



**KYM L. WORTHY**  
PROSECUTING ATTORNEY

COUNTY OF WAYNE  
**OFFICE OF THE PROSECUTING ATTORNEY**  
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE  
1441 ST. ANTOINE STREET  
DETROIT, MICHIGAN 48226-2302  
TEL: (313) 224-5777  
FAX: (313) 224-0974

Statement  
September 25, 2008  
Three Pages

*For Immediate Release*

Contact: Maria Miller  
Wayne County Prosecutor's Office  
Assistant Prosecuting Attorney  
(313) 224-5817  
(313) 213-0457  
[mmiller@co.wayne.mi.us](mailto:mmiller@co.wayne.mi.us)

## **Statement of Wayne County Prosecutor Kym L. Worthy Regarding DPD Crime Lab Audit Findings**

The Michigan State Police audit of the Detroit Police Department Firearms Lab announced today was initiated at my request due to information conveyed to me in a telephone call in April 2008 by retired Michigan State Police firearms examiner David Balash.

Mr. Balash expressed great concern to me over a blatantly incorrect finding made by a Detroit Police Department firearms examiner, which he discovered upon being hired as an expert by defense attorney Marvin Barnett in a pending criminal matter.

In this double homicide case, the Detroit Police Department crime lab had found that 42 spent shell cases recovered at the murder scene were all fired from the *same* weapon. I immediately ordered that this evidence be re-tested by the Michigan State Police. Their findings were that 17 casings were fired from one weapon and 25 were fired from a *second* weapon. This confirmed Mr. Balash's finding. My office immediately notified the court and defense counsel of these results and agreed that the defendant should be allowed to either withdraw his guilty plea and have a new trial *or* continue with his guilty plea. The matter is still pending.

I also immediately brought this information to the attention of former Detroit Police Department Chief Ella Bully Cummings, who supported my request for two urgent steps:

- a. An immediate shutdown of all firearms examinations conducted out of the Detroit Police Department Crime Lab and referrals to Michigan State Police Crime Labs for all firearms evidence in the city of Detroit; and,
- b. A full investigation and audit of the Detroit Police Department Crime Lab be immediately commenced by Michigan State Police, as well as by nationally accredited outside experts in firearms identification.

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As a result of these quick actions last spring, I can assure the citizens of Wayne County and Detroit that all evidence involving firearms identification from the city of Detroit have been properly examined and processed by the Michigan State Police throughout the last five months and since my discovery of these problems.

The harsh reality, however, remains that this audit has revealed a shocking level of incompetence within the Detroit Police Firearms Lab so severe as to demonstrate a systemic problem in all disciplines within the crime lab and requires drastic action to insure the integrity of the criminal justice system in Wayne County.

When a random sampling of 200 cases reveals erroneous or false findings by Detroit Police Department technicians in 1 out of every 10 cases audited, (a 10% error rate), I am compelled to take the following immediate steps as chief law enforcement officer for the county.

- a. Effective immediately, I support Mayor Cockrel's and Chief Barren's decision to shut down all laboratory operations at the Detroit Police Department Crime Lab;
- b. Further, I support the request of the State Police that their Laboratory services be utilized for all Detroit Police criminal investigations for the foreseeable future; (It is to all citizens' benefit that Michigan State Police has the expertise to assume these services as they do for every other law enforcement agency throughout the state of Michigan); and
- c. Finally, I am ordering that a lengthy and thorough analysis be conducted of past cases in Wayne County wherein Detroit Police Department Laboratory findings were used or admitted into evidence to ensure justice was attained, and that individuals were not wrongfully convicted or even wrongfully imprisoned.
  - i. While this audit has revealed no specific errors outside of the firearms lab, it has revealed miserable quality control assurances throughout the entire lab. The Detroit Police Department Firearms lab met only 42% of a required 100% compliance with essential criteria. If the quality system is failing in one forensic discipline, it is highly likely to be an indicator of a severe problem that affects other forensic disciplines as well.
  - ii. In fact, such a case analysis has already been conducted in my office regarding Detroit Police Department Firearms cases and we are fully disclosing to all affected parties, including defendants and defense attorneys, any instances of erroneous or false findings as determined in this audit.

The appalling findings contained in the Michigan State Police Audit not only impugn the credibility of honest, hard-working police officers and crime lab technicians who do their jobs with dedication and reliability, but also serve to undermine the integrity of our criminal justice system.

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We, as Prosecutors, rely on the finding of police crime lab experts everyday in court, and when there are failures of this magnitude, there is a complete betrayal of trust. An error rate of 0% is the only acceptable error rate that justice demands.

The problem is further compounded when this incompetence possibly results in perpetrators of crime, even violent crime, may go uncharged. We have no idea how many criminals have gone uncharged as a result. Public safety demands 100% accuracy.

With the steps announced today and the cooperation of Mayor Cockrel, Chief of Police Barren, Governor Jennifer Granholm and Michigan State Police and the anticipated cooperation of the Judges of the Third Circuit Court, we can begin to restore that integrity, and restore the public trust in the Detroit Police Department, as well as our judicial system in Wayne County.

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