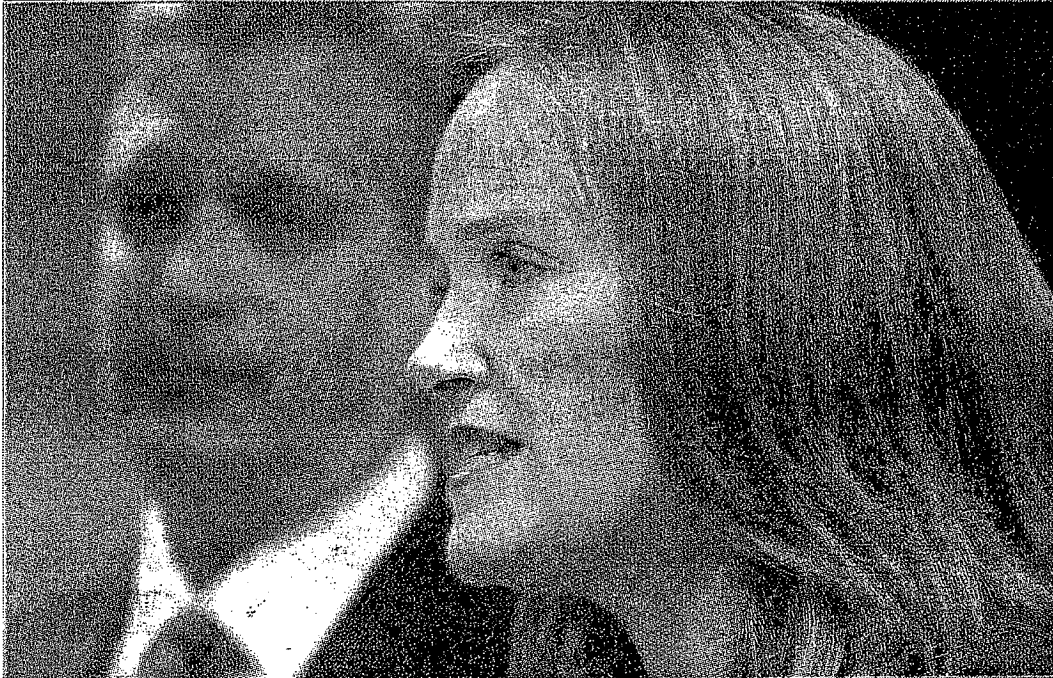


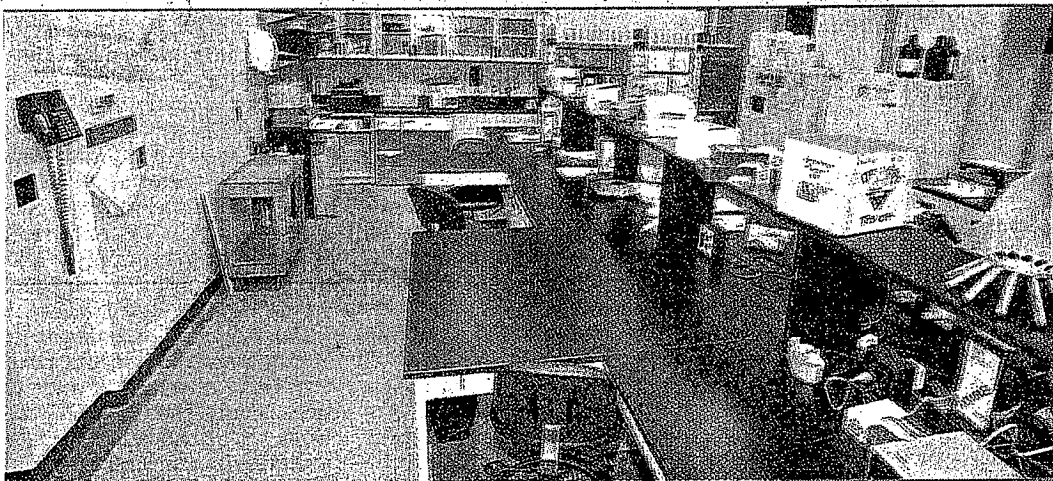
2 probes planned

SATURDAY, FEB. 19, 2011 NASSAU EDITION

DA AND COUNTY EXEC ACT



Nassau DA Kathleen Rice and County Executive Edward Mangano announce the lab's closing.



