

Mayfield and McKie – A different approach?

The final report of a panel of international fingerprint experts concludes that the FBI wrongly accused Oregon lawyer Brandon Mayfield of being implicated in a terrorist attack in Madrid ‘because the F.B.I. culture discouraged fingerprint examiners from disagreeing with their superiors’.

This is not the only conclusion in the report written by Robert B. Stacey, head of the quality-assurance unit of the bureau's laboratory division at Quantico, Va. and published in this month's ‘Journal of Forensic Identification’, that points to remarkable similarities between the culture and behaviour of the FBI in the Mayfield case and SCRO experts in the Shirley McKie case.

Comments on the report in leading American newspapers make this point well:

‘The Seattle Times’

‘ “To disagree was not an expected response” within the FBI's bureaucratic culture.’

‘ “it became increasingly difficult for others in the agency” to tell him (supervisor) he had made a mistake.’

‘...when Spanish officials said the FBI was wrong, the fingerprint unit “immediately entered into a defensive posture.” ‘

‘Steven Wax, who was Mayfield's criminal lawyer in the spring, said that the panel's report is “tremendously significant” because it points to systemic problems with the FBI's fingerprint-analysis techniques.’

The ‘New York Times’

‘...’the F.B.I. culture discouraged fingerprint examiners from disagreeing with their superiors, a panel of forensic experts has concluded.’

‘ “The error was a human error and not a methodology or technology failure,”.....“Once the mind-set occurred with the initial examiner, the subsequent examinations were tainted.”

‘ “To disagree was not an expected response,” said the report, written by Robert B. Stacey, head of the quality-assurance unit of the bureau's laboratory division at Quantico, Va.’

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‘Peer pressure led three FBI analysts to bungle the analysis of a fingerprint found on a bag of detonators in Madrid...’

‘The conclusion by a panel of nine international forensic experts contradicts earlier assertions by the FBI, which said that a hazy and low resolution fingerprint image, sent by Spanish investigators, had led to the mistake.’

‘Once the first examiner — who according to the report was a “highly respected supervisor with many years experience — made up his mind, the next two analysts did not dare challenge him, the panel concluded.’

‘ “To disagree was not an expected response,” Stacey writes.’

‘ "They're so anxious for a trophy, that they rush and make mistakes which not only don't produce results but come back to discredit the very investigation that they have undertaken, as well as their good name," said Greenberger, now the director of the University of Maryland's Center for Health and Homeland Security. ‘

At this point of course it is important to recognise that the FBI put its hands up to the mistake and are playing a leading part in righting the wrongs whereas SCRO continue to stick to their original 'opinion' despite the opposition of hundred's of experts world wide.

Another important question that requires an answer however is, "Were there any criminal, psychological or emotional factors involved in the FBI and SCRO decisions"?

With the SCRO the position is clear.

We are now aware that in their 2000 report to the Lord Advocate the Police Major Incident Enquiry Team recommended that the experts and possibly others within SCRO be prosecuted for attempting to pervert the course of justice. The Lord Advocate, for reasons that he has failed to make public, refused to follow these recommendations and allowed these very same experts to return to work.

In the Mayfield case however an answer appears more likely as to date they have exhibited a culture of openness and accountability that is sorely lacking in Scotland.

Full Stories:

http://seattletimes.nwsourc.com/html/localnews/2002092873_mayfield17m.html

<http://www.oregonlive.com/printer/printer.ssf?/base/news-8/110063124919450.xml&storylist=orlocal>

<http://www.nytimes.com/2004/11/17/politics/17fbi.html>

Iain McKie - 17 November 2004