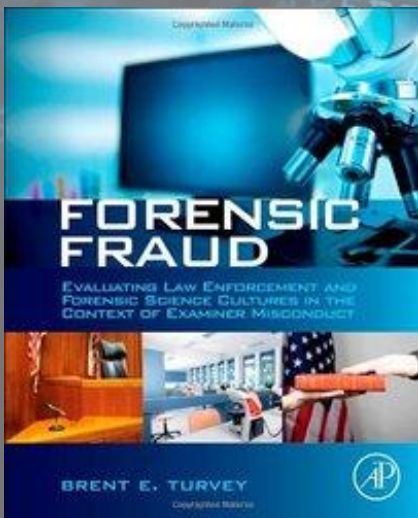


Forensic Fraud

Evaluating Law Enforcement and Forensic Science Cultures in the Context of Examiner Misconduct.
(Brent E. Turvey)



Brent E. Turvey



- Forensic Scientist & Criminal Profiler
- Education
 - B.S. - **Psychology** (Portland State University, Portland, Oregon)
 - B.S. - History (Portland State University, Portland, Oregon)
 - Master's of Science - **Forensic Science** (University of New Haven, West Haven, Connecticut)
 - Ph.D. – **Criminology** (Bond University, Gold Coast, Australia)
- examination and interpretation of physical and behavioral evidence (e.g., crime reconstruction) criminal and civil matters (law enforcement agencies)
- caseload: rapes, serial rapes & homicides, sexual homicides, domestic homicides, and multiple homicides of a violent or aberrant nature

Brent E. Turvey

- From 1999 professor and lecturer:
 - Bond University - Criminology department
 - Oklahoma City University - Department of Sociology & Justice Studies
- Publication of textbooks:
 - Criminal profiling
 - Rape investigation handbook
 - Crime reconstruction
 - Forensic victimology
 - Forensic criminology
 - Forensic fraud



Definitions

Scientific misconduct: acts that include the fabrication of data, the falsification of results, and plagiarism.

Forensic examiner/scientist: any professional who examines and interprets facts, evidence or data with the expectation of courtroom testimony

“The single feature that distinguishes forensic scientists from any other scientist is the certain expectation that they will appear in court and testify to their findings and offer an opinion as to the significance of those findings. The forensic scientist will testify not only to what things are, but to what things mean.”

Definitions

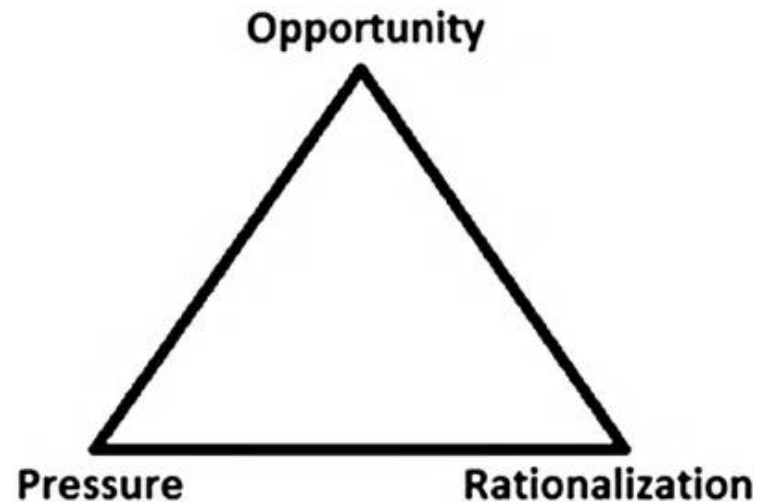
Forensic Fraud:

„Forensic fraud occurs when forensic examiners provide sworn testimony, opinions, or documents (e.g., affidavits, reports, or professional resumes) bound for court that contain deceptive or misleading information, findings, opinions, or conclusions, deliberately offered in order to secure an unfair or unlawful gain.”

