

Case Study: O.J Simpson

CLASS
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(from the book, *Bodies of Evidence* by Dr. Scott Christianson)

The O.J Simpson case assembled a “dream team” of top lawyers and forensic experts who put the LAPD’s shoddy crime scene investigation under the microscope to show that much of the crucial scientific evidence had been contaminated or didn’t add up.

When Nicole Brown Simpson and Ronald Goldman were found slashed to death at the entrance to the Simpson’s home at 875 South Bundy Drive Los Angeles on the night of June 12, 1994, suspicion quickly fell on her estranged husband, O.J Simpson, the famous actor and former football star. He had previously been involved in domestic violence incidents with her and some of his ex-wife’s relatives immediately told the police that he had “finally killed her.” Crime scene investigator started swarming over the site and LAPD detectives also began looking for O.J. Simpson at his upscale compound five minutes away on Rockingham Avenue.

By the time an LAPD detective contacted O.J. Simpson by telephone to inform him that his wife had been “killed,” he was in Chicago on a business engagement and he rushed home. Police already had found several incriminating clues, including blood on the door of his parked Ford Bronco as well as blood drops leading into his mansion. Detective Mark Fuhrman reported finding a bloody glove at the crime scene as well as a matching glove on the south service pathway to O.J.’s home on Rockingham. (Testing would



From left to right: Robert Shapiro (lead defense attorney), Johnny Cochran (defense attorney), and O.J Simpson.

later show blood that was consistent with O.J., Nicole and Goldman. The glove also contained African-American limb hairs and hairs consistent with Goldman and Nicole, as well as blue-black cotton fiber consistent with the clothes that O.J.’s roommate Kato Kaelin said he saw Simpson wearing on the night of the murders.)

Shortly after O.J.’s return from Chicago, the police noticed his bandaged hand and began questioning him, photographing the wound, taking samples of his blood and hair, and finally they arrested him for the murder.

But Simpson was unlike other defendants. He was rich. And he began using some of his resources to hire the best legal defense team ever assembled in the United States---a group with so many legal stars that the news media dubbed in the “Dream Team.”

The new lead counsel, Robert Shapiro, and his colleagues, Johnnie Cochran, F Lee Bailey, Alan Dershowitz, and several others, quickly realized the role that forensic evidence would play in the case, and they in turn brought in several of the nation’s premier forensic expert to assist in the defense. They included: Barry Scheck and Peter Neufeld, two New York-based lawyers specializing in DNA; Dr. Michael Baden of New York, regarded as the top pathologist and medical examiner; renowned criminalist Dr. Henry C. Lee of Connecticut; Herb McDonald, the world’s leading blood pattern experts; Chuck Morton, a famous trace evidence expert; crime scene expert Larry Ragle, and several others. Most of the experts retained by the defense were among the best-known authorities in their fields, and were usually employed by the prosecution; their integrity and credibility was well established.

As it would turn out, unlike virtually any other high-profile case tried in Los Angeles, this high-powered defense team would have at its disposal almost as many resources as the prosecution, amounting to enough talent to make the Simpson case one of the greatest American courtroom battles. Ultimately the trial would involve 126 witnesses and 857 pieces of evidence. It would receive the most intensive coverage of any criminal trial in history, with live televised broadcasts of the proceedings and endless commentary by scores of talking heads. Networks and supermarket tabloids paid huge fees in exchange for eyewitness “scoops.”

Before the Simpson trial, crime scene investigators for the LAPD (and many other major police departments) were accustomed to handling much of their blood and other biological evidence much more casually, even sloppily. Cops had not been sufficiently trained to deal with DNA.

But as the Simpson trial made clear, the power of scientific evidence can cut both ways: on the one hand, DNA can establish guilt or innocence more clearly than anything else; on the other mistakes by the police at anyone link in the evidentiary chain, either by failing to properly gather or store blood swatches and other evidence, or by bungling its handling in the laboratory, can destroy even an open-and-shut case. If nothing else, the jury's "not-guilty" verdict should have shaken big-city police departments, especially LA's, out of their small-time forensics complacency.

