

**Forensic Fraud:
Evaluating law enforcement and forensic science
cultures in the context of examiner misconduct**

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Abstract

Forensic fraud occurs when forensic examiners provide sworn testimony, opinions, or documents (e.g., reports and professional resumes) bound for court that contain deceptive or misleading findings, opinions, or conclusions, deliberately offered in order to secure an unfair or unlawful gain. Such misconduct has an undeniably devastating impact: it destroys the reputations of the forensic examiners involved, if not their careers; it erodes public confidence in the institutions where they are employed; it can result in overturned convictions, individual and institutional liability, and costly civil judgments; and it is corrosive to the collective faith in the justice system as a whole. However, owing to a lack of research into the phenomenon of forensic fraud that is exacerbated by the constraints on would-be whistleblowers, in tandem with the denials of forensic science stakeholders, there is a general perception that forensic fraud is primarily the result of a few “bad apples” rather than being cultural or systemic in origin. This dissertation examines the problem of forensic fraud both theoretically and empirically, to assess the relationships between examiner, workplace, evidentiary, and impact variables.

The present research shows that the majority of forensic examiners work for law enforcement or government agencies, and almost exclusively for the police and prosecution. Law enforcement culture is often defined by traits that afford the motivations and rationalizations for a deviant internal subculture, actively cultivating fraud within its ranks. It also furnishes otherwise lawful members with the skills, incentives, motivations and rationalizations for ignoring, protecting, and even publicly defending their unlawful co-workers. Research suggests that employment circumstances and cultural features, in conformity with *Differential Association Theory*, *Social Learning Theory*, and *Role Strain*, increase the likelihood that those aligned with law enforcement will commit, tolerate, conceal, or defend acts of overt fraud.

The present research also shows that scientific integrity requires honesty, use of the scientific method, skepticism, objectivity, transparency, and a host of other well established scientific norms. It prohibits fabrication (aka forging or dry-labbing); falsification (aka cooking); suppression of unfavorable results (aka cherry-picking); plagiarism; ghost authorship (aka honorary or gift authorship); falsification of scientific credentials; and the reckless disregard for practice standards that ensure scientific integrity. In this context, scientific misconduct (aka fraud) is primarily understood to be the result of institutional failures to uphold scientific values and nurture scientific culture; these are an institution's responsibility to detect, investigate, and correct. More specifically, corrupt individuals cannot be hired, or retained, by any employer without some level of institutional negligence, apathy, tolerance, or even encouragement. It is therefore misleading to blame forensic fraud solely on the actions of isolated examiners. Moreover, as made clearer through the lenses of *Differential Association Theory*, *Social Learning Theory*, and *Role Strain*, the mandates of scientific integrity are incompatible with law enforcement values and cultural pressures. Consequently, the employment or alignment of forensic examiners with law enforcement is inappropriate and fraught with unnecessary peril.

In order to establish and evaluate the contextual variables that influence forensic fraud, this dissertation sought to examine and correlate the traits of fraudulent forensic examiners (n=100); the nature of their fraud; their places of employment; and the impact of their misconduct. It was limited in scope to those cases involving fraud related to the examination of physical evidence, and revealed in the United States from 2000 to 2010. Final data were initially assessed with a series of correlation matrices, and then examined more closely using multiple hierarchical regression analysis. Findings support the assertion that forensic fraud tends to be the result of cultural, pathological and systemic causes rather than the narrow motives of single individuals. Additionally, they support the assertion that those working on behalf of the state (the police and the prosecution) are responsible for a substantial amount, if not the majority, of publicly known cases of

forensic fraud. Based on statistically significant findings, specific potentially causal factors are identified and discussed. Subsequently, fraud management strategies suggested by these findings are proposed.

Statement of Originality

This thesis is submitted to Bond University in fulfillment of the requirements of the degree of *Doctor of Philosophy*. This thesis represents my own original work towards this research degree and contains no material which has been previously submitted for a degree or diploma at this University or any other institution, except where due acknowledgement is made.

Brent E. Turvey

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Dedication

This research effort is dedicated to Thomas “Duke” DeLaHunt (1924-2012) – a Captain of shipping vessels from Alaska to the Orient, a trusted mentor, and a friend. His vast experience and counsel regarding the politics of criminality and corruption within law enforcement during the writing of this dissertation were essential. His voice is missed.

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