

By: Dutton

H.C.R. No. 93

CONCURRENT RESOLUTION

1 WHEREAS, In recent months, the Houston Police Department
2 Crime Laboratory has come under intense public scrutiny by
3 lawmakers, law enforcement and criminal justice officials, and the
4 media, bringing to light a longstanding and disturbing pattern of
5 irregularities in its handling of evidence in numerous criminal
6 cases; and

7 WHEREAS, A state audit conducted last year by the Texas
8 Department of Public Safety (DPS) found a number of serious
9 shortcomings, including inadequately trained staff, failure to
10 file standard scientific protocols, and tolerating for at least
11 five years a leaking roof that could have led to evidence being
12 contaminated with rainwater; the DPS audit determined that the
13 lab's procedures for DNA analysis failed to meet accredited
14 industry standards, including benchmarks established by the
15 Federal Bureau of Investigation to ensure quality work at DNA
16 laboratories; and

17 WHEREAS, Testifying before a hearing of the General
18 Investigating Committee of the Texas House of Representatives, a
19 DPS expert cited the Houston lab as among the worst that she had
20 seen in nearly 20 years of auditing DNA labs worldwide; a former
21 Harris County DNA analyst corroborated those allegations, saying
22 that she had found at least one serious problem in each of 15 cases
23 that she reviewed in the early to middle 1990s; and

24 WHEREAS, The problems with the Houston laboratory are not

1 unique; indeed, one study found that defective and fraudulent
2 science ranked fifth among the leading causes of wrongful
3 conviction; what makes this particular situation particularly
4 disturbing is the egregious nature of the defects and the extent to
5 which these defects are likely to have contributed to a widespread
6 miscarriage of justice; and

7 WHEREAS, More than 200 Harris County death penalty cases are
8 currently under review because of the possibility of faulty
9 evidence from the lab, and 32 persons convicted with questionable
10 DNA evidence already have been executed; evidence used in more than
11 20 cases, including seven involving defendants now on death row, is
12 now being retested because of problems with the Houston crime lab;
13 and

14 WHEREAS, The Houston Police Department voluntarily closed
15 the crime lab in January after the lab had failed the DPS audit, and
16 the department has asked the National Forensic Science Technology
17 Center to conduct a second audit to help determine whether the
18 closure should become permanent; the police department also
19 announced that it would conduct an internal affairs investigation
20 into employee misconduct and policy violations at the lab; and

21 WHEREAS, The Harris County District Attorney's Office,
22 responding to media attention on the situation, has undertaken an
23 unprecedented review of all criminal cases in which evidence was
24 processed by the crime lab; however, legislators have received
25 indications that the district attorney's office had known for some
26 time of the irregularities at the lab; and

27 WHEREAS, Given the gravity of the consequences for countless

1 defendants in previous criminal trials whose fate rests with a
2 proper review of their cases and the evidence presented therein, a
3 self-investigation by the police department and a review by the
4 district attorney's office are insufficient; the nature and
5 quantity of irregularities that have been brought to light demand
6 an outside, independent, and thorough review to ensure that justice
7 is truly served; now, therefore, be it

8 RESOLVED, That the 78th Legislature of the State of Texas
9 hereby respectfully urge the Congress of the United States to
10 request that the U.S. Department of Justice conduct a thorough
11 investigation into the irregularities found in the work of the
12 Houston Police Department Crime Laboratory and that the department
13 conduct a review of past criminal cases in which the outcome might
14 have depended on evidence processed by the laboratory; and, be it
15 further

16 RESOLVED, That the Texas secretary of state forward official
17 copies of this resolution to the president of the United States, to
18 the speaker of the house of representatives and the president of the
19 senate of the United States Congress, and to all the members of the
20 Texas delegation to the congress with the request that this
21 resolution be officially entered in the Congressional Record as a
22 memorial to the Congress of the United States of America.