr. Wolf and see what that difference is and what it might be and what an extra hundred thousand, million, whatever it is, would do to clear up this backlog just for the mothers and the victims and the families and everything else. Even if we could just clear the backlog up right now, it would make things a lot easier while we're building that.

Ms. Mohammed, do you agree with that?

Ms. MOHAMMED. I think that's fine.

I want to say just one last thing on behalf of mothers and families of murdered victims. Doris Moore's sister—she's a doctor at George Washington Hospital—was killed in 1969. Her murder is still open on the books. The Chief knows we have almost 5,000 unsolved murders in the District of Columbia. Mark Sitz' father was killed in 1977. He's a teacher in Prince George's County. When I leave here today, they're going to ask me whether or not, you know, the DNA that was collected during that particular time—which

was eons ago—whether or not it will be relevant, whether or not it will be used, or what kind of hope do they have before they die? And I don't know of these thousand cases—this 1,000 cases and the 300, or whether or not the DNA is still relevant or old enough, but I want to be able to tell people who have been waiting since the sixties and the seventies that there's still hope and that people still care, because their hearts are still burning because these murders remain unsolved.

Chairman TOM DAVIS. Well, that's correct. And look, we're not sure, even if you process the DNA, you're going to solve the case; but it puts you closer to it, and without it, it's impossible.

So, Chief, if we could just go back and take a look at the backlog, whatever years it goes back, and Ms. Norton, it seems to me, if we could put a little bit of money up front to clear the pending cases while we're looking at this, then we could make some headway and get to some of these while the evidence is still a little bit fresh, because waiting 2 or 3 more years makes these cases more difficult, wouldn't you agree, to solve?

Mr. DIZINNO. Yes, sir. Mr. Chairman, we will work with MPD to provide that information.

Chairman TOM DAVIS. Well, get that information to us. We will share it with the other relevant congressional committees and just see if there's anything we might be able to do to try to clear up the background. It seems to me Ms. Mohammed and some of the people that she's worked with are lighting a fire in this city for people who say, "Look, give us the resources and we will try to work with the city to do that," and Chief, we'll try to make your job a little bit easier because I know it's got to be as frustrating for you as it is for the victims.

Chief RAMSEY. Yes, sir, it is. And I appreciate all of your help in not only getting the lab but in dealing with issues like the backlog and so forth, and we'll do the very best we can to push this through as fast as we can so that we can, one way or the other at least, let these families know whether or not it yielded any results or not, and we're obligated to do that.

Chairman TOM DAVIS. Thank you very much.

Ms. Norton.

Ms. NORTON. Mr. Chairman, I very much appreciate your line of questioning because it's in the nature of trying to solve the problem because, in light of what the chairman said, if I go back to the testimony with you, Mr. Chief Ramsey, we talked about the turnaround times above average. Then I would take it that means that you are closing in on the backlog cases, and you're closing cases on a timely basis that come in and have the ordinary priority; for example, somebody—you've got a suspect.

Is that what that means? What does it mean about processing a criminal? Are you all just lumping all of it together and coming up with an average processing, I mean with an above-average processing time? Mr. DiZinno.

Mr. DIZINNO. [No response.]

Chief RAMSEY. Yeah, maybe; so because I think you're talking about the reduction——

Ms. NORTON. Oh, I'm sorry. I'm still trying to find out—see, what the chairman is talking about—I had this very same experience

when I chaired the AOC. There was this humongous backlog, and the first thing to do is to separate out the backlog from the new cases or else you just feed the backlogging, and you never get out of it. Then, when the backlog is gone and you no longer are building backlog, you're on time. And I can't figure out whether the process the chairman is suggesting might be used to work here; and it would if, for example, you are able, with this new personnel and with the MOU, to turn around today in a fairly timely way, and then we wouldn't at least be building the kind of backlog we were before. And that's what I'm trying to get at.

Mr. DIZINNO. Yes, Congresswoman Norton, I think there's two separate issues, as you said: eliminating the backlog and then providing timely service for cases that are submitted. Depending on the backlog, the size of the backlog, and the number of new cases submitted versus the funding and resources provided, we would certainly work with MPD to, No. 1, try to eliminate their backlog and, No. 2, attempt to provide a more timely response to the current cases that they would submit.

Ms. NORTON. They said it's more and more timely, apparently, with the new efficiencies. Now, let me make sure I have these—this backlog.

I think Congress would be very sympathetic with the notion that all of these cases or so many of these cases are disproportionately sex cases, sex crime cases, and that means if you commit a sex crime in the District of Columbia, you probably don't have to worry about it, or at least many of you do not have to worry about it given the kind of evidence that's necessary. 1,500 backlogged sex crime cases, and did you say 100 cold homicide cases, Chief?

