

BOOK REVIEW

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Review of Tainting Evidence Inside the Scandals at the FBI Crime Lab

REFERENCE: Kelly JF, Weame PK. *Tainting Evidence Inside the Scandals at the FBI Crime Lab*. The Free Press, New York 1998; \$25.00.

Science and law approach problems and arrive at solutions in completely different ways. Law arrives at conclusions by taking established principles and applying them to new facts, a deductive process. Science arrives at conclusions by observing facts, creating hypotheses and testing them, an inductive process. Law relies upon precedence and procedure. Science is innovative and iconoclastic.

Forensic Science is a shotgun marriage of science and law. This unhappy marriage is exposed, at some of its worst, in *Tainting Evidence*. The authors demonstrate that the FBI laboratory, which through years of carefully honed public relations, dating back to J. Edgar Hoover, has created an image of infallibility. Analytical science is never infallible; the probabilities of error can be reduced, but never eliminated. As the FBI laboratory is believed by many in and out of the FBI to be infallible, and as it is not, there is the added tension of infidelity in this shotgun marriage.

The book in large part is the story of Dr. C. Frederick Whitehurst, a larger than life chemical scientist who also was a sworn agent of the FBI. Dr. Whitehurst came to work in the bombing section of the FBI laboratory. He took seriously all of the memos requesting employees to report waste, fraud and abuse. He is also finicky, pedantic, methodical and straight as an arrow. He found that his colleagues and supervisors did not share these traits. His persistence in letting the defense know of improprieties during the prosecution of Steve Psinakis, led to his censure and suspension. His continued persistence led to an Inspector General's (IG) investigation that found many improper work practices, and resulted in Dr. Whitehurst being fired.

The book concentrates on the "bombers", the folk who do the analytical chemistry defining the chemical composition of deto-

nated explosives, and who also create and test bombs. Often without decontaminating after doing the latter and handling the former. The exploits and errors of this group in handling the Unabomber, VANPAC, World Trade, and Oklahoma City cases are examined in detail with good documentation. In addition, the problems with cover-up and just plain poor crime-scene search are documented in the Ruby Ridge Case. Problems in the DNA unit are explored, using the O.J. Simpson case, as the vehicle. Finally, the hair and fiber unit, and some extremely bad practices by an examiner from that unit are revealed in a series of cases including the Jeffrey MacDonald prosecution.

The book reads well. The facts that I know first hand are accurate, such as the MacDonald case, and what I have observed of FBI laboratory personnel, generally working with them as prosecution witnesses. The only error I have discerned is that the American Association of Forensic Sciences was called the American Society of Forensic Sciences on page 271.

Hopefully, there is change coming following the exposures made by *Tainting Evidence*. The laboratory is getting a new facility in Quantico, where hopefully the contamination problem will be lessened. Another extremely good sign is that the FBI laboratory has applied for and been granted accreditation by the ASCLD-LAB. They had resisted this for years. One extremely bad sign is that many of the other recommendations of the IG have not been implemented, such as appointment of a forensic scientist as the laboratory director and forensic scientists instead of FBI agents as laboratory personnel.

I recommend this book to anyone who works in or with forensic science laboratories. The book teaches that the approach to problems should be to effect change, not attempt to cover them up. Further, the book shows that it is important to continually strive to improve our science. Many of the complaints Dr. Whitehurst makes are extremely valid, not just concerning the FBI lab, but are applicable to State and local labs as well.

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