One of the trials most dramatic moments involved the bloody gloves that detective Fuhrman said he had found. With help from FBI, the prosecution established that Nicole had purchased two identical pair of Aris leather gloves, size extra large, and records showed the gloves were very rare. The prosecution claimed the gloves had belonged to O.J. and that he had worn them to commit the murders.

OJ Simpson demonstrates that the Aris gloves apparently do not fit. One more seed of doubt was planted in the minds of the jury. All the forensic evidence was steadily undermined.



But Christopher Darden, the assistant prosecutor, allowed Simpson to demonstrate whether the gloves actually fit. Experts had already claimed that the blood and other material on them would not have caused them to shrink. But when Simpson attempted to try them on in full view of the jury, they appeared to be too small for his large hands. And as defense lawyer Johnnie

Cochran later concluded in his summation: "If the gloves don't fit, you must acquit."

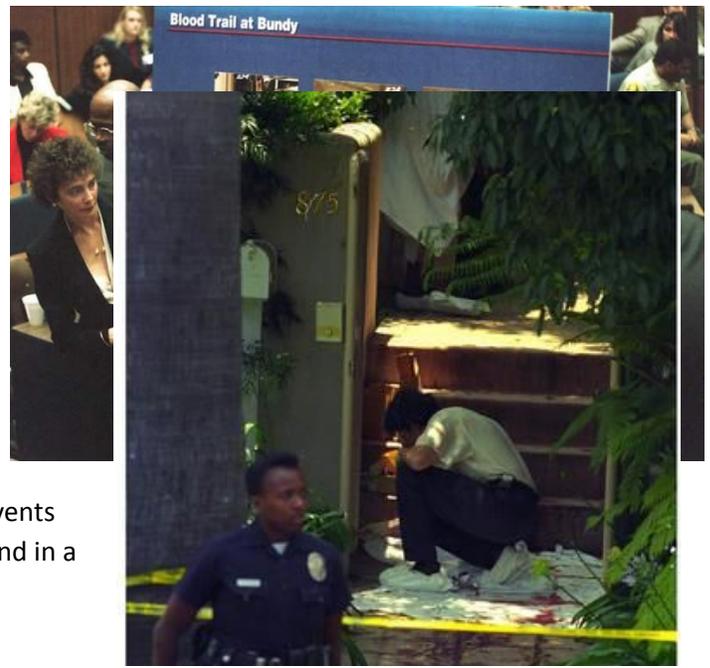
In theory, the prosecution should have been able to ensure that comparisons of DNA from blood found at the crime scene, Simpson's car, his house gate, and a sock found in his home, all proved that he had committed the murders. But in light of questions raised about the police department's sloppy handling of the evidence, and the racial attitudes of some of the officers, jurors were left questioning how the DNA might have ended up there. In the end, such questions created doubts that resulted in Simpson's acquittal.

Looking back on what transpired in the O.J. Simpson case, experts identified some of the LAPD's most glaring forensics mistakes as follows:

- The defense repeatedly used some of the LAPD's own crime scene photography, both still pictures and videography to reveal mistakes in police handling of evidence, as well as to show that some of the alleged evidence had never been photographed or did not appear at the original crime scene, thus raising questions about whether it had been planted.
- Crime scene investigators had failed to collect pieces of crucial evidence. For example, police photos of Nicole Simpson's corpse revealed blood spatters on her upturned back that analysts later concluded must have originated from someone else – perhaps her killer. But police investigators failed to take a genetic sample of the blood before turning the victim over, thereby contaminating any possible samples.
- Renowned criminalist Dr. Henry Lee testified for the defense that he found a new trail of seven blood drops leading away from the killing scene that hadn't been visible in the LAPD's poor-quality pictures given to him for review. He also criticized the quality of LAPD laboratory microscopes and other

equipment.

