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Agency: Houston crime lab worker had history of poor work

Friday, April 05, 2013



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Associated Press

AUSTIN, TX -- A Texas state police crime lab scientist whose shoddy work may have tainted thousands of drug cases had been promoted despite a history of problems doing accurate and timely work, according a review by the Texas Forensic Science Commission.

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A commission report adopted Friday found that Houston crime lab worker Jonathan Salvador struggled with chemistry, was told to correct his work in about a third of his cases and, according to his supervisors, routinely scrambled to keep up with monthly work

expectations.

Salvador was suspended in 2012 after his work at the Department of Public Safety lab came into question. More than a dozen convictions have already been overturned by the Texas Court of Criminal Appeals as officials grapple with the potential scope of the impact of Salvador's work, which involved nearly 5,000 cases in 36 counties.

"The fact that this guy went on as long as he did without ever being figured out is appalling," said Jeff Blackburn, an attorney with the Innocence Project of Texas. "Once DPS figured it out, they did the right thing, but they should have gotten wise to him long before."

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Salvador's work came under scrutiny after a co-worker told a supervisor he suspected Salvador used test results from one drug case to support a conclusion in a separate one. Investigators then retested 100 other cases Salvador worked on and found more errors.

In April 2012, DPS sent an email to prosecutors telling them of the agency's review and attaching a list of affected cases from their jurisdictions. The email also said prosecutors could submit any evidence from these cases for retesting by another DPS lab worker.

The forensics commission report found Salvador's supervisors had noted that about one out every three report he turned in needed some sort of correction, from simple administrative fixes to more serious ones, including technical problems with his findings. The report notes other lab workers had a correction rate of less than 10 percent.

Evaluations noted that Salvador struggled with an "overall understanding of chemistry, especially in difficult cases," the report said. Supervisors described Salvador's struggles as "very systemic" and his work as "right on the edge" of acceptability.

The report also found Salvador was promoted and given a pay raise because he was friendly and a hard worker who tried to improve. Supervisors didn't consider the issues about his work "catastrophic," the report said, but in at least one case, an error included a misplaced decimal point that could have led to a felony charge instead of a misdemeanor possession charge.

Salvador's poor work has created major problems for prosecutors who have won convictions in his cases. The appeals court has opened the door for any Salvador case in which the drug evidence has been destroyed or was left in his sole custody to potentially have their convictions overturned.

Earlier this year, the Texas District and County Attorneys Association told its members that all of the cases Salvador handled "may all be jeopardized." The commission stopped short of that threshold, however, noting that in many cases evidence still exists to be retested -- more likely the case in those handled by DPS or the state's largest counties. Smaller, rural counties are more likely to have destroyed evidence.

"It makes no sense, when the evidence remains ... that those convictions should be overturned," commissioner Sarah Kerrigan, chair of the forensic science department at Sam Houston State University, who led the panel's investigation and report.

Blackburn, whose group helps counties understand the scope of cases in their jurisdiction, agreed that a drug defendant will "not get a get-out-of-jail-free card just because Salvador worked on your case," but said it's a mess for the judicial system to address.

Kerrigan said the report found there was no evidence Salvador deliberately falsified drug tests. The Texas Rangers had investigated him, but a Harris County grand jury declined to indict him.

Commission staff said Salvador was invited to attend Friday's meeting but that he did not respond.

"The examiners we met were highly competent," Kerrigan said. "I doubt this will happen again."

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