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Police waited 2 months to investigate lab tech

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It took San Francisco police two months to launch a criminal probe into a drug lab technician suspected of stealing cocaine evidence, even though her sister had told the lab she feared the woman had taken home a vial full of the drug, The Chronicle has learned.

The delay may have doomed scores of narcotics prosecutions in San Francisco, because drugs were tested at the lab after suspicions arose about the technician and the Police Department's ability to ensure the integrity of seized evidence.

"It's like peeling an onion," said Public Defender Jeff Adachi, whose attorneys represent most of the drug defendants in San Francisco. "Every time you pull off a layer, there's more problems."

The lab technician, Deborah Madden, 60, has not been charged with a crime associated with any theft of evidence at the lab, where she worked for 29 years until she retired Dec. 8. But suspicions that she stole and used cocaine - and her accusations that others in the lab were "sloppy" in their work - prompted police to shut down the drug lab Tuesday.

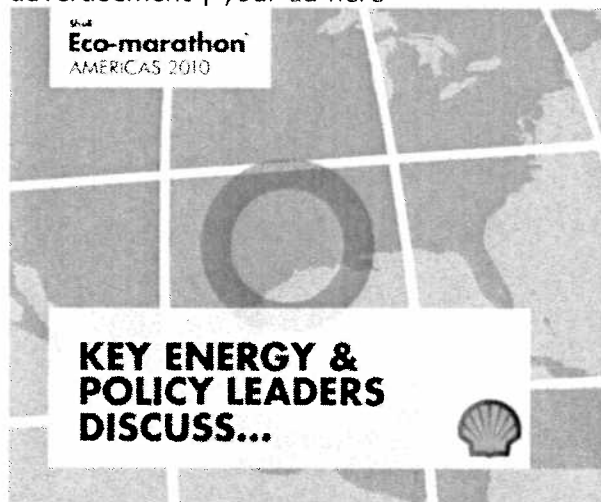
By the end of the week, prosecutors had been forced to drop more than 90 drug cases, and police were trying to line up enough outside labs to test the drugs that officers seize in dozens of arrests every day.

Sister found cocaine

According to law enforcement officials with knowledge of the case, Madden's sister found cocaine in what appeared to be a lab vial at Madden's San Mateo home in December. Madden was away in an alcohol rehabilitation program at the time, said the officials, who spoke on condition of anonymity because the criminal investigation is continuing.

The sister contacted the police lab with her concerns Dec. 16, the officials said. However, before police could examine the vial, the sister turned it over to Madden's rehabilitation counselor, who destroyed it, sources said.

The sister's account was detailed in a memo Dec. 17 by Madden's boss, Lois Woodworth, that was



routed to the risk management section of the department, which deals with legal matters. The memo was not sent to the chief's office, for reasons that are unclear.

Woodworth started to check evidence that Madden had worked on and discovered that a previously sealed package of powdered cocaine appeared to have been reopened, officials said.

Later in December, Woodworth began an internal audit, reviewing 25 randomly selected evidence samples of cocaine. She discovered shortages of powdered cocaine in seven samples, including a 2-gram discrepancy in one.

Police probe delay

Woodworth reported her findings sometime in late December or early January to her supervisors at the lab. But it wasn't until Feb. 22 that the Police Department's special investigations division opened a criminal probe into Madden, the department said.

Chief George Gascón said he first learned about the lab problem that day. He said last week that he has ordered an internal investigation into how the matter was handled.

So far, he says, he does not know why there was a delay. "That's why there's an investigation," he said.

Police investigators met with prosecutors in District Attorney Kamala Harris' office Feb. 23, the day after the probe began, according to a timeline the Police Department issued last week. Prosecutors told the investigators, who were seeking charges against Madden, that there wasn't enough to build a case, said district attorney spokesman Brian Buckelew.

On Feb. 26, Madden gave a two-hour statement to police in which she accused fellow lab technicians of "sloppy work," saying they consistently lost or mishandled evidence, law enforcement officials say.

Consuming 'spillage'

She also admitted to consuming what she called "spillage" from cocaine seized in five samples of evidence, but did not specify which evidence packages the drug had come from, the sources say. That is a problem for prosecutors hoping to build a case, because they don't know which evidence samples to examine to prove that a crime happened.

Madden told the police investigators that she started using cocaine in October and took only residue that was left over on the wax paper that technicians use when weighing samples, officials said.

Then, on March 3, San Francisco police officers and San Mateo County sheriff's deputies searched Madden's San Mateo home. They allegedly found a gun and a small amount of cocaine.

They arrested Madden, who is not allowed to have a weapon because she is on probation from a 2008 misdemeanor conviction for domestic violence.

Neither Madden nor her attorney, Paul DeMeester, has commented on the suspicions about the lab thefts. DeMeester said only that results of tests Madden performed "should not be affected by any personal use."

Conviction controversy

The Police Department's handling of Madden's case has come under scrutiny in other areas.

Gascón admitted last week that police had failed to notify the district attorney about Madden's conviction, which prosecutors in turn would have been obliged to tell defense attorneys. A defendant's lawyer could use the information in court to call Madden's work into question.

Gascón called it a breakdown in communication; Adachi believes it was intentional.

The public defender said the most serious question in the lab scandal is whether the department failed to secure its evidence, maintaining a "chain of custody."

"If the chain of custody was in fact broken, it could jeopardize hundreds of cases," Adachi said. "Not only in cases where she allegedly tampered with evidence, but all of them."

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