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INDEPENDENT INVESTIGATOR ISSUES FINAL REPORT ON HOUSTON POLICE DEPARTMENT CRIME LAB

Washington, DC, June 13, 2007 — Michael R. Bromwich, the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room, today released his Final Report. The 332-page report includes a history of the Crime Lab and findings regarding the root causes of the serious problems it experienced, comprehensive assessments of the technical issues identified in the Crime Lab's historical forensic science work, detailed studies of four cases that have received significant media attention, and a comprehensive set of findings and recommendations concerning the current operations of the Crime Lab and Property Room. The City of Houston and HPD commissioned the investigation, which began in March 2005, following a series of damaging public disclosures that raised questions about the reliability of forensic science work performed in the Crime Lab and HPD's storage of evidence. The disclosures resulted in the closure of the HPD Crime Lab's DNA analysis operation for over four years between December 2002 and June 2006 and gave rise to grave concerns about the impact the Crime Lab's work may have had on thousands of cases handled by the criminal justice system in Harris County, including the possibility that defendants may have been wrongfully convicted based on the flawed work produced by the Crime Lab.

Mr. Bromwich's team of attorneys and forensic scientists drawn from across North America performed a comprehensive review of the HPD Crime Lab's historical operations and management, including the review of over 3,500 cases processed by the Crime Lab prior to 2005 in the disciplines of serology, DNA analysis, firearms, trace evidence, controlled substances, toxicology, and questioned documents. These case reviews confirmed that analysts and examiners in certain sections of the Crime Lab were competent and performed high quality forensic scientific work, especially in the areas of firearms, toxicology, and

questioned documents. However, Mr. Bromwich's team found serious, systemic problems with the Crime Lab's historical serology and DNA profiling work.

The independent investigation reviewed 850 serology cases analyzed by the Crime Lab between 1980 and 1992 that relate to currently incarcerated prisoners. In 180 -- 21% -- of these serology cases, the investigation found that major issues calling into question the reliability of the Crime Lab's analytical work and reported results. The independent investigation has recommended that to ensure that justice has been served in these cases a special master be appointed to review each of these questionable cases to determine what role, if any, the Crime Lab's work may have played in these defendants' convictions and whether DNA testing of any biological evidence that may still exist should be performed.

As reported previously, Mr. Bromwich's team also reviewed 135 DNA cases analyzed by the Crime Lab prior to the closure of its historical DNA operation in December 2002. The team identified major problems in 43 -- 32% -- of these cases, including in the cases of four death row inmates, Franklin Dwayne Alix, Juan Carlos Alvarez, Gilmar Alex Guevara, and Derrick L. Jackson. With HPD's approval, the independent investigation forwarded information about each of these DNA major issue cases to the Innocence Project network that is exploring what additional steps, if any, should be taken on behalf of these defendants.

The independent investigation also reviewed the current operations of the HPD Crime Lab and Property Room. The investigation found that the HPD Crime Lab has made enormous strides over the past three and a half years. The Crime Lab now bears little resemblance to the substantially dysfunctional institution that reached its low point in the late 1990s and early 2000s. Under new leadership, the Crime Lab has revised its analytical procedures, implemented a Lab-wide quality assurance program, developed new training programs for its forensic scientists, and hired a number of new personnel and supervisors. All of these steps reflect the energy of the Crime Lab's new leadership and the resources that HPD and the City have been willing to devote to rebuilding the Crime Lab. The Crime Lab also has been accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board ("ASCLD/LAB"), a significant achievement that was unthinkable as recently as five years ago.

The independent investigation found that, while the Crime Lab's progress over the past four years has been enormous, there remains room for further improvement if HPD is to achieve its stated goal of employing one of the premier forensic science laboratories in the country. Mr. Bromwich's team has formulated a comprehensive set of recommendations -- regarding overall Lab management as well as technical issues related to forensic evidence analysis pertaining to each of the Crime Lab's disciplines -- that are designed to help HPD achieve that ambitious goal. These recommendations embody the collective wisdom and insights of some of the most experienced and respected forensic scientists in the world. Their implementation will facilitate substantial further improvement in the Crime Lab.

As stated in the final report, the most significant concern the independent investigation has for the Crime Lab today is that the increased funding and attention that has been central to the Crime Lab's recovery so far may be transitory. The final report of the independent investigation strongly encourages the City of Houston and HPD to sustain the effort, monitoring, and funding that are necessary to ensure that the Crime Lab remains able to perform consistently reliable forensic science work.

In announcing the publication of his team's Final Report, Mr. Bromwich said, "We have completed an enormous task over the past two years – evaluating the quality of forensic science work performed in the Crime Lab over a period of time that goes back more than two decades. We have found profoundly troubling problems in the quality of serology and DNA analysis performed by the Crime Lab, including work that led to at least two wrongful convictions and the not insignificant risk that there may have been others. But we have also found that, contrary to widely-expressed concerns, the bulk of the scientific work performed in other areas of the Crime Lab was generally reliable and of a high quality. This is an important finding that should provide reassurance to those who feared that the defects in the Crime Lab infected all of the forensic science work performed in the Crime Lab. We determined those fears to be unfounded.

As importantly, we have found that the current Crime Lab looks and performs nothing like the former Crime Lab. The Crime Lab has new and competent leadership, HPD has committed resources to its growth, development, and improvement, and, perhaps most importantly, the Crime Lab has opened itself to outside scrutiny and a variety of external influences, including the accreditation process. In short, enormous progress has been made. Although there is much work left to do, as reflected in our comprehensive recommendations, we hope and trust that our investigation has addressed the fears of the people of Houston and Harris County by shining a bright and sustained light on the Crime Lab and its work, candidly discussing its historical problems, and providing a detailed assessment of the work it currently performs. The City of Houston and HPD deserve enormous credit for authorizing and supporting this work, which in scope and scale may well be unprecedented."

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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