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## Inspectors missed all SBI faults

The only outsiders invited to review the work of the State Bureau of Investigation's lab for the past 20 years missed all the problems revealed this month by two former FBI agents and newspaper reporters.

No one at the accreditation agency, or others familiar with its work, seems to be surprised.

ASCLD-LAB, a group led by former SBI agents and based in Johnston County, is the leading accreditation agency for crime labs nationwide. But it reviews cases selected by supervisors in the agency being audited, and it does that only every five years.

"Am I surprised we didn't see a problem? Not really," said Michael Grubb, chairman of ASCLD-LAB and director of the San Diego Police Crime Lab. "Every case they work is not examined. It's a relatively small number."

The SBI's certification through ASCLD-LAB is a signal to the world that the crime lab's work is sound. Leaders wear it as a badge of honor, often citing ASCLD-LAB's seal of approval as proof of good work.

The significance of that accreditation is now in question.

"There's this idea that ASCLD-LAB is infallible and the oracle of all accreditation," said Chris Swecker, a former FBI assistant director who conducted the blood analysis audit. "It was surprising to me that they didn't get a better sense of what was going on in the lab all those years."

The SBI laboratory's work has come under fire this summer, shattering any notion that its work is unblemished. The News & Observer reported this month that analysts have bent rules and pushed past the bounds of accepted science to deliver reports that bolstered prosecutors' cases. Last week, Attorney General Roy Cooper, who supervises the SBI, released the audit of the blood analysis unit, which revealed that eight analysts over 16 years failed to report the results of more sophisticated tests that had undermined their initial findings.

Auditors found 230 cases tainted by a practice sanctioned by policy and leadership.

ASCLD-LAB is headed by two former SBI agents. Ralph Keaton and John Neuner say they recuse themselves from all SBI matters.

Swecker, in his audit, called the supervision at the lab's blood analysis unit between 1987 and 2003 "ineffective" and lacking in "oversight." Part of the oversight at that time would have been provided by Keaton and Neuner.

### Cozy origins

The headquarters ASCLD-LAB sits in a modest Johnston County office complex so close to Interstate 40 that rumbling tractor-trailers provide background noise.

The office is there because Keaton, ASCLD-LAB's first paid employee, put down roots a few miles down the road.

Keaton was No. 2 at the SBI crime lab until 1995. Neuner held the same post before leaving in 2001. Michael Creasy, a third former SBI agent, joined ASCLD-LAB after Neuner.

ASCLD-LAB was formed in the 1980s as forensic crime lab directors tried to organize and adopt basic standards "before someone else set them for us," Keaton said earlier this summer. Keaton was North Carolina's point person in those talks.

The first wave of forensic labs was accredited in the late 1980s; today, 364 forensic crime labs in the U.S. are accredited through ASCLD-LAB, making it by far the largest accrediting agency in forensic science.

Through five separate accreditation reviews, auditors sent to North Carolina by ASCLD-LAB found nothing like the picture revealed in recent independent audits and news reports.

Earlier this summer, Keaton spoke with confidence about the SBI's quality of work, dismissing questions about problems illuminated in February when SBI analyst Duane Deaver was criticized for withholding critical blood evidence. In that case, Greg Taylor, a Wake County man, spent 17 years in prison for a crime he did not commit, in part because Deaver withheld results of blood tests that were favorable to Taylor.

"I don't think there are a large number of cases in which there's been a miscarriage of justice," Keaton said. "Absence of evidence is not evidence of innocence."

Every five years, a team of forensic scientists from crime labs in other states come to the SBI lab to inspect its work. They study policy manuals, double check first-aid kits and review the layout of the lab. They check each criterion they meet and note shortcomings they expect to be fixed.

For each unit, inspectors examine five cases for each analyst. They allow lab supervisors to select the cases.

"They can cherry pick," said Randall Robbins, a retired lab official from the Illinois Police crime lab who performed audits for ASCLD-LAB. "They also can sanitize the files. Any lab across the country can dress it up and make it look as pretty as it wants."

Robbins, who now lives in Johnston County, said he asked for additional cases to review for his inspections but said not all auditors do that.

Grubb, ASCLD-LAB chairman, said pulling cases at random is more time-consuming.

Because audits are conducted by peers in the forensic community, some fear that there's an expectation to be gentle or pay for it when your lab is examined.

"There's congeniality in this profession and perhaps a reluctance to do a hard audit," said Swecker, the former FBI assistant director.

ASCLD-LAB is often reluctant to be the heavy. Grubb, chairman of the group, said it wants every lab to achieve accreditation and works hard to help them get there. Rarely do they yank certification.

ASCLD-LAB fields complaints from citizens - often lawyers or other scientists - about poor work by member labs. It initiates investigations but keeps them confidential.

Diane Savage, a Chapel Hill lawyer, filed complaints with ASCLD-LAB about three SBI cases. While ASCLD-LAB officials acknowledged receipt of her complaints, she was never informed of any resolution. Savage said she now doesn't bother.

"Over the years, I've concluded that they are hopeless and won't fix the problem but will just finesse," Savage said. "I don't have any faith or hope."

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