

FAQ 79
(January 15, 2009)

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“Those who don’t know history are destined to repeat it.”

Edmund Burke

Jan. 15, 2009

Sixty-two years ago today, Elizabeth Short’s bisected body was found posed in the vacant lot at 3815 S. Norton Ave. As my readers know, in BDA, I point an accusing finger at the LAPD “old school” (1947-1950) corruption that existed and led to a Dahliagate, a cover-up of the facts and the “disappearance” of critical evidence, including fingerprints.

How ironic that today’s *Los Angeles Times* front-page features a story about an LAPD fingerprint examiner’s misidentification, leading to a wrongful prosecution, and subsequent “disappearance” of the original fingerprint evidence from LAPD files. (Fortunately, LAPD supervisors were able to locate photographic copies of the burglary prints which resulted in the eventual exoneration of an innocent person.)

See full article below:

LOS ANGELES TIMES JAN. 15, 2009

Mistakes in fingerprint analysis trigger review of nearly 1,000 LAPD cases

At least two people have been falsely implicated in crimes because of errors. The six analysts involved have been linked to at least 945 other cases.

By Richard Winton

January 15, 2009

Los Angeles Police Department fingerprint examiners who falsely implicated at least two people in crimes have been linked to nearly 1,000 other criminal cases that authorities say must now be reviewed to ensure that similar errors weren't made.

Nearly two dozen of those cases are awaiting trial in the Los Angeles court system, said Sandi Gibbons, a spokeswoman for Dist. Atty Steve Cooley.

Prosecutors began a review of the cases as part of their work with a multi-agency task force formed by Chief William J. Bratton last fall in the wake of a Times article that revealed that six print analysts with the LAPD latent print section had made critical errors in their work.

"Our goal is to go through all of [the cases] within about three months, starting with the D.A.'s priorities," LAPD Deputy Chief Charlie Beck said. Even though the review focuses on the work of the six analysts, Beck said LAPD officials would conduct random sample tests for the entire latent print unit.

The LAPD's effort to reform the unit, however, has moved slowly because of a lack of funding. Beck said the department has not secured the \$400,000 to \$500,000 in grants it sought to bring in an outside firm to review practices and protocols of the 80-person fingerprint unit. He said he is determined to move forward with the help of prosecutors and other law enforcement agencies.

The review of cases is being conducted by six of the LAPD's top fingerprint experts. In a limited number of reviews so far, no new wrongful charges have emerged, officials said. Nonetheless, none of the six analysts has been allowed to resume print work, several have been disciplined and one has been fired, according to Beck.

The multi-agency task force, which includes the LAPD, FBI, district attorney's office, city attorney, the Police Commission's inspector general and the L.A. County public defender's office, was formed in October but has yet to meet. Beck said that the entire body would not meet until next month but that a core group of top LAPD officials meets regularly and that the department has regularly consulted with other agencies and experts.

Jennifer Friedman, forensic science coordinator for the L.A. County public defender's office, said she and others would like more information. "The LAPD may be meeting every day, but the other participants aren't involved," she said. The public defender's office has requested extensive records from the LAPD about its internal fingerprint processes, she said. After an inquiry from The Times, Friedman said Wednesday, she received an invitation to meet with the LAPD and the district attorney's office.

A recent Times investigation found that errors were partly the result of the unit's being marred by inadequate training, antiquated facilities, poor supervision, careless handling of evidence and other shortfalls.

Friedman said prosecutors have provided the public defender with the list of 945 cases involving the questionable print examiners. She said the list is probably not comprehensive because it was derived from subpoenas of LAPD print examiners for each case. She said that in other cases, the print examiner could have done work after charges were filed.

Prosecutors said, however, that fingerprint evidence probably played a minor role in the cases.

"In a lot of these cases, the fingerprint evidence wasn't necessary. In most of these cases, there were [guilty or no contest] pleas," said Gibbons, the district attorney's office spokeswoman.

The issues with the latent print section came to light in April 2006, when prosecutors informed the unit that a renowned fingerprint expert had testified that LAPD analysts had made a mistake on a case. Months before, one of the unit's print specialists had determined that several prints lifted from a cellphone store where a burglary had occurred belonged to Maria Maldonado. Two others in the unit had signed off on the work. The woman was charged with the burglary.

Maldonado said detectives went to her home in southeast Los Angeles County on the basis of the fingerprint evidence and rummaged through her clothing. They found a sweat shirt they said looked like one worn by one of the burglars, whose faces were not visible on the store's security video. They took her to a couple of San Fernando Valley cellphone stores, she said, asking each time how she got in. "I told them I never been there," she said.

The analysts stood by their work, but days later the file containing the suspected burglar's prints disappeared from the unlocked drawer where it was kept.

Working from copies of the prints, others in the unit and outside consultants later concluded that Maldonado had been wrongly accused, and the charges were dropped.

Her case coincided with one in which a person was extradited from Alabama to face burglary charges after analysts matched the prints to a crime scene.

The mistake was caught as prosecutors prepared for trial.

A subsequent internal report highlighted the errors and many of the ongoing problems in the unit.

But Bratton did not create the task force or tighten the procedure for verifying fingerprint matches until The Times obtained that document and made its findings public.

Beck said changes in the way examiners verify prints have been made to guard against future mistakes.

"Our current . . . process should eliminate this issue as we move forward," he said.