

INVESTIGATING FORENSIC PROBLEMS IN THE UNITED STATES:

**HOW THE FEDERAL GOVERNMENT CAN STRENGTHEN OVERSIGHT
THROUGH THE COVERDELL GRANT PROGRAM**

AN INNOCENCE PROJECT REPORT

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I. EXECUTIVE SUMMARY

Nearly five years after Congress passed legislation to help ensure that forensic negligence or misconduct is properly investigated, extensive independent reviews show that the law is largely being ignored and, as a result, serious problems in crime labs and other forensic facilities have not been remedied. In short, the U.S. Department of Justice’s Office of Justice Programs (OJP), which is responsible for the program, has failed to make sure that even the law’s most basic requirements are followed.

With a new Administration — and an increasing national interest in ensuring that taxpayer money is spent wisely and that the criminal justice system relies on the best evidence possible — this report outlines what has gone wrong in enforcing existing forensic oversight laws and how it can be made right. The report describes the federal forensic oversight program; outlines the problems that have plagued the program since its inception (with specific examples); explains the consequences of the federal government’s inadequate administration of the program; shows how forensic negligence and misconduct lead to wrongful convictions; and gives specific recommendations for what the federal government, states and individuals can do to strengthen forensic oversight.

“[FORENSIC SCIENCE] IS JUSTICE'S BEST FRIEND, BUT IT HAS TO NOT ONLY BE USED RIGHT BUT DONE RIGHT.”

*Texas State Senator
Juan “Chuy” Hinojosa,
Co-sponsor of the bill
creating the Texas
Forensic Science
Commission, March 30,
2006, USA Today*

THE OVERSIGHT CONGRESS INTENDED TO CREATE

In 2004, Congress established an oversight mechanism within the Paul Coverdell Forensic Science Improvement Grant Program, which provides federal funds to help improve the quality and efficiency of state and local crime labs and other forensic facilities. In order to receive the federal funds, applicants are required to designate independent external government entities to handle allegations of serious negligence or misconduct affecting the quality of forensic analysis in facilities that receive Coverdell grants, and those oversight entities must also have a process for handling such allegations.

The need for forensic oversight has been underscored in recent years by cases of people across the country who were wrongfully convicted based, at least in part, on forensic negligence or misconduct. There have been more than 230 DNA exonerations nationwide since 1989. Unvalidated or improper forensic science contributed to more than half of those wrongful convictions, and a number of them involved forensic negligence or misconduct. These cases show that despite the best efforts of the forensic science field, some lab technicians make both inadvertent and calculated errors—and some forensic facilities lack proper procedures and safeguards to ensure quality analysis.

Forensic errors should be investigated with the same rigor as any other public safety hazard. When the National Transportation Safety Board investigates an airplane crash, they focus on identifying the root cause of the crash and recommending solutions to prevent future crashes, rather than blaming specific individuals or addressing only the immediately obvious symptoms of the problem. However, this type of thorough, objective investigation into forensic errors is exceedingly rare. While the Coverdell program does not address all of the forensic problems that can compromise the criminal justice system, Congress created the forensic oversight mechanism so that serious allegations of negligence or misconduct could be addressed—and could lead to systemic improvements in forensic facilities.

Congress designated the U.S. Attorney General to administer the program. Several agencies within the Department of Justice have a role in the Coverdell program. The National Institute of Justice (NIJ) distributes the funds under the management of the Office of Justice Programs (OJP), and the Office of the Inspector General (OIG) monitors how the program is being administered.

OVERSIGHT FALLS SHORT BECAUSE OF POOR FEDERAL ADMINISTRATION

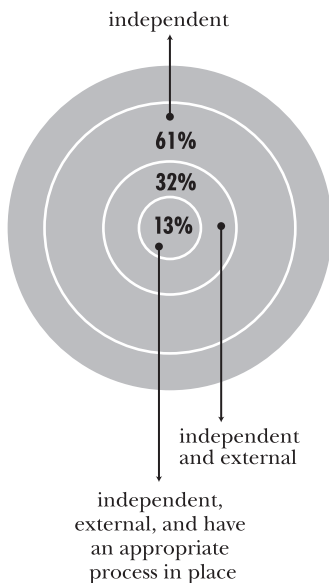
The Coverdell grant program has not yet grown into the rigorous forensic oversight mechanism that Congress intended. Since the program's inception, the Innocence Project has closely monitored OJP's administration of the program, states' compliance with the law's requirements and the processes through which individual allegations under the Coverdell program have been handled.

The Innocence Project has obtained copies of many allegations of serious misconduct or negligence that have been filed since the program's inception, documentation on how those allegations were handled, data on how much federal money has been given to individual crime labs and other forensic facilities, and information on the oversight mechanisms those facilities have designated. The Innocence Project has also contacted every entity that was designated in 2007 to handle allegations of serious negligence or misconduct in crime labs and forensic facilities that receive Coverdell funds.

In 2007, (the most recent year for which comprehensive information could be gathered), 189 forensic facilities applied for Coverdell grants, sometimes under the auspices of a broader government agency. A total of 182 oversight entities were designated by those applicants. Some applicants designated multiple oversight entities and separately, some oversight entities were designated by multiple applicants. In all, there were 256 relationships between applicants and oversight entities. The Innocence Project survey evaluated these 256 relationships.

Using this information — and applying the clear meaning of the federal law that created the oversight mechanism — the Innocence Project concluded that most forensic oversight mechanisms are not appropriate. This research and analysis found:

**Innocence Project's
evaluation of 234
relationships between
oversight entities and
Coverdell applicants
based on compliance
with legal requirements
in 2007**



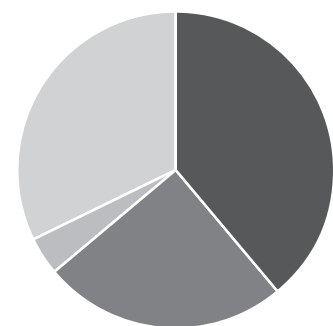
- Since the inception of the Coverdell program’s forensic oversight requirement, approximately 15 allegations of serious negligence or misconduct affecting the quality of forensic analysis have been filed.
- All 50 states have received funding under the Coverdell program since its inception, and the total amount dispersed so far is nearly \$100 million.
- Of the 256 relationships that the Innocence Project evaluated, only 234 could be judged on their independence, externality or their investigative process. The remaining 22 may have disavowed their role in providing forensic oversight under the Coverdell program, or the entity may not have been appropriately “governmental,” or a specific individual may have been designated to conduct investigations rather than an entity.
- Only 61% of the oversight entities are independent from the crime labs or other facilities they would be investigating, as required by federal law.
- Only 32% of the oversight entities designated by Coverdell grant recipients are both independent and external.
- Of the 32% of oversight entities that are appropriate, only 40% also have an appropriate process in place to conduct investigations.
- Consequently, only 13% of the oversight entities meet all of the requirements under federal law — that they be external and independent, and that they have an appropriate process in place for handling investigations.

The Innocence Project research isn't the only indication that the Coverdell grant program is falling far short of Congress' intent because of poor federal administration. The U.S. Department of Justice's Office of the Inspector General has monitored OJP's administration of the Coverdell program and has issued two reports outlining serious problems. One report was issued in December 2005 (reviewing OJP's early administration of the program), and the second was released in January 2008 (reviewing OJP's enforcement of the program for Fiscal Year 2006).

Those reports found:

- In 2005, the first year that funds were dispersed under the new oversight requirement, OJP did not require grant applicants to identify the oversight entities they designated. (After the report was issued, OJP began requiring applicants to identify oversight entities, beginning in Fiscal Year 2007.)
- Of the 223 applicants for Coverdell funding in 2005, 39% did not provide certifications that they had an external investigative entity or process in place (or provided incomplete certifications), and an additional 25% simply quoted the language of the statute but did not name their external investigative entity or process. Only 4% provided a letter or signed certification from the investigative entity.
- In its 2008 report, the Inspector General found that 34% of the oversight entities in Fiscal Year 2006 were not appropriate because “they lacked either the authority, the capabilities and resources, or an appropriate process to conduct independent external investigations into allegations of serious negligence or misconduct.”
- The Inspector General's 2008 report found that applications for Coverdell funding from 38 forensic facilities (or more than 15% of those reviewed) were signed by people who were not from the agency applying for funds — and all of the 38 still received Coverdell funds.

Types of external investigation certifications submitted by the 223 Coverdell applicants according to the Inspector General's 2005 Report



39% ● did not provide certifications or provided incomplete certifications

25% ● quoted the statute

4% ● provided a letter or signed certification from the investigative entity

32% ● provided certification and name of investigative entity

All of these problems stem from the federal government’s poor administration of the Coverdell grant program’s oversight requirement since its inception. The consequences are as clear as they are grave: serious problems in crime labs and other forensic facilities are not properly investigated, and systemic problems that the Coverdell program is supposed to remedy are left uncorrected— weakening the criminal justice system’s ability to apprehend the guilty and exonerate the innocent.

RECOMMENDATIONS FOR IMPROVEMENT

The federal government, state and local governments, and individuals can all help ensure that the Coverdell grant program becomes the vehicle Congress intended to maintain quality forensics. Foremost, we are optimistic that the new Administration’s Department of Justice will begin to manage the program properly and for the first time give grant applicants the tools they need to comply with federal law.

Specifically, this report outlines what OJP needs to do for the Coverdell grant program to operate as Congress intended. The recommendations include:

- Provide better guidance to applicants about what qualifies as an “independent external government entity” and an “appropriate process” for conducting investigations under the Coverdell program’s forensic oversight requirements.
- Require applicants to specifically certify that the oversight entity knows it has been designated to receive allegations and handle investigations, articulating how the entity is independent and external, and spelling out the process the entity would use to conduct an investigation.
- Make it easier for forensic employees, criminal justice practitioners and members of the public to file allegations of forensic negligence or misconduct under the Coverdell program.

- Make sure labs are referring allegations to their investigative entities.
- Monitor thoroughness and independence of investigations.
- Withhold funding when the requirements aren't met — but only after giving Coverdell grant recipients the guidance, information and time they need to comply with the requirements.

In addition to details on these and other recommendations, this report includes background that substantiates widespread noncompliance with requirements Congress established in the Coverdell grant program. The report also includes comprehensive information on grant recipients and their oversight mechanisms, as well as resources for filing allegations under the Coverdell program and following up to ensure that proper investigations are conducted.

II. OVERVIEW OF FORENSIC OVERSIGHT

In the past 20 years, DNA testing has radically transformed the field of forensic science. DNA's ability to accurately and precisely identify the guilty and exonerate the innocent has quickly set a new standard for forensic evidence. DNA exoneration cases have revealed that unvalidated or improper forensic science is one of the leading causes of wrongful conviction. These exonerations have proven that forensic science, like any other type of evidence, is prone to error. Yet jurors tend to accept forensic testimony unconditionally, particularly when it is not questioned by defense attorneys, prosecutors or judges. Even when improper or unvalidated forensic evidence is challenged in court, juries sometimes expect it to be flawless or assume that its probative value is greater than it actually is.

Unvalidated or improper forensic science can take many forms. For example, some forensic disciplines that are used in court (such as fiber comparison and tool mark analysis) have not been properly validated, which makes it impossible to know how probative they are. These problems are not addressed by the Coverdell grant program and need to be handled through other forensic oversight mechanisms.

The Coverdell program's forensic investigation requirements are intended to ensure that serious negligence or misconduct that jeopardizes the integrity of forensic analysis is properly addressed and investigated. This includes instances of forensic analysts who have fabricated or exaggerated results. The vast majority of forensic analysts in this country are ethical, responsible and hardworking and don't deserve to have their reputation tainted by a few "bad apples." But as history shows, it only takes a few fraudulent scientists to taint dozens of cases with devastating results. Sometimes, negligence — rather than fraud — jeopardizes the integrity of

forensic analysis and can lead to wrongful convictions. This happens when training of lab employees is insufficient or when proper safeguards are not in place to prevent contamination or double-check analysts' work. In all of these instances, the government has an obligation to investigate the source and determine the extent of the problem in order to prevent it from recurring in the future.

However, additional forensic oversight measures are still necessary to ensure quality forensics nationwide. Criminal justice leaders across the country have begun implementing a variety of reforms. A handful of states — New York, Texas, Virginia and Minnesota — have created forensic science commissions that can help ensure that forensic science is being implemented properly, that laboratories are accredited, and that forensic practitioners in those states have the resources and information to do their jobs well.

These state commissions are an important step forward, but they don't meet the critical need for expanded research that can validate forensic disciplines and standards for forensic science in the criminal justice system. Concerns about the reliability and validity of forensic evidence used in courtrooms nationwide prompted Congress to authorize and fund the National Academy of Sciences (NAS) to assemble a blue-ribbon commission. The commission's unprecedented report outlined their findings and recommendations for how to ensure that the criminal justice system relies on sound science. The NAS also recommended the creation of a federal forensic science agency to stimulate research, set standards for forensic disciplines and enforce those standards.

Each area of oversight is critical for ensuring the integrity of forensic analysis, which makes the criminal justice system stronger and more just. A national agency for research, standard-setting and enforcement can ultimately help identify the guilty and protect the innocent before arrests or convictions. State forensic science commissions can help make sure lab analysts and other personnel have the information and resources they need to provide the best forensic analysis possible. And proper administration of the Coverdell program can uncover serious forensic problems, fix the problems and prevent them from happening again.

**"IT HAS TO BE FIXED,
AND UNTIL IT'S FIXED,
THERE WILL CONTINUE
TO BE WRONGFUL
CONVICTIONS AND
THERE WILL CONTINUE
TO BE INSTANCES
WHERE THE REAL BAD
GUY IS OUT THERE
COMMITTING MORE
CRIMES."**

*Innocence Project Co-
Director Peter Neufeld,
January 23, 2008,
Hearing of the Senate
Judiciary Committee
on the oversight of the
Justice for All Act*

THE NEED THAT GAVE RISE TO COVERDELL

Congress initiated the Coverdell grant program in 2000 when states struggled to meet a growing demand for forensic testing. Since 2002, the grants have provided states with an invaluable source of forensic laboratory funding. Today, every state and many local governments receive funding through the program. The money is intended “to improve the quality and timeliness of forensic science and medical examiner services.” In 2004, Congress added a requirement that recipients of Coverdell funds designate an independent external oversight entity with a process for investigating allegations of serious negligence or misconduct affecting the integrity of forensic analysis. This oversight requirement was created through the Justice for All Act — an omnibus criminal justice reform bill that passed with overwhelming bipartisan support. Congress hoped the forensic oversight requirement would provide states with a financial incentive to investigate and fix forensic problems.

Before the Coverdell grant program provided forensic oversight, crime lab scandals erupted and dissipated across the country without necessarily inciting any significant systemic improvements. The discovery of forensic negligence or misconduct rarely resulted in anything more than disciplinary action against the analyst in question. An independent review of that analyst’s work — or an audit of laboratory procedures that could lead to systemic improvements — rarely occurred.

Congress sought to squarely address the problem by attaching a precondition to any laboratory’s receipt of funds through the Coverdell grant program. According to the language of the Justice for All Act, applicants for Coverdell funds are required to certify that:

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

This requirement was intended to help jurisdictions:

- bypass internal politics that might impede or complicate investigations;
- identify the challenges faced by crime labs and other forensic facilities that may have led to problems;
- understand the steps necessary to ensure that the problem won't reoccur; and
- consider how other cases might be connected to the same problems and how best to address those cases.

An independent external investigation accomplishes all of these things.

LEARNING FROM MISTAKES

Allegations into forensic negligence or misconduct have been filed in California, Maryland, Massachusetts, New York, New Mexico, Texas, Washington State and Wisconsin. Under the Coverdell program these allegations mandate action in response to the alleged forensic negligence or misconduct. Employees in crime labs or other forensic facilities, legal professionals and anyone else with information about forensic negligence or misconduct can file an allegation. In the most successful allegations, concerns about forensic error are brought to the attention of lawmakers, members of the media and the public at large, resulting in an external, transparent investigation that truly approaches the problem as an opportunity for improvement. Here are a few case examples of allegations that have yielded positive results.

Texas

Texas became a model for responsible forensic oversight when the State Legislature created the Texas Forensic Science Commission to specifically handle the Coverdell investigations requirement. The Commission agreed in August 2008 to investigate the integrity of arson evidence in two convictions that resulted in death sentences—one of which was carried out. Cameron Todd Willingham was executed in 2004 for allegedly murdering his three young children by setting fire to his Texas home. Arson experts argued—both before and after Willingham's execution—that the fire was

“THE INTEGRITY OF EVIDENCE IS A CORNERSTONE OF LAW ENFORCEMENT. THESE LAPSES WERE A THREAT NOT ONLY TO THE PROSECUTION OF DRUG CRIMES, BUT TO THE PUBLIC’S TRUST IN OUR CRIMINAL JUSTICE SYSTEM.”

*Kristine Hamann,
former New York State
Inspector General (in
response to misconduct
at the New York Police
Department crime lab),
December 4, 2007,
The New York Times*

not intentionally set. In fact, the kind of arson analysis that was used to convict Willingham had already been seriously questioned by national scientific experts before Willingham’s trial. Another man, Ernest Willis, was exonerated eight months after Willingham’s execution because forensic experts challenged the arson analysis used to convict him. The Innocence Project, which filed the allegation, charges that the Texas Fire Marshal applied invalid scientific standards in the cases or, at the very least, failed to act when those standards changed. The Texas Forensic Science Commission, which is completely independent of the Texas Fire Marshal or any other agencies connected to the Willingham and Willis cases, has confirmed that an independent expert will begin the investigation in early 2009 and will report back to the Commission later this year.

New York

In 2002, an internal review of the New York Police Department Crime Laboratory confirmed reports of misconduct among narcotics analysts at the lab who were allegedly “drylabbing,” or presenting lab results without actually performing tests, in narcotics cases. The review ended with no re-examination of the offending analysts’ casework. When the New York State Office of the Inspector General reopened the investigation in 2007 as a Coverdell allegation, it reinvestigated, exposed possible misconduct and recommended further action. It concluded that misconduct may have tainted an unknown number of cases and referred possible criminal charges to the District Attorney’s Office. Following the Inspector General’s recommendations, the NYPD recently completed a year-long case review of the narcotics lab.

