

Report Finds F.B.I. Lab Slipping From Pinnacle of Crime Fighting

Lax Procedures and Handling of Evidence Cited

By DAVID JOHNSTON and ANDREW C. REVKIN

WASHINGTON, Jan. 28 — For decades the Federal Bureau of Investigation's reputation as a crime-fighting agency has rested heavily on its high-tech forensic laboratory, which could solve baffling crimes from a speck of blood, a sliver of paint or the thinnest filament of human hair.

But an investigation by the Justice Department's inspector general has put the F.B.I. laboratory, and the way the agency has used it, under the glare of public scrutiny. The findings, which were turned over to F.B.I. officials last week, are threatening to shatter the image of an agency on the cutting edge of scientific sleuthing.

On Monday, F.B.I. officials announced a shake-up at the lab, transferring four senior employees, including the heads of the chemistry and explosives units, the first in disciplinary personnel actions in what officials say will be a thorough overhaul of the lab's operations.

The report has not yet been made public, but current and former F.B.I. lab officials who have been interviewed by the inspector general's office have said that dozens of cases have been affected by problems associated with the lab's work.

Among the problems cited by the officials were sloppy handling of evidence and lax procedures within the lab. In addition, they complained of the work of agents who use the lab to make their cases, including unreliable processing of the material sent to the lab for analysis and misuse of the lab's findings by F.B.I. agents and their supervisors.

This range of problems has been evident in several well-known cases:

¶After Federal agents searched the residence of Richard A. Jewell, a private security guard who was an early suspect in a bombing at the Atlanta Olympics last summer, F.B.I. scientists and other specialists warned that "you've got the wrong guy," an F.B.I. laboratory official said. But their cautionary remarks,

based on the absence of even trace amounts of explosive materials, went unheeded for months.

¶After a truck bombing in Oklahoma City in 1995, lab experts complained that field agents had haphazardly examined the crime scene, the clothing of Timothy J. McVeigh, who was later charged with the explosion, and the vehicle driven by him. The evidence was handled sloppily, with some of it mistagged or spilled from evidence bags, when it was sent to the lab for examination.

¶During the investigation of the 1993 bombing of the World Trade Center, some investigators in the

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Under a Microscope

Assertions by people interviewed by Justice Department investigators looking into the F.B.I.'s handling of several high-profile cases.

Oklahoma City Bombing

Bags of evidence were mishandled, mislabeled and mixed up on their way to be tested.

World Trade Center Bombing

A non-explosive "control" sample was identified as bomb residue. The sample was inserted into test material by lab workers skeptical of their supervisors' earlier conclusions.

Atlanta Olympic Bombing

Technical experts concluded that they had the wrong person after searching his houses and car, but the agents in charge pushed ahead anyway.

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New York: Today, mostly sunny, brisk. High 30. Tonight, increasing clouds, cold. Low 19. Tomorrow, chilly, light snow. High 26. Yesterday, high 49, low 33. Details on page C8.

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chemistry section of the F.B.I. lab became concerned that tests being conducted for traces of an explosive blend of urea and nitrogen fertilizer were not precise enough.

The World Trade Center bomb was made of urea-nitrate, a compound that can be confused with non-explosive mixtures of the same ingredients. In an informal internal check of lab procedures, some senior F.B.I. lab workers mixed human urine with fertilizer and added samples of that non-explosive mixture to the flow of material being tested by the chemistry unit. A manager in the chemistry lab identified the urine-fertilizer mixture as an explosive.

Errors at the lab are already providing defense lawyers with ammunition to use in some of these cases

and appear to threaten the F.B.I. with challenges to expert forensic testimony in cases based on the more than 600,000 evidence examinations conducted each year by the lab. The problem could expand beyond Federal cases to affect evidence in thousands of state and local cases examined by the F.B.I. each year.

Today, F.B.I. officials began trying to limit the damage to the lab's reputation, issuing a report on efforts to improve the lab. The agency is improving training and building a new lab at its training academy in Quantico, Va., to replace the lab now housed at F.B.I. headquarters in Washington. And the agency is for the first time seeking accreditation with the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors.

But F.B.I. officials who have acknowledged the seriousness of the

findings said that no past, present or future prosecutions would be compromised and that no one would be prevented from getting a fair trial.

In a statement on Monday, F.B.I. officials said the inspector general's inquiry had focused on only 4 of the lab's 23 units. The F.B.I. has also hired Dr. Randall Mutch to head its scientific analysis section, and several employees said Dr. Mutch was responsible for recent improvements.

Still, Joseph E. DiGenova, a former United States Attorney here, said that the issues raised in the report would allow defendants to contest lab findings against them and would permit people convicted of crimes to try to reopen their cases, based on the possibility of flawed forensic evidence. "It's going to be a royal pain in the neck for Federal judges and prosecutors and a god-

send for defense attorneys looking for a means of getting their clients off," he said.

The two-year-old inspector general's inquiry began in 1995 after complaints by Frederic Whitehurst, a chemist in the explosives unit and a whistle-blower whose frequent criticism of the lab made him unpopular with the agency's upper echelon. But many of his criticisms have been corroborated by other officials in interviews with the inspector general, Government officials who have read the interview reports said.

Nevertheless, Mr. Whitehurst was one of the four officials removed from his job in the wake of the inspector general's review. The agency has not said why Mr. Whitehurst was suspended, but his lawyer, Steven Kohn, said the action was a reprisal for Mr. Whitehurst's years of complaints. F.B.I. officials denied

that the action was retaliatory.

The other three officials who were transferred were David Williams, a supervisory agent in the explosives unit; Roger Martz, chief of the chemistry unit; and James T. Thurman, chief of the explosives unit.

The three were criticized for their performance in the Oklahoma City case. Officials said that Mr. Williams had been responsible for collecting evidence at the scene that Mr. Thurman had supplied information for a search and for arrest warrants against Mr. McVeigh and that Mr. Martz had conducted some tests in the lab on some of the evidence.

Scientists at the lab said they were often stifled in a lab run by non-technical field agents who had little knowledge of science and who regularly altered reports to help prosecutors. But law enforcement officials said there was little evidence that

anyone had been wrongly convicted based on improper lab work.

In long investigations, like the Unabomber case, bomb technicians and other specialists often got bogged down into a defensive mode, one F.B.I. technical expert said. "You get an inadvertent bonding of like-minded individuals supporting each other's false conclusions," he said.

At the heart of the problem in the lab is the F.B.I. practice of promoting employees with no advanced scientific training to supervisory positions in departments handling very complicated scientific inquiries, said the expert, who spoke only on the condition of anonymity.

For many years, the top jobs in the explosives unit, for example, have been held by people without relevant advanced training, the expert said. The lab has become top heavy with non-experts, he said.