The lab will stay shut pending investigations into who knew about testing flaws.

- Supervisors may have known about flaws in testing
- Some calling for special prosecutor to investigate

BY ANN GIVENS AND KATHLEEN KERR
ann.givens@newsday.com
kathleen.kerr@newsday.com

The Nassau crime lab was ordered closed indefinitely Friday and a top-to-bottom investigation is being launched to find out who knew about flaws in testing and when they knew it.

District Attorney Kathleen Rice and County Executive Edward Mangano announced the lab's immediate closure after learning late Thursday that police supervisors may have known as early as September about inaccuracies with its testing of the drug Ecstasy. Officials said police will conduct an internal investigation, while prosecutors conduct a separate investigation of shoddy testing.

Rice, at a morning news conference, said she asked Mangano to shut it down "because supervisory activity and potentially intentional personnel conduct relate not only to the drug chemistry testing performed at the lab but to the entirety of the lab."

Amid growing questions about the integrity of the lab's work, Rice's office and others aired the prospect of an outside investigation.

U.S. Attorney Loretta Lynch, who heads the Eastern District of New York, has agreed to keep in touch with Rice as the investigation unfolds and step in should that become necessary, Rice's chief of staff Meg Reiss said late Friday. Robert

Nardoza, a spokesman for Lynch, declined to comment.

"We need an outside agency to investigate," said William Kephart, president of the Nassau County Criminal Courts Bar Association, who for weeks has called for strong action. "We can't have partisan politics, affiliations and relationships getting in the way of the truth."

Reiss said Rice has proved she can be objective about the lab. "Everything the D.A. has done proves that she's independent enough to do this investigation. She closed the drug chemistry section, she called for closing the lab," she said.

The police crime laboratory — which until recently tested blood-alcohol content, ballistics, narcotics and fingerprints, among other things — has been embattled since December when a national lab accreditation agency put the lab on probation, citing 26 violations. Rice and Mangano closed the lab's drug-testing section last week.

If an investigation shows police knew evidence was compromised and did nothing, hundreds of arrests and criminal convictions could be challenged, lawyers and experts said. What's more, the people who hid the information could be prosecuted themselves, they said.

"I would be shocked if there aren't criminal charges that re-

See CRIME LAB on A4

PHOTO BY HOWARD SCHNAPP

Indefinite closure for Nassau police crime lab

CRIME LAB from A3

sult from the lab issues," said Marc Gann, president of the Nassau Bar Association, noting that he was speaking on his own behalf and not on behalf of the bar. "At the end of the day, someone's going to pay the price."

Anthony Barkow, a former federal prosecutor and execu-

tive director of New York University's Center on the Administration of Criminal Law, said the county should consider turning to an independent investigator.

"I think this is a matter in which appointment of a special prosecutor or some other similar outsider should be strongly considered," Barkow said.

Reiss said Rice has not

mapped out how the investigation will be conducted. For now, evidence the crime lab would have analyzed will be farmed out to independent facilities yet to be named, Reiss said. Prosecutors said they will be able to get important results back in time to use them at hearings before judges or grand juries.

The most recent revelations

about the lab came to light Thursday, prosecutors said, during a court hearing challenging a Hicksville woman's alcohol-related vehicular assault conviction on the grounds that the lab test results used at her trial no longer can be considered reliable.

Last week's closure of the lab's drug-testing section followed discovery of procedur-

al errors in retesting of samples of the drugs Ecstasy and ketamine in nine cases analyzed between 2007 and 2009. Pasquale Buffolino, who has been director of the lab since December, had sent those nine cases to the Suffolk crime lab for analysis because of questions raised about the lab's testing.

With Keith Herbert