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State Inspector General Finds Serious Errors in NYPD Crime Laboratory in 2002

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An investigation by New York State Inspector General Kristine Hamann found that New York City Police Department crime laboratory officials committed serious errors in responding to suspected misconduct by several lab employees in 2002. Hamann is referring the findings to the Queens County District Attorney for possible criminal charges.

Inspector General Hamann noted that significant improvements have been implemented at the lab since the 2002 incidents.

The Inspector General's report caps a seven-month investigation that began in April 2007 when the New York State Division of Criminal Justice Services asked the Inspector General to look into allegations of "dry-labbing" at the NYPD lab in 2002. "Dry-labbing" is the practice of presenting lab results without actually performing the tests.

The New York City Police Department lab is the busiest in the U.S., employing approximately 100 criminalists who analyze drug evidence in tens of thousands of cases each year.

The Inspector General's inquiry centered on a series of incidents in 2002 that began when an allegation surfaced within the lab that "half the lab" cut corners in analyzing drug evidence. Three lab employees later failed tests to check the quality of their work. The Inspector General found that lab officials failed to fully investigate the problem. The lab also failed to adequately notify prosecutors of the lapses.

Inspector General Kristine Hamann stated: "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."

The Inspector General found the following:

-- In April 2002, lab officials learned that an assistant chemist allegedly claimed she skipped steps when analyzing narcotics evidence and that many others did the same. Lab

officials did not question any lab staff, leaving the claim of widespread irregularities unexamined.

-- Lab officials "blind" tested two employees under suspicion — one in April, the second in August 2002. Both reported incorrect results. The lab then violated its own rules by failing to remove the employees immediately from casework or reinstruct them in proper techniques. One employee was suspended after failing a second test, but not before she had analyzed and issued reports in 23 additional cases.

-- In October 2002, a third employee failed a blind test administered as part of a random testing of lab criminalists. Again, the lab violated its own rules when it gave the criminalist a second test (also failed) before he was removed from casework and suspended. In the interim, he analyzed and issued reports in 11 cases.

-- The lab has an obligation to alert prosecutors when misconduct occurs that has or may have affected lab reports. Although some limited information was communicated to two prosecutors, it was insufficient.

-- The lab director at the time knowingly failed to report the failed tests, as required, to the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors (ASCLD/LAB) and the state Commission on Forensic Science.

-- One or more of the three employees may have issued lab reports that overstated the number of packages containing controlled substances, or the weights of controlled substances. Any such error could have led to a more serious criminal charge than warranted by the evidence. In fact, the lab cannot conclusively state that no incorrect reports were issued by the three employees.

Any falsification of official lab documents, whether test results by individual criminalists or the lab's report to accrediting bodies, could be a basis for criminal prosecution. The Inspector General is referring the findings of the investigation to the Queens County District Attorney's Office for review of possible criminal charges.

Current lab officials have fully cooperated with this investigation. The lab is searching past cases for possibly erroneous reports. The lab has notified all five local district attorneys about these incidents, and is compiling lists of cases that have been re-analyzed or technically reviewed for each of the prosecutor's offices.

Since 2002, the laboratory has revised its procedures to provide more accurate results, maintain better records and preserve evidence.

For additional information, contact Stephen Del Giacco of the State Inspector General's Office at (518) 474-1010.

The Inspector General's report is available on the IG's website: www.ig.state.ny.us.