"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."
-Allen H. Neuharth, Founder, Sept. 15, 1982

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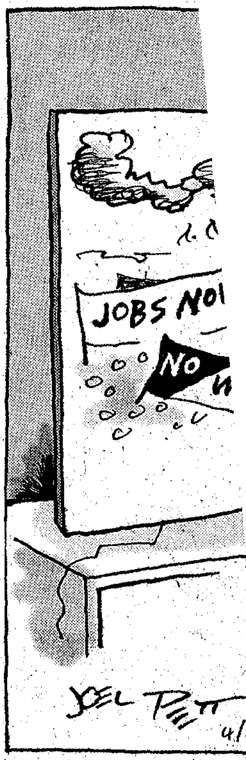


Today's debate: Science in the justice system

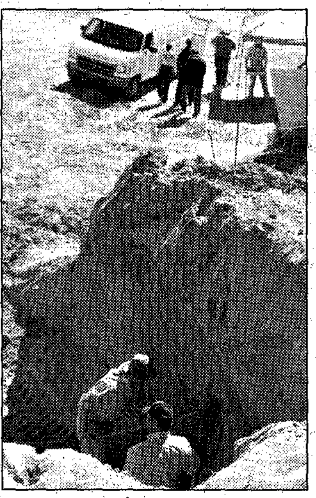
Real-life CSI rife with conflicts of interest

Our view:

When crime labs answer to law enforcement, truth can get lost.

In January, the state of Texas admitted that maybe, just maybe, it had executed an innocent man based on flawed forensic evidence collected at a fire scene. It hired an expert to review the evidence — years after two outside panels had reached the same conclusion. You probably didn't hear about the case because the widespread problems with scientific evidence in criminal cases don't usually make the news beyond the states where the crime occurred.

Over the past decade, in fact, scandals have ensnared more than 200 officials, from clerks to lab directors; cast doubt upon thousands of convictions, including rapes and murders; and created statewide legal tangles that have cost millions of dollars.



By Sergio Salvador, AP

Murder scene: Forensic experts at work in Albuquerque.

In a report issued in February, the National Academy of Sciences (NAS) concluded that science in the justice system desperately needs an overhaul. Many necessary steps are backed by wide consensus. Among them are more money to erase huge testing backlogs and improve research, mandatory accreditation for labs and training requirements for technicians.

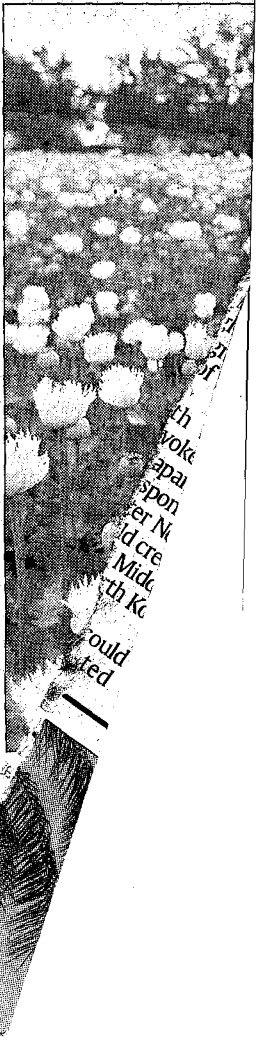
But one idea — moving crime labs out from under the management of law enforcement agencies — has sparked opposition from groups representing crime lab directors and managers. The NAS expert panel made the recommendation after a disturbing pattern emerged: When crime labs break the rules, through deliberate falsification or unintentional sloppiness, the results overwhelmingly favor prosecutors.

Last year, for example, Detroit shut down its local police ballistics lab after lab employees' reports falsely supported prosecutors' one-gun theory in a murder case. The employees failed to note that the shell casings came from two different guns. A cascade of revelations since then led prosecutors to ask for the retesting of evidence in 147 cases, a number that Wayne County prosecutor Kym Worthy called "the tip of the iceberg."

Scandals in recent years in Maryland, Oklahoma, Oregon, Washington state and West Virginia followed similar patterns. In New York City, the police crime lab identified substances possessed by accused drug dealers as narcotics even though the testing was never done, according to the state inspector general. Similar misdeeds in Houston, first revealed in 2004, spanned thousands of cases over a quarter century.

It is no wonder the NAS found systematic problems. In most of the country, forensic scientists answer to police and prosecutors. Lab directors' budgets come from law enforcement agencies. Crime scene technicians and lab workers are part of the law enforcement culture. Making the labs independent agencies within city or state government, as Virginia does, would help ensure loyalty to the truth.

Forensic science in criminal courts has been a part of American culture long before CSI became a prime-time obsession. Mark Twain was writing about fingerprints in criminal cases in the 1880s, before there was an FBI or anyone even imagined DNA. The allure is easy to understand. Juries and judg[illegible] finding someone guilty beyond a reasonab[illegible] doubt would really like there to be no do[illegible] at all, a desire that science could help fu[illegible] But science can't live up to that promise [illegible] the scientists serve the truth, not one sid[illegible] the other in an adversarial courtroom.



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