Massachusetts

The New England Innocence Project alleged forensic negligence or misconduct by a DNA database administrator at the State Police Crime Laboratory who apparently failed to notify prosecutors that DNA profiles had matched suspects in at least 11 unsolved sexual assault cases. In four other cases, the database administrator allegedly issued reports describing DNA database matches of crime scene evidence to suspects when, in fact, no such matches existed. The database administrator, who has been fired, worked

at the lab for 23 years and testified in over 240 criminal cases. The Massachusetts Office of the Inspector General received the allegation and in January 2009 published a comprehensive report. Although the report recognized that a number of the problems connected to the DNA unit had been corrected in the time between the filing of the allegation and the report's publication, the Inspector General made a number of strong recommendations for further improvement. The report called for the collection of DNA profiles from laboratory employees analyzing biological evidence to ensure the easy detection of evidence contamination. The Inspector General recognized that when such contamination is not detected, it can result in the "inappropriate exclusion of a suspect" or other major problems. The report also called for the implementation of safeguards to minimize bias that can undermine the objectivity of forensic results.

Washington

The Washington Association of Criminal Defense Lawyers raised strong concerns about forensic negligence and misconduct in Washington State Patrol's Toxicology Lab and Crime Lab in 2007. The allegations called into question thousands of drunken driving breath-test results and an unknown number of ballistics cases in which an analyst provided misleading and unfounded testimony, which may have resulted in wrongful convictions. The Forensic Investigations Council of Washington State investigated the allegation and issued a public report offering a number of concrete recommendations to improve forensic procedures, many of which have already been adopted.

Unfortunately, these examples are the exception and not the rule. They stand as a testament to these states' independent handling of the Coverdell forensic oversight requirement, rather than OJP's administration. If the federal government effectively administered this critical program — providing much-needed guidance, information and direction to states that receive the funding — there would surely be far more examples of investigations that resulted in concrete improvements in forensic analysis.

III. THE PROBLEMS

OJP has failed to properly support or enforce the Coverdell program’s forensic investigation requirement ever since it went into effect, seriously undermining Congress’ clear intent when it passed the law. As a result, states are uncertain about how to implement key aspects of the investigation requirement. Meanwhile, serious cases of forensic negligence and misconduct are going unresolved or undetected. Allegations filed under the Coverdell program are far too often left to entities that are incapable of investigating them properly, and jurisdictions that aren't equipped to handle allegations receive the funding regardless.

As the oversight requirement was being implemented in 2005, the Innocence Project, the Inspector General of the U.S. Department of Justice and many potential grantees all asked what would constitute an “independent” “external” “government entity” and “appropriate process” to conduct independent external investigations. After some prodding, OJP responded to these concerns by sending all grant applicants a memo outlining examples of government entities that might be appropriate and those that might not. The memo was clear that the information was merely suggestions for applicants to sift through and weigh for themselves. The memo said nothing about what kind of investigative process applicants needed to have in place to comply with the law.

The Innocence Project talked to the majority of Coverdell applicants shortly after OJP issued the memo and found that many applicants designated investigative entities that were not appropriate. Since then, OJP still has not provided applicants with additional guidance. Rather than providing any additional information that could help states understand and comply with the requirement, OJP simply integrated the 2005 memo into its 2006 grant application materials.

In 2008, OJP changed the application process to note that any applicant who signed the certification untruthfully would be subject to prosecution under the False Claims Act (18 USC 1001). Rather than taking responsibility to instruct applicants about what would and would not constitute appropriate entities and processes, OJP may have discouraged state and local governments from applying for Coverdell money when they otherwise would have. Forensic problems in those jurisdictions will be even more likely to go unexamined.

OJP asserts that it is up to the applicant, rather than OJP, to determine whether the applicant has complied with the law. This self-governing approach results in a lack of clarity about the qualifications and, worse, about the spirit and purpose of the Coverdell program's role in providing forensic oversight. Congress charges the Justice Department with implementing the Coverdell program; yet, OJP says it only needs to ensure that the applications are complete and the responsibility for implementation falls to the state and local governments. The Innocence Project, the Inspector General of the U.S. Department of Justice, Senator Patrick Leahy and other members of the Senate Judiciary Committee all disagree.

OJP's inadequate administration of the Coverdell forensic oversight requirement has resulted in the following problems:

1. DESIGNATED ENTITIES AREN'T APPROPRIATE FOR CONDUCTING INVESTIGATIONS

According to the Justice for All Act, in order to qualify for funding under the Coverdell program, applicants must designate government entities that are "independent" and "external" to receive and handle allegations of serious negligence or misconduct. But because OJP has not given applicants guidance on what constitutes "independent" and "external," many of them fail to meet the requirement.

The Innocence Project's survey and analysis of 234 of the 256 relationships between Coverdell applicants and designated oversight entities for 2007 found that the vast majority of jurisdictions receiving Coverdell funds have not designated entities that qualify as independent or external. Only 32% of Coverdell recipients had designated appropriate entities. (See Appendix A for the complete results of this survey.)

“THE POSSIBILITY THAT WE COULD KILL AN INNOCENT PERSON — THAT TRUMPS IT ALL.”

Kirk Bloodsworth, the first person to be exonerated through post-conviction DNA testing who served time on death row, February 22, 2007, The Washington Post

For example, some Coverdell grant recipients were police crime labs that designated their police department’s internal affairs division as the oversight entity. These arrangements can cause problems because the lab and internal affairs divisions report to the same police leadership. Some Attorneys General or District Attorneys’ offices can also be problematic, particularly when they rely on lab results in their prosecutions or are by law required to defend labs if they’re subject to legal actions. The OJP also signed off on laboratories that agree to reciprocally investigate each other, even though each may have a motivation to overlook the other’s problems.

Unless an investigation is conducted by an independent entity that does not have a role or a stake in the case in which the alleged error occurred, the public cannot have faith in its outcome — which is why Congress clearly required federal grant recipients to designate appropriate entities and have processes in place to handle investigations. Investigations carried out in California, Virginia, Montana, Wisconsin and New York have been seriously compromised by conflicts of interest or by the involvement of laboratory management.

2. ENTITIES DON’T KNOW THEY’VE BEEN DESIGNATED TO HANDLE INVESTIGATIONS

The Innocence Project contacted many of the Coverdell grant recipients in 2005 and found that many didn’t have an entity in mind when they signed their certification. Others had a specific entity in mind but hadn’t reached out to the entity to confirm their willingness or ability to conduct Coverdell investigations. It was the first year of the OJP’s administration of the program under the forensic oversight requirement, and OJP hadn’t required applicants to name their designated oversight entity on the application.

In 2007, at the Inspector General’s recommendation, OJP changed that policy, but still did not mandate that applicants discuss the requirement with the entity they selected. The Inspector General contacted 231 of the 233 entities identified by Coverdell grant recipients as being the designated independent forensic oversight entity in 2006. The majority of entities, a full 68%, didn’t know they were responsible for forensic oversight under

the Coverdell program. Only 40% of Coverdell grantees claimed to have discussed the Coverdell program requirement with a representative from the designated entity before signing the certification.

OJP never took the next logical step, which is to require that Coverdell recipients discuss the certification requirements with the entities they selected. If entities aren't aware of their responsibilities, they are unlikely to be able to fulfill them.

3. DESIGNATED ENTITIES DON'T HAVE AN APPROPRIATE PROCESS FOR CONDUCTING INVESTIGATIONS

Although minimal, OJP has provided some information to applicants about designating government entities to conduct investigations. On the equally important issue of how to conduct these investigations, however, OJP has been silent. The result is that most entities either have no established process for conducting investigations, or the process is insufficient for identifying and fixing forensic errors. Examples of insufficient processes include: processes designed to handle misconduct but not negligence, processes that lack mechanisms to consider the systemic impact of a forensic issue and instead orient toward punitive action against individuals, and processes that give those in authority over laboratories the power to approve whether investigations are referred to the designated oversight entity.

According to the Innocence Project's 2007 survey and analysis of 234 of the 256 relationships between oversight entities and Coverdell applicants, only 32% of designated investigative entities are appropriately independent and external. Of those, only 40% also have an appropriate process in place to conduct investigations. The Innocence Project did not inquire about the investigative process in cases where the entity was not independent or external, since an investigation conducted by an inappropriate entity would not be thorough or objective anyway. Therefore, the process in those cases would be largely irrelevant. Of all 234 entities surveyed, only 13% were both independent and external and had an appropriate process for conducting investigations, according to the Innocence Project's analysis.

For example, a number of facilities receiving Coverdell funding — particularly medical examiners — named medical boards to investigate allegations, but those boards only have the power to terminate a physician’s license rather than to investigate the systemic effects. Other seemingly appropriate entities shared had only vaguely defined processes. For instance, one lab in the Innocence Project’s survey said that they would investigate a Coverdell allegation using the same techniques as in any other kind of criminal investigation without outlining specifically what those techniques were. Another designated entity had a process that allowed the police department housing the laboratory to make a threshold determination whether to allow the entity to pursue the investigation or not.

4. OJP GRANTS FUNDS TO STATES THAT AREN’T COMPLYING WITH THE REQUIREMENTS

Instead of helping applicants clearly understand what Congress expects under this program, and then holding them responsible, OJP distributes funding regardless of whether applicants meet the requirements. The Innocence Project’s research indicates that OJP approves virtually every applicant that includes the signed certifications — seemingly without reference to whether they comply with the law.

Until OJP provides better guidance to applicants, it wouldn’t be fair to deny them funding for failing to meet the requirements. OJP must first educate grant recipients by establishing clear guidelines for compliance and then intervene when they are not compliant. Until that time, Congress and the Attorney General should strongly encourage OJP to effectively administer the Coverdell forensic investigation requirement.

CASE EXAMPLES OF COVERDELL ALLEGATIONS WITH NEGATIVE RESULTS

Wisconsin

The Associated Press revealed a variety of serious problems in Wisconsin crime labs after examining discipline letters that had resulted in internal investigations from 2002 to 2006. Defense attorney Jerry Buting subsequently reviewed the discipline letters and realized that they suggested serious systemic problems, including DNA contamination, dry labbing, botched fingerprint identifications and more.

Buting filed a Coverdell allegation in September 2008 with the two branches of the Wisconsin Department of Justice (WIDOJ) designated to handle Coverdell allegations. Buting alleged that serious forensic negligence and misconduct had occurred and that an unknown number of cases might have been affected while real perpetrators escaped justice. The WIDOJ responded the next month saying that it had reviewed the forensic problems to determine if they necessitated further investigation and concluded that they did not. The WIDOJ refuted what it believed to be Buting's basic premise, that an allegation could be filed merely because the WIDOJ had disciplined employees. In fact, Buting raised the allegation because he worried that the WIDOJ had not resolved systemic weaknesses that the discipline reports had raised.

Nevertheless, the WIDOJ conducted an investigation anyway and claimed to find no basis for Buting's allegations. The investigation was compromised from the start. WIDOJ investigators are allied with the laboratory and the Wisconsin Attorney General. Investigators report to the upper command in the WIDOJ and the WIDOJ also relies on the lab's results in the cases it prosecutes. If the OJP ensured that the investigation was handled by an independent external entity, the problem could have been avoided. Other entities in the state are better suited to perform independent external investigations, and the OJP should have enforced stronger standards to ensure those entities had been named to conduct investigations of WIDOJ lab results.

"WE ARE THERE TO SERVE AND WE FIGHT TO MAKE SURE THAT WHAT WE ARE DOING IS FORENSICALLY SOUND, AND IT SEEMS LIKE THERE ARE PEOPLE THERE WHO HAVE FORGOTTEN WHY THEY BECAME SCIENTISTS IN THE FIRST PLACE."

*Houston Police
Department (HPD)
crime lab scientist
and anonymous
whistleblower of mis-
conduct at the HPD lab,
November 13, 2007,
KHOU Channel 11 News*

California

In Santa Clara, California, a Coverdell allegation filed by the Northern California Innocence Project was handled by the Bureau of Investigation of the District Attorney's Office, which does not qualify as independent or external. In fact, the county crime lab is a division of the DA's Office; by choosing the Bureau of Investigation, the DA's office selected its own de facto internal affairs division to investigate its own lab.

The allegation addressed a forensic analyst whose testimony about fiber evidence helped convict Jeffrey Rodriguez, who was later exonerated. During preparations for a re-trial, other government experts tested the evidence and disagreed with the analyst's findings. The Northern California Innocence Project called for an investigation of the analyst's work to assess whether the lab had relied on improper forensics to convict Rodriguez in the first place, and whether problems with fiber analysis may have tainted other cases the lab handled. However, the internal investigation focused more on defending Rodriguez's conviction and the analyst's work than on determining whether a problem had occurred and how to solve it. The report didn't adequately explain how the Santa Clara County analyst's test results differed so dramatically from the examinations of the other analysts who looked at the same fiber evidence. Since it didn't find a problem, the report also failed to propose solutions.

If the Bureau of Investigation found that the lab's error had resulted in a wrongful conviction, it might mean risking fiscal liability and political embarrassment for the government official to whom they report. The inherent conflict of interest compromised the objectivity of the report, and it seems likely that a truly independent entity would have come to a different conclusion. In the absence of a fair investigation, any systemic problems in the crime lab have gone unsolved, and mistakes like those that led to Rodriguez's wrongful conviction may well be repeated.

IV. THE CONSEQUENCES

The criminal justice system relies on forensic science to provide objective, clear results when the truth is otherwise uncertain. It is precisely because of the powerful role the forensic sciences play in the courtroom that quality assurances are so important. The Innocence Project has witnessed first-hand how forensic errors have shattered people's lives.

1. FORENSIC NEGLIGENCE AND MISCONDUCT RESULTS IN WRONGFUL CONVICTION

Forensic science problems have contributed to the wrongful convictions of an unknown number of Americans. Among the DNA exonerations nationwide, more than 50% of the underlying wrongful convictions involved unvalidated or improper forensics. Not all forensic issues fall under the jurisdiction of the Coverdell program, which focuses on serious negligence or misconduct in forensic analysis. For example, concerns about the validity and reliability of some forensic science disciplines are not addressed by the Coverdell program.

Forensic negligence and misconduct was a factor in dozens of wrongful convictions — and Congress was mindful of those injustices when it decided to use the Coverdell grant program to strengthen oversight nationwide. The exonerated serve, on average, 12 years in prison before they can prove their innocence. They lose years of precious time with family and friends, and when they are released they often have no money, no job, no health care, and no place to go home to. And yet, compared to some, they're the lucky ones. Too often, DNA testing isn't available to prove that a mistake has been made. In some cases, critical evidence has been used up, lost or destroyed, so that re-testing to uncover a wrongful conviction is impossible. Evidence in these cases can never be tested again, and the truth will never be revealed. Innocent people are likely still incarcerated, perhaps even on death row, because a forensic error helped convict them of a crime they didn't commit.

These are just a few of the dozens of cases in which an innocent person was wrongfully convicted based, in part, on forensic negligence or misconduct and later exonerated through DNA testing.

JIMMY RAY BROMGARD—MONTANA

Convicted in 1987 of sexual intercourse without consent

Served 14.5 years; exonerated in 2002

The Facts

Montana Department of Justice Crime Lab Director Arnold Melnikoff's testimony played a crucial role in sending Jimmy Ray Bromgard to prison when he was 19 years old. Bromgard was initially arrested after police believed he resembled the composite sketch of the man who broke into a Billings home and raped a young girl. The case hinged on her ambivalent identification and Melnikoff's forensic hair analysis. DNA testing exonerated Bromgard in 2002, two years after the Innocence Project took his case and over 14 years after his wrongful conviction.

The Forensic Negligence or Misconduct

Melnikoff testified that head and pubic hairs found on the victim's bed sheets matched Bromgard's hair samples. He testified that there is a one in 100 chance of a head hair matching an individual, and a one in 100 chance of a pubic hair matching an individual—and that “it's a multiplying effect,” so there was a one in 10,000 chance that the hairs belonged to anyone else. “[I]t's the same as two dice,” he testified. “If you throw one dice with a one, one chance out of six; if you throw another dice with a one, it's a one chance out of six, you multiply the odds together.” This damning testimony was also fraudulent: there has never been a standard by which to statistically match hairs through microscopic inspection. Melnikoff simply took the impressive numbers out of thin air.

The Follow-up

At the Innocence Project's request, a peer review committee of the nation's top hair examiners reviewed Melnikoff's testimony. They concluded in their report that Melnikoff's statistical evidence was completely unfounded and urged Montana's Attorney General to set up an independent investigation of his work in other cases. At the prosecution's request, the FBI hair analysis unit also re-examined the hairs and also concluded that they didn't belong to Bromgard. Even then, the Montana Attorney General refused to order an investigation; instead, he conducted his own internal review which determined that there was no reason to investigate the evidence in Melnikoff's other cases. It was later revealed that the Attorney General, in his previous position as a county prosecutor, had used Melnikoff as an expert witness in numerous cases.

To this day there hasn't been an independent investigation of Melnikoff's work or the Billings crime lab where he served as director. There are at least two other cases where his fabricated testimony contributed to wrongful convictions that were later overturned through DNA testing. Melnikoff no longer works at the lab, but systems he set up may remain in place — unexamined and unfixed.

JOSIAH SUTTON — TEXAS

Convicted in 1999 of rape

Served 4.5 years; exonerated in 2004

The Facts

DNA evidence was the primary testimony against Josiah Sutton in his 1999 conviction for rape. In 1998, a woman was abducted at gunpoint, raped by two men and dumped into a nearby field. Five days after the attack, she saw the 16-year-old Sutton and his friends in her neighborhood and identified them as possibly being her attackers. The two teenage boys consented to requests by the police for blood and saliva samples to compare with evidence collected from the victim and her car. The testing allegedly concluded that Sutton may have been an attacker, but his friend was excluded. Only Sutton was brought to trial.