Chief RAMSEY. Right now, we have 100 that we've identified that could possibly yield some meaningful DNA. Not all homicide cases have DNA from the offender. A lot of the evidence is from the victim, not from the offender. So you have to go through these, and it's not guaranteed that you'll wind up with anything that will lead you to an offender. But these are ones that we've identified that would be worth submitting to see whether or not we could yield, but I think it—yield anything useful—but I think it's important to clarify that. Because of television and the way in which people kind of view this is, they think that in every single case you're going to be able to identify a suspect through DNA, and that's simply just not true, so—but it will make a huge difference, a huge difference in our ability to solve crime.

Ms. NORTON. And at least it would mean that we're not doing the same old thing we've been doing ever since I was a child, just get more—more policemen and then looking to you and saying, "Well, how come you haven't solved it? You've got more policemen." what is the definition of "stupidity?" You keep doing the same thing and hope and expect to get a different result. More police, as important as they are, must not be the answer in the District of Columbia if you compare the number of police here to other jurisdictions.

I congratulate you, Ms. Mohammed, on your questions. I'll say to the District of Columbia we have—what was the total, Mr. Reiskin? What's the total amount the Federal Government has come forward with now and the total amount D.C. has come forward with?

Mr. REISKIN. To date, we have $13 million from the Federal Government, with $4 million pending, and $10 million from the District government.

Ms. NORTON. That's disgraceful. That's just disgraceful. That means the city also has not given the priority. The city needs all of those involved, but——

Mr. REISKIN. If I could clarify——

Ms. NORTON. Here's the Federal Government. It's not even our crime lab, and we have a—in this climate, we've come up with more money than the District of Columbia itself has appropriated? There's something wrong with that picture.

Mr. REISKIN. If I could clarify, in the most recent capital budget that was sent to Congress, there was another $150 million of local capital funds identified for this project.

Ms. NORTON. So you are testifying that you all are now appropriating in this year's budget $150 million, and it's already passed the council?

Mr. REISKIN. In the capital budget, there's proposed capital spending for the outyears beyond fiscal year 2007. In that proposed spending which has been approved by the council, sent to Congress, is $150 million, $75 million each in fiscal years 2008 and 2009.

Ms. NORTON. It's going to be very difficult for me to continue to come back and get $5 million chunks of money from the Federal Government unless I'm finally able to say here's what the District is putting up for its own forensic lab. So I just want to say that for the record, because I regard this as the only new idea. This very old idea is the only new idea I've heard from——

Ms. MOHAMMED. Congresswoman Norton.

Ms. NORTON. Yes.

Ms. MOHAMMED. Please excuse me; that if I recall, we were told at one point that the—Mayor Williams was coming up here to request $150 million for the 2007 budget for the crime lab, but by the time he got here, it had changed to a new downtown library, and even the Chief spoke to that. We were just very disheartened as parents, but let me just give you all a quick real example.

My son Imtiaz Mohammed was killed on October 28, 2004. The person was finally arrested after he killed another victim in July—or was it June—2005. When he was arrested, at the arraignment, the judge asked that—or the magistrate or whatever they called him—asked that DNA samples be sent and brought back within 30 days. It just came back 2 weeks ago. So, so much for——

Ms. NORTON. I think that says it all.

Ms. MOHAMMED [continuing]. Speed.

Ms. NORTON. Well, your own cross-examination, I must say, Ms. Mohammed, has gotten from Mr. Reiskin an ending target date of 2009, is that right—a target to completely—to complete the building of a forensic lab?

Mr. REISKIN. That's correct. It will be the end of calendar year 2009.

Ms. NORTON. The end of calendar year 2009.

I just think that with a city that is boasting—what is it—all kinds of surpluses, I can understand why, in a real sense, you know, what's immediately in people's faces gets surpluses, but as I said in my opening statement, analytically, after decades of

throwing more money at police, you would have thought people would say, "Well, wait a minute. Let's get fresh eyes and look at this. Is there something we aren't doing?" And what bothers me is the notion of doing the same thing. I have no idea if this bill will, in fact, have the desired effect, but I can't believe that it is preferable to keep doing the same thing.

I have only a couple more questions. The chairman wants to get out of here. He's been very—he has been very, very gracious.

We have not said anything about the effect of forensics on civil matters. Somebody has been—has had an accident. Someone has another civil matter where benefits may be involved, but forensics—forensic evidence is necessary in order to get the benefits for the survivors.

How often does that occur, and how do we deal with that need for forensic evidence?

