

Embattled Lab to Undergo New Scrutiny

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on the matter. After the press frenzy that accompanied reports early last year about Whitehurst's allegations, defense attorneys filed motions to overturn verdicts in some 20 cases involving potentially tainted FBI lab work, according to a Justice spokesman, who says at least five of these have already been thrown out of court. Indeed, Justice officials are proud to note that no conviction has been overturned as a result of the FBI lab's problems—though this could, of course, be due to the fact that the DOJ task force is far from done with its review.

ASCLD LAB CERTIFICATION

But while DOJ responds to criticism from defense lawyers over the FBI lab, it is also trying to rebuild the lab's future credibility. The bid for approval by the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD LAB) is the latest step in that process—one that FBI Director Louis Freeh has wanted to take since 1994.

Leading the effort for Freeh is Donald Kerr, a new assistant FBI director who took office last October as head of the lab. Kerr says Freeh applied for the accreditation last December. But first, Kerr says, "we had to be sure that we satisfied all of the ASCLD standards." Kerr says this involved such matters as improving staff training and proficiency testing, as well as ensuring that lab examiners' qualifications were properly documented.

The lab has also beefed up measures to

ensure that the chain of custody is maintained for evidence and to see that equipment is properly cleaned between tests to avoid contaminating evidence.

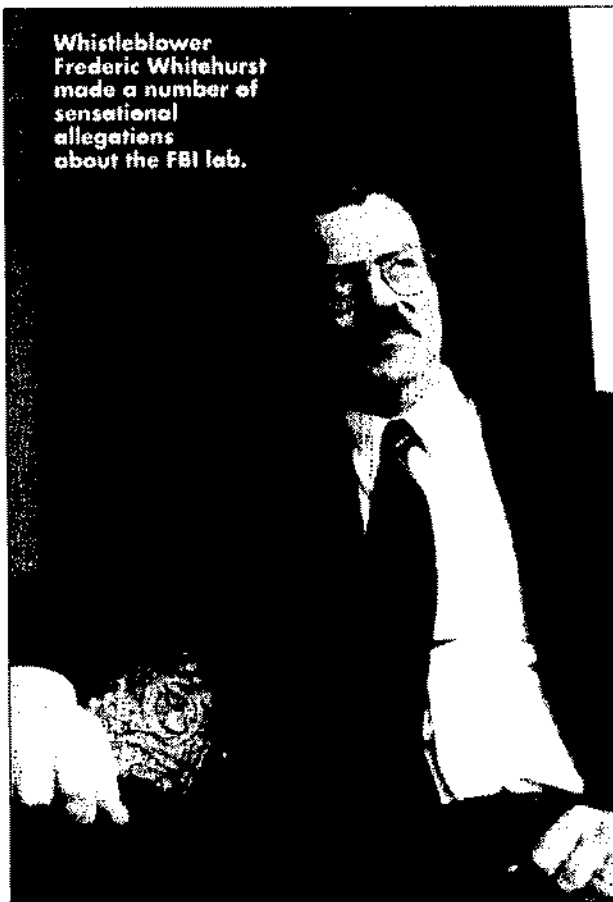
Kerr also noted that, from what he has heard, some of the 13 examiners whose work was criticized may soon be cleared of any wrongdoing. Thus, Kerr says that, like everyone else, the examiners should "enjoy the presumption of innocence"—and some judgement should perhaps be reserved on whether these examiners really fouled any criminal cases.

For now, Kerr says the LAB seal of approval will boost the credibility of his people when they testify in court.

Leading the inspection, which begins May 27, will be Michael Galco, a director of the Illinois State Police Crime Laboratory in Springfield, Ill., Kerr says.

Kerr says Galco's team will comprise crime lab experts from around the country, with about 10 of them coming this week and more joining next week to bring the total number of forensics experts involved to some 28. Kerr says they'll be able to ask any question and see any document regarding closed cases,

**Whistleblower
Frederic Whitehurst
made a number of
sensational
allegations
about the FBI lab.**



PATRICK CHAPMAN

with open ones going undisturbed under ASCLD LAB rules.

Jo Ann Given, who chairs the ASCLD LAB, says, "it's always good" to have outside experts review a lab's operations. "It's

always good to have peer review. That's a basic part of our program and a basic part of forensic science."

Given declines comment on specifics of the FBI's accreditation inspection, noting that a confidentiality agreement bars her and other ASCLD LAB officials from commenting on a lab's application.

But Given, who is the Director of the Naval Criminal Investigative Service Laboratory in Norfolk, Va., cautions that it is common for the first LAB evaluation of a crime laboratory to find a facility unqualified for accreditation. An initial inspection can lead to suggestions for further improvements, then another inspection before accreditation is ultimately granted. Accreditation decisions are made when a 10-member board evaluates the report of the team it sends to inspect a lab.

If the FBI lab is accredited, it will join about 152 crime laboratories across the country and 15 abroad in formally meeting LAB standards. But it will be one of just a handful of federal facilities with that distinction.

The others include Given's Navy lab, Bureau of Alcohol, Tobacco and Firearms facilities that Given says have been accredited since at least 1995; and Drug Enforcement Administration labs that have been accredited for years.

DEA, a branch of the Justice Department, first shepherded its lab through the accreditation process in 1994, says Special Agent Van Quarles, a DEA spokesman. DEA officials, Quarles says, "just see it as the wave of the future, that it's better to be certified." ■