

Law Updates: Ryan Braun Knocks Chain of Custody Out of the Park

An independent arbiter ruled that Ryan Braun's 50-game suspension should be overturned, making Braun the first baseball player to ever win this type of an appeal. Major League Baseball had suspended Braun after one of his random urine samples contained an elevated level of synthetic testosterone, a banned substance. Braun, like most, loudly proclaimed his innocence and vowed to appeal.

Only this time it looks like Braun really is innocent. According to MLB protocols, the person who collected the sample from Braun was supposed to take it directly to Fed Ex where they would ship it to the testing lab. Once the sample is submitted to Fed Ex, the samples cease to have a name attached to them and instead have a number. While the numbers match up to certain players, the lab doesn't know which number corresponds to which player. This anonymity is important so that no one has an incentive to falsify or tamper with a sample. The only time that the sample can be linked to a particular player is the time between when the collector receives it from the player and when the collector takes it to Fed Ex. This is time when the potential for abuse is high.

Which is why MLB mandates that the collector take the sample to Fed Ex as soon as possible. Only this collector didn't do that. Instead, he drove by a number of Fed Ex locations on his way home and then put the sample in his refrigerator. There it sat for roughly forty hours, until the collector finally took it to Fed Ex so they could ship it to the lab. What happened to the sample in that 40 hours? Did the collector put the synthetic testosterone in Braun's sample? If so, why?

This is called a chain of custody problem. Before evidence can be admitted, you must be able to prove that the evidence is in the same or similar condition as it once was. For this, you typically need three witnesses – the collector, the preserver, and the presenter. The collector is the one who first discovers the evidence at the scene. The collector then gives the evidence to the preserver – typically an evidence storage person – who puts it somewhere until the presenter comes along. The presenter is the person who takes the evidence from the preserver and brings it to court. Sometimes the collector and the presenter are the same person. Each of these witnesses must be able to identify the evidence in court as the same piece of evidence they handled. For some pieces of evidence, such as the Hope diamond, this would be easy – there's only one of them in the world. For others, such as a piece of clothing, the item is typically placed in a bag that has each witnesses' initials on it. The key is that these witnesses can account for the location of the evidence for every second since it was first recovered so that there's no chance someone tampered with it. It's called the chain of custody.

MLB couldn't prove its chain of custody. It couldn't account for Braun's sample during the time in which the collector apparently disregarded league rules and kept the sample at his home. Because they couldn't do that, Braun won. In criminal cases, it's rare that a chain of custody objection results in victory. Police officers are drilled in chain of custody protocols at the academy and follow those protocols religiously. Because when they're not followed, evidence gets tossed. In this case, the arbiter was right to exclude the sample from evidence. Without a proper chain of custody, the evidence simply isn't reliable.