- not necessarily involves perjury, lying
- distinguished from negligence (Fahrlässigkeit)

Fraud Triangle Theory

Fraud Triangle Theory states that in order for an act of occupational fraud to occur, there must be a convergence of three elements: offender *motivation* (aka *pressure or need*), *opportunity*, and *rationalization* (Cressey, 1953/1973)



Fraud Triangle Theory

Motivation: often comes from a financial need to pay existing debts and maintain professional standing, desire for increased standing, wealth or profits, cultural pressure to conform to pre-existing expectation within a group already engaged in fraudulent activity

- Self interest
- overt institutional, supervisory, or workmate pressure to conform with biased values and norms

Opportunity: access to assets, people, information, computer systems

- when necessary knowledge, skills and social support are absent → potential for committing fraud is decreased

Rationalization: self-delusion regarding the acceptability of fraud-related behavior under special circumstances. fraudulent behavior is „ok“, deficient moral codes

Case - David Camm

- was arrested for killing his wife Kimberly son Bradley and daughter Jill in March 2002.
- became a suspect because of an interpretation of bloodstain patterns on his clothing as well as a number of leads and pieces of evidence that were later found to be unreliable or outright false
- in 2004 the conviction was overturned
- in 2005, forensic evidence identified Charles Boney as having been at the crime scene.

- Boney's modus operandi in previous crimes showed similarities to aspects of the murders.
- history of stalking and attacking women, often stealing their shoes;
→Kim's shoes had been removed and placed neatly on the vehicle and she had a series of bruises and abrasions to her feet



Lynn scamahorn – pressure from above

- Lynn Scamahorn forensic scientist and DNA criminalist reported she was pressured by County Prosecutor Stan Faith during the first trial to change her findings.
 - wanted to influence her to testify that she had found Camm's DNA on the sweat shirt
→ but evidence didn't support that conclusion
 - Lynn Scamahorn said there might have contained DNA from several people but she couldn't determine whose it was
 - Stan Faith: Yelling at her, inappropriate behavior, put her under pressure by contacting her supervisor
- She did not commit fraud and stayed strong

Robert Stites – Lie about education

- testified as an expert in bloodstain pattern analysis for David Camm's murder trials
- admitted to falsely testifying about this education, training and experience during the first trial
- lied about his master's and Ph.D Degree in forensic sciences
- Gave false and misleading testimony regarding his findings in Camms Case

Forensic lab scandals

Detroit police department forensic services laboratory, Michigan

- Scandals starting in 2007: fraudulent results in firearm testing
- case prompted an audit by the Michigan State Police
 - 10% of the firearms examinations contained significant errors
 - 42% of non-compliance in laboratory practice standards (should be 100%)
- Lab was closed in 2008
- In 2009 investigators determined at least 147 cases required retesting

“Thousands of rounds of live ammunition, sealed evidence kit and case files—some containing Social Security numbers of rape and assault victims—lay amid rubble in a crime lab abandoned by Detroit police two years ago.”

Forensic lab scandals

Detroit police department forensic services laboratory, Michigan

- 11, 000 untested rape test kits
- 600 of the kits have been tested resulted in the detection of 21 serial rapists
- common practice in many police departments and crime labs to shelve rape kits without any examination or testing → save money in short time
- other grievances: sex scandals, inadequate leadership, forensic failings

Ralph Godbee (Chief of the Detroit Police Dept.) inappropriate sexual relationship with Lt. Monique Patterson

William Rice (head of Detroit Police Department Homicide Division) related to at least 18 crimes committed, criminal enterprise drug dealing, mortgage fraud, drug possession

James Moore (Commander with the Detroit Police Department) sexual assault of a female subordinate

Forensic lab scandals



Massachusetts Department of Public Health drug laboratory:

- scandal revealed during an audit of the lab
- criminalist Annie Dookhan
- lied about having a master's degree in chemistry from the University of Massachusetts
- faking drug test results
- forging paperwork
- mixing samples at a state police lab
- tested more than 60,000 drug samples involving 34,000 defendants
- chaos: Defendants expected to be released, 1,100 inmates are serving time in cases in which Dookhan was chemist
- supervisors knew she had been lying about her education since 2010 → didn't retest any of her samples (audit)
- resulted in the resignation of three officials including states public health commissioner
- arrested in September 2012