- The prosecution presented compelling photographic evidence claiming to show O.J. Simpson wearing the same type of extremely rare, size 12 Bruno Magli shoes, with soles that matched bloody footprints found leading from the bodies. But this evidence was challenged as a fake. (The case had already been marked by a highly publicized doctored image in the form of an altered image of O.J. Simpson that had been published on the news magazine cover.)
- Police took more than two weeks to remove blood from a fence, a lapse that left many observers wondering if it had been planted. Scientists pointed out that the long outdoors relay had fatally damaged the evidence.
- Among the other items of useful evidence, the police failed to reserve or record a dish of melting Ben & Jerry's ice cream found in Nicole's home – evidence that could have been extremely helpful in pinpointing the time of death.
- The collection of evidence at the crime scene was incredibly sloppy. John Gerdes, M.D., A DNA expert and the clinical director of Immunological Associates of Denver (IAD) who testified for the defense, watched the police video of the crime scene with the jury and pointed out many problems with evidence collection, including LAPD Criminalist Andrea Mazzola swabbing up blood drops while leaning a gloved hand on dirty ground, touching tweezers with the same hand, then using the same tweezers to manipulate a bloody swatch. She also placed wet swatches in plastic bags where Gerdes said bacteria could grow and "cleaned" the tweezers by merely wiping them with clear water – a procedure that was not likely to remove the DNA.
- LAPD Criminalist Mazzola testified she took swatches from bloodstains at Simpson's Rockingham estate, placed them in paper envelopes, and put them in the crime lab truck. Her testimony confirmed that she had not put them in proper containers or immediately put them under refrigeration to prevent their degradation and contamination.
- Other personnel working at the crime scene were shown to have operated without wear the required gloves, hairnets, booties, and other protective equipment.
- LAPD criminalists were shown to have collected hair, fiber, and other trace evidence in a sloppy way by putting all such evidence into the same container, thereby rendering it contaminated.
- To facilitate access to the blood-covered crime scene, police used bath towels from the house to mop up large quantities of blood lying in the entranceway. Some workers had actually dumped some of the towels, used gloves, and other debris on top of a victim's body. They had also stepped all over the bloody surface and tracked blood from place to place.
- One of the worst mistakes was that the victim's bodies were left lying in the open air for hours, without being examined by a medical examiner. He was not even notified until ten hours after the bodies were found.
- Still-wet blood was belatedly found on socks of O.J.'s home (but not photographed close-up there) and when tested the blood appeared to consist of a mixture of O.J.'s, Nicole's, and Goldman's. But the defense was able to challenge this evidence by questioning how it could have remained wet for such a long time, and the defense's forensic toxicologist testified he found the preservative EDTA (ethylenediaminetetraacetic acid), which prevents blood from coagulating, in the bloody socks and in a



stain on the back gate of Simpson's ex-wife condominium. The toxicologist concluded there were only two possible sources for the EDTA – from a blood sample tube or through contamination of the bloodstains in the laboratory. Either way, doubts were raised about the integrity of this blood evidence. (Dr. Robin Cotton, laboratory director of Cell Mark Diagnostics, Germantown, MD, had testified that tests showed that blood on the socks had the same genetic fingerprint as Nicole's, characteristics that matched only one in 9.7 billion Caucasians; it was her blood. But her testimony was gradually drained of its authority through day after day of highly technical questioning, not only of the integrity of the evidence but also the methods and principles of DNA testing itself).

- Detective Phillip Vannatter left the police station with a vial of O.J.'s blood in his back pocket, then he drove to the Bundy house and walked around the crime scene still holding the blood sample, until he finally handed it off to a criminalist for testing. This was a serious mistake because he did not handle the sample properly from a scientific perspective and he also may have compromised its legal status.
- After the murders, the football star claimed that cuts on his hands had been caused by a broken glass in his Chicago hotel room, but police failed to preserve and test the glass.
- Police failed to record and account for the precise amount of blood taken from O.J. and later used for various testing, thereby giving rise to suspicions that some of it may have been used to plant evidence against him.
- The coroner failed to analyze and record properly the contents of the victims' stomachs and thereby compromised his ability to estimate the time of death. In all, Dr. Baden noted at least 16 mistakes in the autopsy.

In the end, the O.J. Simpson case educated not only the police, but also the world about some of the power, complexities, and pitfalls of forensic science. Everybody learned that forensics can cut both ways.