The Forensic Negligence or Misconduct

The Houston Police Department (HPD) Crime Laboratory claimed that the semen sample from the backseat of the car contained two DNA profiles — Sutton’s and that of another, unidentified man. Moreover, a crime lab employee testified at trial that the DNA found on the victim was an exact match with Sutton. Asserting his innocence throughout the investigation and his incarceration, Sutton repeatedly sought independent DNA testing, but he was denied.

It was not until an independent investigation of the HPD Crime Lab that Sutton got a chance to prove his innocence. Two local reporters were investigating the laboratory and sent transcripts and reports from numerous cases to a group of forensic experts. One of these experts, University of California criminology professor William Thompson, examined the forensic reports in the Sutton case and said that the mistakes practically jumped off the page. As a result of his findings, the evidence was subjected to DNA testing which proved conclusively that the semen was from only one man, not two, and that it did not come from Sutton.

The Follow-up

The reporters’ investigation led to an audit of the HPD Crime Lab in 2002 that uncovered deficiencies in procedures, personnel training and the handling, interpretation and documentation of DNA results. DNA work by the lab was immediately suspended. Two Innocence Project clients were subsequently exonerated in cases that further exposed the extent of the problems in the HPD Crime Lab. A wide-scale independent review of the HPD Crime Lab was completed in 2007, identifying serious problems in hundreds of cases. These problems stretch beyond cases where DNA testing was conducted — and include hundreds of cases where serology (blood-typing) may have been conducted and analyzed erroneously. Former U.S. Department of Justice Inspector General Michael Bromwich, who led the investigation, recommended hiring a special master to evaluate those cases where inconsistencies were revealed, but Houston’s Mayor, District Attorney and Police

Chief have all rejected the request. In 2008, after the exoneration of yet another Innocence Project client who had been wrongfully convicted, in part, based on erroneous HPD Crime Lab testing, a judicial agency created a panel of forensic experts, attorneys and judges to review cases that were identified as problematic in the 2007 audit.

ANTHONY MICHAEL GREEN—OHIO

Convicted in 1988 of rape and robbery
Served 13 years; exonerated in 2001

The Facts

Anthony Michael Green was wrongfully convicted of a rape perpetrated against a Cleveland Clinic Hospital patient in 1988. Green was an employee of the hospital who was believed to match the description of the perpetrator. Based on the victim's eyewitness identification and serology testing performed by the Cleveland Police Department Forensic Laboratory, he was convicted and sentenced to 20–50 years. In 2001, DNA testing exonerated Green. The DNA analyst's report also detailed the ways in which the forensic expert's testimony at trial was scientifically irresponsible and misleading to the jury.

The Forensic Negligence or Misconduct

Joseph Serowik, the forensic expert, testified that he examined a washcloth that the perpetrator had used to wipe his penis off after the attack. He gave the impression that the semen stain on the washcloth was a neat semen stain, rather than a semen stain commingled with the victim's vaginal secretions—though he knew or should have known the opposite to be true. He claimed that Green was included as a possible donor of the seminal fluid, and that 84% of the male population would have been excluded. Yet, both the defendant and the victim were type B secretors (meaning that their blood type shows up in other types of fluids like semen or vaginal secretions), and serology testing could not allow him to separate distinct profiles. Therefore, in a mixed sample such as

**"WE'RE NOT SAFER
LOCKING UP THE
WRONG PERSON.
WE'VE EXPENDED
OUR RESOURCES
FOR NOTHING."**

*Senator Patrick Leahy,
Senate Judiciary
Committee Chairman,
January 23, 2008,
Hearing of the Senate
Judiciary Committee
on the oversight of the
Justice for All Act*

this, the type B secretor profile identified by the expert could have been the victim's alone. Since Green and the victim are both B secretors, any B or O secretor, or a non-secretor of any blood type, could have deposited the sample. The expert's erroneous testimony matched Green to the sample within 16% of the male population, when in fact 100% of the population could have been the source of the sample.

The Follow-up

In response to Green's exoneration and subsequent civil lawsuit, the city created and conducted the "Anthony Michael Green Forensic Laboratory Audit" of the city police laboratory. Serowik's serology and hair evidence work, as well as a random selection of the work of other Cleveland analysts dating back to 1987, were reviewed. The audit, which began in 2004, revealed serious questions in at least a half-dozen convictions (several of which are still under further review). In addition, it set an example for every jurisdiction to conduct an official review whenever a wrongful conviction exposes negligence and misconduct.

2. REAL PERPETRATORS COMMIT ADDITIONAL CRIMES WHILE INNOCENT PEOPLE ARE IN PRISON

Forensic negligence or misconduct also make it possible for real perpetrators to remain free and commit more crimes. In nearly 40% of wrongful convictions later overturned by DNA, the real perpetrator was identified after an innocent person's exoneration. In this subset of cases alone, law enforcement agencies report that dozens of additional rapes and murders were committed by the real perpetrators after innocent people were wrongfully convicted in the initial case. All of these crimes could have been prevented if the assailant had been apprehended instead of an innocent person. Police and prosecutors must be able to trust forensic results in order to identify the real criminal and protect the public. The cases that follow are just a few of those in which forensic negligence or misconduct not only contributed to a wrongful conviction, but also allowed a criminal to remain free and commit more violent crimes.

JEFFREY PIERCE—OKLAHOMA

Convicted in 1986 of rape and robbery
Served 14.5 years; Exonerated in 2001
Real Perpetrator: Omer D. May, Jr.

The Facts

Jeffrey Pierce was part of a landscaping crew working around an apartment complex where a woman was raped in 1985, and he was wrongfully convicted of the crime the following year. The real perpetrator, Omer D. May, Jr., would not be identified until DNA testing exonerated Pierce in 2001 and implicated May through a DNA database hit. May was already incarcerated for another rape he had committed in 1998. Had May been arrested and convicted in 1985, the 1998 rape could have been prevented.

The Forensic Negligence or Misconduct

The prosecution relied on the testimony of forensic analyst Joyce Gilchrist. At trial, Gilchrist claimed that head and pubic hairs collected from the victim's apartment, where the rape took place, matched Pierce's hair. The defense argued that Gilchrist overstated her results, since hair analysis cannot yield a "match." Gilchrist also prevented the defense from analyzing her work before trial. In violation of a court order, she failed to forward the hair evidence to a private laboratory hired by the defense. The evidence she did send slipped out of the package and could not be analyzed.

The Follow-up

After Pierce's exoneration, the Oklahoma State Bureau of Investigation conducted a review of cases assigned to Gilchrist from 1980 to 1997. Of the 1,600 cases reviewed, they identified nearly 200 that warranted further review. A 2001 FBI review of her work also found errors in five of the eight cases randomly reviewed. Gilchrist testified in 11 cases in which the defendant has already been executed. She has contributed to at least three other wrongful convictions overturned through DNA testing. Gilchrist was terminated in 2001 after 21 years with the lab. Omer May is currently serving a 45-year sentence in Oklahoma prisons, although he cannot be prosecuted for the 1985 rape because the statute of limitations has expired.

JOHN WILLIS—ILLINOIS

Convicted in 1992, 1993 of sexual assault and armed robbery
Served 7 years; Exonerated in 1999
Real Perpetrator: Dennis McGruder

The Facts

John Willis was wrongfully convicted of two armed robberies and rapes that Dennis McGruder perpetrated. During the seven years that Willis spent in prison, McGruder committed a string of other rapes and robberies. In 1999, DNA testing results exonerated Willis and pointed to McGruder.

The Forensic Negligence or Misconduct

Evidence in one of the rapes was tested at the Chicago Police Department's Serology Unit by forensic analyst Pamela Fish. Conventional serology testing (or blood typing) revealed that Willis could not have been the perpetrator. However, these results were never supplied to the defense; instead, Fish reported the tests as inconclusive. The actual results of her testing were never turned over despite specific requests from the defense. In 1992, Willis was convicted of sexual assault and armed robbery, and in 1993, he was convicted of a second, similar crime and sentenced to 100 years in prison. Soon after, McGruder was arrested for a rape and robbery that displayed the same modus operandi as the assailant in Willis' case. Willis' appeal based on this evidence, however, was denied. In 1999, Willis' innocence was finally proven through DNA testing.

The Follow-up

Pamela Fish testified for the prosecution about false matches and suspicious results in the trials of at least eight defendants who were convicted, then proven innocent years later by DNA testing. After her forensic work began to come under fire, Fish was moved from her post as the chief of the biochemistry section for the state police's Chicago lab, and was made the administrative section chief of research and development. She was never prosecuted for her erroneous testimony. No independent, external investigation of the Chicago lab where she worked was conducted. McGruder is currently serving a 40-year prison term. He has admitted to robbing 20 victims and committing four sexual assaults after Willis' arrest.

3. PROBLEMS IN LABS ARE NOT CORRECTED—FURTHER WEAKENING THE CRIMINAL JUSTICE SYSTEM

As evidenced by these wrongful conviction cases, government responses to the discovery of forensic negligence and misconduct often fall short of solving the problem. Because OJP has failed to adequately administer the Coverdell program, the oversight mechanism is underused—and when allegations are filed, they are rarely handled properly.

Responsibility for this troubling lack of oversight falls to the federal government, whose passive administration of the Coverdell grant program has allowed these problems to persist. When state and local governments are allowed to sidestep the requirements it sets a dangerous precedent by reducing the possibility of oversight, compromising the original intent of the law, and increasing the likelihood of more wrongful convictions and more crime.

V. RECOMMENDATIONS

Through better enforcement of the Coverdell requirements and thorough, independent investigations of allegations, serious forensic problems can be identified and remedied. The following recommendations are consistent with the Department of Justice’s Office of the Inspector General’s recommendations, and based on extensive research and experience, including the Innocence Project’s survey of Coverdell recipients nationwide.

WHAT THE FEDERAL GOVERNMENT CAN DO

1. Provide better guidance to Coverdell applicants about what qualifies as an independent external government entity

OJP should provide clear instructions and guidelines for Coverdell applicants about what constitutes an independent external government entity. Specifically, the oversight entity must not have any conflict of interest with the forensic facility or case under investigation. Most internal affairs divisions would not qualify under this definition, but appropriate entities might include: State Offices of the Inspector General, civilian complaint review boards, the state auditor, legislative or judicial offices, a state forensic commission or a forensic advisory board. Even state Attorneys General, District Attorney’s Offices or Sheriff’s Offices might qualify so long as they don’t have any direct or reciprocal relationship with the lab or any role in defending the lab’s work.

2. Provide Coverdell applicants with a clear framework for an “appropriate process” to investigate forensic errors

OJP should also provide Coverdell applicants with better direction about how to interpret the law’s requirement for having an “appropriate process” for conducting investigations. In consultation with Governmental Accountability Office guidelines, the Innocence Project has developed a model nine-step process for oversight entities to consider when investigating cases of negligence or misconduct and has recommended this process in its own Coverdell allegations. OJP should provide grant recipients with official information on model investigative processes and ask them to share it with potential investigative entities so that those entities under-

stand what would be expected of them if a Coverdell allegation were ever made. Following is the model nine-step process. (See Appendix C for a sample allegation that incorporate this nine-step process.)

1. identify the source(s) and the root cause(s) of the alleged problems;
2. identify whether there was serious negligence or misconduct;
3. describe the method used and steps taken to reach the conclusions in parts 1 and 2;
4. identify corrective action to be taken;
5. where appropriate, conduct retrospective re-examination of other cases which could involve the same problem;
6. conduct follow-up evaluation of the implementation of the corrective action, and where appropriate, the results of any retrospective re-examination;
7. evaluate the efficacy and completeness of any internal investigation conducted to date;
8. determine whether any remedial action should be adopted by other forensic systems; and
9. present the results of Parts 1-8 in a public report.

3. Encourage each Coverdell applicant to provide supporting documentation with its grant application.

OJP should require applicants to submit letters, or memoranda of understanding, that they have prepared with their oversight entities showing that the oversight entity knows it has been designated to receive allegations and handle investigations. The letters should also explain how the entity is independent and external, and they should spell out the process the entity would use to conduct an investigation.

4. Make it easier for members of the public to file allegations under the Coverdell program

OJP can help increase the visibility of the Coverdell program and ensure that forensic errors are addressed by providing information about how and where members of the public can file allegations.

"WE LIVE IN A WORLD THAT NOW EXPECTS CSI EFFICIENCY, AND WE ARE GIVING THEM THE WILD WEST AND GUNSMOKE."

*Dr. Dwalia South,
Former President of
the Mississippi State
Medical Association,
June 16, 2008,
The Clarion Ledger*

Only about 15 Coverdell allegations have been filed, and many of them have come after a media report exposed the problem. There's a much more direct way to expose forensic negligence and misconduct. Laboratory employees — those who witness lab activities daily — are in the best position to report on forensic quality as long as they know they can do so safely. Prosecutors, public defenders, law enforcement officers and other civic employees involved in the criminal justice system are also in a position to learn about forensic mishaps and should be encouraged to file allegations when appropriate. Forensic employees and others within the criminal justice system should be made aware that they will be covered by standard whistleblower protections if they file allegations under the Coverdell program. On its website and in other appropriate places, OJP should post the contact information for the oversight entities associated with every Coverdell grant recipient in the country.

5. Make Sure Labs are Referring Allegations to their Investigative Entities

The Inspector General's survey of 2006 Coverdell recipients found instances of labs opting not to refer allegations to their Coverdell entities, or instead referring them to entities of their own choosing. The result was that serious forensic errors were never made public, were never properly investigated and were never resolved. The OJP should require Coverdell funding recipients to report on all allegations they receive, refer allegations to the named entities, and provide explanation concerning any allegations not referred. Most importantly, OJP must follow through on this information and press funding recipients to make sure allegations have been referred. A mere recording of the data with no enforcement will not solve the problem.

6. Monitor thoroughness and independence of investigations

The federal government has an obligation to support allegations of forensic negligence or misconduct and encourage effective investigations. When an allegation results in an improper investigation or no investigation at all, the serious, underlying potential problem of forensic error has gone unresolved. The Coverdell program raises the standards for quality investigations, and investigative entities should know that they'll be held accountable for the results.

7. Withhold funding when the requirements aren't met

So that state and local governments are not held to a standard they don't fully understand, the OJP must provide them with proper guidance. Once the requirements are clear, guidance has been provided, and recipients have had time to become compliant, the Department of Justice should withhold funding from state and local governments who fail to meet the requirements.

WHAT STATE AND LOCAL GOVERNMENT CAN DO

1. Designate appropriate entities and communicate with them about what's required

Only 32% of oversight entities designated to investigate serious allegations of negligence and misconduct know that they're required to handle such investigations, according to the 2008 Inspector General's report. States receiving Coverdell grants are responsible for notifying their designated entities and making them aware of their forensic oversight duties. To ensure timely, organized responses to allegations, state and local governments should brief their designated entity on Coverdell's forensic oversight requirements.

2. Establish statewide policies to meet the certification requirement

States receiving grant money on behalf of local recipients should help them understand how to meet the forensic oversight requirement and how to select an independent external entity with an appropriate process for conducting investigations. In return, local jurisdictions should submit documentation about the oversight entity they've selected for the state's review.

3. Facilitate Coverdell allegations

State and local governments can increase the likelihood that serious forensic errors are addressed by notifying state employees, including lab employees, and other staff about their right and ability to make allegations—which also includes making them aware of whistleblower protections.

WHAT THE PUBLIC CAN DO

1. File allegations under the Coverdell program when appropriate

Under the Justice for All Act, anyone with information about serious forensic negligence or misconduct can file an allegation and the investigating entity is required to act in response. Whether the allegation results in a thorough, independent investigation or not, it still calls attention to the forensic error and publicly reinforces the need for oversight. If the oversight mechanism that responds to the allegation is inadequate or incapable of investigation, the allegation will reveal their shortcomings, too. (For additional information and resources, see the “Guide to Filing Coverdell Allegations” in Appendix B.)

2. Support legislative and executive fixes that can bolster oversight in your state

In addition to Coverdell, there might be other forensic improvement initiatives in your city, county or state that need support. The forensic science field is continually fighting to get the resources it needs. State forensic oversight commissions or advisory boards can help secure funding, review forensic methods, and ensure accreditation for all forensic labs and licensing for forensic technicians, yet only a handful of states have such commissions. Establish a relationship with your local legislators, and let them know that forensic oversight is important to you.

See Appendix A of this report to find information on the Coverdell money that your city, county or state receives and learn more about the specific oversight entity that performs investigations. Find out what systems they currently have in place to protect the integrity of forensic evidence. If their procedures are inadequate, urge them to change and reach out to Innocence Network groups to let them know what you’ve learned.

VI. APPENDICES

KEY TO APPENDIX A:

The Innocence Project made all assessments of entities and their processes in consultation with documents acquired via public records requests (when available), and also researched the statutory and regulatory relationships of entities to the laboratories under their watch.

Independent = The entity is not beholden to the same agency leadership, supervisory authority or chain of command as the laboratory subject to the investigations certification.

N/A in this column may designate that the entity specifically disavowed their role in providing forensic oversight under the Coverdell program, that the entity is private rather than “governmental”, or that a specific individual rather than an entity was named to conduct investigations.

External = The entity has no obvious stake in the outcome of an investigation of a laboratory subject to the certification. A stake may include, but is not necessarily limited to: a role in defending the work of a laboratory in a legal context, and reliance on the laboratory’s forensic results (in prosecutions or otherwise).

N/A in this column indicates that the entity lacked independence and, as such, it fell short as a Coverdell entity and was not evaluated further.

Congress crafted the Coverdell forensic oversight requirements to ensure that systemic investigations of allegations focus, not simply on what went wrong and who is responsible, but most importantly, on how to prevent the problem from recurring. The Innocence Project adopted those Congressional principles in its evaluation of processes:

Seemingly sufficient process = A process that appears designed to accommodate an investigation into the root causes of both serious negligence and misconduct that substantially affects the integrity of forensic results, and appears to include mechanisms to propose systemic reforms that can prevent the recurrence of such problems.

Seemingly insufficient process = A process that does not appear designed to accommodate an investigation into the root causes of both serious negligence and misconduct that substantially affects the integrity of forensic results, or that appears to lack mechanisms to propose systemic reforms that can prevent the recurrence of such problems.

