

## **For Immediate Release**

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### **INDEPENDENT INVESTIGATOR ISSUES THIRD REPORT ON HOUSTON POLICE DEPARTMENT CRIME LAB**

**Washington, DC – June 30, 2005** - Michael R. Bromwich, the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room, today released his Third Report. The 68-page Report, issued at the conclusion of the first 90 days of the investigation, includes a detailed history of the Crime Lab; traces the development of problems in the Crime Lab, particularly in the Lab's troubled DNA section; and discusses the themes emerging from the investigation.

The Third Report highlights evidence of inadequate support for the Crime Lab within HPD and at the political level in Houston, ineffective management within the Lab, inadequate quality control and quality assurance procedures, and the isolation of the Lab, and the DNA section in particular, from scrutiny within HPD and from the forensic science community.

The investigation has found that for at least the fifteen years preceding the closure of the DNA section in 2002, HPD and the City "failed to provide the Crime Lab with adequate resources to meet growing demands." Among other things, Lab scientists historically have been chronically underpaid, even relative to other publicly-funded laboratories in the Houston area. Analyst and supervisor positions were left vacant due to turnover and inadequate funding to fill the positions. Alarming, there was no line supervisor -- known as a Criminalist III -- in the DNA section from the fall of 1996 to when the section was closed more than six years later. There has been no line supervisor in the toxicology section since 1992. As has been widely reported, the City inexcusably failed to repair the Lab's leaky roof at HPD headquarters, which it was aware was a problem even before the Lab moved into the building in late 1997. In 2001, Tropical Storm Allison flooded the Crime Lab and boxes containing biological evidence became soaked and likely contaminated.

Although a lack of resources was a major contributor to the Crime Lab's problems, the report describes a "lack of strong and effective leadership" within the Lab. The head of the Lab



from 1995 to early 2003 was isolated, detached and so unaware of the deficiencies in the DNA section that he was surprised and shocked when, in December 2002, outside auditors described the section as being a shambles. It also appears that Lab management failed to make a forceful case to HPD command staff for critical needs, such as a line supervisor for the DNA section. Crime Lab managers found it extremely difficult to rein in strong personalities and to discipline or remove incompetent personnel, which contributed to low morale among the forensic scientists and a generally dysfunctional, and in some respects unprofessional, laboratory environment.

Mr. Bromwich's team also has found that managers and supervisors in the Crime Lab failed to ensure that analytical and quality control procedures were up to date, well designed, and complete. Although the supervision and quality control in some sections of the Crime Lab appear to have been effective -- as demonstrated at least to some extent by supervisors' detection of four incidents of scientific fraud, known as drylabbing, on the part of a pair of analysts in the drug section -- this does not appear to have been the case across all sections in the Crime Lab. The Crime Lab stopped performing lab-wide quality control audits in 1997. The internal reviews of the DNA section performed by its manager at the end of 2000 and 2001 described a very different, and much rosier, picture of the state of the section than did the outside audit in December 2002, which used the same standards.

Finally, the report states that the investigation will continue to probe the question of how the major problems that existed in the Lab's DNA section went unexposed for so long. Until 2002, the Lab never underwent an outside inspection. A serious effort towards accreditation -- which now has been achieved for most areas of the Lab, with the notable exception of DNA analysis -- was never mounted because it was viewed as destined to fail in light of the roof leaks and other factors. The investigation reports that as a result of the Lab's isolation, the Lab failed to benefit from the type of outside scrutiny that could have identified serious problems well before 2002.

The investigation, which began on March 30, 2005, is divided into two phases. The first phase, which involved gathering facts related to the current and historical operations of the Crime Lab and Property Room, is now complete. 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 Independent Investigator's reports are publicly available and posted on the investigation's Web site, [www.hpdlabinvestigation.org](http://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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