

## For Immediate Release

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### INDEPENDENT INVESTIGATOR ISSUES FOURTH REPORT ON HOUSTON POLICE DEPARTMENT CRIME LAB

**Washington, DC – January 4, 2006.** Michael R. Bromwich, the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room, today released his Fourth Report. The 82-page Fourth Report summarizes the independent investigation’s findings based on 1,100 case reviews performed by Mr. Bromwich’s team since September 2005 across all of the forensic science disciplines historically practiced in the Crime Lab. The investigation has found that competent and high quality work was performed by analysts and examiners in several sections of the Crime Lab, including in particular in the areas of firearms examination, toxicology, and questioned documents examination. Mr. Bromwich’s team, however, has found “severe and pervasive problems” with the serology and DNA profiling work performed in the Crime Lab during the entire period subject to review, from 1987 through December 2002 when the Crime Lab’s DNA section was closed following an outside inspection.

To date, the investigation has identified major issues in 27 DNA cases analyzed by the Crime Lab in the 1990s and early 2000s, including significant deficiencies in the DNA analysis performed in the cases of three death row inmates – Franklin Dewayne Alix, Juan Carlos Alvarez, and Gilmar Alex Guevara. Specifically, reviews of the Crime Lab’s DNA cases has revealed that the Lab:

- In certain cases, including in a death penalty case, failed to report reliable and potentially exculpatory DNA typing results and instead reported questionable DNA typing results that inculpated the suspect;
- Frequently generated poor quality DNA typing results due to a combination of poor technique and possible contamination;
- Reported misleading statistical information regarding the significance of its DNA profiling results, particularly in cases involving mixtures of bodily fluids from more than one person;
- Failed to use proper controls to guard against, for example, sample mixing and contamination; and
- Failed to perform and document meaningful reviews of the technical work performed by the Lab's DNA analysts.

Mr. Bromwich's team also has found very disturbing problems with the Crime Lab's serology work during the late 1980s and early 1990s. Forensic serology practiced in the Crime Lab involved primarily the use of ABO blood typing techniques to associate or disassociate individuals with evidence. Not surprisingly, almost all of problems the independent investigation found in the Lab's DNA cases – including inadequate training of analysts, lack of supervisory reviews, failure to report the statistical significance of test results, and failure to use necessary controls – had their roots in the Lab's serology work. James R. Bolding, who was the head of the Crime Lab's DNA section from inception to its closure in 2002, was the Lab's chief serologist from 1982 until serology was completely supplanted by DNA testing in the early 1990s.

The investigation, which began on March 30, 2005, is divided into two phases. The first phase involved the gathering of facts related to the current and historical operations of the Crime Lab and Property Room and was completed within 90 days on June 30, 2005. After a delay of nearly two months while the City of Houston and HPD considered Mr. Bromwich's plan for the remainder of the investigation, the second phase of the independent investigation began on August 24, 2005. The centerpiece of the second phase of the investigation is the review of approximately 2,700 cases

performed by the Crime Lab in the forensic science disciplines of serology, DNA analysis, trace evidence, controlled substances, firearms, toxicology, and questioned documents. Through the first three months of Phase II, Mr. Bromwich's team of experienced, senior forensic scientists assembled from across North America has completed over 1,100 -- or 40% -- of these case reviews. These cases are 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 Houston-area public officials, civil rights advocates, academics, attorneys, and scientists appointed by HPD Chief Harold L. Hurtt.

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 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 laboratory. 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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