

The State of South Carolina

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SOLICITOR'S OFFICE
Fifth Judicial Circuit

MEMORANDUM

TO: Members of the South Carolina Bar
FROM: Solicitor Dan Johnson, Fifth Judicial Circuit
DATE: August 22, 2014
RE: *Columbia Police Department Drug Laboratory*

On June 16, 2014, the Fifth Circuit Solicitor's Office learned that there may be issues with the quality of forensic drug chemistry cases prepared by Brenda Frazier at the City of Columbia Police Department Drug Analysis Laboratory. Our office promptly notified Chief William Holbrook and at his request, a GAP-Analysis of the City of Columbia Police Department Drug Laboratory was performed by Dr. Demetra Garvin with the Richland County Sheriff's Department on July 11, 2014, and August 5, 2014.

As a result of Dr. Garvin's findings and at the recommendation of the Fifth Circuit Solicitor's Office, on August 21, 2014, Chief William Holbrook issued a directive to cease operation of the Columbia Police Department drug laboratory. Pursuant to Chief Holbrook's directive, the Columbia Police Department will submit drug evidence to SLED for analysis. Chief Holbrook has been diligently working with the Fifth Circuit Solicitor's Office to identify and address areas of concern and has taken prompt and decisive action to ensure future analysis is done in accordance with best practices.

In compliance with our obligations under Rule 5 of the South Carolina Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972) and their progeny as well as our ethical obligations set forth in Rule 3.8 of South Carolina Rules of Professional Conduct, Dr. Garvin's relevant critical findings are as follows:

- The laboratory's standard operating procedure was issued subsequent to the date analysis was performed. In addition, many of the described procedures did not appear to be consistent with actual laboratory practices.

- The laboratory's balance program is not grounded in sound quality assurance measures to allow for confidence in reported weight values for items of physical evidence.
- The choice of proper sampling and/or sample selection methods may not be familiar to or well understood by Brenda Frazier. Sampling of physical evidence may not have been done in accordance with best practice.
- Storage temperature in the drug laboratory may be unacceptable for storage of drug reference materials and physical evidence. Temperature and lack of ventilation may result in degradation of the physical evidence.
- Brenda Frazier has significant gaps in her previous training and experience and may not currently possess the knowledge necessary to competently perform drug analysis.

The Fifth Circuit Solicitor's Office is currently in the process of conducting a case-by-case audit of all City of Columbia drug cases analyzed by Brenda Frazier in order to determine the best course of action to ensure fair and ethical prosecution and dispositions, which are based on sound evidence and grounded in accepted scientific methodology. The audit includes not only a review of pending cases but of closed cases in which Brenda Frazier performed the drug analysis. Should any discoverable information arise in an individual case, counsel of record will be promptly notified.

Please do not hesitate to contact me with any questions pertaining to this matter.

Sincerely,



Dan Johnson
Solicitor
Fifth Judicial Circuit