N/A in this column indicates that the entity lacked either independence or externality and, as such, it fell short as a Coverdell entity and was not evaluated further.

Not enough information = The Innocence Project was unable to acquire sufficient supporting documentation, whether from entities themselves via public records requests, or from separate research to make a qualitative determination.

APPENDIX A: INNOCENCE PROJECT'S 2007 SURVEY

Applicant	State	Funding Received*	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
ALABAMA						
Alabama Department of Forensic Sciences	AL	\$269,214	Office of the Attorney General Alabama State House 11 South Union Street, Third Floor Montgomery, AL 36130 (334) 242-7300 (http://www.ago.state.al.us/contact.cfm)	YES	NO	N/A
City of Birmingham Police Department's Firearm & Tool Mark Unit	AL	\$90,000	Birmingham Police Department Internal Affairs Central Headquarters/Administration Building 1710 1st Avenue North Birmingham, AL 35203 (205) 254-1743 (http://www.birminghamal.gov/birmingham-police.aspx)	NO	N/A	N/A
ALASKA						
Alaska Department of Public Safety Scientific Crime Detection Laboratory	AK	\$96,594	Department of Public Safety Alaska Bureau of Investigations 5700 E Tudor Road, Anchorage, AK 99507 (907) 269-5511 (http://www.dps.state.ak.us/AST/abi/)	NO	N/A	N/A
ARIZONA						
Arizona Department of Public Safety Crime Laboratory	AZ	A portion of the state's grant of \$328,369	Office of the Attorney General 1275 West Washington Street Phoenix, AZ 85007 (800) 352-8431 (http://www.azag.gov/contact.html)	YES	NO	N/A
Avondale City Police Department	AZ	\$58,654	City of Avondale Police Dept. Internal Affairs 11485 W Civic Center Drive Avondale, AZ 85323 (623) 333-7210 (http://www.avondale.org/Directory.asp?did=81)	NO	N/A	N/A
Maricopa County Office of the Medical Examiner	AZ	\$95,000 (+ A portion of the state's grant of \$328,369)	Allopathic Board Arizona Board of Medical Examiners 9545 East Doubletree Ranch Road Scottsdale, AZ 85258 (480) 551-2700 (http://www.azmd.gov/)	YES	YES	Seemingly Insufficient
			Arizona Board of Osteopathic Examiners in Medicine and Surgery 9535 E. Doubletree Ranch Road Scottsdale, AZ 85258 (480) 657-7703 (http://www.azdo.gov/)	YES	YES	Seemingly Insufficient
			Office of the Attorney General 1275 West Washington Street Phoenix, AZ 85007 (800) 352-8431 (http://www.azag.gov/contact.html)	YES	NO	N/A