Mr. WAINSTEIN. I'll go ahead and just step up. I'm not——

Ms. NORTON. Does the FBI have anything to do with it? Who does it?

Mr. WAINSTEIN. The concern of our obligation——

Ms. NORTON. You all don't deal with anything civil.

Mr. DIZINNO. Correct. The FBI only performs forensic analysis for criminal casework.

Ms. NORTON. Does D.C. have to go to private forensic laboratories for that kind of analysis even if it's a civil matter in court?

Mr. WAINSTEIN. We handle civil matters on the Federal side. It might be——

Ms. NORTON. I can't hear you, sir.

Mr. WAINSTEIN. Oh, I'm sorry. My apologies.

We handle civil matters in Federal court, but the A.G.'s Office would handle a lot of the civil matters where that might come up, and maybe you could put the question to Mr. Spagnoletti about that.

Ms. NORTON. On the limit on the number of evidence—and I can understand that. Sometimes, I'm sure, if you had your own forensic lab, there would be a limit on the number of pieces of evidence, but I'm sure you'd make that choice, and I'm sure you prioritize the kind of evidence you need in an informed fashion.

Is there a formula, or do you look at the case and then decide what kind of evidence, since you can only do, what is it, four or five pieces? What kind of evidence do you need? How is that—how is that duty performed, and how is that decision made?

Chief RAMSEY. Yes. I believe here—and of course I have my person who runs my forensic section behind me, so I'll ask him to tap me on the shoulder if I go astray here. But because you can recover numerous items at any scene, when you take a look and review the evidence, you really try to look at what do you think might have some kind of, you know, DNA that could be recovered, and that's a decision that's made by those that process the scene.

Now, that leads to another point that I just want to kind of get on the record. Building a lab is one thing. Maintaining it and continuing to have the proper training and so forth so that people stay at an acceptable level is another. That's got to also include people assigned to the mobile crime or crime scene investigation section, because how they process the scene, how they collect the evidence

initially is important. There's nothing they can do with it in any lab if they screw up the crime scene. It makes it very, very difficult.

So the training for our people has to constantly be budgeted so that we can make sure those people that we've charged with that responsibility process that scene appropriately, package it appropriately, store it appropriately, all those kinds of things that are needed so that the people in the lab have a chance of getting useful evidence.

So I just wanted to throw that out there because that's a huge piece that sometimes gets overlooked.

Ms. NORTON. Thank you very much. That's very important. Thank you very much, Mr. Chairman.

Chairman TOM DAVIS. Ms. Norton, I thank you very much. I want to thank everybody for being involved with this.

Mr. DiZinno, you're going to confer with Chief Ramsey and maybe get some ballpark in terms of clearing this backlog. I think—you know, just so many of us see that you don't want to start off in a hole from day one, and maybe some resources could be directed in that direction. I know you'd like to see that.

Mr. DIZINNO. Yes.

Chairman TOM DAVIS. Thank you very much. Again, congratulations, Mr. Wainstein, on your promotion.

The hearing's adjourned.

[Whereupon, at 11:48 a.m., the committee was adjourned.]

[The prepared statements of Hon. Elijah E. Cummings and Hon. C.A. Dutch Ruppersberger follow:]

U.S. House of Representatives
109th Congress

Opening Statement

Representative Elijah E. Cummings, D-Maryland

Full Committee Hearing: "CSI Washington—Does the District Need It's Own Crime Lab?"
Committee on Government Reform

September 22, 2006

Mr. Chairman,

Thank you for holding this important hearing to examine the need for a crime lab in the District of Columbia.

As you know, the District currently relies on labs run by the FBI facility at Quantico for its forensics investigations and labs at George Washington University and in the City of Baltimore for bio-safety work.

While outsourcing is not always a bad way of doing business, it is frequently not the most effective and efficient method of operation.

In this case, the District of Columbia is forced to compete for lab space with other compelling cases that the FBI must handle, including terrorism, counter-terrorism, and international issues.

Because of these constraints, D.C. generally tries to cut back on the cases it submits to the FBI for analysis.

The flipside of that is the fact that the FBI might be distracted from its work because of the cases it takes on for the District.

An estimated 30 percent of the cases handled in Quantico come from D.C.

At first glance, the current relationship between the FBI and D.C. does not appear to be the best course of action for either of the parties involved.

Other issues that have arisen include the inability for D.C. to share the results of its investigations with law enforcement in other regions—because the National DNA Database (CODIS), can only be accessed by District officials.

And because much of the District's autopsy work is outsourced, a significant amount of time is added to the process, causing families and loved ones to wait for months to collect on insurance policies.

Mayor Williams in 2003 recognized the limitations of this system, and determined that the District of Columbia needed its own crime lab to address the problems that exist.

