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Statement for the Record of
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On
The Widespread Adoption of Rapid DNA Technology in the United States

Before the House Judiciary Committee
Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
Washington, DC

Good morning Chairman Sensenbrenner, Ranking Member Jackson Lee, and members of the Committee: My name is Jody Wolf and I am the President of the American Society of Crime Laboratory Directors. On behalf of the 600 laboratory directors represented by ASCLD and over 15,000 crime laboratory practitioners represented by the Consortium of Forensic Science Organizations I would like to thank you for the opportunity to discuss the topic of Rapid DNA technology and provide comments on H.R. 320, the Rapid DNA Act of 2015.

The introduction of Rapid DNA technology has been an exciting one for the forensic science community. Several of our members helped with the initial technology development and several more are currently participating in pilot programs to evaluate how best to implement this novel technology in the criminal justice system. Rapid DNA is designed to deliver a DNA profile from samples such as known reference standards within a few hours and is most commonly associated with the placement in law enforcement booking stations for the analysis of arrestee samples and entry into CODIS. The potential of this technology is promising and both ASCLD and CFSO support the continued development of this novel application.

As I stated earlier, several of our members are currently participating in pilot programs and validation studies to develop best practices for the widespread deployment of these systems. Overviews of these programs and studies are provided in the written testimony offered to this committee. As policy makers anticipate the implementation of this technology, it is critical the following issues are considered.

- First, rigorous validations performed by crime laboratory scientists and researchers are critical to demonstrating the efficacy of this technology and not marketing materials. Currently, these devices are best suited for use with single-source, high quantity biological samples such as reference standards of blood or saliva from known individuals, thus limiting its usefulness for complex crime scene samples of more than one person. These instruments also currently can't analyze trace amounts of DNA. Consequently, these instruments are not designed for the routine testing of evidence types found in rape kits and will not help with the reduction of rape kit backlogs.
- Secondly, this technology must be compliant with current industry standards and guidelines as provided by the FBI and the Scientific Working Group on DNA Analysis Methods (SWGDM) thus ensuring its operability with the CODIS database.

SWGDM and the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories have provided best practices and standards for forensic DNA testing for almost 20 years. ASCLD looks to these groups for guidance with rapid DNA technologies and we encourage vendors to seek full compliance with these standards or any new standards or guidelines developed by this group.

- Third, ASCLD recommends that a careful cost/benefit analysis be performed prior to its widespread implementation. The purchase price for most Rapid DNA devices currently exceeds \$200,000 and the estimated per sample cost is \$250. By comparison, FORESIGHT, a national study of crime laboratory operational costs led by the West Virginia University, reported the median cost is less than \$85 per sample using traditional laboratory methods for the DNA analysis of a database or known reference standard. Clearly, the current cost of traditional DNA databasing is significantly less than using the Rapid DNA technology. As a result, funding levels for existing grant programs aimed at increasing analytical capacity for crime laboratories and reducing backlogs will need to be increased to allow crime laboratories and their stakeholders the opportunity to best meet the needs of their jurisdictions for DNA analysis.
- Finally and perhaps most importantly for crime laboratories and practitioners is the technology transfer from the vendors to operational facilities. While the FBI is currently working on supporting the IT infrastructure necessary for its implementation in booking stations, it is important that other measures are also taken to validate this technology in the community. ASCLD has been at the forefront of these activities and presented three rapid DNA webinars addressing these topics during the past year, included Rapid DNA presentations during its annual symposium and has charged its Forensic Research Committee with developing guidance and best practices for our membership.

ASCLD and CFSO support Rapid DNA legislation *with revision* in order to ensure the existing integrity and security of the National DNA Database system is maintained, to authorize the FBI as the federal law enforcement agency tasked with oversight of CODIS and establishing forensic DNA quality assurance standards, and include a definition of Rapid DNA analysis and instruments utilizing NDIS approved analytical platforms, chemistries, and expert interpretation systems. As we reviewed HR 320, we had concerns with some of the definitions, the practical implementation of blind proficiency testing, and the protection of confidential information within the database. ASCLD and CFSO stand ready to aid in moving the legislation forward once modified for the universal adoption of this technology and has included an in-depth review of HR 320 in the written testimony offered to this committee with recommended changes to reflect our experience with the pilots our Members have participated in.

In closing, Mr. Chairman, we encourage the development of partnerships between law enforcement agencies, crime laboratories, and regulatory agencies for a careful and well thought out approach to the implementation of this promising technology. We believe that a methodical and measured approach to its deployment is vital to the criminal justice system in order to deliver the best forensic science possible.

Again, I thank the committee for its time today and I would be happy to answer any questions.