*May not account for administrative expenses

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
ARIZONA (continued)						
Mesa Police Department Crime Laboratory	AZ	A portion of the state's grant of \$328,369	Internal Affairs Division Mesa Police Department 130 North Robson Mesa AZ 85201-6697 (480) 644-2324 (http://cityofmesa.org/police/phone_directory.aspx)	NO	N/A	N/A
			Office of the Attorney General 1275 West Washington Street Phoenix, AZ 85007 (800) 352-8431 (http://www.azag.gov/contact.html)	YES	NO	N/A
Phoenix Police Department	AZ	\$95,000 (+ A portion of the state's grant of \$328,369)	Phoenix Police, Professional Standards Bureau 111 W. Monroe Street, Suite 200 Phoenix, AZ 85003 (602) 262-4580 (http://phoenix.gov/POLICE/psb1.html)	NO	N/A	N/A
The Pima County Medical Examiner's Office	AZ	A portion of the state's grant of \$328,369	Allopathic Board Arizona Board of Medical Examiners 9545 East Doubletree Ranch Road Scottsdale, AZ 85258 (480) 551-2700 (http://www.azmd.gov/)	YES	YES	Seemingly Insufficient
			Arizona Board of Osteopathic Examiners in Medicine and Surgery 9535 E. Doubletree Ranch Road Scottsdale, AZ 85258 (480) 657-7703 (http://www.azdo.gov/)	YES	YES	Seemingly Insufficient
			Office of the Attorney General 1275 West Washington Street Phoenix, AZ 85007 (800) 352-8431 (http://www.azag.gov/contact.html)	YES	NO	N/A
Tucson Police Department	AZ	A portion of the state's grant of \$328,369	Tucson PD Office of Professional Standards 270 S. Stone Avenue Tucson, AZ 85701 (520) 791-4426 (http://tpdinternet.tucsonaz.gov/Organization/divisions/ps.html)	NO	N/A	N/A
			Office of the Independent Police Auditor 100 N. Stone Avenue Suite 610 Tucson, AZ 85701 (520) 791-4593 (http://www.tucsonaz.gov/eoo/ipa.html)	YES	YES	Seemingly Insufficient
ARKANSAS						
Arkansas State Crime Laboratory	AR	\$106,470	Arkansas State Police Headquarters 1 State Police Plaza Drive Little Rock, AR 72209 (501) 618-8000 (http://www.asp.arkansas.gov/asp/directory.html)	YES	YES	Seemingly Insufficient
CALIFORNIA						
Alameda County Sheriff's Department Laboratory	CA	A portion of the state's grant of \$1,381,039	Alameda County Sheriff's Office — Internal Affairs 1401 Lakeside Drive, 7th Floor Oakland, CA, 94612 (510) 208-9800 (http://www.alamedacountysheriff.org/ADMIN/complaint.htm)	NO	N/A	N/A
California Department of Justice/Bureau of Forensic Services	CA	A portion of the state's grant of \$1,381,039	California Department of Justice Mission Support Branch 1102 Q Street, 6th Floor Sacramento, CA 95814 (916) 322-3360 (http://ag.ca.gov/)	NO	N/A	N/A
Contra Costa County Sheriff's Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	Contra Costa County Bureau of Investigations 1980 Muir Road Martinez, CA 94553 (925) 313-2600 (http://www.cocosheriff.org/patrol/investigations.htm)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
CALIFORNIA (continued)						
El Cajon Police Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	El Cajon Police Department Internal Affairs Division 100 Fletcher Parkway, El Cajon CA, 92020 (619) 579-3311 http://www.elcajonpolice.org/index.html	NO	N/A	N/A
Kern County District Attorney's Office Forensic Division	CA	A portion of the state's grant of \$1,381,039	Kern County District Attorney Bureau of Investigations 1215 Truxtun Avenue, 3rd Floor Bakersfield, CA 93301 (661) 868-2357 http://www.co.kern.ca.us/da/bureauinvest.asp	NO	N/A	N/A
Long Beach Police Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	Long Beach Police Dept — Internal Affairs Division Gary Richens, Commander 333 West Broadway, Suite 302 Long Beach, CA 90802 (562) 570-7343 http://www.longbeach.gov In tandem with the: Long Beach Police Department — Detective Division Commander Jeffrey Johnson 333 West Broadway Long Beach, CA 90802 (562) 570-7217 http://www.longbeach.gov/police/info/default.asp	NO	N/A	N/A
Los Angeles County Sheriff's Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	Los Angeles County Sheriff's Department Internal Affairs Bureau 4700 Ramona Boulevard Monterey Park, CA 91754 (323) 890-5300 http://www.lasd.org/divisions/Leadership-Training-Div/IAB.html	NO	N/A	N/A
			LA County Sheriff's Department, Discovery Unit 4700 Ramona Boulevard Monterey Park, CA 91754 (323) 890-5000 http://www.lasd.org/divisions/Leadership-Training-Div/Bureaus/RMB.htm	N/A	N/A	N/A
Los Angeles Police Department Scientific Investigation Division	CA	A portion of the state's grant of \$1,381,039	Los Angeles PD Internal Affairs 304 South Broadway, Suite 215 Los Angeles, CA 90013 (213) 485-1486 http://www.lapdonline.org/internal_affairs_group	NO	N/A	N/A
Oakland Police Department Criminalistics Division	CA	A portion of the state's grant of \$1,381,039	City of Oakland Police Department/Internal Affairs Div 250 Frank H. Ogawa Plaza, Suite C Oakland, CA 94612 (510) 238-3161 http://oaklandpolice.com/deptorg/ia.html	NO	N/A	N/A
Orange County Sheriff—Coroner Department Forensic Laboratory	CA	A portion of the state's grant of \$1,381,039	Orange County Sheriff—Coroner Internal Affairs 1071 W. Santa Ana Boulevard Santa Ana, CA 92703 (714) 647-1870 http://www.ocsd.org	NO	N/A	N/A
Sacramento County District Attorney's Office Laboratory	CA	A portion of the state's grant of \$1,381,039	Sacramento County District Attorney 901 G Street Sacramento, CA 95814 (916) 874-6218 http://www.da.sacounty.net/main/contact.htm	NO	N/A	N/A
San Bernardino County Sheriff Department Crime Laboratory	CA	\$92,658.15 (+ A portion of the state's grant of \$1,381,039)	San Bernardino County Sheriff Department Internal Affairs Division 655 East Third Street San Bernardino, CA 92415 (909) 387-3726 http://www.sbcounty.gov/sheriff/directory/Dir9.asp	NO	N/A	N/A
San Diego County Sheriff Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	San Diego County Sheriff Department Internal Affairs John F. Duffy Administrative Center P.O. Box 939062 San Diego, CA 92193-9062 (858) 974-2222 http://www.sdsheiff.net/contact.html	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
CALIFORNIA (continued)						
San Diego Police Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	San Diego Police Department Internal Affairs Division 1401 Broadway, Mailstation 700 San Diego, CA 92101 (619) 531-2801 (http://www.sandiego.gov/police/help/comments.shtml)	NO	N/A	N/A
San Francisco Police Department Forensic Laboratory	CA	A portion of the state's grant of \$1,381,039	San Francisco Risk Management Office Administrative Bureau 850 Bryant Street, #513 San Francisco, CA 94103 (415) 734-3090 (http://www.sfgov.org/site/police_index.asp?id=20163)	NO	N/A	N/A
City & County of San Francisco — Office of The Chief Medical Examiner	CA	\$95,000	Office of the City Attorney City Hall, Room 234 San Francisco, CA 94102 (415) 554-4700 (http://www.sfgov.org/site/cityattorney_index.asp?id=475)	YES	NO	N/A
			Office of the District Attorney Hall of Justice 850 Bryant Street, Room 325 San Francisco, CA 94103 (415) 553-1752 (http://www.sfgov.org/site/mainpages_index.asp?id=35246)	YES	NO	N/A
			San Francisco Police Department Attn: Public Records Hall of Justice 850 Bryant Street San Francisco, CA 94103 (415) 553-1651 (http://www.sfgov.org/site/police_index.asp?id=19457)	YES	NO	N/A
San Mateo County Sheriff's Department	CA	A portion of the state's grant of \$1,381,039	San Mateo County Sheriff's Office Bureau of Professional Standards 400 County Center Redwood City, CA 94063 (650) 363-4395 (http://www.co.sanmateo.ca.us)	NO	N/A	N/A
Santa Clara County District Attorney's Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	Santa Clara County Bureau of Investigations 70 W. Hedding Street, West Wing San Jose, CA 95110 (408) 792-2888 (http://www.sccgov.org)	NO	N/A	N/A
Ventura County Sheriff's Department Crime Laboratory	CA	A portion of the state's grant of \$1,381,039	Ventura County District Attorney's Office 800 S. Victoria Avenue, Ventura, CA 93009 (805) 654-2500 (http://da.countyofventura.org/contact_information.htm)	YES	NO	N/A
COLORADO						
Pikes Peak (Colorado Springs) Metro Crime Laboratory	CO	\$65,766	Colorado Springs Police Department Internal Affairs 705 South Nevada Avenue Colorado Springs, CO 80903 (719) 444-7417 (http://www.springsgov.com/SectionIndex.asp?SectionID=7)	NO	N/A	N/A
			District Attorney — 4th Judicial District 105 E. Vermijo Avenue Colorado Springs, CO 80903 (719) 520-6169 (http://dao.elpasoco.com/)	YES	NO	N/A
			Colorado Bureau of Investigation 690 Kipling Street Denver, CO 80215 (303) 239-4300 (http://cbi.state.co.us/)	YES	YES	Not Enough Information
Northglenn Police Department Crime Lab Unit	CO	\$50,520.41	City of Northglenn Police Department, Internal Affairs 11701 Community Center Drive Northglenn, CO 80233 (303) 450-8892 (http://www.northglenn.org/p8.html)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
COLORADO (continued)						
Colorado Bureau of Investigation	CO	A portion of the state's grant of \$275,004	Colorado Attorney General's Office 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-4500 (http://www.ago.state.co.us/)	YES	NO	N/A
Denver Police Department Crime Lab	CO	A portion of the state's grant of \$275,004	Colorado Bureau of Investigation 690 Kipling Street Denver, CO 80215 (303) 239-4300 (http://cbi.state.co.us/)	YES	YES	Not Enough Information
CONNECTICUT						
Department of Public Safety, Division of Scientific Services	CT	A portion of the state's grant of \$132,811	Office of the Attorney General State of Connecticut 55 Elm Street Hartford, CT 06106 (860) 808-5318 (http://www.ct.gov/ag/site/default.asp)	YES	NO	N/A
Office of the Chief Medical Examiner	CT	A portion of the state's grant of \$132,811	State of Connecticut Department of Public Safety c/o Connecticut State Police 1111 Country Club Road Middletown, CT 06457 (860) 685-8190 (http://www.ct.gov/dps/cwp/view.asp)	YES	NO	N/A
DELAWARE						
Delaware Office of the Chief Medical Examiner (OCME)	DE	\$96,594	Delaware Attorney General Carvel State Office Building 820 N. French Street Wilmington, DE 19801 (302) 577-8500 (http://attorneygeneral.delaware.gov/office/contact.shtml)	YES	NO	N/A
			Office of Chief Medical Examiner Internal Affairs 200 South Adams Street Wilmington, DE 19801 (302) 577-3420 (http://www.dhss.delaware.gov/dhss/main/maps/labs/ocmelab.htm)	NO	N/A	N/A
			Department of Health and Social Services Herman Holloway Campus 1901 North Dupont Highway Main Administration Building New Castle, DE 19720 (302) 255-9060 (http://www.dhss.delaware.gov/dhss/dms/hrm/contact.html)	N/A	N/A	N/A
DISTRICT OF COLUMBIA						
District of Columbia Metropolitan Police Department	DC	\$96,594	Office of the Inspector General 717 14th Street, NW, Fifth Floor Washington, DC 20005 (202) 727-2540 (http://oig.dc.gov/main.shtm)	YES	YES	Seemingly Insufficient
FLORIDA						
Broward County — Medical Examiner's Division	FL	\$94,911	Broward County Board of Commissioners Internal Auditor Broward County Governmental Center 115 South Andrews Avenue, Room 421 Fort Lauderdale, FL 33301 (954) 357-7000 (http://www.broward.org/phone_c.htm)	N/A	N/A	N/A
			Broward Sheriff's Office 2601 W. Broward Boulevard Ft. Lauderdale, FL 33312 (954) 831-8900 (http://sheriff.org/apps/contactus/)	YES	NO	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
FLORIDA (continued)						
Broward Sheriff's Office/Regional Crime Laboratory	FL	A portion of the state's grant of \$685,085	Broward County Sheriff's Office Internal Affairs Romark Building 3521 West Broward Boulevard, Suite 101 Fort Lauderdale, FL 33312 (954) 321-1100 (http://sheriff.org/about_bso/admin/pc/)	NO	N/A	N/A
City of Port St. Lucie Police Department	FL	\$94,166	Florida Department of Law Enforcement P.O. Box 1489 Tallahassee, FL 32302-1489 (850) 410-7000 (http://www.fdle.state.fl.us/contacts/)	YES	YES	Seemingly Insufficient
City of Sarasota, Florida Police Department	FL	\$83,531	Sarasota Police Department, Internal Affairs 2050 Ringling Blvd Sarasota, FL 34237 (941) 954-7007 (http://www.sarasotagov.com/InsideCityGovernment/Content/Police/PoliceProfStand.html)	NO	N/A	N/A
			Sarasota City Manager 1565 1st Street, #101 Sarasota, FL 34236 (941) 954-4102 (http://www.sarasotagov.com/InsideCityGovernment/Content/CityManager/CityManagerHP.html)	NO	N/A	N/A
			Florida Attorney General The Capitol PL-01 Tallahassee, FL 32399-1050 (850) 414-3300 (http://myfloridalegal.com/contact)	YES	NO	N/A
			Florida Department of Law Enforcement P.O. Box 1489 Tallahassee, FL 32302-1489 (850) 410-7000 (http://www.fdle.state.fl.us/contacts/)	YES	YES	Seemingly Insufficient
			United States Attorney's Office, Middle District of Florida 400 N. Tampa Street, Suite 3200 Tampa, FL 33602 (813) 274-6000 (http://www.usdoj.gov/usao/flm/index.html)	YES	YES	Not Enough Information
State Attorney's Office Criminal Justice Building 2071 Ringling Boulevard, Suite 400 Sarasota, FL 34237-7000 (941) 861-4400 (http://sao.co.sarasota.fl.us/offices.htm)	FL	A portion of the state's grant of \$685,085	Florida Office of the Auditor General Claude Denson Pepper Building 111 West Madison Street Tallahassee, FL 32399-1450 (850) 488-5534 (http://www.myflorida.com/audgen/pages/contacts.htm)	YES	YES	Not Enough Information
				YES	NO	N/A
Department of Financial Services/Division of Fire Marshal/Bureau of Forensic Fire and Explosives	FL	A portion of the state's grant of \$685,085	Office of The Inspector General Florida Department of Financial Services 200 E. Gaines Street Tallahassee, FL 32399-0307 (http://www.myfloridacfo.com/OIG/)	YES	YES	Seemingly Insufficient
Florida Medical Examiners (Districts 4, 6, 7, 9, 11, 17 and 21)	FL	A portion of the state's grant of \$685,085	Medical Examiners Commission Florida Department of Law Enforcement 2331 Phillips Road (32308) Post Office Box 1489 Tallahassee, FL 32302 (850) 410-8600 (http://www.fdle.state.fl.us/cjst/mec/)	YES	YES	Seemingly Insufficient
Indian River Crime Lab (A.K.A. 19th Judicial Circuit Lab)	FL	A portion of the state's grant of \$685,085	St. Lucie County Sheriff's Office 4700 West Midway Road Fort Pierce, FL 34981-4825 (772) 462-7300 (http://www.stluciesheriff.com/)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
FLORIDA (continued)						
Miami-Dade Police Department Crime Laboratory Bureau	FL	A portion of the state's grant of \$685,085	Florida Department of Law Enforcement P.O. Box 1489 Tallahassee, FL 32302-1489 (850) 410-7000 (http://www.fdle.state.fl.us/contacts/)	YES	YES	Seemingly Insufficient
Osceola County Sheriff's Office Identification Unit	FL	\$93,088	Osceola County Sheriff's Office 2601 E. Irlo Bronson Memorial Hwy Kissimmee, FL 34744 (407) 348-1100 (http://www.osceola.org/index.cfm?IsFuses=department/Sheriff/emailus)	NO	N/A	N/A
Palm Beach County Sheriff's Office/Technical Services Division	FL	A portion of the state's grant of \$685,085	Palm Beach County Sheriff's Office Internal Affairs Division 3228 Gun Club Road West Palm Beach, FL 33406 (561) 688-3035 (http://www.pbso.org/index.cfm?fa=contact)	NO	N/A	N/A
Pinellas County Forensic Laboratory	FL	A portion of the state's grant of \$685,085	Pinellas County Department of Justice Coordination 15251 Roosevelt Boulevard, Suite 209 Clearwater, FL 33760 (727) 453-7441 (http://www.pinellascounty.org/justice/default.htm)	YES	YES	Seemingly Sufficient
Volusia County (Medical Examiner's Division — District 7)	FL	\$29,000	Volusia County Department of Public Protection 1300 Red John Drive, Caller Service #2865 Daytona Beach, FL 32120-2865 (386) 254-1591 (http://volusia.org/publicprotection/)	NO	N/A	N/A
GEORGIA						
The Georgia Bureau of Investigation Crime Laboratory	GA	\$354,453	Georgia Bureau of Investigation Office of Professional Standards 3121 Panthersville Road Decatur, GA 30034 (404) 244-2600 (http://gbi.georgia.gov)	NO	N/A	N/A
HAWAII						
Department of Public Safety, Narcotics Enforcement Division (NED)	HI	\$96,594	Hawaii Department of Public Safety Internal Affairs 919 Ala Moana Boulevard, 4th Floor Honolulu, HI 96814 (808) 587-1130 (http://hawaii.gov/psd/administration/administration)	YES	NO	N/A
			Department of the Attorney General 425 Queen Street Honolulu, HI 96813 (808) 586-1500 (http://hawaii.gov/ag/)	YES	NO	N/A
IDAHO						
Idaho State Police, Forensic Services	ID	\$96,594	Idaho State Police Internal Affairs P.O. Box 700 Meridian, ID 83680-0700 (208) 884-7003 (http://www.isp.state.id.us/)	NO	N/A	N/A
ILLINOIS						
DuPage County Sheriff's Office Crime Laboratory	IL	A portion of the state's grant of \$486,142	DuPage County State's Attorney 503 N. County Farm Road Wheaton, IL 60187 (630) 407-8000 (http://www.dupageco.org/statesattorney/)	YES	NO	N/A
			DuPage County Sheriff's Office 501 North County Farm Road Wheaton, IL 60187 (630) 407-2400 (http://www.dupageco.org/sheriff/contact%20us.htm)	NO	N/A	N/A
Illinois State Police Forensic Laboratories	IL	A portion of the state's grant of \$486,142	ISP Division of Internal Investigations 801 South Seventh Street, Suite 100-N P.O. Box 19461 Springfield, IL 62794-9461 (217) 782-5423 (http://www.isp.state.il.us/contacts/contacts.cfm)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
ILLINOIS (continued)						
			Office of the Executive Inspector General 32 West Randolph Street Suite 1900 Chicago, IL 60601 (312) 814-5600 (http://inspectorgeneral.il.gov/)	YES	YES	Not Enough Information
Northeastern Illinois Regional Crime Laboratory	IL	A portion of the state's grant of \$486,142	Lake Bluff Police Department 40 E. Center Avenue Lake Bluff, IL 60044 (847) 234-2153 (http://www.lakebluff.org/index)	YES	NO	N/A
			Lake County State's Attorney 18 N. County Street, 4th Floor Waukegan, IL 60085 (847) 377-3000 (http://www.co.lake.il.us/statesattorney/contact.asp)	YES	Not Enough Information	Not Enough Information
INDIANA						
Indiana State Police Laboratory	IN	A portion of the state's grant of \$327,179	Indiana Office of the Inspector General 150 West Market Street, Room 414 Indianapolis, IN 46204 (317) 232-3850 (http://www.in.gov/ig/index.html)	YES	YES	Seemingly Sufficient
Indianapolis-Marion County Forensic Services Agency	IN	\$25,000 (+ A portion of the state's grant of \$327,179)	Indiana Office of the Inspector General 150 West Market Street, Room 414 Indianapolis, IN 46204 (317) 232-3850 (http://www.in.gov/ig/index.html)	YES	YES	Seemingly Sufficient
IOWA						
Iowa Department of Public Safety, Division of Criminal Investigation Crime Laboratory	IA	A portion of the state's grant of \$112,977	Iowa Department of Public Safety Professional Standards Bureau 215 East 7th Street Des Moines, IA 50319 (515) 725-6182 (http://www.dps.state.ia.us/commis/psb/index.shtml)	NO	N/A	N/A
			Iowa Department of Public Health 321 E. 12th Street Des Moines, IA 50319-0075 (515) 281-7689 (http://www.idph.state.ia.us/contact_us.asp)	N/A	N/A	N/A
			Iowa Board of Medicine 400 SW 8th Street, Suite C Des Moines, IA 50309-4686 (515) 281-5171 (http://www.medicalboard.iowa.gov/Directions.html)	N/A	N/A	N/A
			Iowa Law Enforcement Academy P.O. Box 130 Camp Dodge Johnston, IA 50131-0130 (515) 242-5357 (http://www.state.ia.us/ilea/contacts.html)	YES	YES	Seemingly Sufficient
			Office of Citizens' Aide/Ombudsman Ola Babcock Miller Building 1112 East Grand Des Moines, IA 50319 (515) 281-3592	YES	YES	Seemingly Sufficient
Department of Public Health, Medical Examiner's Office	IA	A portion of the state's grant of \$112,977	Iowa Department of Public Safety Professional Standards Bureau 215 East 7th Street Des Moines, IA 50319 (515) 725-6182 (http://www.dps.state.ia.us/commis/psb/index.shtml)	N/A	N/A	N/A
			Iowa Department of Public Health 321 E. 12th Street Des Moines, IA 50319-0075 (515) 281-7689 (http://www.idph.state.ia.us/contact_us.asp)	N/A	N/A	N/A
			Iowa Board of Medicine 400 SW 8th Street, Suite C Des Moines, IA 50309-4686 (515) 281-5171 (http://www.medicalboard.iowa.gov/Directions.html)	YES	YES	Seemingly Insufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
IOWA (continued)						
			Iowa Law Enforcement Academy P.O. Box 130 Camp Dodge Johnston, IA 50131-0130 (515) 242.5357 (http://www.state.ia.us/ilea/contacts.html)	N/A	N/A	N/A
			Office of Citizens' Aide/Ombudsman Ola Babcock Miller Building 1112 East Grand Des Moines, IA 50319 (515) 281-3592	YES	YES	Seemingly Sufficient
KANSAS						
Regional Forensic Science Center (Sedgwick County, KS)	KS	A portion of the state's grant of \$104,712	Sedgwick County Counselor 525 N Main, Suite 359 Wichita, KS 67203 (316) 660-9340 (http://www.sedgwickcounty.org/Finance/Budget/2008_Budget/adopted/GenGovt/counselor.pdf)	YES	NO	N/A
Johnson County Sheriff's Office Crime Laboratory	KS	A portion of the state's grant of \$104,712	Johnson County Sheriff's Office Professional Standards 125 N. Cherry Street Olathe, KS 66061 (913) 791-5373 (http://www.jocosherriff.org/Index.asp?incl=psu)	NO	N/A	N/A
Kansas Bureau of Investigation Forensic Laboratories	KS	A portion of the state's grant of \$104,712	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	YES	NO	N/A
KENTUCKY						
Kentucky Office of the State Medical Examiner	KY	A portion of the state's grant of \$159,335	Kentucky Justice & Public Safety Cabinet Office of Investigations 125 Holmes Street Frankfort, KY 40601-2108 (502) 564-6688 (http://www.justice.ky.gov/contact.htm)	NO	N/A	N/A
Kentucky State Police Forensic Laboratories	KY	A portion of the state's grant of \$159,335	Kentucky Justice & Public Safety Cabinet Office of Investigations 125 Holmes Street Frankfort, KY 40601-2108 (502) 564-6688 (http://www.justice.ky.gov/contact.htm)	NO	N/A	N/A
LOUISIANA						
The Acadiana Crime Laboratory	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A
The Jefferson Parish Crime Laboratory	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A
The Louisiana State Police Crime Laboratory	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A
The New Orleans PD Crime Laboratory	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A
The North Louisiana Crime Laboratory System	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
LOUISIANA (continued)						
The Southwest Louisiana Crime Laboratory System	LA	A portion of the state's grant of \$162,768	Louisiana Office of the Attorney General 1885 North 3rd Street Baton Rouge, LA 70802 (225) 326-6100 (http://www.ag.state.la.us)	YES	NO	N/A
MAINE						
Maine State Police Crime Laboratory	ME	A portion of the state's grant of \$96,594	Office of Attorney General 6 State House Station Augusta, ME 04333 (207) 626-8800 (http://www.state.me.us/ag/contact.html)	YES	NO	N/A
Office of Chief Medical Examiner (OCME)	ME	A portion of the state's grant of \$96,594	Office of Attorney General 6 State House Station Augusta, ME 04333 (207) 626-8800 (http://www.state.me.us/ag/contact.html)	NO	N/A	N/A
Maine Health and Environmental Testing Laboratory	ME	A portion of the state's grant of \$96,594	Office of Attorney General 6 State House Station Augusta, ME 04333 (207) 626-8800 (http://www.state.me.us/ag/contact.html)	YES	NO	N/A
MARYLAND						
Anne Arundel County (Police Department) Crime Laboratory	MD	A portion of the state's grant of \$307,771	Maryland State Police 1201 Reisterstown Road Pikesville, MD 21208 (410) 653-4200 (http://www.mdsp.org/)	YES	YES	Not Enough Information
Baltimore City Police Department Crime Laboratory	MD	A portion of the state's grant of \$307,771	Maryland State Police 1201 Reisterstown Road Pikesville, MD 21208 (410) 653-4200 (http://www.mdsp.org/)	YES	NO	N/A
Baltimore County, Maryland, Police Department Crime Laboratory	MD	A portion of the state's grant of \$307,771	Maryland State Police 1201 Reisterstown Road Pikesville, MD 21208 (410) 653-4200 (http://www.mdsp.org/)	YES	YES	Not Enough Information
Office of the Chief Medical Examiner	MD	A portion of the state's grant of \$307,771	Department of Health and Mental Hygiene Office of the Inspector General 201 W. Preston Street Baltimore, MD 21201 (410) 767-5784 (http://www.dhmh.state.md.us/oig/index.html)			Not Enough Information
Maryland State Police Forensic Laboratory	MD	A portion of the state's grant of \$307,771	Baltimore City Police Department Commissioner's Office 242 W. 29th Street Baltimore, MD 21211-2908 (410) 396-2020 (http://www.baltimorepolice.org/)	YES	NO	N/A
MASSACHUSETTS						
Boston Police Forensic Division	MA	\$95,000 (+ A portion of the state's grant of \$243,869)	Boston Police Department Internal Affairs 1 Schroeder Plaza 3rd Floor Boston, MA 02120 (617) 343-4320 (http://www.cityofboston.gov/police/complaint/)	NO	N/A	N/A
			Boston Police Department Anti-Corruption Division 1960 R Washington Street Boston, MA 02118 (617) 343-4366	NO	N/A	N/A
			Office of the State Auditor Massachusetts State House Room 230 Boston, MA 02133 (617) 727-6200	YES	YES	Seemingly Insufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
MASSACHUSETTS (continued)						
Massachusetts State Police Forensic Laboratories	MA	A portion of the state's grant of \$243,869	Office of the State Auditor Massachusetts State House Room 230 Boston, MA 02133 (617) 727-6200 (http://www.mass.gov/sao/)	YES	YES	Seemingly Insufficient
MICHIGAN						
Detroit Police Department Forensic Services	MI	\$89,240 (+ A portion of the state's grant of \$382,575)	Detroit Police Department Internal Affairs 1300 Beaubien Detroit, MI 48226 (313) 596-2447 (http://www.ci.detroit.mi.us/police/dept/contact_us.htm)	NO	N/A	N/A
Michigan State Police Forensic Laboratory	MI	A portion of the state's grant of \$382,575	Michigan State Police Internal Affairs Unit 714 S. Harrison Road East Lansing, MI 48823 (517) 332-2521 (http://www.michigan.gov)	NO	N/A	N/A
MINNESOTA						
Saint Paul Police Department Crime Laboratory	MN	\$95,000	Saint Paul Police Department Internal Affairs Unit 367 Grove Street Saint Paul, MN 55101 (651) 266-5760 (http://www.stpaul.gov/depts/police/pciarc.html)	NO	N/A	N/A
			Minnesota Bureau of Criminal Apprehension Internal Affairs 1430 Maryland Avenue East Saint Paul, MN 55106 (651) 793-7000 (http://www.bca.state.mn.us/bca.asp)	YES	YES	Seemingly Insufficient
Hennepin County Sheriff's Office, Crime Laboratory	MN	A portion of the state's grant of \$195,749	Hennepin County Sheriff's Office Investigative Services 350 South Fifth Street, Room 6 Minneapolis, MN 55415 (612) 348-3744 (http://www.co.hennepin.mn.us)	NO	N/A	N/A
			Hennepin County Attorney C-2000 Government Center Minneapolis, MN 55487 (612) 348-5550 (http://www.hennepinattorney.org/contact.aspx)	YES	NO	N/A
Minnesota BCA Laboratory Forensic Science Service	MN	A portion of the state's grant of \$195,749	Minnesota Department of Public Safety Internal Affairs Division 444 Cedar Street Saint Paul, MN 55101 (651) 201-7133	NO	N/A	N/A
MISSISSIPPI						
Mississippi Crime Laboratory System (Main Laboratory: Jackson)	MS	A portion of the state's grant of \$205,298	Mississippi Department of Public Safety 1900 E. Woodrow Wilson Jackson, MS 39216 (601) 987-1212 (http://www.dps.state.ms.us/dps/dps.nsf/allwebper/EAll?OpenDocument)	NO	N/A	N/A
Mississippi Crime Laboratory System (Regional Laboratory: Batesville)	MS	A portion of the state's grant of \$205,298	Mississippi Department of Public Safety 1900 E. Woodrow Wilson Jackson, MS 39216 (601) 987-1212 (http://www.dps.state.ms.us/dps/dps.nsf/allwebper/EAll?OpenDocument)	NO	N/A	N/A
Mississippi Crime Laboratory System (Regional Laboratory: Gulf Coast)	MS	A portion of the state's grant of \$205,298	Mississippi Department of Public Safety 1900 E. Woodrow Wilson Jackson, MS 39216 (601) 987-1212 (http://www.dps.state.ms.us/dps/dps.nsf/allwebper/EAll?OpenDocument)	NO	N/A	N/A
Mississippi Crime Laboratory System (Regional Laboratory: Meridian)	MS	A portion of the state's grant of \$205,298	Mississippi Department of Public Safety 1900 E. Woodrow Wilson Jackson, MS 39216 (601) 987-1212 (http://www.dps.state.ms.us/dps/dps.nsf/allwebper/EAll?OpenDocument)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
MISSOURI						
Independence Police Department Crime Laboratory	MO	A portion of the state's grant of \$311,339	Independence Police Department Professional Standards Unit 223 N. Memorial Drive Independence, MO 64050-3013 (816) 325-7820 (http://www.ci.independence.mo.us/ipd/contactus.aspx)	NO	N/A	N/A
Kansas City Police Crime Laboratory	MO	A portion of the state's grant of \$311,339	Kansas City Police Department Internal Affairs Century Towers Building 635 S. Woodland, Suite 2105 Kansas City, MO 64106 (816) 889-6620 (http://www.kcpd.org/kcpd2004/INTERNAL%20AFFAIRS%20UNIT.htm)	NO	N/A	N/A
			Jackson County Prosecuting Attorney's Office 415 E. 12th Street, 10th Floor Kansas City, MO 64106 (816) 881-3555 http://www.jacksoncountypProsecutor.org/	YES	NO	N/A
Missouri State Highway Patrol Forensic Laboratories	MO	A portion of the state's grant of \$311,339	Missouri State Highway Patrol Professional Standards Division 1510 East Elm Street Jefferson City, MO 65102 (573) 751-8801 (http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/PSD/index.html)	NO	N/A	N/A
			Missouri State Highway Patrol Division of Drug & Crime Control 1510 East Elm Street Jefferson City, MO 65102 (573) 751-3452 (http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/DDCC/index.html)	NO	N/A	N/A
Northeast Area Criminalistics Laboratory at Truman State University	MO	A portion of the state's grant of \$311,339	Truman State University Public Safety 100 E Normal Kirksville, MO 63501 (660) 785-4176 (http://police.truman.edu/personnel.asp)	YES	YES	Not Enough Information
St. Charles County Sheriff's Department	MO	A portion of the state's grant of \$311,339	St. Charles County Sheriff's Department Professional Standards Unit and Detective Bureau Office of Internal Affairs 101 Sheriff Dierker Court O'Fallon, MO 63366 Phone: (636) 949-1818 (http://sheriff.sccmo.org/sheriff/)	NO	NO	N/A
			St. Charles County Prosecuting Attorney's Office 300 N. 2nd Street, 6th Floor St. Charles, MO 63301 (636) 949-7355 (http://mova.missouri.org/counties/stcharle.htm)	N/A	N/A	N/A
St. Louis County Police Department Crime Laboratory	MO	A portion of the state's grant of \$311,339	St. Louis County Police Department Bureau of Professional Responsibility 7900 Forsyth Boulevard Clayton, MO 63105 (314) 615-5340 (http://www.stlouisco.com/police/comments_bpr.html)	NO	N/A	N/A
St. Louis Metropolitan Police Department Laboratory/Identification Division	MO	A portion of the state's grant of \$311,339	St. Louis Metropolitan Police Department Internal Affairs Division Room 616, Police Headquarters 1200 Clark Avenue (314) 444-5400 (http://www.slmtpd.org/index/CitizenComplaintSystem.pdf)	NO	N/A	N/A
MONTANA						
Forensic Science Division Laboratory	MT	\$96,594	Division of Criminal Investigation (in conjunction with the Forensic Advisory Board) Department of Justice 2225 11th Avenue P.O. Box 201417 Helena, MT 59620-1417 (406) 444-3874 (http://www.doj.mt.gov/enforcement/criminalinvestigation/)	YES	NO	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
NEBRASKA						
Nebraska State Patrol	NE	\$96,594	Nebraska Attorney General 2115 State Capitol Lincoln, NE 68509 (402) 471-2682 (http://www.ago.state.ne.us/)	YES	NO	N/A
Omaha Police Department Crime Laboratory	NE	\$94,950	Omaha Police Department Internal Affairs 505 S 15th Street Omaha, NE 68102 402-444-5629 (http://www.opd.ci.omaha.ne.us)	NO	NO	N/A
NEVADA						
Henderson Police Department (Forensic Services) 223 Lead Street	NV	\$83,653	Henderson Police Department Internal Affairs Henderson, NV 89015 (702) 267-4521 (http://www.cityofhenderson.com/contact_us/index.php)	NO	N/A	N/A
The Las Vegas Metropolitan Police Department (LVMPD) Forensic Laboratory	NV	\$71,663.50 (+ A portion of the state's grant of \$96,594)	Las Vegas Metro Police Department Internal Affairs 400 Stewart Avenue Las Vegas, NV 89101-2913 (702) 828-3422 (http://www.lvmpd.com/about/internal_affairs.html)	NO	N/A	N/A
Washoe County Medical Examiner and Coroner Office	NV	\$93,468	Washoe County Sheriff Office Sheriff's Department Forensic Sciences Division 911 Parr Boulevard Reno, NV 89512 (775) 328-2800 (http://www.washoesheriff.com/crime-lab-main.htm)	YES	NO	N/A
Washoe County Manager's Office			Washoe County Manager's Office 1001 East 9th Street Reno, NV 89512-2845 (775) 328-2000 (http://web1.userinstinct.com)			Not Enough Information
NEW HAMPSHIRE						
New Hampshire State Police Forensic Laboratory	NH	A portion of the state's grant of \$143,177	Office of Attorney General Public Integrity Unit 33 Capitol Street Concord, NH 03301 (603) 271-3658 (http://doj.nh.gov/)	YES	NO	N/A
Office of Chief Medical Examiner	NH	A portion of the state's grant of \$143,177	New Hampshire State Police Major Crimes Unit Investigative Services Bureau 33 Hazen Drive Concord, NH 03305 (603) 271-2663 (http://www.nh.gov/safety/divisions/nhsp/isb/index.html)	YES	NO	N/A
NEW JERSEY						
Bergen County Sheriff Firearms ID Laboratory	NJ	A portion of the state's grant of \$330,582	Bergen County Prosecutor's Office 10 Main Street Hackensack, NJ 07601 (201) 646-2300 (http://www.bcpc.net/)	YES	NO	N/A
Cape May County Prosecutor's Office	NJ	A portion of the state's grant of \$330,582	Cape May County Prosecutor's Office Internal Affairs DN-110, 4 Moore Road 110 Justice Way Cape May Court House, NJ 08210 (609) 465-1135 (http://www.cmcpros.net/)	NO	N/A	N/A
Essex County Sheriff's Ballistics Unit	NJ	A portion of the state's grant of \$330,582	Essex County Sheriff Internal Affairs/Bureau of Criminal Identification 115 Clifton Avenue Newark, NJ 07104 (973) 621-4111 x6666 (http://www.essexsheriff.com)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
NEW JERSEY (continued)						
Hudson County Prosecutor's Office Forensic Laboratory	NJ	A portion of the state's grant of \$330,582	Hudson County Prosecutor's Office Internal Affairs 595 Newark Avenue Jersey City, NJ 07306 (201) 795-6400 (http://www.hcpo.org/)	NO	N/A	N/A
Morris County Sheriff's Office Forensic Laboratory	NJ	A portion of the state's grant of \$330,582	Morris County Sheriff's Office Internal Affairs Post Office Box 900 Morristown, NJ 07963-0900 (973) 285-6600 (http://www.mcsheriff.org/main/contact/)	NO	N/A	N/A
New Jersey State Police — Ballistics Unit	NJ	A portion of the state's grant of \$330,582	New Jersey State Police Office of Professional Standards—Internal Affairs Investigation Bureau P.O. Box 7068 West Trenton, NJ 08628 (609) 882-2000 (http://www.state.nj.us/njsp/about/iaib.html)	NO	N/A	N/A
			State of New Jersey Office of the Attorney General P.O. Box 080 Trenton, NJ 08625-0080 (609) 292-4925 http://nj.gov/lps/	NO	N/A	N/A
New Jersey State Police — Office of Forensic Services	NJ	A portion of the state's grant of \$330,582	New Jersey State Police Office of Professional Standards — Internal Affairs Investigation Bureau P.O. Box 7068 West Trenton, NJ 08628 (609) 882-2000 (http://www.state.nj.us/njsp/about/iaib.html)	NO	N/A	N/A
Newark Police Department Forensic Laboratory	NJ	A portion of the state's grant of \$330,582	Newark Police Department Internal Affairs 31 Green Street Newark NJ 07102 (973) 733-6000 (http://www.newarkpdonline.org/)	NO	N/A	N/A
Northern Region Medical Examiner's Office (Newark, NJ)	NJ	A portion of the state's grant of \$330,582	New Jersey Division of Criminal Justice Internal Affairs Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 085 Trenton, NJ 08625-0085 (609) 984-6500 (http://www.nj.gov/oag/dcj/index.html)	YES	NO	N/A
Ocean County Sheriff's Crime Scene Investigation Unit	NJ	A portion of the state's grant of \$330,582	Ocean County Sheriff Internal Affairs 120 Hooper Avenue Toms River, NJ 08753 (732) 929-2044 (http://www.co.ocean.nj.us/sheriff/default.htm)	NO	N/A	N/A
Somerset County Prosecutor's Office Forensic Unit	NJ	A portion of the state's grant of \$330,582	Office of the Somerset County Prosecutor Internal Affairs P.O. Box 3000 40 North Bridge Street Somerville, NJ 08876 (908) 575-3300 (http://www.scpo.net/)	NO	N/A	N/A
Southern Region Medical Examiner's Office	NJ	A portion of the state's grant of \$330,582	New Jersey Division of Criminal Justice Internal Affairs Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 085 Trenton, NJ 08625-0085 (609) 984-6500 (http://www.nj.gov/oag/dcj/index.html)	YES	NO	N/A
Union County Prosecutor's Office Forensic Laboratory	NJ	A portion of the state's grant of \$330,582	Union County Prosecutor's Office Internal Affairs 32 Rahway Avenue Elizabeth, New Jersey 07202-2115 (908) 527-4500 (http://www.unioncountynj.org/prosecutor/)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
NEW MEXICO						
Albuquerque Police Department Crime Laboratory	NM	A portion of the state's grant of \$166,615	Independent Review Office (IRO) of the Police Oversight Commission P.O. Box 1293 Albuquerque, NM 87103 William W. Deaton / Independent Review Officer (505) 924-3770 (http://www.cabq.gov/iro/)	YES	YES	Not Enough Information
New Mexico Department of Public Safety Forensic Laboratories	NM	A portion of the state's grant of \$166,615	New Mexico State Police Standards Bureau 4491 Cerrillos Road Santa Fe, NM 87507 (505) 827-9000 (http://www.dps.nm.org/)	NO	N/A	N/A
Office of the Medical Investigator	NM	A portion of the state's grant of \$166,615	Univ. of New Mexico Clinical Affairs Division Office of Clinical Affairs 1 University of New Mexico MSC 08 4620 Albuquerque, NM 87131 (505) 272-2525 (http://hsc.unm.edu/som/clinaffr/medicalpolicies.shtml)	YES	YES	Seemingly Insufficient
NEW YORK						
Erie County Department of Central Police Services (CPS) Forensic Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Erie County Medical Examiner's Office (Toxicology Laboratory)	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Monroe County Public Safety Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Monroe County Medical Examiner	NY	\$38,814 (+ A portion of the state's grant of \$826,483)	New York State Commission of Investigation 59 Maiden Lane, 31st Floor New York, NY 10038 (212) 344-6660 (http://www.sic.state.ny.us/)	N/A	N/A	N/A
			New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Nassau County Police Department Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Nassau County Department of Forensic Genetics DNA Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Niagara County Sheriff's Department Forensic Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
NEW YORK (continued)						
Onondaga Center for Forensic Sciences	NY	\$94,960 (+ A portion of the state's grant of \$826,483)	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Suffolk County Forensic Crime Laboratory	NY	\$15,660 (+ A portion of the state's grant of \$826,483)	Suffolk County Police Department Internal Affairs Bureau 30 Yaphank Avenue Yaphank, NY 11980 (631) 852-6265 (http://www.co.suffolk.ny.us/police/phone.htm)	NO	N/A	N/A
			New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Suffolk County Medical Examiner's Office Toxicology Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Westchester County Department of Laboratories & Research Forensic Science Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Westchester County Department of Public Safety Crime Laboratory	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
City of Yonkers Police Department (Forensic Laboratory)	NY	A portion of the state's grant of \$826,483	New York State Office of Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, NY 12223 (800) 367-4448 (http://www.ig.state.ny.us/aboutIG/contactUs.html)	YES	YES	Seemingly Sufficient
Utica Police Department Laboratory	NY	\$94,942	Utica Police Department 413 Oriskany S.W. Utica, NY 13502 (315) 735-3301 (http://www.uticapd.com/)	NO	N/A	N/A
NORTH CAROLINA						
Charlotte-Mecklenburg Police Department Crime Laboratory	NC	A portion of the state's grant of \$335,373	Mecklenburg County District Attorney's Office 700 East Trade Street Charlotte, NC 28202 (704) 347-7891 (http://www.charmeck.org/Departments/CMPD/Victim+Resources/Home.htm)	YES	NO	N/A
North Carolina State Bureau of Investigation	NC	A portion of the state's grant of \$335,373	North Carolina State Bureau of Investigation Professional Standards Division 3320 Garner Road Raleigh, NC 27610 (919) 662-4500 (http://www.ncsbi.gov/offices/offices_profstds.jsp)	NO	N/A	N/A
Office of the Chief Medical Examiner	NC	A portion of the state's grant of \$335,373	North Carolina State Bureau of Investigation Professional Standards Division 3320 Garner Road Raleigh, NC 27610 (919) 662-4500 (http://www.ncsbi.gov/offices/offices_profstds.jsp)	YES	NO	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
NORTH DAKOTA						
North Dakota Attorney General's Crime Laboratory Division	ND	\$96,594	Attorney General Bureau of Criminal Investigation P.O. Box 1054 Bismarck, ND 58502 (701) 328-5500 (http://www.ag.state.nd.us/ContactUs.htm)	NO	N/A	N/A
			North Dakota Highway Patrol 600 East Boulevard, Department 504 Bismarck, ND 58505 (701) 328-2455 (http://www.nd.gov/ndhp/contact.html)	YES	YES	Not Enough Information
OHIO						
Cleveland Police Forensic Laboratory	OH	\$95,000	Cuyahoga County Prosecutor Justice Center Boulevard Floor 8th and 9th 1200 Ontario Street Cleveland, OH 44113 (216) 443-7800 (http://prosecutor.cuyahogacounty.us/)	YES	NO	N/A
			Cuyahoga County Coroner's Office 11001 Cedar Avenue Cleveland, OH 44106 (216) 721-5610 (http://coroner.cuyahogacounty.us)	YES	YES	Not Enough Information
			Attorney General's Office Bureau of Criminal Identification & Investigation (BCI) P.O. Box 365 London, OH 43140 (740) 845-2001 (http://www.ag.state.oh.us/le/investigation/bcii.asp)	YES	YES	Seemingly Insufficient
Columbus Police Department Crime Laboratory	OH	A portion of the state's grant of \$494,905	Columbus Division of Police Internal Affairs Unit 120 Marconi Boulevard Columbus, OH 43215 (614) 645-4745 (http://www.columbuspolice.org)	NO	N/A	N/A
Cuyahoga County Coroner's Office	OH	\$40,000 (+ A portion of the state's grant of \$494,905)	Cuyahoga County Prosecutor Justice Center Building 1200 Ontario Street Cleveland, OH 44113 (216) 443-7800 (http://prosecutor.cuyahogacounty.us/)	YES	NO	N/A
			Cuyahoga County Sheriff's Office 1215 West 3rd Street Cleveland, OH 44113 (216) 443-6000 (http://sheriff.cuyahogacounty.us)	YES	NO	N/A
Division of State Fire Marshal	OH	A portion of the state's grant of \$494,905	Ohio Department of Commerce 77 South High Street, 23rd Floor Columbus, OH 43215-6123 (614) 466-3636 (http://www.com.state.oh.us/comm/comcont.htm)	YES	NO	N/A
			Ohio State Highway Patrol P.O. Box 182074 1970 W. Broad Street Columbus, OH 43223 (614) 752-2792 (http://www.statepatrol.ohio.gov/media.htm)	YES	YES	Seemingly Insufficient
Franklin County Coroner's Office	OH	A portion of the state's grant of \$494,905	NMS Labs Expert Services Section 3701 Welsh Road Willow Grove, PA 19090 (800) 522-6671 (http://www.nmslab.com/)	N/A	N/A	N/A
			Franklin County Sheriff's Office 369 S. High Street Columbus, OH 43215 (614) 462-4211 (http://www.sheriff.franklin.oh.us/)	NO	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
OHIO (continued)						
Hamilton County Coroner's Laboratory	OH	\$70,073 (+ A portion of the state's grant of \$494,905)	Hamilton County Sheriff's Patrol 1000 Sycamore Street, Room 110 Cincinnati, OH 45202 (513) 825-1500 (http://www.hcso.org/ContactUs.shtm)	YES	NO	N/A
Lake County Crime Laboratory	OH	A portion of the state's grant of \$494,905	Lake County Sheriff's Dept 8505 Garfield Road Kirtland, OH 44094 (440) 354-3434 (http://www.lakecountyohio.org/sheriff/index.htm)	YES	NO	N/A
Mansfield Police Laboratory	OH	A portion of the state's grant of \$494,905	Mansfield Police Department Special Investigation Unit (SIU) 30 North Diamond Street Mansfield, OH 44902 (419) 755-9728 (http://www.ci.mansfield.oh.us/MPD/homepage/index.htm)	NO	N/A	N/A
Miami Valley Regional Crime Laboratory	OH	A portion of the state's grant of \$494,905	Montgomery County Sheriff's Office 345 W. Second Street Dayton, OH 45422 (937) 225-4357 (http://www.co.montgomery.oh.us/Sheriff/)	YES	NO	N/A
Bureau of Criminal Identification Central Crime Laboratory (London, Richfield, Bowling Green)	OH	A portion of the state's grant of \$494,905	Ohio State Highway Patrol P.O. Box 182074 1970 W. Broad Street Columbus, OH 43223 (614) 752-2792 (http://www.statepatrol.ohio.gov/media.htm)	YES	NO	N/A
Ohio State Highway Patrol Crime Laboratory (Columbus)	OH	A portion of the state's grant of \$494,905	Miami Valley Crime Lab 361 West Third Street Dayton, OH 45402 (937) 225-4990 (http://www.mcoho.org/government/mvrcl/)	YES	YES	Not Enough Information
			Attorney General's Office Bureau of Criminal Identification & Investigation (BCI) P.O. Box 365 London, OH 43140 (740) 845-2001 (http://www.ag.state.oh.us/le/investigation/bcii.asp)	YES	NO	N/A
OKLAHOMA						
Broken Arrow Police Department Laboratory	OK	A portion of the state's grant of \$230,584	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	YES	YES	Not Enough Information
Norman Police Department's Forensic Services	OK	A portion of the state's grant of \$230,584	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	N/A	N/A	N/A
Office of the Chief Medical Examiner	OK	A portion of the state's grant of \$230,584	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	YES	NO	Not Enough Information
Oklahoma County District Attorney's Office	OK	A portion of the state's grant of \$230,584	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	N/A	N/A	N/A
			Oklahoma State Attorney General's Office Suite 260 4545 N. Lincoln Boulevard Oklahoma City, OK 73105 (405) 521-3921 (http://www.oag.state.ok.us)	N/A	N/A	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
OKLAHOMA (continued)						
			Garry Szabo, Forensic Document Examiner Tulsa Police Department 7515 S. Riverside Drive Tulsa, OK 74136 (918) 596-1100 (http://www.tulsapolice.org/phone.html)	N/A	N/A	N/A
Oklahoma State Bureau of Investigation Forensic Laboratories	OK	A portion of the state's grant of \$230,584	Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612 (785) 296-8200 (http://www.accesskansas.org/kbi/)	YES	NO	N/A
Tulsa Police Department's Impression Evidence Section	OK	A portion of the state's grant of \$230,584	Oklahoma State Bureau of Investigation 6600 North Harvey Oklahoma City, OK 73118 (405) 848-6724 (http://www.ok.gov/osbi/contact.html)	N/A	N/A	N/A
OREGON						
Oregon State Police Forensic Science Division	OR	\$235,154	Oregon State Police Professional Standards 4th Floor 255 Capitol Street NE Salem, OR 97310 (503) 378-3720 (http://www.oregon.gov/OSP/CID/contact_us.shtml)	NO	N/A	N/A
			Attorney General's Office Oregon Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 378-4400 (http://www.doj.state.or.us/contact.shtml)	YES	NO	N/A
PENNSYLVANIA						
Allegheny County Medical Examiner's Office's Forensic Laboratory Division	PA	\$95,000 (+ A portion of the state's grant of \$559,385)	Allegheny County District Attorney Room 303 436 Grant Street Pittsburgh, PA 15219 (412) 350-4400 (http://www.da.allegheny.pa.us/telephone_directory.asp)	YES	NO	N/A
Cumberland County District Attorney's Office Forensic Lab	PA	A portion of the state's grant of \$559,385	Pennsylvania Office of Attorney General 15th Floor, Strawberry Square Harrisburg, PA 17120 (717) 783-1111 (http://www.attorneygeneral.gov/theoffice.aspx?id=71)	YES	NO	N/A
Pennsylvania State Police Forensic Science Division	PA	A portion of the state's grant of \$559,385	Pennsylvania State Police, Internal Affairs Bureau of Integrity and Professional Standards, Internal Affairs Division 7820 Allentown Boulevard, 2nd Floor Harrisburg, PA 17112 (717) 657-4200 (http://www.psp.state.pa.us)	NO	N/A	N/A
RHODE ISLAND						
Forensic Science Laboratory at the Department of Health	RI	A portion of the state's grant of \$96,594	Rhode Island Office of Attorney General 150 South Main Street Providence, RI 02903 (401) 274-4400 (http://www.riag.state.ri.us/contact/)	YES	NO	N/A
Office of the Chief Medical Examiner at the Rhode Island Department of Health	RI	A portion of the state's grant of \$96,594	Rhode Island Office of Attorney General 150 South Main Street Providence, RI 02903 (401) 274-4400 (http://www.riag.state.ri.us/contact/)	YES	NO	N/A
State Crime Laboratory at the University of Rhode Island	RI	A portion of the state's grant of \$96,594	Rhode Island Office of Attorney General 150 South Main Street Providence, RI 02903 (401) 274-4400 (http://www.riag.state.ri.us/contact/)	YES	NO	N/A

