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Leaders calling for SBI cleanup

Legislators, prosecutors and defense attorneys are calling for changes in leadership and the law to re-establish the credibility of the State Bureau of Investigation in response to last week's News & Observer series "Agents' Secrets."

The four-day series chronicled more than a dozen incidents where agents ignored evidence or bent rules to get the result sought by prosecutors while their bosses looked the other way. Now, prosecutors say that thousands of convictions may have to be reviewed because of concerns that shoddy science or misconduct have tainted the cases.

State Rep. Mickey Michaux and other legislators called for creating an independent crime lab not under the control of law enforcement.

"Everybody ought to understand that this is something that needs to be fixed," said Michaux, a Durham Democrat who heads the powerful budget committee.

Michaux said Saturday that he was disturbed to read about false reports filed by SBI agents and the innocent people harmed, and said that agents who violate law and policy need to be punished

SBI agents will find themselves defending their credibility when testifying at future trials, he said.

"Sort of like the Highway Patrol, the sins of a few are visited among the many," said Michaux, a former U.S. attorney.

SBI agents won't just find more challenges during cross-examination, said Thomas Maher, the director of Indigent Defense Services.

"Jurors who've paid attention to this will come in with a healthy skepticism," Maher said. "They won't just assume that 'It's the SBI, they're perfect.' "

Attorney General Roy Cooper has taken steps. He hired Chris Swecker, a Charlotte lawyer and former FBI supervisor, to audit work done in the SBI laboratory. Cooper also removed longtime SBI director Robin Pendergraft and replaced her with his aide and lobbyist, Greg McLeod. Cooper also suspended the work of all bloodstain pattern analysts.

Cooper's interest in fixing the agency pleased state Sen. Ellie Kinnaird, a Carrboro Democrat who oversees criminal justice spending.

The legislature has been generous to the SBI, Kinnaird said.

"If we spend that much money, we expect them to do the best and most accurate science, and that hasn't been happening," Kinnaird said.

Ann Kirby had stronger words for the agency's actions.

"It's absolute betrayal to us as prosecutors and to the agents who are doing their job fairly," said Kirby, who for 20 years has relied on SBI agents when prosecuting murder, rape and other serious crimes in Wake, Johnston and Craven counties.

She's angry with the agency's leadership, and thinks the vast majority of agents should be mad at their bosses too.

"To find out that people we relied on so heavily in so many cases were slanting results - by their own accord or by the instruction of supervisors - is the ultimate betrayal," she added. "We are not playing a game here. These are people's lives."

Kirby said that prosecutors will have to examine old cases to ensure that convictions are untainted by misconduct. Last week, Union County District Attorney John Snyder announced he would review all homicide convictions from his office, up to 200 cases.

"We'll have to come out swinging now to have to defend our own witnesses and establish their credibility from the start," Kirby said. "This will be really difficult and delicate."

U.S. Attorney George Holding said he was "dismayed and disappointed" to read the reported misconduct at the SBI.

"The key to the pursuit of justice is to exonerate the innocent and convict the guilty," Holding said.

If law enforcement loses sight of that, Holding said, "You're undermining the rule of law, which is the cornerstone of our democracy."

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