

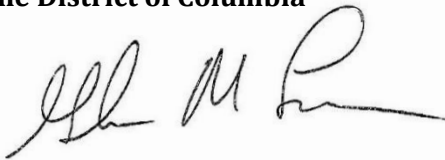
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 22, 2022

SUBJECT: Fiscal Impact Statement – Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022

REFERENCE: Bill 24-823, Draft Committee Print as provided to the Office of Revenue Analysis on November 7, 2022

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Department of Forensic Sciences requires \$639,000 in fiscal year 2023 and \$5.25 million over the financial plan to implement the bill.

Background

The Department of Forensic Sciences (DFS) provides independent laboratory analysis of evidence and samples submitted by local and federal agencies within the District of Columbia. DFS has not been able to analyze evidence such as firearms, DNA, and fingerprints for criminal prosecution after losing its accreditation following an audit by the American National Standards Institute National Accreditation Board. The Mayor hired SNA International in May of 2021 to evaluate DFS operations and to develop a plan of action to regain accreditation.

This bill serves as the statutory vehicle to implement the recommendations included in SNA International's assessment report and additional reforms. Specifically, the bill:

- Redesignates the DFS as the Forensic Sciences and Public Health Laboratory;
- Redesignates the agency as an independent agency within the executive branch;
- Establishes new qualifications and a six-year term for the agency Director;
- Expands the types of documents made public on the agency's website;
- Codifies the budget process for the agency;

- Establishes the position of Chief Forensic Sciences Officer within the agency;
- Requires the agency to create policies and procedures to prevent task-irrelevant information from biasing or impacting the interpretation of evidence;
- Redesignates the Science Advisory Board as the Science Advisory and Review Board (SARB) and expands the membership and qualifications for members;
- Allows the SARB to have input on investigations into self-disclosures, complaints, or allegations of testing errors;
- Requires that correspondence and reports issued by the SARB be made public;
- Requires that the agency provide funding for the SARB to hire and maintain staff, retain counsel, and seek audit by an outside organization;
- Establishes a process for addressing allegations of negligence, misconduct, misidentification, or testing errors;
- Allows members of the SARB to receive a stipend; and
- Grants the SARB access to all agency records.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Department of Forensic Sciences requires \$639,000 in fiscal year 2023 and \$5.25 million over the financial plan to implement the bill.

DFS will incur several costs implementing the reorganization and reforms required in the bill. DFS will need to hire three career service employees: an Attorney to assist SARB members with investigations related to quality control or laboratory operations; a Program Analyst to support SARB investigations and audits; and an Internal Auditor to conduct annual reviews of the forensic lab.

DFS must also hire two executives: the Chief Forensic Science Officer to oversee the operations of all forensic science services in the forensics lab, and an agency Director with additional technical skills. DFS will need to hire a recruiter to conduct a national search to find qualified candidates to fill the Chief Forensic Scientist and Director positions. DFS also needs funding to update signage throughout its facility to accommodate the name change required in the bill.

SARB requires funding to pay members a stipend, retain private legal counsel, and retain independent auditors. In total, the bill costs \$639,000 in fiscal year 2023 and \$5.25 million over the financial plan.

Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022 Total Cost (\$ thousands)					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Salary ^(a)	\$191	\$978	\$995	\$1,012	\$3,176
Fringe ^(b)	\$41	\$215	\$224	\$234	\$714
SARB Member Stipends ^(c)	\$7	\$7	\$7	\$7	\$28
SARB Counsel Retainer ^(d)	\$125	\$254	\$259	\$263	\$901

The Honorable Phil Mendelson

FIS: Bill 24-823, "Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on November 7, 2022

SARB Audit Retainer ^(e)	\$25	\$51	\$52	\$53	\$181
Executive Recruitment ^(f)	\$200	\$0	\$0	\$0	\$200
Name Change ^(g)	\$50	\$0	\$0	\$0	\$50
Total	\$639	\$1,505	\$1,537	\$1,569	\$5,250

Table Notes:

- (a) Assumes salary for one Grade 12, Step 4 Attorney; one Grade 13, Step 4 Program Analyst; one Grade 13, Step 4 Auditor; One Grade 4 Chief Forensic Science Officer; and the incremental director's salary needed to hire a Grade 3 Agency Director with bill's required technical skills. Assumes start date of April 1, 2023 for career service positions and October 1, 2023 for executive positions. Assumes salary cost growth of 1.75 percent.
- (b) Assumes fringe rate of 21.5 percent and fringe cost growth of 2.375 percent.
- (c) Assumes \$50 stipend per meeting for eleven members and twelve meetings per year.
- (d) Assumes start date of April 1, 2023 and cost growth of 1.75 percent.
- (e) Assumes start date of April 1, 2023 and cost growth of 1.75 percent.
- (f) One year cost.
- (g) Cost of changing the agency name signage and other office materials.