

For Immediate Release

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**INDEPENDENT INVESTIGATOR ISSUES SECOND REPORT ON
HOUSTON POLICE DEPARTMENT CRIME LAB**

Washington, DC – May 31, 2005 - Michael R. Bromwich, the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room, today issued his Second Report. The Report, issued after eight weeks of the investigation, describes developing themes in the Crime Lab investigation, including the failure by HPD and the City to provide adequate resources in support of the Crime Lab, problems related to the management of Crime Lab personnel, insufficient training and professional development, and the historical absence of quality assurance and quality control systems. More specifically, the Second Report highlights problems created by the lack of a line supervisor in the key DNA/serology section of the Crime Lab for six full years -- from 1996 until the Lab stopped performing DNA analysis in 2002. The Report also describes past instances of scientific fraud known as “drylabbing” in the Lab’s controlled substances section.

The investigation, which began on March 30, 2005, is divided into two phases. The first phase involves gathering facts related to the current and historical operations of the Crime Lab and Property Room, and is scheduled to be completed by the end of June. During the second phase of the investigation, Mr. Bromwich’s team of experienced, senior forensic scientists, assembled from across North America, will review hundreds of cases analyzed by the Crime Lab in the forensic science disciplines of controlled substances, toxicology, questioned documents, trace analysis, firearms and DNA/serology. These cases will be reviewed with reference to the Crime Lab’s own standard operating procedures in place at the time, as well as applicable standards and practices generally accepted within the forensic science community at the time the analyses were conducted.



The investigative team reports to the Stakeholders Committee, a group of prominent Houston-area public officials, civil rights advocates, academics, attorneys, and scientists appointed by HPD Chief Harold L. Hurtt.

The Second Report states that Mr. Bromwich and his team have received a very high level of cooperation from HPD and current Crime Lab personnel. Early in the investigation, Mr. Bromwich had experienced difficulty in obtaining the cooperation of certain key former Crime Lab managers and analysts. Two of these former Crime Lab employees have each now been interviewed multiple times. Mr. Bromwich reports, however, that his efforts to obtain the cooperation of a third former Crime Lab employee, former longtime DNA/serology analyst Christy Kim, so far have been unsuccessful.

The Second Report explores the lack of effective, line-level supervision in the Crime Lab's DNA/serology section since the mid-1990s. Mr. Bromwich has found that the DNA/serology section became dysfunctional in important respects beginning in the mid-1990s with internal disputes between the two senior supervisors in that section. In 1996, the section's first-level supervisor was removed as a result of mismanagement of a case that led to a suspect remaining jailed for nine months while awaiting the Crime Lab to perform DNA analysis that eventually exonerated him. HPD never appointed a new line supervisor for the DNA/serology section, and the position remained vacant from 1996 through 2002 when the Crime Lab stopped performing DNA analysis.

The Second Report also discusses preliminary findings regarding four separate allegations of "drylabbing" involving two controlled substances analysts, all four of which occurred several years ago between 1998 and 2000. These four cases, which at this point appear to have been isolated events, involved the fabrication of test results in controlled substances cases analyzed in the Crime Lab. Each of these drylabbing incidents was detected by a line supervisor in the controlled substances section and referred for disciplinary action. The investigation is continuing to probe the appropriateness of HPD's response to these serious instances of misconduct in the Crime Lab, including whether the punishment of the analysts – one of whom is still a drug analyst in the Crime Lab – was appropriate and what, if any, remedial measures were taken by the Crime Lab and HPD in the wake of these allegations. Each of the four drylabbing incidents discussed in the Second Report was detected by a supervisor early enough that none of the incidents resulted in false drug analyses being introduced in court or otherwise used to obtain a conviction.

According to Mr. Bromwich, “Although we view these instances of scientific fraud as egregious, they appear to be isolated and not at all representative of the work of the controlled substances section or the Crime Lab as a whole. We obviously will seek to determine whether there have been any other such incidents. To date, we have learned of none.”

The independent investigation of the Crime Lab will continue to explore, among other things, the issues of effective supervision and systemic and practical barriers to effective discipline of Lab analysts. Although the findings in the Second Report are preliminary, Mr. Bromwich states that it is clear that “the circumstances that led to the troubling crisis of confidence in the Crime Lab are complex and deeply rooted in the history of the Crime Lab and HPD as a whole over the past two decades.”

According to Mr. Bromwich, “Early reports about problems in the HPD Crime Lab, especially the DNA/serology section, tended to focus on the quality of work performed by individual Crime Lab analysts. Our work to date suggests that looking at the Crime Lab’s problems as solely the product of flaws in the work of individual analysts misses the big picture. As we have begun developing the facts, it is clear that deficiencies in the work were the product of various underlying factors, including the failure to supply the Crime Lab with adequate resources needed to hire and retain qualified analysts, ensure appropriate supervision, and develop management systems that would promote and ensure high-quality scientific work. Therefore, in addition to exploring the specific problems with the analysis performed by HPD Crime Lab forensic scientists, we will push forward aggressively with our attempts to determine which actions and decisions created the institutional environment in which these problems came to exist and metastasize over time.”

The Independent Investigator’s first two reports are posted on the investigation’s Web site, www.hpdlabinvestigation.org.

Michael R. Bromwich is a partner in the Washington, DC and New York offices of Fried, Frank, Harris, Shriver & Jacobson LLP and heads the Firm’s the internal investigations, compliance and monitoring practice group. From 1994 to 1999, he served as Inspector General of the Justice Department, where he led investigations into the activities of the Federal Bureau of Investigation, the Immigration and Naturalization Service and the Drug Enforcement Administration, among other federal law enforcement agencies. In addition, Mr. Bromwich headed an investigation into allegations of misconduct and incompetence at the FBI crime lab.

Prior to his appointment as Inspector General, Mr. Bromwich served as a federal prosecutor for seven years in New York and Washington, DC.

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