

# BALTIMORE POLICE DEPARTMENT

## OFFICE OF THE POLICE COMMISSIONER



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### FAX COVER SHEET

Destination Fax Number: 202-224-6020

Number of pages: 3

Date: March 21, 2016

Time: 3:45

From: Deanne Rzeczkowski for Police Commissioner Kevin Davis

Attn: Honorable Charles E. Grassley, Chairman,  
Senate Judiciary Committee  
United States Senate

Message: Information provided per your request – the original is being mailed.

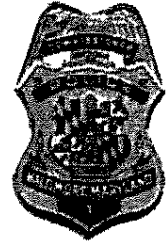
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**KEVIN DAVIS  
COMMISSIONER**

**STEPHANIE RAWLINGS-BLAKE  
MAYOR**



# BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE  
Mayor

KEVIN DAVIS  
Police Commissioner

March 14, 2016

Honorable Charles E. Grassley  
Chairman, Senate Judiciary Committee  
United States Senate  
Washington, D.C. 20510-6275

**Re: Investigation into the death of Annie McCann**

Dear Senator Grassley:

Thank you for your letter, dated March 2, 2016, concerning the tragic death of Annie McCann. As your letter correctly notes, Ms. McCann was found deceased in Baltimore, Maryland in November 2008 after apparently running away from her home in Alexandria, Virginia.

First, I want to personally express my sincere and heartfelt condolences to the McCann family, as there are no circumstances that are more heart-wrenching and difficult than the circumstances facing them. After reviewing the investigative file for this case, and speaking to the lead investigators, I want to assure both the McCann family and yourself that if any new credible evidence or leads emerge which shed any significant light on this case, the Baltimore Police Department ("BPD") will investigate thoroughly.

You have asked me to provide you with answers to four specific questions. I note that based upon footnotes 1-2 of your letter, you are aware that the BPD has already provided the McCann family with redacted copies of the investigative file. The answers to your questions are provided below and are contained in the redacted investigative file.

**Question #1: Did BPD consult with any [Federal Bureau of Investigation] FBI experts concerning the question of whether a single 5-ounce bottle of Bactine contains enough lidocaine that would be expected to cause death upon ingestion? If so, what did the FBI advise? If not, why not?**

The FBI reviewed and had access to BPD's complete investigation which included the chemical reports of the composition of a single bottle of Bactine. The chemical reports were received directly from the Bayer Company, who manufactures Bactine.

The chemical reports from the Bayer Corporation, *combined with* the DNA reports from the crime scene, *as well as* expert reports of the Office of the Chief Medical Examiner, strongly support the conclusion that Annie McCann most likely died from the self-

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ingestion of Bactine. No credible evidence was developed during the investigation that Annie McCann was the victim of a homicide, sexual assault or any other crime.

To date, the FBI has not dissented in writing (or otherwise) with any conclusions reached by BPD investigators during the investigation of this case.

**Question #2. Did BPD consult with Bayer Corporation concerning the question of whether a single 5-ounce bottle of Bactine contains enough lidocaine that would be expected to cause death upon ingestion? If so, what was the response? If not, why not?**

Please see the answer to Question #1.

**Question # 3. Did BPD provide the rape kit results to the FBI? If so, when and to whom at the FBI were the results provided?**

Please see the answer to Questions #1 – 2.

**Question #4. Why has BPD withheld the lab results of the rape kit from Annie's parents? Will you consider providing Annie's parents with a copy of the underlying lab results of Annie's rape kit? If not, why not?**

The Office of the Chief Medical Examiner conducted oral, vaginal and anal swabs on Annie McCann. The test results of those swabs were specifically communicated to the McCann family when they received the redacted investigative file. *See* Criminal Investigation Division, Questionable Death CC#-098-2K00565, Case# 08P392 Final Office Report, page 294.

Again, I thank you for bringing this matter to my attention. If you have any questions or concerns or need further information, please do not hesitate to contact me.

Sincerely,



Kevin Davis  
Police Commissioner