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
SOUTH CAROLINA						
South Carolina Department of Public Safety	SC	\$163,658	South Carolina Law Enforcement Division 4400 Broad River Road Columbia, SC 29210 (803) 896-7216 (http://www.sled.sc.gov/default.aspx?MenuID=Home)	Not Enough Information	Not Enough Information	Not Enough Information
SOUTH DAKOTA						
South Dakota Forensic Laboratory (SDFL)	SD	\$123,648	North Dakota Bureau of Criminal Investigation P.O. Box 1054 Bismarck ND 58502 (701) 328-5500 (http://www.ag.state.nd.us/ContactUs.htm)	YES	YES	Not Enough Information
			Minnehaha County Sheriff's Office Law Enforcement Center 320 W. 4th Street Sioux Falls, SD 57104 (605) 367-4300 (http://www.minnehahacounty.org/dept/so/so.aspx)	Not Enough Information	Not Enough Information	Not Enough Information
TENNESSEE						
Tennessee Bureau of Investigation	TN	A portion of the state's grant of \$228,734	Tennessee Comptroller First Floor, State Capitol Nashville, TN 37243 (615) 741-2501 (http://www.comptroller.state.tn.us/contact.htm)	YES	YES	Not Enough Information
Tennessee State Medical Examiner	TN	A portion of the state's grant of \$228,734	Tennessee Comptroller First Floor, State Capitol Nashville, TN 37243 (615) 741-2501 (http://www.comptroller.state.tn.us/contact.htm)	YES	YES	Not Enough Information
TEXAS						
Austin Police Department, Forensic Science Division	TX	\$95,000 (+ A portion of the state's grant of \$889,943)	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
Bexar County Forensic Science Center	TX	A portion of the state's grant of \$889,943	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
Ft. Worth Police Department Crime Lab	TX	A portion of the state's grant of \$889,943	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
TEXAS (continued)						
Harris County Medical Examiner	TX	A portion of the state's grant of \$889,943	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
Houston Police Department Crime Laboratory	TX	A portion of the state's grant of \$889,943	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
Jefferson County Sheriff's Regional Crime Laboratory	TX	\$67,302 (+ A portion of the state's grant of \$889,943)	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
			Jefferson County Sheriff's Office Internal Affairs 1001 Pearl Street Beaumont, Texas 77701 (409) 835-8635 (http://www.co.jefferson.tx.us/sheriff/Internal_Affairs_Unit.htm)	NO	N/A	N/A
Pasadena Crime Laboratory	TX	\$45,543 (+ A portion of the state's grant of \$889,943)	Pasadena Police Department Internal Affairs 1114 Jeff Ginn Memorial Drive Pasadena, TX 77506 (713) 920-1655 (http://www.ci.pasadena.tx.us/police/admin/iad.htm)	NO	N/A	N/A
			Harris County District Attorney 1201 Franklin Street Suite 600 Houston, TX 77002-1923 (713) 755-5800 (http://app.dao.hctx.net/default.aspx)	YES	NO	N/A
			Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
TEXAS (continued)						
Southwestern Institute of Forensic Sciences (Dallas County, TX)	TX	\$94,361 (+ A portion of the state's grant of \$889,943)	Dallas County District Attorney's Office Frank Crowley Courts Building 133 N. Industrial Boulevard, LB 19 Dallas, TX 75207-4399 (214) 653-3600 (http://www.dallasda.com/)	YES	NO	N/A
			Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
Tarrant County Medical Examiner	TX	A portion of the state's grant of \$889,943	Texas Forensic Science Commission Leigh M. Tomlin, Commission Coordinator Sam Houston State University College of Criminal Justice Box 2296 816 17th Street Huntsville, Texas 77341-2296 (888) 296-4232 (http://www.fsc.state.tx.us/)	YES	YES	Seemingly Sufficient
			Texas Medical Board P.O. Box 2018 Austin, TX 78768-2018 (512) 305-7030 http://www.tmb.state.tx.us/agency/contact.php	YES	YES	Seemingly Insufficient
UTAH						
Utah Department of Public Safety, Bureau of Forensic Services	UT	\$96,594	US Attorney's Office of Utah 185 South State Street, Suite 300 Salt Lake City, UT 84111 (801) 524-5682 (http://www.usdoj.gov/usao/ut/)	N/A	N/A	N/A
VERMONT						
Vermont Forensic Laboratory	VT	\$96,594	Vermont Department of Public Safety Waterbury State Office Complex Waterbury, VT 05676 (802) 244-5371 (http://www.dps.state.vt.us/)	NO	N/A	N/A
VIRGINIA						
Virginia Department of Health Office of the Chief Medical Examiner	VA	A portion of the state's grant of \$289,509	Virginia Department of Health Professions Perimeter Center 9960 Mayland Drive, Suite 300 Richmond, VA 23233 (804) 367-4400 (http://www.dhp.virginia.gov/)	N/A	N/A	N/A
			Virginia State Police P.O. Box 27472 Richmond, VA 23261-7472 (804) 674-2000 (http://www.vsp.state.va.us/Office_Locations.shtm)	YES	NO	N/A
Department of Forensic Science	VA	A portion of the state's grant of \$289,509	Forensic Science Board Department of Forensic Science 700 North Fifth Street Richmond, VA 23219 (804) 786-6800 (http://www.dfs.virginia.gov/about/fsBoard.cfm) in conjunction with the Scientific Advisory Committee 700 North Fifth Street Richmond, VA 23219 (804) 786-6800 (http://www.dfs.virginia.gov/about/saCommittee.cfm)	YES	YES	Seemingly Sufficient

