

## Emails show DNA lab concerns related to Holtzclaw case

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OKLAHOMA CITY (KOKH) — Emails exchanged between the Oklahoma City Police Crime Lab and prosecutors are shedding new light on the secret hearings that were held in connection to the appeal of convicted cop Daniel Holtzclaw.

FOX 25 first reported the state sought to seal information related to Holtzclaw's appeal of his conviction of multiple sex crimes. FOX 25 also was the first to bring you images from outside the courtroom where the secret hearings were held. Surveillance video showed high ranking police and lab personnel were involved in the two-day hearing that was so confidential even Holtzclaw's defense attorneys were not allowed to attend.

In response to our request for Open Records with the City of Oklahoma City we received more than 4,000 pages of documents. The request covered emails related to DNA testing and those exchanged between the DNA lab supervisor Campbell Ruddock, who was involved in the secret hearings, and Elaine Taylor the lab expert who testified in Holtzclaw's trial.

FOX 25 reported earlier independent DNA experts have identified the police lab expert made mistakes in her testimony during trial and left out potentially important findings. The concerns also indicate the lab expert was testifying outside the bounds of science.

The state's initial request for information to be provided to the court under seal came on May 4, 2017. The state will not talk about what was requested, but the motion led to the order for secret hearings.

On May 9, 2017, District Attorney David Prater sent an email to all of his prosecutors. "Please notify me immediately if you have a pending case wherein Elaine Taylor, OCPD DNA Lab employee, is endorsed as a witness" Prater wrote.

An email chain would lead to exchanges that included Deputy Police Chief Johnny Kuhlman, who also testified before a judge and prosecutors on the first day of the secret hearing.

The email over testing concerns included a warning that some prosecutors were unaware of the retesting DNA concerns and warned of the potential impacts it might have on their cases.

The emails reveal several criminal cases have been marked for retesting since the identification of concerns with Taylor in the Holtzclaw case.

FOX 25 has learned Ruddock may have been the first to identify the concerns after exchanging emails with an Iowa scientist name Erica Fuchs. Fuchs told FOX 25 she had taken an interest in the Holtzclaw *[sic]* case after reading about it online.

Fuchs first identified an unknown male DNA profile in the samples tested by the OCPD crime lab. That is a fact that was never mentioned at trial and was not overtly disclosed to Holtzclaw's defense team.

In an email exchange with Fuchs, Ruddock explains that Touch DNA, or DNA involving very small samples is not as useful in solving crimes as was portrayed in the Holtzclaw *[sic]* case. His exchange casts doubt on many assertions made during the expert testimony during the trial.

Taylor retired from the OCPD in February. FOX 25 contacted her at her home after the secret hearings were held and she told us she had no information about the hearing and did not know why there would be any concern about the forensic work in the Holtzclaw case.

In an email response to FOX 25 about the emails, District Attorney David Prater wrote, "We were not concerned about Elaine Taylor, her work product or her proposed testimony. Retesting was requested due to logistical and trial strategy concerns after Ms. Taylor retired from OCPD."

However, the request to review the cases came in May, more than two months after Taylor retired. Retirement was not mentioned in the email request but the email chain references prosecutors who were concerned about a "retesting issue" related to the OCPD lab. The "retesting issue" did not occur until just days after the

Attorney General asked the court to close its discovery about the Holtzclaw case from the public's view.

The City of Oklahoma City said FOX 25's request for records produced more than 15,000 pages of documents, but the city only released 4,649 pages. The city claimed some of the records we requested about DNA and DNA testing procedures were covered by the seal put on the Holtzclaw case. However, neither the city nor the court have provided the wording of that seal to see if it is being properly applied to our request for records.

The city also said it deleted all of Taylor's emails after her resignation.

State law provides guidance for records retention for state agencies. However, cities and counties are instructed to follow similar records retention policies.

Oklahoma City has not responded to our request for information about when Taylor's emails were deleted, or why emails from her account do not show up in exchanges with others we requested.

District Court Judge Timothy Henderson made a ruling connected to the case. It is also being kept secret.

The Attorney General's office has requested more secrecy from the court in an additional motion.

There has been no decision on the status of unsealing those records or what it will mean for Holtzclaw's appeal.