

Punishment trimmed for DNA analysts

By Pam Easton
THE ASSOCIATED PRESS

HOUSTON — The Houston Civil Service Commission Wednesday rescinded the 14-day suspensions and pay loss of two DNA analysts in the embattled Houston Police Department crime lab and trimmed their penalties to written reprimands.

The panel, after hearing appeals from the analysts at the lab where problems have led to retesting in hundreds of criminal cases, said there was no "sufficient basis" for the pair to be suspended without pay, but said the written reprimands were warranted.

Former Houston Police Chief Clarence Bradford, who retired earlier this week, announced the two-week suspensions of Christy Kim and Joseph Chu in June. At the same time, two top crime lab officials resigned rather than face termination and three other lower-level employees received one-week suspensions.

Both Kim and Chu served the suspensions, which came in the wake of an internal investigation into the lab, but both appealed and now will have their pay restored for that period, attorney Fred Keys said Wednesday.

Keys said Chu has returned to work at the crime lab, where the DNA section was shut shortly after an outside audit last December uncovered serious deficiencies, including a lack of training, insufficient documentation and possible contamination of DNA samples.

Kim has yet to return as she awaits the outcome of a pre-termination hearing last week with her department head based on other alleged department violations, which Keys declined to discuss.

"This is the first time that they have had a chance to tell their side of the story," Keys said of the analysts. "They rebutted almost point-by-point each of the allegations that was in the letter of suspension."

According to the letters of suspension given in June, Kim was punished for failing to conduct and record accurate analysis of a DNA profile, failing to report the full set of DNA results in a rape case, making an incorrect data entry in a capital murder case and incorrectly documenting the results of DNA profiles. Chu was suspended for incorrectly reporting statistics in a capital murder case and incorrectly documenting results and statistics in two rape cases.

"These analysts, who are at the lower rung of the totem pole, had been trying since 1999 and actually before that ... to get more training, to get the roof leak fixed, to get accredited," Keys said. "The one thing that they really asked for was a supervisor to oversee their work. It is so important and it is so technical and tedious that you need someone who is qualified to look at your

work after it is done."

Keys said the two had worked without a supervisor to oversee and train them since 1996. When they took their concerns to Bradford in 1999, they were told there wasn't enough money to fill the supervisory post.

"What more could you do than go to the highest level?" Keys said of his clients' efforts.

Assistant City Attorney Marcus Dobbs referred all questions about Wednesday's ruling to police department spokesman Robert Hurst, who said the department does not react to such rulings.

Retesting in hundreds of DNA cases first analyzed by the department's DNA section has been under way since March.

The first retest returned excluded Josiah Sutton, sentenced to 25 years in prison for rape, as a contributor to the DNA evidence in his 1998 case. He was freed on bond days after the retest and now is seeking a pardon.

Of the 370 cases sent for retesting, 49 have been returned. Of those, 36 confirmed previous results, one defendant's DNA was excluded as contributing to the evidence against him and the other 12 are pending.

"These analysts... had been trying since 1999... to get more training, to get the roof leak fixed, to get accredited."

— Fred Keys
Houston attorney

NEWS IN BRIEF

Texas No-Call list unaffected by ruling

DALLAS (AP) — Texas residents won't be affected by a federal judge's ruling that sided with telemarketers' claims that creating a national "do not call" list was beyond the authority of the Federal Trade Commission.

"That ruling has no effect on the state no-call law. The federal judge was addressing the new federal law," said Terry Hadley, spokesman for the Texas Public Utilities Commission, which enforces the state law.

Texas' no-call list became effective July 1, 2002. Because it is a state law, it does not fall under federal jurisdiction.

On Tuesday, U.S. District Judge Lee R. West in Oklahoma City ruled that the Federal Trade Commission overstepped its authority in creating a national "do-not-call" list against telemarketing calls. The ruling was in response to a lawsuit brought by telemarketers who challenged the list of 50 million people who don't want solicitation calls.

It is unclear how Tuesday's ruling will affect the national list, which was to go into effect Oct. 1. The judge had not issued an order directing any action by the FTC.

Software co. seeks boost in politics

By David Koenig
THE ASSOCIATED PRESS

DALLAS — A Texas software company is counting on Howard Dean's surging presidential bid to lift it from obscurity in the tough niche industry of raising money for organizations over the Internet.

From its beginning in 1999, Convio Inc. hadn't turned a profit or attracted much notice until it began processing credit-card transactions and building personalized Web pages for volunteers of the Democrat.

"It has clearly raised the profile of the company," said chief executive Gene Austin. "I've had meetings where prospects mentioned the Dean site in the first minute."

Convio officials estimate the Dean campaign will account for less than 2 percent of the company's revenues this year. Convio, based in Austin, received \$30,776 from Dean through June 30, the latest fig-

ures available.

Austin said the publicity has led to discussions with a dozen new clients who could bring in an additional \$1 million. One of them, a nonprofit group, has signed up, a Convio spokeswoman said, but she would not identify the client or disclose terms of the contract.

The bulk of Convio's business comes from nonprofit organizations, including Easter Seals and Mothers Against Drunk Driving.

Dean uses Convio's technology to process credit-card transactions, an important component of online fund-raising. Dean raised \$7.6 million in the second quarter — more than any of his Democratic rivals.

Its software also runs personalized Web pages by "Dean Team Leaders," about 1,600 volunteers who raise cash for the candidate.

Nicco Mele, Dean's webmaster, credits Convio for some of the campaign's successes —

though he spread the credit to others including meetup.com, a site that helps supporters gather in places like coffee shops, and its own Web log journal.

Convio also supplies software to the campaigns of Democratic Sens. John Kerry and Joseph Lieberman, neither of which would comment. Mele, however, said he worries whether Convio is big enough to simultaneously help several campaigns prepare federal election-financing reports.

"We're growing beyond them for some things ... but we wouldn't have gotten to where we are without them," the Dean webmaster said.

The company's experiment in politics has produced a few setbacks.

A political consultant who hired Convio two years ago gives it low marks. Convio's founder, Vinay Bhagat, touted the consultant as a reference, but the man, who spoke on condition of anonymity, told The Associated Press that the software was balky and he wouldn't use it again.

The company also is being sued by a larger rival, San Diego-based Kintera, which claims Convio stole the software that runs sites for Dean supporters.

"I've had meetings where prospects mentioned the Dean site in the first minute."

— Gene Austin
Convio, Inc. CEO

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