Applicant	State	Funding Received	Entity Responsible for Oversight FY2007	Entity: Independent	Entity: External	Process
WASHINGTON						
Washington State Patrol Crime Laboratory	WA	\$337,213	Washington State Forensic Investigation Council 206 10th Avenue SE Olympia, WA 98501-1311 (360) 902-4111 (http://www.governor.wa.gov/boards/profiles/073.asp)	YES	YES	Seemingly Sufficient
WEST VIRGINIA						
West Virginia Bureau for Public Health, Office of the Chief Medical Examiner	WV	\$96,594	West Virginia Legislature Commission on Special Investigations 301 Eagle Mountain Road Room 218 Charleston, WV 25311-1061 (304) 558-2345 (http://www.legis.state.wv.us/Joint/Special_Investigations/csi_main.cfm)	YES	YES	Not Enough Information
WISCONSIN						
Wisconsin Department of Justice Crime Laboratory — Madison	WI	A portion of the state's grant of \$210,521	Wisconsin Department of Justice — Criminal Investigations P.O. Box 7857 Madison, WI 53707-7857 (608) 266-1671 (http://www.doj.state.wi.us/ag/contact.asp)	NO	N/A	N/A
Wisconsin Department of Justice Crime Laboratory — Milwaukee	WI	A portion of the state's grant of \$210,521	Wisconsin Department of Justice — Criminal Investigations P.O. Box 7857 Madison, WI 53707-7857 (608) 266-1671 (http://www.doj.state.wi.us/ag/contact.asp)	NO	N/A	N/A
Wisconsin Department of Justice Crime Laboratory — Wausau	WI	A portion of the state's grant of \$210,521	Wisconsin Department of Justice — Criminal Investigations P.O. Box 7857 Madison, WI 53707-7857 (608) 266-1671 (http://www.doj.state.wi.us/ag/contact.asp)	NO	N/A	N/A
Milwaukee County Medical Examiner's Laboratory	WI	A portion of the state's grant of \$210,521	Wisconsin Department of Justice — Criminal Investigations P.O. Box 7857 Madison, WI 53707-7857 (608) 266-1671 (http://www.doj.state.wi.us/ag/contact.asp)	YES	NO	N/A
City of Eau Claire Police Department's Crime Scene Unit (CSU)	WI	\$32,221	Wisconsin Department of Justice — Criminal Investigations Department P.O. Box 7857 Madison, WI 53707-7857 (608) 266-1671 (http://www.doj.state.wi.us/ag/contact.asp)	YES	NO	N/A
WYOMING						
Wyoming State Crime Laboratory (WSCL)	WY	\$96,594	Wyoming Division of Criminal Investigation 316 West 22nd Street Cheyenne, WY 82002 (307) 777-7181 (http://attorneygeneral.state.wy.us/dci/)	NO	N/A	N/A

APPENDIX B: GUIDE TO FILING COVERDELL ALLEGATIONS

Any member of the public with information about potentially serious forensic negligence or misconduct can file an allegation, including lab technicians, police officers, attorneys and others. In the absence of sufficient guidance from the Office of Justice Programs about how to file a Coverdell allegation, the Innocence Project has developed some general suggestions, which follow.

1. Determine where to file the allegation

Find the name and contact information of the investigative entity(s) in your area using Appendix A. You'll also find information about each entity's independence, externality, and whether it has a process in place to conduct investigations. Even if the investigative entity is not prepared to conduct a proper investigation, it is still worth filing an allegation. In fact, your allegation can be a great way to bring that issue to light.

2. Assemble background information

As you draft the allegation, gather background information about the alleged forensic error(s) and the Coverdell program. First, clearly list the forensic errors that you allege have occurred and the serious repercussions of those errors. Assemble whatever information you can on the history of the error: when it was first identified, what other related errors may have occurred, and how they have been addressed (if at all). You can use this report as a source of information about the Coverdell program and its requirements, (p. 12), the fund amounts received by labs through this program (Appendix A), and the investigative process the entity should follow if they don't already have a sufficient process in place (p. 33). Finally, find examples of successful allegations in other states to use as a model for the investigative entity to follow (p. 13).

3. Identify credible sources to substantiate your allegation

The entity responsible for assessing your allegation will likely try to make a threshold determination about the credibility of your allegation of serious negligence or misconduct. Clearly presenting that credibility can help ensure that your allegation is taken seriously. You can help show that the alleged forensic negligence or misconduct substantially affects the integrity of forensic results by finding other credible sources that support your allegation. Newspaper articles about the forensic problem (if any articles have been published) can be one strong and relatively simple way to show that your allegation is serious. Include the voices of forensic experts or forensic auditors, crime lab directors, police chiefs and others if possible. If you aren't sure about the appropriateness of the forensic conduct at issue, you may need to look for experts who can provide context about appropriate forensic practices and protocols.

4. Engage allies to support your allegation and speak publicly about it

Partnering organizations and other allies can help ensure that an allegation is treated seriously by putting additional pressure on the investigating entity. Likely candidates for allies include local or state organizations that focus on scientific issues, criminal justice or transparency/ accountability in government. These groups can also help sustain media coverage, so you will need to approach them even before you file the allegation.

5. Find out if the forensic negligence or misconduct has already been addressed internally

As part of the allegation, you can ask that the entity evaluate the efficacy of former internal investigations into the alleged forensic error(s). If internal investigations have already been conducted, you will want to address that in your allegation and show why the previous investigations have been insufficient for addressing the problem and inadequate under the federal law that created the Coverdell program's oversight component.

6. Secure media coverage

Transparency can help deepen public understanding of these issues and increase public confidence in the process. Identify reporters who may be interested in your allegation, provide information to them when you file it, and stay in touch with them to let them know what's happening with the allegation.

7. Follow up

When an investigation concludes, the public and policymakers need to know about it. Send the findings to all reporters who covered the allegation, as well as allies, your Congressional delegation and anyone else you partnered with on the substance or the media around the allegation. Encourage reporters to cover the results (by highlighting the impact of the investigation, good or bad), and encourage allies to issue statements or press releases reacting to the outcome of the investigation.

CONTACTS FOR ASSISTANCE

Innocence Project Policy Department (for help on the substance of the allegation, the process of filing it, background on the federal law that enables allegations to be filed, ideas for potential ally organizations to contact, or information on your Congressional delegation):
Gabriel Oberfield; 212-364-5347; goberfield@innocenceproject.org

Innocence Project Communications Department (for help identifying a key local reporter to approach to cover the filing and the progress of the allegation, contacts with editorial page staff at leading local outlets, and other media strategy questions):
Elizabeth Webster; 212-364-5965; ewebster@innocenceproject.org

APPENDIX C: SAMPLE COVERDELL ALLEGATION*

INNOCENCE PROJECT

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Superintendent Terrence Sheridan
Maryland State Police Headquarters
1201 Reisterstown Road
Pikesville, Maryland 21208

BY FACSIMILE ((410) 653-4269) and OVERNIGHT MAIL

Re: Allegations of Serious Negligence or Misconduct in the Baltimore Police
Department Crime Laboratory and the Paul Coverdell Forensic Science
Improvement Grant Program

Dear Colonel Sheridan:

I allege that serious negligence or misconduct substantially affecting the integrity of forensic results has occurred at the Baltimore Police Department Crime Laboratory (“BPD-CL”). Recently, the BPD-CL revealed that a lab employee working in the DNA lab contaminated evidence in approximately 12 open cases.¹ This disclosure suggests that the BPD-CL may have a wide-ranging problem with laboratory contamination, and that **it committed serious negligence or misconduct by failing to operate a laboratory with safeguards and quality controls to prevent contamination of DNA evidence.**

If the allegations are true, they substantially affect the integrity of forensic results by leaving unidentified the DNA of lab analysts who handled crime scene evidence. This failure erroneously suggested that there were additional perpetrators of specific crimes who had not been identified, thus creating significant potential to:

- a. **Lead criminal investigators away from real perpetrators;**
- b. **Weaken criminal prosecutions by suggesting that another, unidentified person’s DNA was found on probative crime scene evidence; and/or**
- c. **Cause investigators and/or police to discount the crime scene DNA evidence and suspect an innocent individual had committed the crime.**

¹ See Bykowicz, Julie and Fenton, Justin. “City Crime Lab Director Fired.” *Baltimore Sun*. 21 Aug 2008.

* Adapted from an allegation filed by the Innocence Project in December 2008.

Under the Paul Coverdell Forensic Science Improvement Grant (“Coverdell”) program, the Maryland State Police (“MSP”) has been designated to investigate allegations of serious negligence or misconduct at the BPD-CL, a laboratory receiving grant funding under the Coverdell program. As such, the MSP is required to investigate this allegation.

I. DNA Contamination Discovered—and Its Implications

The Baltimore Police Department revealed in August 2008, that the DNA of its own employees had contaminated about a dozen samples of DNA processed at its lab and it had failed to implement basic safeguards that would have limited the contamination’s effect. The discovery of the unchecked contamination raises concerns about DNA handling in the years of cases since the BPD-CL began analyzing DNA samples in 2001.²

As a result of this failure to identify contamination of DNA evidence, the public has reason to question the integrity of evidence handled by the BPD-CL. These concerns have been clearly and publicly expressed by forensic experts. “If the quality control practices were so deficient to allow their own DNA in, they’ve also got problems that would allow cross-contamination involving other suspects,” said Janine Arvizu, a Certified Quality Auditor who had audited the lab in 2005.³ “They absolutely have the potential to cross-contaminate and wrongfully convict someone.”⁴ San Antonio, Texas, forensic expert Dean Wideman echoed that concern, noting that such significant contamination reflects on the way the lab processes samples in general.⁵ Criminal defense lawyers have also raised the same concerns.⁶

In short, the public has reason to wonder about:

- the extent of the threat to justice presented by the discovery of the contamination,
- whether the contamination failure is representative of other policy, protocol and quality control shortcomings in the lab; and
- the details of the remedial action that will be taken to ensure justice in light of the problems identified.

A properly conducted independent and external investigation, as required under the Coverdell program, can provide the public with confidence in the answers to those questions and others.

II. History of problems at the BPD-CL

The current troubles at the BPD-CL follow on the heels of the lab’s ongoing struggles to control and isolate contamination in another forensic discipline: gunshot residue analysis. In 2001 the BPD discovered gunshot residue contamination throughout its lab.⁷ The contamination

² Bykowicz, Julie and Fenton, Justin. “DNA Issues Are Likely to Arise in Future Trials.” *Baltimore Sun*. 22 Aug 2008.