Construction on the lab is expected to begin late 2007 and to be completed by 2010.

Mayor Williams has indicated that although Congress has provided funds to begin the research and designing of the new lab, further support is needed for the completion of the project.

I hope that today we can determine with more specificity what needs to be done.

I look forward to the testimonies of today's witnesses and yield back the balance of my time.

Full Comm.
Sept. 22, 2006

2154 RHOB
10:00 am

Congressman C.A. Dutch Ruppersberger
"CSI Washington: Does DC Need Its Own Crime Lab"
Opening Statement

STATEMENT:

Thank you Mr. Chairman for holding this oversight hearing entitled, "CSI Washington: Does DC Need Its Own Crime Lab".

It is important that if you are going to have a program that it needs to work effectively and efficiently and that funding or new funding be allowed for upgrades to a crime lab.

I was just thinking when I watch CSI they fail to show the growing problems that cities are facing with crime labs all across this country.

So in my opinion, I guess it is safe to say that CSI is strictly Hollywood and the District of Columbia and the Congressional District two are a reality.

Back in November of 2005 in a move to help develop the region's pool of field-ready forensic crime specialists and provide the City of Baltimore with a state-of-the art reserve forensic crime laboratory, Senators

Barbara A. Mikulski and Paul S. Sarbanes and my colleague Congressman Elijah Cummings announced a $2 million grant to the University of Baltimore.

While we realize in Baltimore and the surroundings counties that crime is an issue for us. We also know that we need thriving forensic studies program to train additional qualified laboratory technicians, whose work leads to the clearing of serious criminal cases is important. At the same time, this working crime lab--complete with all of the high-tech innovations that have greatly improved law enforcement's crime-solving efforts in recent years needs to have its own laboratory in which to process DNA.

So now this brings me to the issue that the District of Columbia is having with its crime labs. I believe that the District of Columbia is their own entity and should have a working laboratory where lab officials can jump right into crime scene investigation techniques and evidence analysis.

In Baltimore there is a shortage of technicians in this field, although at the University of Baltimore the number of students getting involved in this major is growing steadily. The number of forensic studies majors stood at 17

five years ago and today that number is 52. So I don't know if we should look at more people getting into this profession vs. limited facilities.

But on thing remains clear the more qualified lab workers there are, the more quickly casework can be processed and criminals brought to justice.

I am all for the District of Columbia receiving any upgrades to needed crime labs. It is true what they say allowing for quick and accurate analysis of evidence by ensuring that judges and jurors have the best possible opportunity to convict violent felons and other crimes will reduce the rate of crime and bring justice to citizens who have been violated and deserve justice.

I look forward to hearing the testimony presented today and I look forward to asking questions of the witnesses.

Washington DC Police Fund

Executive Committee

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Executive Director
Washington DC Police Fund

September 20, 2006

The Honorable Tom Davis
Chairman
Committee on Government Reform
US House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Davis:

Thank you for holding hearings September 22, 2006 to address the issue of the District of Columbia's need for a local crime lab. On behalf of the Board of Directors of the Washington DC Police Fund, a DC business community organization, we write today to strongly support congressional funding for the development and early construction of a local consolidated crime lab and public health facility in DC. There simply is no greater public safety systemic reform opportunity in DC today, or in the coming decade, than this piece of critical infrastructure.

The public record of testimony by Mayor Williams, DC Police Chief Charles Ramsey, and others is full of cogent and persuasive arguments as to the urgency of DC having its own crime lab, and for partnering with the Federal Bureau of Investigations, the United States Attorney for the District of Columbia, and other relevant federal agencies in the planning and construction of such a facility.

The DC business and civic communities are greatly concerned that the Metropolitan Police Department and the other DC justice system agencies have the necessary tools and capacities readily available to solve crimes, to prosecute criminals, and exonerate innocent suspects. Today, in DC sadly that does not exist.

Regrettably, especially since the September 11, 2001 terrorist attacks, the MPD's crime investigation work has been materially hampered by the reduced access to the excellent facilities of the FBI laboratory. This gap in crime solving capability cannot be allowed to continue, and we commend Mayor Williams for framing a comprehensive plan to erect a state of the art forensic lab and public health facility in DC.

We urge your strong support for the DC crime lab project, and stand ready to assist your further inquiries in this connection.

Sincerely,

Eric H. Holder, Jr.
Co-chair

Margret Nedelkoff Kellems
Co-chair

1156 15th Street, NW
Suite 600
Washington, DC 20005-2706
Phone (202) 223-4560
Fax (202) 659-8621
www.washingtondcpolicefund.org