³ *Id.*

⁴ *Id.*

⁵ Bykowicz, Julie and Fenton, Justin. “City Crime Lab Director Fired.” *Baltimore Sun*. 21 Aug 2008.

⁶ Patrick Kent, chief of the forensics division at the state public defender’s office, and the Baltimore Public Defender, Elizabeth Julian, have been among those raising questions about the broader implications of the contamination problem. See Bykowicz, Julie and Fenton, Justin. “City Crime Lab Director Fired.” *Baltimore Sun*. 21 Aug 2008.

⁷ See Geier, Peter. “Defendants Allege that Contamination is a Chronic Problem in Baltimore Police Dept.” *Daily Record*. 3 Sept 2004.

was attributed to a combination of sub-par practices: among them, the BPD-CL did not bag suspects' hands upon arrest in order to prevent contamination by rogue gunshot residue particles, nor did it conduct testing in a room specially designated for gunshot residue collection.⁸

The controversy made clear that GSR testing results from the BPD-CL could not be trusted. For instance, although the BPD-CL routinely had reported that gunshot residue found on suspects' hands "most probably" arose from being in close proximity to a firing gun, suspects' hands could have been contaminated merely by ambient GSR in the lab.⁹ A 2003 Baltimore police audit revealed GSR on the handcuffs, gun belt and holster of the officer assigned to the laboratory's room specifically designated for GSR analysis.¹⁰

Given this history, the BPD-CL cannot be expected to properly remedy the problems identified. By contrast, the independent, external nature of a Coverdell Program investigation provides the public—which necessarily includes potential jurors—with confidence that the investigation will be thorough and include the necessary remedial action to rectify the situation.

III. Safeguards Could Have Isolated Contamination and Protected Case Work

Across the country contamination databases are commonplace. It appears the BPD-CL's contamination of samples with employees' DNA could have been earlier revealed and isolated if the BPD-CL had a database of its employees' DNA profiles—against which to compare profiles from case work. The American Society of Crime Laboratory Directors-Laboratory Accreditation Board, which accredited the BPD-CL in December 2006, states that maintaining an employee DNA database is a basic and assumed precaution.¹¹ Ralph Keaton, director of ASCLD-LAB, emphasized that the deficiency of the BPD-CL's quality-control practices was "all but unheard of" and "a uniformly standard practice of laboratories doing DNA testing."¹² Indeed, the laboratory of the Maryland State Police, as well as the lab of the nearby Baltimore County Police, always test samples against databases of lab employees' DNA.¹³

The BPD-CL itself acknowledged the importance of such DNA contamination safeguards by collecting DNA samples of its lab employees for such cataloging.¹⁴ Crucially, however, the lab never converted these samples into profiles for a database¹⁵—begging the question where else it may have failed to follow through on contamination safeguards that assure the integrity of its analyses and prevent wrongful convictions.

8 See *Id.* As well, in 2005, a Maryland judge dismissed evidence provided by the BPD-CL because the lab presented as evidence two-element particles despite scientific consensus that only three-element particles can conclusively be considered gunshot residue. See Bykowicz, Julie. "Convictions Tied to Controversial Gun-Residue Test." *Baltimore Sun*. 27 March 2005. The FBI, the U.S. Army Crime Laboratory, and the Forensic Science Service in the United Kingdom—all internationally known and recognized forensic laboratories—have called for stringent particle standards in their GSR analyses. McGuire, Dennis L., M.S. "The Controversy Concerning Gunshot Residues Examinations." *Forensic Magazine*. Aug/Sept 2008.

9 Mejia, Robin. "Why We Cannot Rely on Firearm Forensics." *NewScientist.com News Service*. 23 Nov 2005 (available at <http://technology.newscientist.com/channel/tech/mg18825274.300-why-we-cannot-rely-on-firearm-forensics.html>—last viewed October 19, 2008).

10 Bykowicz, Julie. "Dubious Science: Carelessness in Crime Lab Procedures Raises Serious Questions about Evidence." *Baltimore Sun*. 7 Sept. 2008.

11 Bykowicz, Julie and Fenton, Justin. "City Crime Lab Director Fired." *Baltimore Sun*. 21 Aug 2008.

12 *Id.*

13 *Id.*

14 *Id.*

15 *Id.*

V. The Required Statutory Response to Allegations

The allegations mandate specific action under the Paul Coverdell Forensic Science Improvement Grant Program, from which the BPD-CL receives funds. As a precondition to receive funding, each applicant was required to furnish:

A certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.¹⁶

Congress initiated the grant program in 2000 which, since 2002, has provided states with a fertile source for forensic laboratory funding. The money is intended "to improve the quality and timeliness of forensic science and medical examiner services, and to eliminate backlogs in the analysis of forensic evidence, including controlled substances, firearm examination, forensic pathology, latent prints, questioned documents, toxicology and trace evidence."¹⁷

The grants play a central role in virtually all states' forensic laboratory funding.¹⁸ The Department of Justice's National Institute of Justice (NIJ), a division of the DOJ's Office of Justice Programs (OJP), administers the Coverdell grants. The NIJ disbursed \$180,268¹⁹ in 2005, \$191,009²⁰ in 2006, and \$212,771 in 2007²¹ to the Maryland Governor's Office of Crime Control and Prevention (GOCCP). That office then disbursed a portion of that money to the BPD-CL in each of those years. The BPD-CL received an additional \$93,200²² directly from the NIJ in 2006.

According to GOCCP's FY 2007 Coverdell application, the BPD-CL has named the Maryland State Police to provide independent and external oversight in keeping with the Coverdell requirement.²³ As such, the MSP is responsible for conducting investigations under the parameters of the Coverdell certification requirement.

VI. Scope of the Investigations

The federal government has long recognized its duty to the public to identify and remedy the causes of catastrophic errors. For example, when an airplane crashes or a train derails, the National Transportation Safety Board (NTSB) immediately conducts an investigation into the causes of the incident and makes recommendations. Such investigations enable the government to figure out what went wrong and, even more importantly, what can be done to correct

16 42 U.S.C. § 3797k (4) (2004).

17 A description of the funding stream is available on the National Institute of Justice's Web site, at <http://www.ncjrs.gov/pdffiles1/nij/sl000745.pdf> (last visited Dec. 16, 2008).

18 See U.S. Department of Justice, Office of the Inspector General, Evaluation and Inspections Division, "Review of the Office of Justice Programs' Forensic Science Improvement Grant Program," (December 2005), available at <http://www.usdoj.gov/oig/reports/OJP/e0602/final.pdf> (last visited Dec. 16, 2008).

19 See http://www.ojp.usdoj.gov/nij/awards/2005_topic.htm#paul_coverdell (last visited Dec. 16, 2008).

20 See http://www.ojp.usdoj.gov/nij/awards/2006_topic.htm#paul_coverdell (last visited Dec. 16, 2008).

21 See <http://www.ojp.usdoj.gov/nij/topics/forensics/nfsia/2007-funding-table.htm> (last visited Dec. 16, 2008).

22 See http://www.ojp.usdoj.gov/nij/awards/2006_topic.htm#paul-coverdell (last visited Dec. 16, 2008). Laboratories within states are the bodies actually seeking the funds, but often State Administering Agencies (like the GOCCP) will apply on a state's behalf and then disburse portions of the grant to the labs. In keeping with federal statute (42 U.S.C. § 3797 l) the NIJ will provide some supplemental awards directly to laboratories, on a competitive basis.

23 See the relevant certification within the 2007 Maryland Coverdell application, attached as Exhibit A, page 80 of 81.

the problem and prevent it from happening again. Congress realized the benefit of the approach, and with its passage of the Justice for All Act of 2004 (JFAA) and the attendant changes to the Coverdell granting process, it brought this model to the nation's forensic entities. As the office for fielding Coverdell Program allegations connected with the BPD-CL, the State Police is responsible for investigating these allegations for the benefit of Baltimore and the criminal justice system at large.

The process the MSP utilizes when it conducts this investigation is a crucial consideration, as well. The U.S. Government Accountability Office has developed standards for sound audits²⁴ like the one I am requesting, and the MSP's investigation will have the resonance and impact that Congress intended if it adopts the spirit of the GAO's recommendations. With that context in mind, I would ask the State Police to:

- (1) identify the source of the alleged problems;
- (2) identify whether there was serious negligence or misconduct;
- (3) describe the method used and steps taken to reach the conclusions in parts 1 and 2;
- (4) identify corrective action to be taken;
- (5) where appropriate, conduct retrospective re-examination of other cases which could have been affected by the same problem;
- (6) conduct follow-up evaluation of the implementation of the corrective action, and where appropriate, the results of any retrospective re-examination;
- (7) evaluate the efficacy and completeness of any internal investigation conducted to date;
- (8) determine whether any suggested laboratory protocol change might also benefit other laboratories within its investigatory jurisdiction; and
- (9) present the results of Parts 1-8 in a public report.

Any corrective action must not result exclusively in blame of a particular person for a particular act, but instead should determine the underlying causes of the act via "root cause analysis," the purpose of which is to solve problems by correcting or eliminating root causes, as opposed to merely addressing immediately obvious symptoms.²⁵

VII. A Note Concerning a Simultaneous ASCLD-LAB Investigation

Although ASCLD-LAB provides an invaluable service to the forensics community and the nation's forensics system at large, Congress did not intend for its work to substitute for a fully investigated Coverdell allegation. Rather, a thorough investigation of a Coverdell allegation and efforts by ASCLD-LAB to inspect and accredit laboratories and can work hand in hand to ensure forensic quality: each benefits the other. We raise this because Mr. Keaton, the director of ASCLD-LAB, said he was sending ASCLD-LAB inspectors to investigate the BPD-CL's DNA contamination.²⁶ This may be valuable as a matter of ASCLD-LAB accreditation, but is not intended to bolster public confidence or promote transparency as Congress intended when it

²⁴ See "Government Auditing Standards: January 2007 Revision," available at <http://www.gao.gov/govaud/d07162g.pdf> (last visited July 6, 2007). See sections 3.01-3.39

²⁵ This approach is particularly relevant in the instant case. Mr. Edgar Koch, who was the BPD-CL director when DNA contamination was discovered in August, was fired shortly thereafter. Mr. Koch's firing did not isolate and remedy the apparent root causes that prompt this allegation.

²⁶ Bykowicz, Julie. "Accrediting Agency to Review City Crime Laboratory." *Baltimore Sun*. 27 Aug 2008.

created the external investigations requirement linked to the Coverdell grant. An ASCLD-LAB investigation also would not satisfy the statutory terms for an investigation required under Coverdell when a colorable allegation of serious negligence or misconduct has been made.

ASCLD-LAB and the external investigations requirement of Coverdell program play complementary yet distinct roles. ASCLD-LAB accreditation enforces uniformity and standards in laboratory operations and protocols. This fosters quality in laboratory analyses. Nevertheless, Congress saw that the establishment of further safeguards through the Coverdell program could further enhance forensic quality. ASCLD-LAB accreditation is not designed to catch every lab shortcoming, nor, more importantly, is it intended to consider the systemic responses that can prevent recurrence of certain shortcomings. Indeed, in comments Mr. Keaton made to the press, Mr. Keaton noted that BPD-CL *was not required* to implement procedures to prevent DNA contamination in order to receive its 2006 accreditation.²⁷ Congress intended for the external investigations element of the Coverdell program, on the other hand, to take on those issues like systemic responses that ASCLD-LAB does not specifically address in its accreditation practices.

Congress recognized that the Coverdell program could enhance public confidence in a way that ASCLD-LAB accreditation, for all its many strengths, cannot on its own. For instance, ASCLD-LAB is accountable to its clients—the laboratories it accredits—and reports prepared in relation to accreditation are for a specific client laboratory. The reports also are not, as a matter of course, publicly disseminated, nor does ASCLD-LAB typically advise *other* laboratories to employ recommendations gleaned during its examination of a given client lab. Instead, its findings are narrow and particular to the lab it accredits. They are not prepared per se to elucidate root causes or, more broadly, ensure public confidence.

By contrast, federal law requires that Coverdell entities are governmental—meaning they are accountable to the public—and they must be independent and external of the labs they might investigate. In a number of states, Coverdell investigations have led to strong and publicly available reports that make clear the importance of an investigation’s findings—not just for the lab investigated, but for all stakeholders in the criminal justice system. These reports let the public know that forensic problems are being identified and remedied, and that the quality and accuracy of forensic results is assured. This is critical not only to public confidence in the criminal justice system, but also to juror faith in the evidence upon which determinations of innocence or guilt often rely. A failure to properly investigate will, conversely, undermine such faith. This is not to say that ASCLD-LAB accreditation is unhelpful or otherwise unnecessary. Quite to the contrary, ASCLD-LAB provides day-to-day protection of our forensic systems that the Coverdell investigation process simply bolsters.

The transparency of Coverdell investigations is one way that the Coverdell process can enhance public confidence in a manner that is distinct of but complementary to ASCLD-LAB efforts. In New York State, for instance, a Coverdell investigation concerning alleged improprieties at the New York City Police Department forensic laboratory resulted in a wide-ranging public report.²⁸

²⁷ Bykowicz, Julie and Fenton, Justin. “City Crime Lab Director Fired.” *Baltimore Sun*. 21 Aug 2008.

²⁸ See the report of the New York State Inspector General, available at

<http://www.ig.state.ny.us/pdfs/Investigation%20of%20Drug%20Test%20Irregularities%20at%20the%20NYPD%20Forensic%20Laboratory%20in%202002.pdf> (last viewed Dec. 16, 2008).

The New York State Inspector General (IG) found a significant risk that analysts were fabricating results rather than performing tests, and that evidence indicating the occurrence of such “dry labbing” had been downplayed when it first came to light. The NYPD undertook a broad reexamination of cases potentially undermined by shortcomings the IG identified. Likewise, in Washington State, allegations concerning alleged mishaps in the State Police’s laboratory resulted in another public report²⁹—this one confirming troubling problems with toxicology work at the lab and discussing systemic remedies. Among its recommendations, the council called for staff expansion at the lab, more routine examination of laboratory practice, and a division of leadership responsibilities.³⁰

The NIJ has distinguished the role of Coverdell investigations from that of ASCLD-LAB accreditation. It in no way judged the propriety of ASCLD-LAB accreditation, in and of itself, but nevertheless recognized that a laboratory could not satisfy the requirement of naming an external and independent governmental entity — as required under the statute that created the Coverdell certification — by simply indicating the lab has been ASCLD-LAB accredited. When the NIJ provided applicants for Coverdell funding with guidance to locate entities that might provide statutorily acceptable independent and external oversight, and those that cannot, it made specific reference to ASCLD-LAB. According to the NIJ, when:

an applicant agency is accredited by an independent accrediting or certifying organization such as CALEA, ASCLD-LAB, NAME, FQS, etc. ...the fact of accreditation or certification by an outside entity on its own does not demonstrate that the agency has a process in place to investigate allegations of serious negligence or misconduct committed by employees or contractors.³¹

The distinction the NIJ drew makes sense: ASCLD-LAB is not a *government* entity, as the statute requires, nor is it designed to conduct the kind of investigation that the Coverdell requirement mandates. The two processes can work in concert, but neither is meant to substitute for the other.

With this context in mind, although it is acceptable for the MSP to review the findings of an ASCLD-LAB investigation as the MSP conducts its own investigation (to the extent ASCLD-LAB makes its investigative findings available to you), the MSP cannot rely *exclusively* on that ASCLD-LAB directed investigation as consonant with satisfaction of the Coverdell requirement. The MSP must conduct its own work, or specifically direct ASCLD-LAB under the MSP’s supervision.

VIII. The Importance of the MSP’s Investigation:

The external and independent investigation I am now requesting will help Baltimore properly identify and apprehend the guilty actual perpetrators of crimes and protect the innocent by making the lab’s work more accurate and reliable. It also can increase public confidence in the integrity of the lab’s work and ensure that adequate quality control procedures are in place.

29 The Forensic Investigations Council has not posted the report electronically, but the report otherwise has been widely disseminated and is available elsewhere online, including www.waducenr.com/documents/FICInvestigativeReport04-17-08.pdf (last visited Dec. 16, 2008).

30 *Id.* at pp. 11-12.

31 See the FY2008 Request for Funding Proposal Issued by the NIJ, available at <http://www.ncjrs.gov/pdffiles1/nij/sl000839.pdf>, at page 8 of the 28-page PDF (last visited Dec. 16, 2008).

Jurors can have faith that evidence will contribute to the fair disposition of justice, rather than the risk of imprisoning an innocent person while a guilty person goes free.

We recognize the good-faith efforts of the state's forensic community to conduct its work, regularly juggling substantial caseloads while struggling for the funding, equipment and staffing it deserves. Nevertheless, the forensic community must operate with transparency and proper state support in this technically advanced era. Thus, it is our hope that the Coverdell investigation can identify whatever negligence or misconduct, if any, affected the matters herein — and ensure that, via an effective investigation report, the state's forensic community will benefit.

We are thankful that Congress has provided the MSP with the authority to investigate this allegation. We expect that public concern will be alleviated by knowing the MSP is involved in ensuring that Congressional intent is fulfilled for the good of Baltimore and the criminal justice system at large. I ask that the MSP investigate the circumstances described above as promptly as possible and release its resulting findings without undue delay.

Sincerely,

Stephen Saloom, Esq.
Policy Director

The Innocence Project was founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University to assist prisoners who could be proven innocent through DNA testing. To date, over 200 people in the United States have been exonerated by DNA testing, including 17 who served time on death row. These people served an average of 12 years in prison before exoneration and release. The Innocence Project's full-time staff attorneys and Cardozo clinic students provide direct representation or critical assistance in most of these cases. The Innocence Project's groundbreaking use of DNA technology to free innocent people has provided irrefutable proof that wrongful convictions are not isolated or rare events but instead arise from systemic defects. Now an independent nonprofit organization closely affiliated with Cardozo School of Law at Yeshiva University, the Innocence Project's mission is nothing less than to free the staggering numbers of innocent people who remain incarcerated and to bring substantive reform to the system responsible for their unjust imprisonment.

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